

JAMAICA HANSARD

Parliamentary Proceedings

of the

HONOURABLE HOUSE OF REPRESENTATIVES



Session 2011 – 2012 VOL. 37 #1

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THE OPENING OF THE 2011/2012 SESSION OF THE SENATE AND THE HOUSE OF
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THURSDAY, APRIL 14, 2011

THURSDAY, April 14, 2011

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

PRESENT

THE SPEAKER

HON. DELROY HAWMIN CHUCK, (JLP), St. Andrew, North Eastern.
MRS. MARISA COLLEEN DALRYMPLE-PHILIBERT, (JLP), Trelawny, Southern, Deputy Speaker.

MEMBERS OF THE CABINET

THE HONOURABLES:

ANDREW MICHAEL HOLNESS, (JLP), St. Andrew, West Central, Minister of Education, Leader of Government Business and Electoral Matters.
ORETTE BRUCE GOLDING, (JLP), Kingston, Western, Prime Minister, Minister of Planning and Development and Defence.
DR. KENNETH LEIGH O'NEIL BAUGH, (JLP), St. Catherine, West Central, Deputy Prime Minister and Minister of Foreign Affairs and Trade.
AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service.
KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry and Commerce.
DR. HORACE ANTHONY CHANG, (JLP), St. James, North Western, Minister of Water and Housing.

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

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

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

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

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

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

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

MINISTERS OF STATE

THE HONOURABLES:

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

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

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

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in

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the Ministry of Mining, Energy and Telecommunications.

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

REVEREND MONSIGNOR KENNETH RICHARDS, Vice-President of the Jamaica Council of Churches offered prayers.

Almighty and Eternal God, you have revealed your glory to all nations. God of power and might, wisdom and justice, through you authority is rightly administered, laws are enacted and judgment is decreed.

Bless the Sovereign of the British Isles in whose name this House is gathered, our Sovereign Lady Queen Elizabeth, Philip Duke of Edinburgh, Charles Prince of Wales and other Royal Family. Give your grace to all who exercise authority in our Commonwealth. Assist with your spirit of counsel and fortitude the Parliament of this land now assembled that their deliberations may be ordered upon the best and surest foundations for your glory to be conducted in righteousness, and be eminently useful to your people who have entrusted them

with the responsibility of governance. May they encourage due respect for the virtue of religious freedom and exercise due regard for the Constitution they have pledged to safeguard, honour and protect. Let the light of your divine wisdom direct the deliberations of our Governor-General, Sir Patrick Allen, our Prime Minister, the Honourable Bruce Golding and the Leader of the Opposition, the Most Honourable Portia Simpson Miller, our Senators and the Members of the House of Representatives that they may be enabled to faithfully perform the responsible duties of their high office.

And so, Lord God Almighty, may the light of your Holy Spirit shine forth in all the proceedings of this new Parliamentary year, 2011/2012, so that the laws to be framed for the governance of our land for the current period may seek to promote the welfare of the people of our land and seek to bring us the blessing of liberty and equality in the advancement of our livelihood, so that Jamaica may, under God, increase in beauty, fellowship and prosperity, and play its part in the advancement of the whole human race.

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

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

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the power, and the glory, forever and ever. Amen.

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

A PROCLAMATION

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

Patrick L. Allen,
Governor-General

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

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

NOW, THEREFORE, I, PATRICK LINTON ALLEN, Member of the Order of the Nation, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Commander of the Order of Distinction, Governor-General of Jamaica, DO HEREBY

PROCLAIM AND MAKE KNOWN that a session of the Parliament of Jamaica shall be held at George William Gordon House in the parish of Kingston, commencing at 11:00 a.m. on the 14th day of April, 2011.

Given under my hand and the Broad Seal of Jamaica at King's House this 1st day of April in the Year of Our Lord Two Thousand and Eleven and the Sixtieth Year of the Reign of Her Majesty Queen Elizabeth II.

GOD SAVE THE QUEEN

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

THRONE SPEECH

His Excellency The GOVERNOR-GENERAL: Mr. President and Members of the Senate, Mr. Speaker and Members of the House of Representatives, today marks the beginning of a new Parliamentary year. And I am pleased to present to you the Throne Speech which indicates the path my Government will pursue under the theme: "From Stabilization to Growth".

(Applause)

This new Parliamentary session opens against the backdrop of a global economic recovery that is providing and proving to be slow, uneven and uncertain. The significant increases we have recently been experiencing in the cost of imported oil and grain are a worrying reminder of what took place in 2008 when these prices reached record levels and exacerbated the global recession. Since the

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beginning of last year, the price of oil has risen from \$78 to \$110 per barrel and the price of corn has increased by 83%.

As a small economy, Jamaica is unable to escape the effects of these developments which impacted the performance of the economy last year. Agriculture again recorded growth, demonstrating the resilience of our farmers despite the effects of the drought (Applause) in the first part of last year and the severe flood rains in the latter part. Tourism continued to excel with a record number of stopover arrivals and record foreign exchange earnings last year. (Applause)

The opening of the new Falmouth port welcoming the world's largest cruise ship (Applause) as well as the Montego Bay Convention Centre are major developments that will further solidify Jamaica's position as a preferred destination. The bauxite and alumina sector which was severely hampered by the recession showed strong signs of recovery last year with the reopening of the Ewarton refinery. (Applause) These, however, were not sufficient to pull the economy out of the recession. We do expect to emerge from the recession this year but this depends as much on our own efforts as it does on the external factors to which we are exposed.

Despite these challenges and setbacks, we have succeeded over the past year in stabilizing the economy and we have met the targets set by Government under the Standby Agreement with the International Monetary Fund. (Applause) We are seeing some of the benefits of this effort. Interest rates have declined to the lowest level in almost 40 years. (Applause) We have returned to single-digit inflation. (Applause) There is sustained

stability in the foreign exchange market and the Net International Reserves are at a record level of US\$2.6 Billion. (Applause)

These gains have not come easily. The Jamaican people have had to make huge sacrifices to enable the country to achieve them. While the people must be commended for their forbearance, their patience must never be taken for granted. (Applause) The Government has had to remain unwaveringly committed to fiscal discipline. It has had to contain expenditure while instituting measures to ensure that revenues beginning catching up with expenditures.

The Government is acutely aware of the many urgent needs that must be addressed. The economic recession, downturn in business and loss of jobs have resulted in an increase in the number of people falling below the poverty line. Despite the financial constraints, we have sought to protect the most vulnerable. In the last three years, expenditure on social safety net programmes has increased significantly - 139% increase in the PATH programme and 290% increase in the School Feeding Programme. (Applause) Since the abolition of User Fees in 2008, the Government has spent over \$8 Billion in providing drugs and medical supplies to meet the increased demand for services at public health facilities. (Applause)

Yet, there are many critical needs that affect the quality of life of our people that we have not been able to adequately address: the repair of our roads, the improved condition of our schools and health facilities, the supply of water to communities that still do not enjoy this basic amenity, better wages for public sector workers and improved pensions for

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those who have retired. In this regard, a nation is no different to a household. Indeed, it is the largest of all households. No household can continue indefinitely to spend more than it earns. Prosperity is to be found not in living beyond our means but in expanding the means by which we live.

(Applause)

Now that the stabilization of the economy is firmly in place, our focus must turn to growth and development. The Government has already outlined its strategy for growth, consistent with the goals outlined in the Vision 20/30 development plan. It is a dynamic approach which identifies our development deficits as well as the critical success factors for stimulating growth. Importantly, it recognizes the vital role that communities must play in stimulating and benefitting from that growth. The growth strategy must be supported by an investment strategy that targets and facilitates investment, both local and foreign, in those areas in which we have potential and unrealized comparative advantage and through which we can create jobs and add value.

The efforts toward economic transformation involve other crucial elements which will be advanced in the course of this year. The reform of our tax system has been the subject of considerable study over many years to find ways to make it more efficient, more equitable and more conducive to investment and growth. It is now time for implementation and the details and the timetable will be outlined in the Budget Debate.

In keeping with the National Energy Policy which was presented last year, work

toward the introduction of natural gas to reduce our energy costs and improve our competitiveness is at an advanced stage and request for proposals for the supply of LNG will shortly be issued. RFPs have already been issued for the installation of 480 megawatts of new generating capacity to replace old generating plants whose inefficiency contribute to the high cost of energy.

This is of particular importance to the manufacturing sector whose ability to compete is significantly affected by energy costs. The Government remains fully committed to supporting the manufacturing sector which is a major employer of labour, contributes substantially to the economy and is one of the engines of growth that must be strengthened. The Government will continue to support its modernization, the application of new technology and the penetration of new markets.

The Information and Communications Technology sector has been identified as another strong growth area for Jamaica. Significant potential investments have been identified and the Government will be seeking, through public and private partnerships, to construct the facilities required to secure these investments.

In terms of the broader telecommunications market, the Government has recently tabled a new comprehensive ICT policy designed to facilitate greater competition and more effective regulation to encourage more investment in communications technology and provide greater benefit to the consumer. (Applause) This year will see the rollout of an islandwide

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broadband network to provide access for urban and rural communities to high-speed Internet service and the unlimited opportunities that it offers for business and income-generating activity, education and personal development. (Applause)

Our efforts to address the poor state of much of our road network will continue to be addressed primarily through the Jamaica Infrastructure Development Programme supported by a significant loan from the Government of China. Work has already begun on the next leg of Highway 2000 from Sandy Bay to May Pen. (Applause)

The development of our human resources is the most vital element in the development of our nation. The Government continues to implement the strategies outlined in the Education Transformation Programme, albeit limited by our current financial constraints. Since 2006, secondary school enrolment has increased from 72% to 82% as we strive towards universal secondary education. (Applause) The number of students graduating with a minimum of four CXC passes has risen from 9,700 to 14,700. (Applause) The Career Advancement Programme is being rapidly expanded to provide opportunities for skills development to those who have under-achieved through the normal grade progression. At the same time, emphasis is being placed on improving and expanding early childhood education to better equip our children to succeed through the primary and secondary system. (Applause)

The Government will also focus efforts on supporting youth entrepreneurship and the implementation of community-based youth-

led development projects, as part of the National Youth Mainstreaming Strategy.

(Applause)

The restructuring and rationalization of the public sector to improve its efficiency and effectiveness in facilitating growth has also been a priority for the Government. The recommendations of the Public Sector Transformation Unit have been widely discussed, including consideration by the Public Administration and Appropriations Committee of Parliament. The final decisions and implementation strategy will also be outlined during the Budget Debate.

An issue that must be urgently addressed is the rising cost of pensions which has risen by 82% in the last four years for public sector workers. Detailed studies with recommendations as to how the pension system can be managed in a sustainable way are virtually complete and will require decisions to be made during this year. The Government assures existing pensioners that those public sector workers approaching retirement that their entitlement will be preserved even as the reforms are introduced.

Over the last several months, we have witnessed a significant reduction in crime.

(Applause) Since the start of this year murder has declined by more than 40% when compared with last year and there has been substantial reduction in all major crimes. (Applause) We salute the work of the members of security forces (Applause) who daily face grave danger in order to protect the rest of us from danger. We commend the ordinary citizens who are playing their part in cooperating with the security forces to rid their

THE OPENING OF THE 2011/2012 SESSION OF THE SENATE AND THE HOUSE OF
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THURSDAY, APRIL 14, 2011

communities of crime. (Applause) Yet, much remains to be done. We cannot afford to be complacent for the level of crime we have experienced for many years is so high that we must redouble our efforts to reduce it much further to levels that are tolerable and comparable with other advancing countries. (Applause) The Government will continue to provide critical support to the security forces in this crucial task. (Applause)

The fight against crime and respect for the rights of our citizens are not options; they are both imperatives. (Applause) The recent passage of the amendment to the Constitution to establish the Charter of Fundamental Rights after more than 17 years of deliberations is a clear statement of purpose of both the Government and Opposition that the most sacred duty of any state is to secure the rights of its citizens. (Applause) Having completed the enactment, we must live up to its obligations. (Applause)

The Independent Commission of Investigations came into operation last year as an essential mechanism to protect the rights of citizens from abuse by law enforcement agents. The Protected Disclosures Act which was passed during the last session of Parliament is designed to protect and embolden citizens to become sentries against wrongdoing. The establishment of the Special Prosecutor to investigate and prosecute acts of corruption is a critical tool to eliminate corruption which undermines the stability of our society and the institutions through which it is governed. (Applause) It is hoped that this legislation will be approved early in the new legislative session.

Work on the first phase of Justice Square in downtown Kingston will begin shortly with the construction of seven (7) new court rooms, judges' chambers and associated facilities. (Applause)

The Government regrets that children who have run afoul of the law are still being held in police lockups. The new Metcalfe Street Juvenile Remand Centre has been completed, the required additional correctional officers have been recruited and they are undergoing training. As soon as this is completed and it is possible for staff to put in place all children currently being held in police lockups will be transferred to the Metcalfe Street facility to be kept in more appropriate custody. (Applause)

The Government has maintained a strategic and proactive approach to its foreign relations. Last year we established a Jamaican Embassy in Kuwait to strengthen our relations with that country and other Gulf States and with a strong emphasis on investment. (Applause) Jamaica's trade policy is currently being reviewed to take account of new realities in the global market for trade and investment and new partnerships that must be established.

The Caribbean is not only our region; it is our community. We have not yet realized the dreams that framed the Treaty of Chaguaramas. There are difficulties that must be resolved and Jamaica remains committed to working with our CARICOM partners to ensure that the regional movement becomes the threshold for sustained development of all its Member States. (Applause)

Next year we will celebrate the 50th anniversary of our Independence. (Applause)

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It will be cause for thanksgiving, reflection and recommitment to the goals set for us by our Founding Fathers. A National Planning Committee has been established to develop the programme of activities that will mark this important milestone. The programme will be comprehensive, inclusive and inspirational and will engage Jamaicans here at home as well as in the Diaspora in what must be itself a lasting legacy for our people. (Applause)

Mr. President, Mr. Speaker, Members of the Senate and the House of Representatives, the task that must be carried out in transforming the economy and improving the social environment cannot be accomplished by the Government acting alone. It requires a partnership with critical stakeholders and the society at large. In order to be effective, that partnership must be structured. Consensus is not an amalgamation of views and ideas that are oftentimes in conflict but derives from agreement reached through dialogue, recognizing that concessions will always have to be made if consensus is to be achieved. (Applause)

The Government has sought through the Partnership for Transformation to establish the forum for that dialogue, bringing together representatives of the Government, private sector, trade unions and, more recently, civil society. The Government continues to encourage the Opposition to return to the partnership. (Applause) The success of the partnership will always depend on the willingness and commitment of each of the parties to utilize this forum, not only for determining what must be done to achieve our

common goals but as a means of resolving issues on which disagreement may arise. Let this dialogue proceed and mature for we are all in this boat together and none of us can reach the shore before the other. (Applause)

As you, the representatives of the people embark on this new legislative year, each of you must be mindful of the burden that you carry for the people of Jamaica. You must be acutely aware of the demands that are placed before you and the hopes and aspirations that the people expect you to fulfill.

Yet, the difficulties that the country face, the scarcity of resources and the unfriendliness of the international economic environment are real issues from which you cannot escape. It is your duty to navigate the ship of state. We have been through the worst but there are still waves that must be ridden and storm clouds that must be watched. It is your decisions and actions that will determine whether it sails out of turbulent seas to safe harbour. You will need to exercise responsibility, care and sound judgment, remembering again that we are all in this boat together and none can reach the shore before the other. (Applause)

The Estimates of Expenditure for the new financial year will be laid before you this afternoon. May God guide you in your deliberations and continue to bless and protect the people of Jamaica. (Applause)

The Governor-General left the Chambers at 11:40 a.m, followed by the Members of Parliament.

SESSION 2011 – 2012

THURSDAY, April 14, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.22 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Mr. Joseph Hibbert.

The House resumed its sitting at 2:22 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

ANNOUNCEMENTS

The Clerk laid on the table of the House copies of the following:

- **Ministry Paper No. 26** entitled Cabinet Agenda issues for the 28th of March 2011.
- The Insurance Actuaries General Insurance Companies Amendment Regulations 2011 under the Insurance Act
- The Insurance Amendment Regulations 2011 under the Insurance Act.
- The Constituencies Boundary Order 2011, under the Constitution of Jamaica Act.
- Bank of Jamaica Annual Report and Audited financial statements for the year ended December 2010.
- Certified Appropriations Accounts for the Ministry of Agriculture and

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Fisheries, Ministry of Local Government and Environment.

- Public Sector Consolidated Estimates of Expenditure for the year ending March 31, 2012.

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, I beg to lay on the Table of the House, the Estimates of Expenditure for the financial year ending March 31, 2012 and the Jamaica Public Bodies Estimates of Revenue and Expenditure for the year ending March 2012.

The SPEAKER: Thank you, Minister Shaw.

The following is a message from the President of the Senate to the Honourable House of Representatives:

I have the honour to advise the Honourable House of Representatives:-

Bill entitled;

AN ACT to Amend the Foreign Nationals and Commonwealth (Citizens) Employment Act"

was passed in the Senate without amendment.

Signed: Oswald G. Harding,
President of the Senate.

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mr. Shaw.

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

BE IT RESOLVED that the Estimates of Expenditure for the financial year ending March 31, 2012 and the Jamaica Public Bodies Estimates of Revenues and Expenditure for the year ending March 2012 which was laid on the Table of the

House on the 14th day of April 2011 be referred to the Standing Finance Committee of the House of Representatives consisting of all Members of the House for consideration and report.

BE IT RESOLVED that the Insurance Actuaries General Insurance Companies (Amendment) Regulation 2011 under the Insurance Act, which was laid on the table of the House on the 14th day of April 2011 be referred to the Regulations Committee of the House of Representatives for consideration and report.

BE IT RESOLVED that the Insurance Amendment Regulations 2011, under the Insurance Act which was laid on the Table of the House on the 14th day of April 2011, be referred to the Regulations Committee of the House of Representatives for consideration 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 first mentioned motion.

Mr. SPEAKER: Mr. Mair.

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

WHEREAS the duties of the Members of the House of Representatives preclude them from in many instances attending their private business appropriately;

AND WHEREAS in order to adequately represent and serve their constituents, many Members inevitably abandoned their private endeavours and or profession;

AND WHEREAS Members of Parliament not having security of tenure,

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in many instances find themselves in challenging financial circumstances, upon retiring from representational politics.

BE IT RESOLVED by this Honourable House that a review be done of the Retiring Allowances (Legislative Service) Act in order to ensure that retired Members of Parliament receive a pension that at all times is adequate and commensurate with the level of service that they gave to our country.

DISCLOSURE/EXEMPTION

Mr. Speaker, I further beg to give notice that at the next sitting of the House I will move:-

WHEREAS under Section 69 of the Constitution, Cabinet led by the Prime Minister is charged with the general direction and control of the Government of Jamaica and is collectively responsible to Parliament;

AND WHEREAS a Member of Cabinet has a duty and responsibility to seek the approval and endorsement of Cabinet on any matter of policy, especially if it is of critical importance and consequence to the lives of the people of Jamaica.

AND WHEREAS one of the primary duties of the Government is to uphold the fundamental rights and freedoms of the people of Jamaica as declared in our Constitution

AND WHEREAS it has been brought to the attention of our nation that the Member of East Central St. Andrew in his then capacity as Minister of National Security did not seek the endorsement or approval of the Prime Minister and/or

Cabinet, to commit the Government to an agreement with a foreign state that was of great consequence to our people and infringed their rights - constitutional rights as citizens of Jamaica

BE IT RESOLVED that the Member for East Central St Andrew be censured by this Honourable House... (Applause)

(*Sotto voce* comments by Opposition Members)

AND BE IT FURTHER RESOLVED that this Honourable House agrees that all Members of Cabinet upon demitting office as a consequence of a change of administration or otherwise give under oath a statement on all matters of critical importance to our nation concerning their office to the incoming Minister and by extension to the Prime Minister.

Mr. PICKERSGILL: Rubbish.

(*Sotto voce* comments by Members)

The SPEAKER: I cannot request or deny. Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I recall at the last sitting of the House, a carry-forward motion was put by you to the House regarding all motions that were on the Order Paper and was approved to carry them all forward.

I specifically asked you, I specifically asked you if this could apply to questions, and you indicated that under the present archaic system unreformed system of the Standing Orders, they could not. I wish your understanding if in fact, that motion which was passed and adopted by the House, has no effect then it will be necessary for each of us who had business in the previous House pending to now recite them much as the Member from the nether parts of St Catherine has done.

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A MEMBER: Apologize.

(*Sotto voce* comments by Members)

Rev. THWAITES: North East St. Catherine. With your guidance please, because that would just be an unnecessary waste of time.

The SPEAKER: Reverend Thwaites....

Rev. THWAITES: What are you talking about? I couldn't remember what his constituency was.

What are you talking about?

The SPEAKER: Reverend Thwaites, Reverend Thwaites...

Rev. THWAITES: Wants to do what? I couldn't remember what his constituency was...

The SPEAKER: Reverend Thwaites...

Rev. THWAITES: ...he told me and I've told you. What is wrong with you?

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Yes, Mr. Speaker, it's easy to be distracted.

The SPEAKER: Reverend Thwaites, I'm informed that the carry forward Motions refer only, refer only to committee but not to Private Members' Motion.

Rev. THWAITES: Mr. Speaker, that was specifically asked during - at the time.

The SPEAKER: I was instructed then that motions could be carried forward, but apparently...

Rev. THWAITES: You know, there's a high level of folly in what we're doing.

The SPEAKER: Yes.

Rev. THWAITES: ...but that we who are here, who have the power to change the rules, who resolve to do so, who then by specific resolution do what you do, now have to recognise that what we've done is to fire blanks and come back and do the whole thing.

If that is the case, Mr. Speaker, will you indulge me to read all of mine?

The SPEAKER: You will, you will be allowed.

Rev. THWAITES: When? When? Right now?

The SPEAKER: You will have to do it again.

Rev. THWAITES: You have the time?

The SPEAKER: Yes.

Rev. THWAITES: I ask you, Mr. Speaker - thank you for that - but I ask you, what is the utility of wasting Parliament's time to do that?

The SPEAKER: Well we have to go through the procedure...

(Inaudible comments by Members)

The SPEAKER: ...unfortunately that is it.

Rev. THWAITES: That's okay?

(Inaudible comments by Members)

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Reverend Thwaites.

JUTC/TAXIS

Rev. THWAITES: Mr. Speaker, the folly continues, the self-imposed folly continues.

Anyway, Mr. Speaker, I beg to give notice that at the expiration of twenty one 21 days I will ask the Minister of Transport and Works and the Prime Minister, the following questions:

A MEMBER: Where are they?

Question 1: Is the JUTC still losing money? How much during the financial year of 2010 - 2011?

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Question 2: What steps are envisaged to incorporate the hundreds of route taxis and unlicensed taxis into an ordered multi-modal metropolitan system?

Question 3: What is law and policy re tints on all vehicles, especially public transport vehicles?

Question 4: Are there any plans or proposals to introduce a vehicle racing circuit in Kingston?

Question 5: Does the Ministry of Transport have a policy regarding the installation of noisy exhaust systems on motor vehicles?

Question 6: What is the status of the Bill to protect disabled Jamaicans?

Dr. DAVIES: Where are they? Where are they?

PUBLIC BUSINESS

Mr. HOLNESS: Mr. Speaker, before you proceed to Public Business...

The SPEAKER: Presentation?

Mr. HOLNESS: ...may I ask for the recommitment of the item, Notices of Motions Given Orally?

The SPEAKER: Members, the motion before the House is for the suspension of Standing Order to allow for the recommitment of the item, Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN

ORALLY

(Recommitted)

The SPEAKER: House Leader.

CONSTITUENCIES/BOUNDARIES

Mr. HOLNESS: Mr. Speaker, it is quite a long motion so I crave your indulgence.

Mr. Speaker, I beg to give notice that at the next meeting of the House I will move the Constituencies Boundaries Orders 2011 Approval Resolution.

Mr. PICKERSGILL: It can't pass without Warmington.

Dr. DAVIES: Warmington isn't in here. Where is Warmington?

Mr. PICKERSGILL: Where is Warmington?

Mr. HOLNESS: He's off the island at this time. (Laughs)

Mr. PICKERSGILL: What passport him use US?

Mr. HOLNESS: Please protect me, Mr. Speaker.

The SPEAKER: (Gavelling) Members, Members come please, please, please!

(Cross talks/heckling)

The SPEAKER: (Gavelling) Members, the House Leader is on his feet.

Mr. HOLNESS:

WHEREAS Section 67(1) of the Constitution of Jamaica hereinafter referred to as the Constitution, provides that Jamaica shall, for the purpose of election of Members to the House of Representatives, be divided into such number of constituencies being not less than 45 nor more than 65, as may from time to time be provided by order made by the Governor-General;

AND WHEREAS pursuant to Section 67(2) of the Constitution, the House of Representatives established a Standing Committee of the House hereinafter

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referred to as the Standing Committee, to, *inter alia*, in accordance with subsection (3), keep under continuous review, the number of constituencies into which Jamaica is to be divided;

AND WHEREAS pursuant to Section 67 (5) (a) of the Constitution, the Standing Committee tabled a Report on the 23rd day of February, 2010, showing the constituencies into which it recommends that Jamaica be divided in order to give effect to the rules set out in the Second Schedule of the Constitution;

AND WHEREAS in the Report, the Standing Committee approved and adopted the recommendations of the Electoral Committee of Jamaica, to increase the number of constituencies into which Jamaica is divided, from 60 to 63, and the necessary alterations to the boundaries of the constituencies consequent on the addition of the three new constituencies;

AND WHEREAS on the 10th day of March 2010, the Report of the Standing Committee of the House was approved by the House of Representatives;

AND WHEREAS Section 67(8) of the Constitution provides that as soon as may be, after the Standing Committee has submitted its Report, the Minister shall lay before the House for its approval, the draft order by the Governor General for giving effect to the recommendations contained in the Report, and that draft may make provision for any matters which appear to the Minister to be incidental or consequential upon the other provisions of the draft;

AND WHEREAS on the 15th day of March 2011, the Minister responsible for the conduct of elections, laid before the House of Representatives for approval, the draft of the Order which was approved by the House on that occasion;

AND WHEREAS it is desirable to amend the draft order to more accurately reflect the Report of the Standing Finance Committee and lay the amended draft order before the House;

AND WHEREAS it is desirable further, that the amended draft order be approved;

NOW THEREFORE BE IT
RESOLVED, by this Honourable House
as follows:

1. This resolution may be cited as the Constituencies Boundaries Order 2011 Approval Resolution; and
2. The Amended Draft Constituencies Boundaries Order 2011, made under the Constitution of Jamaica, which was laid on the table of the House on the 14th day of April 2011, is hereby approved.

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 the motion, notice of which I gave earlier.

The SPEAKER: Thank you, House Leader.

PUBLIC BUSINESS

The SPEAKER: At Public Business, Mr. Shaw.

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(Cross talks/heckling)

Mr. SHAW: Mr. Speaker...

(Inaudible comments)

The SPEAKER: Please, please Members, could we continue? Dr. Duncan, could you take a seat please? Please have a seat.

Yes, Mr. Shaw.

Mr. SHAW: Thank you, Mr. Speaker.

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

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

Put to the House and agreed to.

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, I moved for the Estimates of Expenditure for the Financial Year ending March 31, 2012 and Jamaica Public Bodies Estimates of Revenue and Expenditure for the year ending March 2012, to be referred to the Standing Finance Committee as is customary of the whole House of Representatives consisting of all Members of the House. And I think the House Leader will give the necessary direction.

I just would like to point out, Mr. Speaker, that we have remedied something that was a point of contention in the previous - at least the past two years of the budgetary process. I want to indicate to Members that they have the simple basis of comparison, now that we have the revised Estimates for 2010/11, are now in this budget, that is to say the Second Supplementary.

(Inaudible comment by a Member)

Mr. SHAW: Yes, we've brought it, it's not even the First, it is the Second Supplementary that is revised.

So that in making your comparisons with the projections, Mr. Speaker, we are fully up to date with the Second Supplementary Estimates, and that I think, will make it easier for the comparisons to be made. I ask for the motion to be adopted.

The SPEAKER: Members, the motion... Sorry, you want to speak Member?

Mr. KELLIER: Yes.

Mr. Speaker, I would just like to say prior to the - us giving approval to refer the motion that the Standing Finance Committee, as you all know, will meet next week. But over the years we've had a problem in the Standing Finance Committee with the answers that are not given during the period when the Committee is meeting...

Dr. DAVIES: And never given.

Mr. KELLIER: ... and are promised and not delivered on a timely basis.

Mr. PICKERSGILL: Or at all.

Mr. KELLIER: I wish to indicate this time around, that we will not be in a position to say aye to the pages unless we are given full information on the issues that we'll be raising and the things that will be asked, answers for...

The SPEAKER: If that is the case, Mr. Kellier...

Mr. KELLIER: ...before the exercise closes. In other words...

The SPEAKER: No, well may I make a suggestion.

Mr. KELLIER: Allow me, Mr. Speaker.

A Minister may come, but at the time when he comes he does not have the answer.

But before we close the book completely he needs to get the answers here so we can say aye to the pages, and when we rise everything is in order.

The SPEAKER: Okay.

Mr. KELLIER: Right, we're not going to accept the situation where the answers are promised and are never ever forthcoming.

The SPEAKER: May I make a suggestion, Mr. Kellier. If the Members who ask the questions could just give me - put it in writing copy it to me so that before we close the process we indicate that...

(Inaudible comments)

The SPEAKER: No, but what happens is that you ask the question, the Minister promises you - and I don't really keep a check, so all I'm really asking if you make a list and pass it onto me...

Dr. DAVIES: And then what?

The SPEAKER: ...and then before we close the Standing Finance Committee we ask for these questions to be responded to. But I have no note of the questions. I don't do that.

(Inaudible comment by a Member)

The SPEAKER: That's why I'm asking for the notes.

Mr. KELLIER: We'll be prepared, Mr. Speaker.

The SPEAKER: Yes, give me the note.

Mr. KELLIER: Once we pose the questions and we are promised answers we'll note them and we'll pass them on to you.

The SPEAKER: You'll note and you'll pass it on to me.

Mr. KELLIER: And before we rise to sign off...

The SPEAKER: Yes.

Mr. KELLIER: ...we'd wish that they try to provide the answers.

The SPEAKER: Very well. Very well.

(Inaudible comments)

Dr. DAVIES: Can I get the answers for last year's questions?

The SPEAKER: You can ask them again. Leader of the House.

(Inaudible comments by some Members)

The SPEAKER: No, I think I put the motion. One second. The motion was put Members.

Put to the House and agreed to.

Dr. DAVIES: Can we start at 10:00?

The SPEAKER: I'm here, I just want to inform Members that the Standing Finance Committee starts at 10:00, the Speaker and Chairman of the House is always here on time.

Mr. KELLIER: I agree.

Mr. HOLNESS: Mr. Speaker, you'll recall that the Minister of Information had given notice of a motion in the last sitting, that notion would've carried over. The Minister will now address the ATI policy which he tabled.

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Well I'm ready when you want me to read this whole...

The SPEAKER: No, but Reverend Thwaites, we have to recommit.

Rev. THWAITES: So I'm asking you to do that, I want to get them back on the Order Paper.

The SPEAKER: No, but when...

Rev. THWAITES: If you are presiding over folly you must schedule it.

The SPEAKER: No, no, but Reverend Thwaites, Reverend Thwaites, we

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recommitted Notices of Motions Given Orally, we waited, I didn't know you had them - you were ready to read them.

Rev. THWAITES: Absolutely, I was waiting...

The SPEAKER: I went straight to Public Business.

Rev. THWAITES: No, no, I was waiting on your call, the Clerk gave me the assurance.

Mr. HOLNESS: Mr. Speaker, Mr. Speaker...

The SPEAKER: No, no, but my understanding Reverend Thwaites, with due respect, you were waiting on the Order Paper, you just got them, so ask for a recommitment.

Mr. HOLNESS: Mr. Speaker, last year we had the similar problem.

The SPEAKER: Yes.

Mr. HOLNESS: We agreed that the Member from Central Kingston would, at the time he raised the issue, that he would be given a chance to place - I believe it was three - between three and six...

(Inaudible comment by a Member)

Mr. HOLNESS: No, same thing, with applied promotions.

Rev. THWAITES: No.

Mr. HOLNESS: So we would... It was for questions? I think we would have to accommodate the Member. But certainly, Mr. Speaker, for the time of the House, the Member would have to restrict himself to maybe two or three motions today. (Laughter) Well, if they are not long motions.

Rev. THWAITES: Folly.

Mr. HOLNESS: If they are not long motions.

The SPEAKER: No, no, no, no! Leader of the House, at an appropriate time we ask for

the recommitment, and the Member is free to put in as many as he likes.

(*Sotto voce* comments)

Mr. HOLNESS: No, Mr. Speaker, if the Member has extensive motions...

The SPEAKER: He has the right.

Mr. HOLNESS: Mr. Speaker, I believe you will have to regulate it.

The SPEAKER: No, no! To be fair, he has the right.

(*Sotto voce* comments)

At the appropriate time we will recommit it.

Mr. KELLIER: Mr. Speaker, take a recommitment and he can put those that he wants to put... (Cross talk)

The SPEAKER: At the appropriate time, not immediately.

Mr. HOLNESS: May I remind you, Mr. Speaker, the Member had on the previous Order Paper in excess of twenty motions.

(*Sotto voce* comments)

Now, granted, some of these motions were one paragraph, but some were extensive. And if you give that latitude, Mr. Speaker...

Mrs. HAY-WEBSTER: What latitude?

Mr. JACKSON: This is the people's House, you know!

Mrs. HAY-WEBSTER: And it's the people's business!

Mr. HOLNESS: ...to one Member, you would give that latitude to every other Member.

The SPEAKER: It is his right. Every Member has that right.

(*Sotto voce* comments)

Now, we just want to get through some public business and we will recommit Notices of Motions.

Mr. Vaz.

(*Sotto voce* comments)

ACCESS TO INFORMATION ACT

Mr. VAZ: You know I am not a man of many words.

Thank you very much, Mr. Speaker and Members.

Mr. Speaker, the Members of this House will recall that the Access to Information Act, 2002, aims to reinforce and give further effect of certain fundamental principles underlying our system of constitutional democracy, namely, governmental accountability, transparency, and increased public participation in national decision making.

Mr. Speaker, the Report of the Joint Select Committee appointed to review the Access to Information Act, pursuant to section 38, that we are debating today, had and has several recommendations that will strengthen the Act and enhance our capacity to improve the implementation of the right to access to Government information guaranteed to members of the public.

Mr. Speaker, we are cognizant that the aim is not only to have a good law, but to improve and strengthen implementation efforts as well, so that every member of the public is effectively empowered by the right to information. The recommendations are substantial and take into account evolving international best practices in regard to the right to know.

Mr. Speaker, I wish briefly to highlight some of the critical recommendations contained in the Report. They are the wider application of a public interest test to exempt documents.

Mr. Speaker, it is recommended that there be an effective public interest override which will help to ensure a balance between the application of exemptions and the release of information under the Act. The Committee was of the view that a public interest test could be applied to more - to the exemptions within Part 3 of the Act, and examine the various sections individually. Currently, the public interest test only applies to two sections, section 19, documents revealing government's deliberative processes, and section 21, documents relating to Heritage Sites, *et cetera*.

The Committee's position is consistent with international best practices in countries with modern Access to Information laws and systems, including those in the Commonwealth, example, the UK, Scotland and Australia, and the recommendations on access to information for all organizations of American Member States which operate paragraphs 8(a) and 13(a), Mr. Speaker, the details of the Committee's recommendation are contained in that Report.

That the Access to Information Unit should become a statutory body. Mr. Speaker, the Access to Information Unit must be empowered to ensure that the various public bodies comply with the provisions of the Act. The Committee considered the matter at length, looking at all the relevant factors, and recommends that the ATI Unit will be transformed into a statutory body. This move would address the current situation, whereby many public authorities not only fail to comply with certain rules under the Act, but fail to submit reports to the Unit. The Access to Information Authority would have additional roles and enhance monitoring and

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the compliance functions to address problems being encountered concerning access to information, and to ensure greater compliance on the part of public authorities.

The key elements of the framework considered by the Committee contained in Appendix 1 to the Report. The Adoption of Publication Schemes. Mr. Speaker, this will strengthen the framework that exists for the proactive disclosure of certain types of information in a standardized way to the public.

The legislative amendments proposed include power of oversight that will lead to public authorities being held accountable for non-compliance.

The Repeal of the Official Secrets Act. Mr. Speaker, the Committee recommends that the Official Secrets Act be repealed and replaced by an Act that would include penalties for the release of information that would put the State at risk. It should be noted, Mr. Speaker, that the Honourable Prime Minister several weeks ago, appointed a Committee to make recommendations with regard to the Official Secrets Act.

Acts with Disclosure Provisions. Mr. Speaker, there are various Acts with non-disclosure provisions that are too broad and/or inconsistent with the Access to Information principles. These Acts must be reviewed by the relevant Ministers to determine which provisions should be retained or deleted, and where the ATI Act could override those provisions. These pieces of legislation should be revised so that they will conform with the ATI Act and its objectives.

Improving the Procedure for the Processing of the Telephone Request. Mr. Speaker, the recommendation relates to

concerns about when the thirty-day period for granting access would begin, and it will be clarified even further that it starts on the day of the telephone request.

Improving Fee-payments Systems and Payment for Delivery by Registered Mail. Mr. Speaker, the recommendations in this area seek to simplify the methods of payment, including payments on-line or through any local financial institution, and amending the regulations to permit public authorities to collect fees for postage.

Development and Enforcement of Statutory Codes of Practice, and the Discharge of Functions under the ATI Act. Mr. Speaker, it is recommended that a new provision be inserted in the Act, which would provide for the issuing of a Code of Practice on functions and obligations under the Act. The ATI Unit Authority, after consultation with the responsible Minister, would issue a Code of Practice, which would guide public authorities as to how they discharge their duties in complying with the Act.

Introduction of Customer Evaluation Forms, specifically related to the processing of the Access to Information request. Mr. Speaker, this recommendation is aimed at ensuring that in the performance of their functions in this critical area, that the designated officers and public authorities are open to a transparent process of evaluation and feedback from the public that interfaces with them in utilizing their rights under the Act.

Mr. Speaker, lastly, Matters Related to the Appeals Tribunal. Mr. Speaker, the Independent Appeals Tribunal plays a critical role with the Access to Information system. The Committee is of the view that the area could be strengthened, if, as in other

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Commonwealth jurisdictions individuals are employed full time to handle appeals.

It is recommended that the Act be amended to ensure that at least one of the individuals would be appointed full time to the Tribunal.

Mr. Speaker, in conclusion, a stronger Access to Information Law in Jamaica and improved implementation will assist in strengthening our record of transparency and accountability to the public, and increase public participation in national decision making.

I would like to thank the members of the Committee, all the public servants and members of the civil society, who participated during the review period. The Committee benefited from critical submissions and presentations of key stakeholders, including The Media Association of Jamaica, the Access to Information Advisory Stakeholder Committee, and the support and technical advice of the various public servants. The participation of a broad group of stakeholders in this process reflects the Government's commitment to taking into account the views of the public at large.

Mr. Speaker, we all benefit from a more informed citizenry and more responsive public bodies to information. And I encourage all Members of the House and members of the public, to familiarize themselves with the Report and its recommendations.

And in closing, Mr. Speaker, I would like to encourage the Media and the public at large, to utilize the new Access to Information Legislation, and encourage them moreso, Mr. Speaker, to start by possibly making enquiries through the Access to Information, in relation

to those of us who sit in this Parliament and serve. I think it would be useful, and encourage them, Mr. Speaker, if they could use the Access to Information to decipher in this new Parliamentary year, how many aliens are in our Parliament. (Laughter) How many strangers are in our Parliament, Mr. Speaker.

(Opposition Members heckle)

And I believe, I believe, Mr. Speaker, that it will be more than opportune...

Opposition MEMBER: You clean up your act yet?

Mr. VAZ: ...more than opportune, Mr. Speaker, in this new sitting of the Parliamentary year, and on this first day... (Heckling) ...and this important piece of legislation being tabled in here today, that once and for all we return our Parliament to 100 per cent Jamaican. And I put that blame on that side, as I have more than evidence to know that there are two aliens on that side.

Mr. PICKERSGILL: Sit down and shut yu mout! You have more nerve than a bad tooth!

(Heckling/Cross talk)

Mr. VAZ: And I am glad to say, Mr. Speaker, that I can say as a Minister with responsibility for Information, that I can say without the shadow of a doubt, that we on this side are now 100 per cent Jamaican!

(Applause)(Heckling)

Thank you, Mr. Speaker.

Mr. HOLNESS: Mr. Speaker...

Mr. VAZ: Mr. Speaker, I now move that the Report be approved.

(Heckling)

The SPEAKER: Members! (gavels) Members! The - Members, Members, the motion before - the resolution on the Report is before you.

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Put to the House and agreed to.

Dr. DAVIES: What's the Report about?

The SPEAKER: He just read it.

Dr. DAVIES: I didn't understand what he was saying.

The SPEAKER: Mr. Shaw.

Mr. SHAW: Mr. Speaker, I gave notice earlier on two motions related to the Insurance - Actuaries General Insurance (Amendment) Regulations, 2011, and the Insurance (Amendment) Regulations, 2011, under the Insurance Act, that both should be referred to the Regulations Committee of the House of Representatives, for consideration and report.

I beg to move that they be referred to the Committee.

The SPEAKER: Members, the motion before you - or the issue before you is for these to be referred to the Regulations Committee.

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, to accommodate the Member from Central Kingston, I now ask for the recommitment of the item Notices of Motions. And Mr. - well, to accommodate those Members who would wish to bring their motions.

The SPEAKER: Very well.

Members, the motion before the House is for the re... (Cross talk) Members! Members! Members, please. The motion before the House is for the suspension of Standing Orders to allow for the recommitment of the item, Notices of Motions Given Orally.

Put to the House and agreed to.

The SPEAKER: Notices of Motions Given Orally.

Mr. PICKERSGILL: I hope it's not fool-fool notice like your own.

The SPEAKER: Reverend Thwaites.

**RECOMMITTAL OF NOTICES OF
MOTIONS GIVEN ORALLY**

Rev. THWAITES: Mr. Speaker, may I be allowed as you permitted me last time, to make reference to the previous Order Paper and the numbers thereon, for the purpose of recommitment?

Government MEMBER: No.

Rev. THWAITES: There is an established precedent of that last year and the year before, Mr. Speaker. (Heckling)

Government MEMBERS: One by one! One by one!

Rev. THWAITES: Very well. You want it done one-by-one, sir?

Government MEMBERS: Read them one-by-one!

(Heckling)

Rev. THWAITES: Sure. Yes. Set of idiots!

Mr. D. PEART: Ronnie, read them one by one. No problem. We not in any hurry.

Rev. THWAITES: Set of fools!

Mr. MONTAGUE: Read every one of them.

The SPEAKER: (Gavels) Members, Members. The motions that Reverend Thwaites is about to refer to were on the Order Paper in the last Session of Parliament.

A MEMBER: They fell off; they fell off.
(*Sotto voce* comments)

Mr. HOLNESS: Mr. Speaker, if I may, my understanding of the motion, and bringing Private Members' Motions is that they have to be read publicly, and read into the records which is why I was suggesting that it would be an extensive exercise if we were to allow the

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Member to just go ahead. I understand what the Member is trying to do, but it wouldn't fit into the order of business. And therefore, if the Member would restrict himself to a reasonable number, we could accommodate that.

The SPEAKER: Reverend Thwaites, it is up to you...

Rev. THWAITES: I am going to go.

The SPEAKER: ...but I will propose that perhaps you put in a number today, and then at the next sitting a number until you - those...

(Sotto voce comments)

....but it is up to you, proceed, proceed. I understand you have to read them.

Rev. THWAITES: Really...? The precedent of the year and the year before makes no effort.

Mr. Speaker:

BE IT RESOLVED that this Honourable House debate the desirability and modalities of an extension to the National Insurance Scheme to provide the National Health Insurance Scheme.

BE IT RESOLVED that this Honourable House review the implementation of the Education Transformation Plan in detail, and determine the sources of finance needed to advance its objectives.

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

AND WHEREAS given the fragility of traditional sources of foreign exchange earnings due to external conditions;

AND WHEREAS the stimulation of local production for import substitution, local consumption and also export are essential to stimulate the Jamaican

economy from recession to growth, so as to provide employment to many;

AND WHEREAS the productive use of land is the most practical and economical resource available to the nation;

AND WHEREAS the Government has indicated that an inventory of publicly owned land is being prepared;

AND WHEREAS there are large tracks of unused arable lands in private hands;

AND WHEREAS rapid agricultural development, especially of food supplies, will ease the urban and inner city crises;

BE IT RESOLVED this Honourable House urgently debates strategies for:

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

Mr. Speaker:

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

AND WHEREAS the environmental levy has been used instead as a subsidy for solid waste disposal;

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

AND BE IT FURTHER RESOLVED that adequate, separate budgetary allocations be made for solid waste disposal.

BE IT RESOLVED that this Honourable House debate the modalities by which a contributory pension scheme for all public sector workers be instituted to replace the non-contributory scheme which currently applies.

BE IT RESOLVED that as a matter of urgency, this Honourable House debate the recommendations of the Strategic Review Study of the Jamaica Constabulary Force and consider the implementations of its conclusions.

BE IT RESOLVED that the Government instruct the Petroleum Corporation of Jamaica to supply petroleum products directly to retailers without the intermediation of the Petroleum marketing companies;

AND BE IT FURTHER RESOLVED that the margins of the petroleum marketing companies be allocated to a special dedicated fund for the maintenance of the nation's roads.

RAE TOWN FISHERFOLKS

Mr. Speaker:

WHEREAS the fisher-folk of Rae Town in Central Kingston and the remainder of the more than 40,000 fisher-

folk in Jamaica have been experiencing reduced cash intake, and poor earnings due to the depletion of their catch;

BE IT RESOLVED that the Government seek funding and itself invest in a scientific study and implementation programme for increasing the stock of fish, lobster, and conch in Jamaica's coastal and territorial waters.

And, Mr. Speaker:

ARMADALE

BE IT RESOLVED that in light of the Armadale Report, the findings of the United Nations Rapporteur on Torture and the events at the Horizon Remand Centre, this Honourable House debate the state of the island's custodial institutions and practices with special attention to children in custody.

Mr. Speaker:

NWA/ROADS

WHEREAS it is desirable to ensure accountability for the maintenance of public infrastructure;

BE IT RESOLVED that the National Works Agency delineate clearly what roads and civil works fall under its jurisdiction;

AND BE IT FURTHER RESOLVED that the National Works Agency, in respect of such roads and works, and the local authorities in respect of all secondary, parochial and farm roads, be the only agencies entitled to carry out maintenance, improvements, additions, and repair works. And more specifically,

BE IT RESOLVED that electricity, water, sewage and telecommunication, and

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other utilities have no authority to interfere with roads and works, and are obliged to pay for the right to locate equipment on, in, or under, the public roadways.

(Applause)

And, Mr. Speaker,

MOTOR VEHICLES ACT POLICY

BE IT RESOLVED that the Government of Jamaica abolish the popularly described Act Policy for motor vehicle insurance, having regard to the jeopardy to public safety that this implies;

And, Mr. Speaker:

JUTC

BE IT RESOLVED that the Government urgently bring forward for debate a comprehensive reform policy for metropolitan transport such as to reduce financial hemorrhage by the Jamaica Urban Transit Company, and to ensure proper capitalization of the Corporation's Self-Insurance Scheme.

Mr. Speaker:

CHURCHES/EDUCATION

BE IT RESOLVED that this Honourable House review the policies governing the relationship between the churches in Jamaica and the State, with respect to the sponsoring and support of education, especially early childhood education, with a view to advancing the involvement and influence of religious organizations in expanding educational opportunity and improving quality.

And, Mr. Speaker:

BE IT RESOLVED that this Honourable House debate the adequacy of

affordability of loan financing for students in the Jamaican tertiary education system.

And, Mr. Speaker:

BE IT RESOLVED that this Honourable House debate the cost of remediation in the public education system, and treat with ways in which this can be reduced.

And, Mr. Speaker:

PROBATES/ESTATES/ADMIN

BE IT RESOLVED that this Honourable House consider changes to the law and practice of probate and administration of estates with a view to simplifying the procedures, reducing costs and expediting the settlements of the estates of deceased persons in Jamaica.

Mr. Speaker:

PUBLIC OFFICERS APPOINTMENTS ETC.

BE IT RESOLVED that the appointments of all of Jamaica's Ambassadors and High Commissioners be subject to the approval of the House of Representatives, and further that all public offices equivalent in rank or salary to that of a Permanent Secretary, the appointment to which are not provided for by any other legislation, be also subject to Parliamentary confirmation, and that the same process of confirmation should apply to the appointment of chairpersons of all public company, statutory bodies and executive agencies.

Mr. Speaker:

NHT – STRATEGIES/FINANCING ETC.

WHEREAS the Committee... The Chairman of the National Housing Trust

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recently told a Parliamentary Committee that his estimate of the nation's housing deficit is in the region of 250,000 units;

BE IT RESOLVED that this Honourable House debate the policies, the institution's finances and the methodology required to eliminate this shortfall.

Mr. Speaker,

NIS - REFORM

BE IT RESOLVED that since the National Insurance Scheme could perform at a much higher level, that it should be reformed and extended to provide a more adequate social security system for all Jamaican workers.

EDUCATION – PRIORITY GOAL

AND BE IT RESOLVED, Mr. Speaker, that universal literacy ought to be defined by this Honourable House as a priority goal of the Jamaican education system, and that measures and resources required to achieve this, ought to be a permanent item on the Agenda of the Committee of Human Resources with quarterly progress reports provided to the House.

PARISH COUNCILS (INCLUDED IN)

AND BE IT RESOLVED that a mechanism be found to include the Councils - the Parish Councils in the decision-making process as it relates to the roads, drains and bridges affected by the Parochial Revenue Fund and the Jamaica Development Infrastructure Programme.

And, Mr. Speaker:

ELECTRICITY RATE REDUCTION/JPS

BE IT RESOLVED that the Government of Jamaica utilize the dividends from its holding of shares in the Jamaica Public Service Company Limited to reduce the rates charged to the small business sector and the lowest income band of residential customers;

BANNING GLUTAMATE FROM FOODS

AND BE IT RESOLVED, Mr. Speaker, that monosodium glutamate, MSG, be banned from Jamaica's foods.

(Applause)

The SPEAKER: Mr. Hylton.

ELECTRICITY – UNAFFORDABILITY ETC.

Mr. HYLTON: Mr. Speaker, at the next sitting of the House, I will move that:

BE IT RESOLVED that this Honourable House directs an investigation into the manner and method of the implementation of the AMI Programme, and examine alternative approaches to ensure access to reliable, safe and affordable electricity for the working poor, pensioners, and the unemployed throughout Jamaica, and in particular, the inner city communities;

BE IT FURTHER RESOLVED that, given the increasing un-affordability of electricity by the persons so affected, of the increased security and health risk, that the matter be debated as a matter of urgency, and that the Committee on Economy and Production be mandated to investigate the matter, forthwith.

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ELECTORAL COMMISSION REPORT

Mr. HOLNESS: Mr. Speaker, I will take the opportunity to also raise a motion, Mr. Speaker.

BE IT RESOLVED, Mr. Speaker, that the Electoral Commission Report to the Parliament, dated March 2011, regarding the proposed - the proposal to amend existing legislation to empower the Electoral Commission to prescribe electoral boundaries, and to prohibit the publication of a new list of electors...

(*Sotto voce* comment)

Yes, to prohibit the new list of electors between nomination day and Election Day. That's a Report that is coming here.

...which was laid on the Table of the House on the fifth day of April 2011, be approved.

(*Sotto voce* comments)

The SPEAKER: Very well.

(*Sotto voce* comments)

That's it?

Mr. HOLNESS: Yes. Nobody else, Mr. Speaker has any... Oh, you have a motion you want to raise?

Dr. DUNCAN: I was just asking if that is to be debated now?

Mr. HOLNESS: I have just given notice of it. Next week we will do it. Any other Member would want...

Dr. DUNCAN: You are going to dissolve the House?

Mr. M. PEART: You getting carried away now.

Mrs. HAY-WEBSTER: Mind, you know...

Dr. DUNCAN: Can we dissolve...?

A MEMBER: You were resisting it.

(*Sotto voce* comments)

Mr. HOLNESS: I don't want to be confronted with a similar request next week.

(Laughter/*Sotto voce* comments)

Mr. KELLIER: In case the Member was absent today.

Mr. CLARKE: We are in the same boat.

Mr. HOLNESS: You reserve that right?

Dr. DUNCAN: Or, if we didn't hear.

A MEMBER: It's not a privilege, it's a right.

Mr. HOLNESS: Mr. Speaker, I gave notice of a motion earlier regarding the adoption of the Draft Constituency Boundaries Order - the amended Order. And the reason why we had to amend the Order, Mr. Speaker, is that the...

The SPEAKER: You are taking the motion now?

Mr. HOLNESS: I am taking the motion now, Mr. Speaker.

The SPEAKER: Okay.

(*Sotto voce* comment)

Mr. HOLNESS: The Chief... that was not an important comment, and that ought not to be even recorded as *sotto voce*.

(Laughter/*Sotto voce* comment)

Mr. Speaker, there is a... The Chief Parliamentary Counsel advised that the first Order which we passed in March was not clear enough, in terms of reflecting the Report of the Committee that dealt with the changes to the boundaries - the constituency boundaries. So, if you were to look at the previous Order - which I don't think Members would have, but Members would have the amended draft Order, they would see, Mr. Speaker, changes made to Number 3, Number 3 having to do - Number 3, Mr. Speaker, having to do with the constituencies that would be affected.

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The previous Order was very general in the way it phrased the changes that are to be made. This Order is now specific. So, it makes a distinction between those constituencies that would not be affected. In other words... those parishes, rather, that would not be affected by changes within the constituency boundaries, and those parishes that would have new constituencies. That's one of the changes.

The other change is that this instrument is a Constitutional Order. But in the old Order it subjects the constitutional instrument to the representation of the People Act which falls under the Constitution. The thinking behind that, Mr. Speaker, is that since this is a constitutional instrument it should stand on its own, and that section should be taken out because it is already covered. The Electoral Commission already has the powers to determine the divisional boundaries and therefore it doesn't need to be specified in the Order, and that was taken out. Those were really, Mr. Speaker, the major changes that were made to the Order to make it more accurately reflect the Report of the Committee. So with those minor changes, Mr. Speaker, I ask that the House approves the report.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Yes, Mr. Speaker. We do support the resolution to the draft order and only adding that there is now some urgency in getting this matter gazetted, Mr. Speaker. As you can imagine the Electoral Commission cannot put the administrative structure in place to correspond to these new constituencies in particular, not only the three additional ones but the reconfigured ones. And it will require substantial reassignment of Returning Officers, Assistant Returning Officers, new

office space will have to be secured, and the lists will have to be start being produced as a sort of shadow list. The office will have to produce the list on the sixty (60) existing constituencies and start producing a shadow list on the basis of the new sixty-three (63).

This is a tremendous amount of work, Mr. Speaker. As you know it affects the constituencies in St. James, in St. Ann, in St. Catherine and in St. Andrew which is approximately half of the constituencies islandwide. And it is really now becoming very urgent in order for us to have at least one or two versions of the list printed—the May 31st... Hopefully, we can catch this next list on May 31st to do it in that duplicate sort of shadow system. But at least have by the next one in September or else we will not be able to have a dry run and debug, and get all the bugs out of the system before we're in the final year of the constitutionally due time for elections. So this is becoming very urgent, Mr. Speaker, and I urge the Leader of the House to put the full weight of his office behind getting this expedited.

Thank you.

Mr. JACKSON: I hope so, too.

Dr. DUNCAN: It might be useful, Mr. Speaker, just to add to the Member from Central Manchester, who is also a Commissioner on the thing that -

Mr. SHAW: We not hearing you. You need to speak up, man.

Mr. PICKERSGILL: Audley, don't bother with the mischievous.

Dr. DUNCAN: Audley, you just woke up, you know man; you just woke up. (Laughter)

Mrs. HAY-WEBSTER: Drink some coffee and come back.

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Dr. DUNCAN: Look behind you if you see the Member from South West St. Catherine.

Mr. Speaker, I'm sure that you're happy that the swear-in is yet to be done on certain accounts. However, just for information sake, that despite all of this we should - the public ought to know that the if our Local Government elections were to be called, which it ought to be called early for it is due and overdue, that those elections would be called on the existing boundaries, not on any boundaries created by the new -

Mr. HOLNESS: Yes... inaudible comment.

Dr. DUNCAN: I know, just for the public's understanding because we expect you to answer the call of the Opposition for the calling of Local Government elections now.

Thank you very much, Mr. Speaker.

THE SPEAKER: So you're putting it for approval?

Mr. HOLNESS: I now ask the House to approve the resolution.

The SPEAKER: Members, the resolution as put by the Leader of the House and just debated, for your approval.

Put to the House and agreed to.

Dr. DUNCAN: What are we voting on?

Mrs. HAY-WEBSTER: You don't have to attend to him, Mr. Speaker. Don't answer him.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, there is no other matter on the Order Paper to be addressed today.

I want to remind Members that we meet - the coordinates, Mr. Speaker, and I use that

term 'coordinates' to say that we're very specific. We meet at Gordon House on the Tuesday, it's the 19th of April, 2011, at 10:00 a.m. sharp.

Mr. KELLIER: Sharp, sharp!

Mr. HOLNESS: Mr. Speaker, you will be here and I will be here at 10:00 a.m. sharp.

The SPEAKER: And, Leader of the House, may I just say that at 10:00 o'clock to be fair the members from the different Ministries are here. And we have a big crowd at 10:00 o'clock on Tuesday morning and unless we have a quorum, we cannot begin. So please, 10:00 o'clock Tuesday morning let us all be here.

Mr. HOLNESS: Mr. Speaker, we will start in the order of the Estimates. So we will start with the Office of the Prime Minister and then the Ministry of Finance. There may be changes afterwards, but Members can make their plans based on starting with those two.

So, Mr. Speaker, since there is no further business, Mr. Speaker, I therefore move that the House do adjourn until Thursday the 28th when we will resume in Standing Finance Committee

Mr. JACKSON: No, no!

Mr. HOLNESS: Sitting of the House, the 28th, sorry. The 28th of April.

The SPEAKER: Members, the motion before you is that this Honourable House do adjourn until Thursday the 28th of April at 2:00 p.m.

Put to the House and agreed to.

The House adjourned at approximately 3:29 p.m. to resume it sitting on April 28th, 2011.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

THURSDAY, April 28, 2011

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.31 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:31 p.m.

The SPEAKER: Please be seated.

The Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome to the sitting of the House of Parliament a number of persons. I won't call out by names, but I see a number of Ambassadors and High Commissioners. Please welcome to the sitting this afternoon of the budget presentation. (Applause)

And I would also like to extend a special welcome to, the Minister who is making his presentation this afternoon, his wife. And I see his daughter and his brother and sister. Welcome to the sitting of Parliament. (Applause)

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Please, those of us - those persons sitting in the Gallery, kindly just check on your cellphone to make sure that it is off or on vibrate. And I don't want to see anyone speaking on the cellphone during the presentation. Although it may not be disturbing to the Chamber itself, it might be disturbing to your neighbour. So please just turn it off or put it on vibrate or preferably on text or BB.

(MR. DERRICK FLAVIUS KELLIER, (PNP),
St. James, Southern, entered and took his
seat.)

ANNOUNCEMENTS

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

- **Ministry Paper No. 27**
Annual Report and Audited Financial Statement of the National Irrigation Commission Limited for the year ending March 31, 2009
- **Ministry Paper No. 28**
Cabinet agenda issues for April 11, 2011
- **Ministry Paper No. 29**
Annual Report of the Ministry of Health for the year 2006
- **Ministry Paper No. 30**
Annual Report of the National Health Fund of Jamaica for the year 2009.
(CDs)
- **Ministry Paper No. 31**
Revenue Measures for the financial year 2011/2012
- Administrator General's Department
(Executive Agency)

Annual Report and Audited Financial Statements for the year ended March 31, 2007

- Jamaica Mortgage Bank
Annual Report and Audited Financial Statements for the year ended March 31, 2010
- Publications of the Statistical Institute of Jamaica
(CDs)
- Demographic Statistics 2010
- External Trade Bulletin January to December 2010 Preliminary Data
- Procedure Price Index Bulletin
Annual Report 2010
- Employment earnings and hours worked in large establishments 2008 to 2010
- Quarterly Gross Domestic Product October to December 2010 (Volume 9 No. 4)
- Consumer Price Index Annual Report 2010 Labour Force Report 2010
- The Household Environment Survey 2008
- The Economic and Social Survey Jamaica 2010
- Financial Statements and Revenue Estimates for the year ended March 31, 2010

(MR. COLIN ALFRED A. FAGAN, (PNP),
St. Catherine, South Eastern, entered and
took his seat.)

REPORTS FROM COMMITTEES

Mr. SHAW: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of

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the Standing Finance Committee of the whole House of Representatives on the Estimates of Expenditure for the financial year ending March 31, 2012 and the Jamaica Public Bodies Estimates of Revenue and Expenditure for the financial year ending March 2012.

NOTICES OF MOTIONS GIVEN
ORALLY

Mr. SHAW: 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 Finance Committee of the whole House of Representatives consisting of all members of the House on the Estimates of Expenditure for the financial year ending March 31, 2012 and the Jamaica Public Bodies Estimates of Revenue and Expenditure for the financial year ending March 2012, which was laid on the Table of the House on Thursday the 28th day of April, 2011, be adopted.

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

And, 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 Appropriation Act, 2011".

Mr. Speaker, I further beg to give notice that at a later stage today I will move for the suspension of the Standing Orders to enable me to introduce the Bill, have it read a first time, give notice of second reading and commence debate on the Bill.

**QUESTIONS AND ANSWERS TO
QUESTIONS**

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I beg to give notice that at the expiration of 21 days I will ask the Minister of Finance and the Public Service the following questions:

Question 1: Is the Minister aware that a special liquidator has been appointed by the authorities in the Turks & Caicos Islands to recover and make distribution of funds to certain defrauded investors in OLINT/David Smith Ponzi schemes?

Question 2: If the answer to 1 above is yes, is the Financial Services Commission of Jamaica formally cooperating with the specially appointed liquidator in the Turks & Caicos Islands?

Question 3: If the answer to 1 above is no, will the Minister indicate what measures are being undertaken specifically to secure the interests of defrauded Jamaican investors?

Question 4: Is it the intention of the Government of Jamaica through its agencies to independently pursue civil action in the courts to recover the funds defrauded from Jamaican investors in David Smith's Ponzi schemes?

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Question 5: Is the Government pursuing any action criminal or civil against the various entities which acted as “Feeder Funds” to channel monies to David Smith and his Ponzi schemes?

Mr. Speaker, as you may recall, the questions were asked in the last session of the Parliament and I would therefore not be inclined - and I am saying this so the Leader of the House can assist to have them delayed beyond the point that they were delayed for answer in the previous session of the Parliament.

The SPEAKER: They are now being redirected though to the Minister of Finance.
(*Sotto voce* comment by Mr. Shaw)

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the main business today is the presentation of the Minister of Finance.

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

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

Put to the House and agreed to.

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

The SPEAKER: Minister Shaw.

Mr. SHAW: Mr. Speaker, Members will be aware that there will not be a full debate on the Report but on the Appropriation Bill. I therefore move that the motion to adopt the Report be agreed to.

The SPEAKER: Members, the motion before you as detailed by the Minister of Finance.

Put to the House and agreed to.

The SPEAKER: So approved.

Mr. SHAW: And, Mr. Speaker, I now move for the suspension of the Standing Orders to enable me to introduce the Bill shortly entitled "The Appropriation Act, 2011", to have it read a first time and give notice of second reading.

The SPEAKER: Members, the motion before you is for the suspension of Standing Orders to allow the motion to be taken by the Minister of Finance, notice of which he gave earlier.

Put to the House and agreed to.

Mr. SHAW: Mr. Speaker, I now move to introduce and have read a first time a Bill shortly entitled "The Appropriation Act, 2011".

Bill shortly entitled:

"The Appropriation Act, 2011",
read a first time.

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the Minister of Finance will now make his presentation.

The SPEAKER: Mr. Shaw.
(Applause)

BUDGET DEBATE

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

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

Mr. Speaker, exactly a year ago Jamaica faced a very different reality. Certainly for me and the economic management team at the Ministry of Finance, it was a time of intense activity and immense pressure because of what was at stake. Jamaica was grappling with the fall-out from the most severe economic crisis the world had seen in 80 years. Not only did we face an international economic crisis, we faced many natural disasters: The worst drought in fifty years, the most rain in many decades, storms and hurricanes. All of this, Mr. Speaker, was compounded by an economy that has only grown by a half a per cent per year for the past 16 years, even as the world and regional economies have grown by in excess of 5%.

We inherited an economy on the border of collapse. The only option for survival was for us to make significant game-changing decisions. Top of the list was negotiating an IMF Agreement with the most bearable terms possible, given the weak hand we held. Well, Mr. Speaker, with God's help we inked an Agreement with the IMF which unlocked unprecedented levels of funding from three other multilateral partners: the World Bank, the IDB and the Caribbean Development Bank.

This was only the first step along a long journey to mapping out a plan for Jamaica to regain economic health. For although the Jamaica Debt Exchange - an IMF prior action - surpassed expectations in terms of investor support, the reaction of a post-JDX market remained to be seen. Would the interest rates hold? Would the financial sector have

liquidity challenges? Would inflation become a runaway train? Would the exchange rate continue to be under pressure, and would we have to resort to, as the previous Government did, a high interest rate regime as the sole mechanism of supporting the local currency? These were but a few of the significant imponderables.

Mr. Speaker, what a difference a year makes! Today Jamaica enjoys a stable though delicate macroeconomic environment. (Applause) Much of the genesis of this stability is due to the Jamaica Debt Exchange, the most successful debt swap in history. The debt exchange has, without question, been a major pillar on which our entire recovery plan has been constructed. A year later, it has come to mean much more than a foundation block for our recovery plan. The JDX has become a symbol of the courage and spirit of undiluted patriotism that we represent as a people. (Applause)

We have come a long way indeed, but our condition remains delicate. And by that I mean the economy has stabilized, but we must be aware of storm clouds that could threaten. I speak of rising oil and commodity prices such as the price of grain. I also speak of Jamaica's vulnerability to natural disasters - For which I might indicate, for the first time we have set aside an amount of \$1.5 billion as a contingency in the event of natural disasters in this budget year. (Applause)

But, Mr. Speaker, we cannot afford to focus on the negatives. We must recognise that the waves have calmed and the thick fog that had descended upon us from inherited and global conditions is beginning to clear. The Ship of State is a stable now and it is time for

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us to power up and set sail into the wide open sea again. It is time for us to go for growth. (Applause)

Mr. Speaker, every responsible government's primary objective must be to balance spending with revenue; and this is our primary objective from now until 2015/16, when we hope to achieve the dream of a balanced budget. A balanced budget will allow us to attain the dreams of Independence. This Government's objective is to now build on the many gains made in the last three years and to create a base for growth and prosperity.

Permit me, Mr. Speaker, before I go any further, to express my gratitude to the Financial Secretary, the Deputy Financial Secretaries and their teams at the Ministry of Finance and the Public Service, for their dedication and expertise and absolute professionalism during one of the most challenging years in Jamaica's history. (Applause)

It is not a perfunctionary gesture for me. I deeply appreciate your support and willingness to go beyond the call of duty. Many of them have had sleepless nights during the debt exchange and during even the few days leading up to this Budget Debate.

I wish to thank the Statistical Institute of Jamaica, the Planning Institute of Jamaica and the Bank of Jamaica for all their hard work in getting information together for us in this debate.

(Applause)

Let me thank also, Mr. Speaker, although you have acknowledged her already, I have to thank my dear wife for her understanding and.... (Applause) ...and her unmeasured love and support during this pressure-filled year.

Everyone should have a wife like Susan.

She is literally, Mr. Speaker, the wind between my wings, and I am indeed blessed. My children, Sasha, Renee, Allison and of course, the new kid on the block, Christiana Isabelle. You have my heart. Your unconditional love and support is something I do not take for granted and I thank you all very much.

(Applause)

Mr. Brothers are here and their wives. My brother from California and his dear wife, and Michael and John from New York and his dear wife Maggie, it's nice to have you with us.

(Applause)

I want to thank the Members of the Diplomatic Corps for their presence in the House as well, and members from my constituency of North East Manchester. And I just want to tell my constituents, thanks for your support. I know they don't see me as much as they would like to, but they know I'm there for them.

In order for us, Mr. Speaker, to achieve our mutually desired objectives of economic development, wealth creation, job creation and higher living standards for our people, I want to make the point upfront, even before I set out the framework for this presentation.

I believe, that we must have the courage, Mr. Speaker, to set priorities in the full knowledge that there are structural preconditions necessary to achieving the growth and development that we need.

This also means, that in setting priorities, all sectors no matter how deserving, cannot be priorities all at the same time. So while we have sought to maintain high levels of

spending in education, in health and social services; ideal levels of expenditure in these vital areas can only come when the economy, having been restructured and stabilized, begins to grow and earn its way.

(Applause)

For the presentation, I will speak on three broad areas today, Mr. Speaker. I have changed the structure and approach to this presentation. Firstly, I will speak on the stabilization of the economy, where I will review the performance under the Stand-By Agreement with the IMF.

Secondly, I will examine the issue of growth and within that context look at the medium-term targets, the role of government, both on issues of governance as well as public investment. And finally, to speak directly to the budget by way of expenditure, the financing of the budget and a revenue programme, which will also be presented. And that will be presented within the context of a discussion on tax reform initiatives combined with certain tax measures which are proposed.

In terms of the stabilization of the economy, Mr. Speaker, the Bank of Jamaica continued to ease its monetary policy stance during fiscal year 2010/11, while maintaining its focus on engendering price stability within the economy. The loosening of the bank's policy stance occurred in the context of improving inflation prospects, general stability in the foreign exchange market and relatively strong Net International Reserves. In addition, there was improved market confidence consequent on the achievement of quarterly quantitative targets under the Stand-By Agreement with the IMF.

In relation to Jamaica's Stand-By Agreement with the IMF, there was continued improvement in many of the key macroeconomic indicators up to the end of the fiscal year. Inflation and market-determined interest rates trended downwards, the Net International Reserves remain strong and despite continued weakness in the real economy, all the quantitative targets in the IMF Stand-By Arrangement up to September were met.

(Applause)

A review of the December 2010 and March 2011 quantitative targets and structural benchmarks will be conducted by the IMF in the first quarter of this fiscal year.

However, for the fiscal year 2010/2011 we can report, that most quantitative targets were met. Notably, however, the primary surplus of \$53.4 Billion was \$4.2 Billion below the revised Stand-By Agreement target of \$57.6 Billion. The structural benchmarks that are being aggressively pursued include the Public Sector Transformation, Divestment, Tax Reform and Debt Management Legislation.

Mr. Speaker, there is no doubt about the stability that is emerging in our economy. The economic data tells all.

In the context of interest rates and in the context of improved market confidence, the Bank of Jamaica reduced the interest rate on 30-day Certificates of Deposit over the fiscal year by a total of 375 basis points to a new low, an all time low in the history of the Bank of 6.75% interest rate.

(Applause)

Coming down from 10% in March of 2010. The easing of the Bank's policy stance created the basis for further declines in market

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rates. In particular, the 90-day and 180-day Government of Jamaica Treasury Bill yields declined to a historic low of 6.46% and 6.63% respectively, at the end of March 2011 from 10.18% and 10.49% at the end of March 2010, when compared. In addition, yields on Government of Jamaica Global bonds declined by 50 basis/bases points over the fiscal year.

In addition to effecting the rate reductions, the Bank of Jamaica lowered the cash reserve requirement and the liquid asset requirement against Jamaica Dollar liabilities of the deposit-taking institutions, moving it down from 14% to 12%, thus making some \$4.5 billion of loanable funds additional being available through the commercial banking system. (Applause)

I must note that despite the easing of monetary policy the rate of decline in commercial bank rates have not kept pace and demand for loans by the private sector - not surprisingly - have remained weak during the past year. Growth in private sector credit demand was a marginal, 1.5% over the fiscal year to February 2011.

However, Mr. Speaker, I am heartened to see that just yesterday, one of our larger commercial banks has taken the lead to reduce its Base Lending Rate by another 100 basis points to 15.75%, down from 16.75%. This is one of the lowest rates in over 27 years in the commercial banking system. (Applause)

The bank concurrently announced an additional \$500 Million Productive Sector Growth Loan Fund. This offer will be made available at a concessionary interest rate of 8.95% down from the previous 9.95%, which was offered before. (Applause) This is for business in the productive sector. And I commend the Bank for tasking this lead role.

I want to remind our banks, don't stop there, because we must continue on our path - downward path toward single digit prime interest rates. (Applause) Mr. Speaker, that vision must be our mutual and unshakable commitment. (Applause)

In terms of the foreign exchange market the Bank of Jamaica continued to purchase and sell foreign currency in order to minimize volatility in the foreign exchange market. The Bank also maintained a foreign exchange facility for the public sector entities, which contributed to the general stability in the foreign exchange market.

When I became Minister of Finance, one of the things I noticed, Mr. Speaker, was that a lot of the volatility and the exchange rate slippage was taking place because our own institutions; whether it was Petrojam or any other institution, Port Authority of Jamaica that required a lot of foreign exchange. They would be in the private market competing for dollars and making our foreign exchange rate unstable. As a result, the Bank of Jamaica now deals directly with the needs of the public sector entities. (Applause)

Mr. Speaker, given - the value of the domestic currency, *viz-a-viz* the US dollar, actually appreciated by 4.4% in the fiscal year (Applause) ...relative to a mild depreciation the year before.

In terms of the Net International Reserves, Jamaica continues to hold high foreign reserves at the end of March 2011. The stock of the NIR was \$2.532 Billion, an increase of US\$801 Million over the same period last year. (Applause) Gross Reserves stood at an all time high, Mr. Speaker, of US\$3.4 Billion, covering over 23-weeks imports of goods and services. This is the highest level of NIR and

Gross Foreign Exchange reserves in Jamaica's history. (Applause)

In terms of inflation, Mr. Speaker, I am pleased to announce that the inflation rate for the past fiscal year was 7.8%, well within the target range of 7.5% to 9.5% that I announced at the beginning of the fiscal year. (Applause)

We all recall the fact that it was affected by adverse weather conditions. We had the prolonged drought conditions from as far back as June 09 and to May 2010, and the impact of Tropical Storm Nicole in September of last year. These two extreme weather conditions resulted in shortage in some agricultural crops in the first three quarters of the last fiscal year and contributed notably to price increases in food and non-alcoholic beverages.

We know of the increases in the price of oil on the world market, Mr. Speaker, as well as the increase in prices of grains, including wheat, corn and rice on the world market as a result of various natural disasters and increased demand for biofuel.

In addition to these factors, there were a number of administrative cost adjustments related to bus fare and wage increases, which contributed also to the domestic inflation rate. However, the revaluation of 4.4% in the value of the dollar had its own mitigating impact on the rate of inflation.

Mr. Speaker, I feel impelled and I must take time out to applaud the work of the Governor of the Bank of Jamaica and his team for their hard and focused work and efficiency... (Applause) ...in keeping our financial system stable and our monetary policy responsive.

Mr. Speaker, this year marks the first in over a decade that any Government has been

able to achieve its projections. This was achieved in a very difficult, almost unprecedented, global environment. The very unstable domestic and global environment made it extremely difficult to project accurately.

Many who now talk loudest about the accuracy and credibility of projections dealing with debt and deficits, had their difficulty during their time. Times that were relatively stable globally, but let us look at the performance certainly over the past seven (7) years. We have seen that over the past seven (7) years, Mr. Speaker, it is just this year, 2010/2011 that we had in fact exceeded our fiscal deficit target. We set a deficit target of 6.5%, Mr. Speaker, in the midst of this most difficult period and we have achieved a fiscal deficit target of 6.1%. (Applause)

Mr. Speaker, having given that brief introduction the macroeconomic side. We now turn to discuss the question - and this is macroeconomic as well - of economic growth, which ultimately is the target of our stabilization efforts.

The latest estimates show that our rate of economic decline has been slowing. For 2010/11 the Jamaican economy is estimated to have declined by 0.7%, following two consecutive Fiscal Years of contraction, averaging 2.1% *per annum*. This is indeed encouraging.

The slower rate of economic contraction was influenced by improved international economic conditions which facilitated a modest improvement in remittance inflows to Jamaica and resuscitated aspects of our bauxite and alumina industry.

Robust growth was recorded in mining and quarrying. The industry is estimated to

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have expanded by 22% in the last Fiscal Year following a significant decline of 54.7% in the previous Fiscal Year. Increased world demand for aluminum led to subsequent revitalization of operations within Jamaica's bauxite and alumina industries. One of the three (3) alumina plants that was closed in 2009, reopened in June of last year. The reopened plant represented approximately 15% of the alumina industry's capacity.

In addition, Mr. Speaker, daily operations at the sole bauxite plant were increased. And I congratulate the Minister of Energy and Mining for his efforts in stabilizing this important sector of the Jamaican economy.

(Applause)

The hotel industry and subsector is estimated to have grown by 2.8% in the Fiscal Year compared with an expansion of 4.1% in the previous Fiscal Year, 2009/10. The lower growth last year was partially due to the cancellation of flights from Europe due to the volcanic ash clouds, as well as the negative travel advisories following the disturbances in Western Kingston.

The tourism industry, however, benefitted from increased airlift to the island and aggressive promotions by the Government and industry players as well as expanded room capacity. Further, below normal winter temperatures in Jamaica's main tourist markets also aided tourist arrivals.

But, Mr. Speaker, I have to congratulate the hard working Minister of Tourism for the excellent job that he has been doing in stabilizing the sector during the global crisis.

(Applause)

Despite reduced performance in the last Fiscal Year due to Tropical Storm Nicole, the agricultural sector rebounded in the March

quarter of this year, with domestic agriculture growing by 24% in this last quarter.

(Applause) And, Mr. Speaker, this is the best quarterly performance since 1998, as I'm advised by the Minister of Agriculture. (Applause) The production and productivity programme of the Ministry of Agriculture, through best practices, have helped farmers to mitigate the effects of the unfavourable weather conditions which affected crop establishments and yields throughout the year. The Minister of Agriculture has shown what hard work, commitment to our farmers and vision can do.

A Government MEMBER: Hear, hear!

Mr. SHAW: The sector is now poised for growth, as we see demand for agro-processing and more linkages between farmers and the hospitality sector grow. (Applause) And, Mr. Speaker, I want to thank the Minister for journeying with me to Coleyville yesterday in my constituency...

Opposition MEMBER: How you got there?

Mr. SHAW: ...where we launched an innovative programme for the construction of a modern storage, grading and packaging facility that will be used...

(Sotto voce comments)

...it will be used to work with the farmers, both in greenhouse technology as well as open-field technology, where the farmers can get their produce nicely graded, washed, properly prepared and packaged for sale to the tourism and the supermarket sectors, among other things. (Applause) And this is a unique joint venture between Jamaica Producers and the Christiana Potato Growers' Corporation. And we love the label. The label is, '**Christiana Pride**'. Ah love it. (Laughter)(Applause)

When the first package of **Christiana Pride** is ready I am gonna hand one to the Leader of the Opposition, myself. (Laughter) (Applause) Mr. Speaker...

(Inaudible comments by Government Members)

Mr. SHAW: ...We might have to send you back to yuh seat, you know.

(Referring to Mr. Buchanan)

Government MEMBERS: Yes.

Mr. SHAW: Mr. Speaker, in terms of the Balance of Payments. The balance of payments data available for the period April to December, showed a Current Account deficit of US\$947 Million, representing a deterioration of US\$35 Million, relative to the comparable period of the previous Fiscal Year. This reflected an increase in the merchandise trade deficit and the impact of which was partly offset by improvement in the services account.

The growth in imports largely reflected an increase of 9% in spending on fuel imports, the decline in exports largely as a result of a fall in non-traditional exports, and was related to a reduction of 86% in earnings from ethanol export due to the closure of two ethanol plants in the context of increases in the price of imported inputs.

In terms of the financial sector, Mr. Speaker, within the stabilization thrust, significant progress was made in the last Fiscal Year, as it relates to planned reform of this sector.

The concept paper for an ‘Omnibus Statute’ was finalized in 2010. This will effectively consolidate the existing Banking Act, the Financial Institutions Act and the Bank of Jamaica (Building Societies) Regulations into a single piece of legislation.

Cabinet also approved the drafting of legislation which will assign institutional responsibility for the oversight of financial system stability to the Bank of Jamaica.

The Credit Reporting Act was passed and took effect from October 1; and so far there are three applications to the Bank of Jamaica for the operation of a Credit Bureau in Jamaica. Mr. Speaker, we hope that at least one Bureau will be in operation, with the implication for lending to micro and small business will then become quite revolutionary as the access to funding to these persons should be easier and made more affordable.

Mr. Speaker, as the House may recall, early in the global financial crisis, the Bank of Jamaica created a special lending window for members of the financial sector who had cross-border investments. They were subject to margin calls.

I am very pleased to announce that the facility of US\$175 Million, which was loaned to mainly members of the securities dealers groups has now been fully repaid by the sector. (Applause) Our financial sector has survived the crisis and is now ready to grow again.

I can now state that despite the debt burden, natural disasters and a hostile global economic environment, interest rates are trending down, the foreign exchange market is stable, the NIR is stable, there is foreign exchange to fund investment and growth, the rate of decline in the economy has slowed, showing new signs of growth and inflation has moderated.

The Jamaican economy has shown signs of stability, setting the stage for new investment and growth in the economy.

(Inaudible) (Applause)

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Mr. Speaker, many wealthier countries have similar challenges as we do. But unlike these other countries, we have not defaulted on debt, we have not embarked on massive cuts in the public sector, we have not cut our special assistance programme for the needy. In fact, we have increased our assistance for the PATH programme. (Applause) We have increased to unprecedented levels our assistance for the School Feeding Programme and other programmes through the CHASE Fund and the Constituency Development Fund...

Mr. BUCHANAN: You know dat! You know dat! You more than anybody else know dat is not true.

Mr. SHAW: ...and the Jamaica Social Investment Fund.

(Inaudible comments by Mr. Buchanan)

Mr. SHAW: Mr. Speaker, I can say that in terms of the preservation of the social safety net, despite the challenges on the revenue side, we have not only preserved these social programmes, we have significantly expanded these programmes for the needy. (Applause)

In all of this, Mr. Speaker, when compared with other territories, we have remained calm and have sought to implement strategies that will create a future of growth. The journey has only started. But it is a step in the right direction, a process that we have started and we intend to complete, Mr. Speaker. (Applause)

Mr. BUCHANAN: An' you leave out poverty!

Mr. SHAW: We might have to send him back to Westmoreland.

Mr. Speaker, I now turn to the second major area of my presentation, having spoken about stabilization because it's important. If

you are in trouble, if you sick, if you have emergency, and you go to the emergency room you have to be stabilized. This economy was sick. We have had to stabilize the sick economy. (Applause) Now that we have proven and demonstrated with the help of all our stakeholders, including those who were involved in the debt exchange and the business community, everybody, the manufacturers, the hoteliers, everybody, we are all working together. We have gotten stability now.

Now, Mr. Speaker, we must turn our attention to go for growth in the economy. (Applause) And in that context, I will present the medium-term macro economic framework and then speak on the role of Government in the quest for growth in the Jamaican economy. It is an issue that I have been challenged to speak about and this is why I have changed the structure of the speech, because now I want to speak about the fundamental pulse points of growth, Mr. Speaker, that relate to a broad range of issues.

The macro-economic profile, it speaks to quality of governance, including higher levels of transparency in governance that can build the level of confidence that we need in the economy. And then it speaks to the kind of public sector investment that is taking place, both in Central Government and in terms of the selected public bodies investment as well. And those are the programmes I'll speak about within the context of this growth programme.

Mr. BUCHANAN: You know 'bout transparency? Spell the word.

(Inaudible comments by Mr. Buchanan)

Mr. SHAW: Mr. Speaker, as you know, the medium-term macroeconomic programme is supported by the IMF and the other multilateral institutions and forms part of the

basis for the country's medium-term socio-economic policy framework towards achieving the objectives of the National Development Plan, the Vision 20/30 for Jamaica.

Our broad strategic priorities from 2011/12 and through the medium-term are economic growth, job creation and competitiveness in the economy that is underpinned by crime reduction, tax reform and public sector transformation, Mr. Speaker.

Government MEMBER: Hear, hear!

Mr. SHAW: These priority areas complement our commitment to balancing the fiscal accounts over the time as a necessary condition toward creating more fiscal space for investment, mainly in the areas of national security, health, education and public infrastructure.

Economic growth of 1.5% is targeted for this fiscal year. It is a modest growth target. I prefer that we start modestly. And it is my intention that with the signs that I've seen and with the hard work that we are all committed to, it is quite likely that we will exceed that modest targeted projection of 1.5%. And it is expected to increase to 2% over the next two years after that. My comment also is that I am deliberately erring and the Bank of Jamaica and those who are responsible are erring on the side of conservatism in projecting the growth, given the difficult circumstances that we have faced.

The improved performance in the domestic economic activity is predicated on recovery in the global economy, particularly for the United States as the recession is expected to end in 2011.

In addition, the expected reopening of WINDALCO's Kirkvine plant by the middle of this year and ALPART, next year, provides significant growth impetus over the medium-term and we also expect growth in agriculture and tourism.

Inflation has been moderating, and having come within the target for this Fiscal Year, the projections have been revised downwards to 7% for this Fiscal Year, the new Fiscal Year, and 6.5% for each of the fiscal years going forward 2012/13 and 2013/14.

The Net International Reserves level is projected to remain around US\$2 Billion level. The fiscal targets laid on the table today will be aggressively pursued to demonstrate the Government's unyielding commitment to fiscal adjustment in a manner that the country has not seen for a long time.

The medium-term programme projects, Mr. Speaker, a fiscal deficit of 4.6% of GDP towards a balanced budget in 2015/2016.

Over the past year, fiscal policy has been carefully reviewed and evaluated with an emphasis on tax policy. Over the years numerous studies on tax policy have been undertaken. The Government is not short of proposals. Action must now be taken. Proposals must now be implemented to create a real and concrete basis towards our aim of eliminating the overall public sector deficit during the medium term and getting our debt ratios down.

The Government must begin to use fiscal policy, not just to support itself, but to promote economic stability and growth in the economy. There will be further details on the discussion of tax policy in this presentation.

Mr. Speaker, I turn briefly now to look at

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the role of certain entities in the economic restructuring programme and this includes the divestment of loss making public entities.

In terms of the Clarendon Alumina Production, the Government of Jamaica is now in negotiation for the sale of Claremont Alumina Partners or production which is the 45% ownership that we have in JAMALCO. Further details will be provided in due course. We simply cannot continue to subsidize the operations of CAP, Mr. Speaker, including an iniquitous forward sale agreement that is an albatross around our necks. Since becoming Finance Minister we have had to fork out over US\$230 Million to subsidize this contract for CAP. We cannot continue to subsidize this operation. (Applause)

In terms of the sugar divestment process...

(Sotto voce comments by Members)

Mr. GALLIMORE: Legacy.

Mr. SHAW: In terms of the sugar divestment process, the Government has made significant progress in implementing its revised sugar adaptation strategy. Having divested the first two public sector sugar estates in 2009, in July of last year, the Prime Minister signed the agreements which initiated the divestment of the three remaining Government of Jamaica estates Frome, Monymusk and Bernard Lodge to COMPLANT International Sugar Industry Company of China.

Some US\$150 Million is now to be spent on refurbishing factories and fields and eventually another US\$200 Million will be used to build a 200,000 tonne sugar refinery. These are the levels of investment that are proposed in relation to the divested Sugar Company of Jamaica, Mr. Speaker.

The Government-owned factories used to incur operational losses of an average of \$1 Billion per year, and a cash loss of over \$2 Billion per year. And we, the taxpayers have had to be covering and subsidizing the cost of the Sugar Company of Jamaica. That is now behind us we have divested the Sugar Company of Jamaica. (Applause)

In terms of Air Jamaica, Mr. Speaker, Air Jamaica and the period of the transition with Caribbean Airlines is scheduled to close at the end of this week, the 30th of April. The transition period was necessary to ensure that control of Air Jamaica Limited operations was successfully transferred to Caribbean Airlines while allowing the time necessary for Caribbean Airlines to secure the necessary licences and properly integrate the operations.

As of today, we have so far had a successful operation and CAL has secured the rights to fly from Jamaica to North America, and has made significant progress in integrating both operations into one while maintaining the strong Air Jamaica brand. The country also has benefitted as we have not seen any disruption to airlift capacity and the Government has avoided accruing any additional losses from Air Jamaica.

Liquidation of the majority of the external payables, which includes the amount of US\$31 Million to the internal revenue service of the United States has been done, with which we received a refund, in fact, of some US\$2.4 Million based on the fact that we made efforts to liquidate expeditiously and earlier than anticipated. (Applause)

By the end of April 2011, we would have returned four of the six (6) leased aircraft base on negotiated early returns which have saved

us significant future liabilities. And that has been so because Caribbean Airlines themselves have already put into the fleet some five (5) new Boeing aircraft that they have painted with Air Jamaica colours, Mr. Speaker, and they have plans to put in a 7-87 Dream Liner that will go to London once the London route has been reestablished.

Mr. Speaker, it should be noted that last fiscal year the Government budgeted US\$204 Million - US\$17 Billion to pay out certain external payables and we paid out only \$163 Million, we were therefore able to apply the difference to pay off a long term loan, and thereby save hundreds of thousands of US dollars in interest payments. This is consistent with the way we have treated with the IRS liability that is, choosing to pay it off where possible thereby saving taxpayers money.

Agreement has been reached on all the issues involved in Air Jamaica/Caribbean Airlines merger and it is anticipated that the shareholders agreement will be signed by the due date of April 30, which is a couple days away.

In terms, Mr. Speaker, of other public sector entities, in terms of the investment in infrastructure, for the last four years I have made the performance of the public sector entities a major item in my speeches to this Honourable House. In April 2006, the major public sector entities had employment of some 19,000 workers with assets of \$502 Billion. Transfers to the Central Government from these entities total \$14 Billion. The projections for 2012 are that these agencies will have an asset base of \$834 Billion. Assets have been increased by 60% over the period and transfers to Central Government are expected to be \$24 Billion, or increase of 72%. (Applause)

You may recall the March 2010, the Public Bodies Management Accountability Act to establish a fiscal responsibility framework for Jamaica. We amended the Act. One of the requirements of this Act is the presentation, Mr. Speaker, of a combined budget of the Public Bodies and Central Government. The first presentation of this new budgetary requirement was made last year. This year the combined expenditure budget is \$987 Billion. In other words, it is not just the \$544 Billion that is in the Central Government expenditure, but you must add to that the \$469 Billion or so in the public sector expenditure for a grand total expenditure of almost \$1 Trillion in this fiscal year, an increase of 13% over last year.

In 2010, total capital expenditure, this is important, capital expenditure now by the public sector entities was \$72 Billion. The projection for 2011 and 2012 is moving up to \$89 Billion, Mr. Speaker, or an increase of 24%, and most of the projected expenditure will be in the country, on the country's road, water, housing infrastructure and urban renewal. Mr. Speaker, when this expenditure is combined with the \$60 Billion in non-debt capital expenditure of the Central Government, it totals a whopping \$149 Billion of capital expenditure, the largest expenditure of capital in the history of Jamaica. (Applause)

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

Mr. HOLNESS: Mr. Speaker, I would like to move for the suspension of Standing Orders to enable the Member to complete his presentation.

The SPEAKER: Members, the motion before the House is for the suspension of the

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Standing Order to allow the Member to complete his presentation.

Motion put to the House and agreed to.

The SPEAKER: Minister Shaw.

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

Mr. Speaker, in terms of the Road Maintenance Fund, which has been the subject of some kind of contrived controversy; the objectives of the Road Maintenance Fund are to overall, upgrade and improve the main and parochial road network throughout the island. The overall intention is to keep the island's main road network at internationally acceptable standards. Maintenance programmes are geared towards pothole elimination, cleaning of drains, the timely repair to bridges and roads and pedestrian crossings, thus enhancing general road safety. Consequently, the RMF were commissioned to implement the Jamaica Development Infrastructure Programme to facilitate improvement of the roads and foster economic growth and development.

It is important for me to point out, Mr. Speaker, contrary to the impression being conveyed by others, that under the JDIP projects are designed by the National Works Agency, and are supervised by them and are expected to be executed over five (5) years at a cost of US\$400 Million, 85% of which comes from the EXIM Bank of China, US\$340 Million and the remaining 15% from the Government of Jamaica and the Road Maintenance Fund Resources and part of that of course has to do with the fuel tax.

We have mentioned the main areas of focus, and the Government stands ready to provide all of the details on every single road that is ear-marked for repairs, Mr. Speaker.

There is nothing to hide. The information is available and will be provided. (Applause)

Government MEMBERS: Walk out, walk out!

Mr. SHAW: Mr. Speaker, I wish to stress, I wish to stress, Mr. Speaker, that in addition to the 20% fuel cess of \$1.3 Billion and the proceeds of the motor vehicle licences of some \$738 Million, the Government of Jamaica has budgeted an additional \$750 Million in support for the RMF to ensure financing of 15% down payment on the US\$100 Million to be spent this year. And \$800 million to finance interest costs on the JDIP loan and the PetroCaribe loans as well as administrative and routine road maintenance by the RMF.

I must stress that notwithstanding the public pestering on this issue, for the second year, the summaries of expenditure under this programme is published in the Public Bodies Document. It is, Mr. Speaker, it is transparent unlike the previous default financing programme that used to be had. (Applause)

Government MEMBER: Come out, come out!

Mr. SHAW: Mr. Speaker, I well recall when I was sitting on that side, and there was Standing Finance Committee, and the then Minister of Transport and Works was sitting there and I asked him for the details on the roads under the Deferred Financing Programme and he waved his hand and said sure, sure, you will get it. I never got it. But two years later, Mr. Speaker, Mr. Speaker, two years later...

(Cross talk)

Mr. SHAW: Two years later, we found out – Mr. Speaker, two years later we found out when it came on the budget, like a

Nicodemus coming on to the budget, we found out that the Hope Road was financed at an interest rate of 24%, a national scandal to finance road at that rate of interest. (Applause)

Mr. Speaker...

Government MEMBERS: Shame, shame!

(Cross talk)

Mr. SHAW: Mr. Speaker, the National Water Commission will commence a revised three-year operational plan this year. But suffice to say, Mr. Speaker, the Water Commission will spend \$10 Billion this year compared with \$6 Billion last year. And we have added \$500 Million into the *Central Government Capital A* to allow the Water Commission, in addition to the big mega projects to be able to deal with a series of Minor Water Supply projects all across the island. (Applause)

Mr. Speaker, I want to briefly summarise the work of the EX-IM Bank, PetroCaribe, the Jamaica Mortgage Bank and the Students' Loan Bureau, because all of these are critical, Mr. Speaker, to the growth programme on which we are embarking.

A MEMBER: Yes, yes!

Mr. SHAW: Because you have to grow roads, you have to grow water, you have to grow financing programmes for export, you have to use PetroCaribe money efficiently, you have to use mortgage money to get lower priced mortgages to the market and you have to grow the minds of our children through the Students' Loan Bureau. It's all part of the growth programme. (Applause)

(Cross talks)

Mr. ROBERTSON: Talk, talk!

Mr. SHAW: I wish to highlight that in terms of the National Export-Import Bank, I'm very proud of the work that they are doing under the leadership of Butch Hendricks and the Board...

A MEMBER: Hear, hear!

(Applause)

Mr. SHAW: ...as well as Lisa - the new Managing Director - Lisa Bell, formerly of JAMPRO and now at EX-IM Bank. They are doing an absolutely fantastic job. (Applause) We are increasing loan funding, and until the commercial banks start to step up to the plate, EX-IM Bank running them hot with low interest loans at 7% interest rate on United States Dollar loans being offered by the EX-IM Bank of Jamaica today. (Applause)

For this new year, they are sourcing US\$50 Million from the IDB, US\$50 Million from the EX-IM Bank of China and additional funds from the PetroCaribe Fund at my instruction.

MEMBERS: Yes.

Mr. SHAW: Because unlike in the past where we have used PetroCaribe funds, Mr. Speaker, to top up loss making public entities; knowing that they will never be able to service those loans. We are redirecting PetroCaribe funds to projects that are sustainable and that can pay back the PetroCaribe Fund, the money that needs to be paid. (Applause)

A MEMBER: Teach him teacher.

Mr. E. SMITH: Omar yu hear? Yu getting yu lesson Omar?

A MEMBER: World class.

Mr. SHAW: So, Mr. Speaker...

A MEMBER: Teach him teacher.

Mr. SHAW: ...my mandate to the EX-IM Bank is that we must find innovative and

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creative ways of providing financing to the small and medium exporters. In addition, as lenders, the EX-IM Bank must provide better advisory services to these exporters because they are critical to the future growth strategy.

In terms of the PetroCaribe Fund, during the last year, it continued to play a pivotal role in financing the country's economic and social development. At the end of March of this year, a total of US\$1.4 Million or approximately J\$120 Billion accrued to Jamaica under this agreement. This represents the largest source of concessional loan funds available to the Government of Jamaica. The benefits to the public finances and to the macro-economic programme continue to be significant. And I take the opportunity once again, Mr. Speaker, to express our deep appreciation to PRESIDENT HUGO CHAVEZ and the Government and people of Venezuela for their generosity. (Applause)

Dr. DAVIES: PetroCaribe?

Mr. PICKERSGILL: The same man dem weh yu cuss, the same man dem weh yu cuss.

Mr. SHAW: Mr. Speaker, we are sure, we are sure, that President Chavez, when he looks at the profile of the responsible expenditure by this Government of the PetroCaribe Fund he will be very proud of how we are operating. (Applause)

Mr. BUCHANAN: Yu remember wha yu sey?

Mr. SHAW: You know, Mr. Speaker, I'm exercising great tolerance but I might have to ask you to put a silencer on that man from the West. (Laughter)

A MEMBER: Yes.

Mr. BUCHANAN: A reminding yu wha yu sey.

A MEMBER: A silencer?

Mr. SHAW: A silencer.

(Cross talks/laughter)

Mr. SHAW: Mr. Speaker, the PetroCaribe Fund for this fiscal year will make available a total \$28 Billion in loan financing to Central Government and self-financing public bodies. The Fund will also play a critical role in financing the implementation of two important programmes which are consistent with national development.

The establishment of a sustainable long-term-model at the Students' Loan Bureau, they are to lend money to the Students' Loan. (Applause) And PetroCaribe Funds will also, Mr. Speaker, be directed at the implementation of an ambitious Community Development plan, named the Community Renewal Programme, which is a part of the Government Growth Inducement Plan. Its objective is the development of human capital and the expansion of economic opportunities for our most vulnerable in both urban and rural communities. (Applause) It will include the promotion of entrepreneurship and capacity building for micro and small enterprises, while the rural development projects will support innovative agriculture projects and promote food self-sufficiency.

Mr. Speaker, this Administration is mindful of the fact that PetroCaribe is, at core, a regional development fund. It is for this reason that I'm proud that Jamaica is utilising it to accomplish its true purpose - that of empowering Jamaicans to achieve their fullest potential and thereby contributing to the achievement of a prosperous economy. And I commend MRS. SHARON WEBBER and her team for their continued dedication. (Applause)

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At the Student's Loan Bureau a new Board was installed in the last fiscal year and an acting Executive Director on secondment from the Bank of Jamaica. We thank the Governor for seconding Miss Brown from the Bank of Jamaica to the Students' Loan Bureau, and she's been doing a very good job there along with the Board. Notwithstanding previous challenges the Board increased its disbursements in the past year by 15% or writing 1300 new loans last year. (Applause)

You would understand, Mr. Speaker, as a Member of Parliament, the Students' Loan Bureau holds a special place in my heart. It is for this reason that I'm pleased to report that the Bureau is in the process of implementing a new sustainable, long-term model which will provide more affordable financing to students. Interim policies have also been implemented. We are working with the Minister of Education in looking at some creative products of how we can get more funds into the hands of students, and we are awaiting the results of an actuarial review that is now in progress. But they are interim policies that we are putting in place:

- Reduction in interest rates;
- effective April 1, interest rates will be reduced from 12% to 9% effective April 1 of this year; (Applause)
- and I want to indicate that by September of this year we will review that interest rate again and we're gonna make sure that the interest rate is not add-on, but it is on the reducing balance.

(Applause)

Mr. Speaker, we are reducing the insurance premiums from \$1.50 per \$1,000 of loan to \$1.00 per \$1,000 of loan. And this is

significant as in some instances the insurance cost represents over 40% of the total monthly payment for the students. (Applause)

(MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

Mr. Speaker, for example, a person who borrows \$500,000 for a period of study, the interest saving on this policy change would be \$195,000. But more importantly, the monthly payment will move from \$9,200 per month to \$5,000 per month - a reduction, Mr. Speaker, of 45% to the students. (Applause)

In terms of the Jamaica Mortgage Bank, the fiscal year just passed was a significant one for the Mortgage Bank. The Bank recorded un-audited copy of \$130 Million against a projection of \$52 Million.

The objective is to create an entity and to build it out, that will play a more aggressive role in the secondary mortgage market, Mr. Speaker. There's a new business model that is being developed at the Jamaica Mortgage Bank and it is based on accessing low-cost funding to on-lend to developers for housing construction and to the financial intermediaries to originate mortgages. We are going back to its original mandate when it was established in 1971.

On April 13, 2011, the Bank officially re-started its Secondary Mortgage Market Facility with \$2 Billion of tax-free bonds. Lower interest rates brought about by the JDX has been of significant assistance in helping the facility provide low-cost funds for on-lending to Building Societies and Credit Unions. They have already led the way in joint venture with a credit union to introduce a mortgage instrument at 11.95% interest rate, Mr. Speaker.

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With regard to future funding, the Bank is seeking approval to issue up to \$35 Billion in tax-free bonds over a seven-year period to help drive the construction of affordable housing solution with lower mortgage rates. (Applause)

Mr. Speaker, I must speak to the role of the multilateral institutions in the growth programme of the Government of Jamaica and the country of Jamaica. The Government continues to seek financing from Multilateral Development Institutions to support key strategic medium term development objectives of the Vision 20/30 Jamaica - National Development Plan. For 2010, concessional loans totalled US\$850 Million. These were borrowed from the IDB, World Bank and CDB and in addition, they provided grant support of US\$53 Million.

Multilateral financing continues to support the government's various reform initiatives being undertaken to improve public sector governance, fiscal and debt management, and tax reform, among others. The interest rates at which these loans were accessed ranged between ½% to 2% interest rate, Mr. Speaker. (Applause)

The IDB remained the largest source of development loan funding as evidenced by the six policy-based loans for budget support totalling US\$600 Million, which was negotiated and disbursed last year. Loans for budget support negotiated with the World Bank was US\$200 Million at interest rate of .63% interest rate from the World Bank. (Applause)

The high level of support provided by Multilaterals in last year, complemented the IMF initiatives and is an indication, Mr. Speaker, and must not be taken for granted of

the strong confidence which these agencies have in the policies of the Government of Jamaica. (Applause)

Since coming to power, this country has received a record US\$1.9 Billion in budget support and investment financing from our Multilateral development partners.

They are expected to provide budget support financing totalling US\$553 Million during the fiscal year 2011 and 2012.

And, Mr. Speaker, I must speak - you know, Mr. Speaker, we mustn't take - when I was on that side...

Mr. BUNTING: Yu soon come back.

Mr. SHAW: ...and I said we could get 3% money, Mr. Speaker, and I remember when I became Minister of Finance and certain voices said I couldn't do my job...

Mr. HOLNESS: Yes.

Mr. SHAW: ...and when I went to Washington - the first after two months of being Minister and I came back, my worthy opponent on the other side - the world-class man, you know the man we talking bout - he said to me across the floor, 'yu bring back di 3% money yet? Well the rest as they say, is history. (Applause/Laughter)

Mr. PERALTO: And yu still bringing more.

Mr. SHAW: Mr. Speaker, I could not leave the discussion of Multilaterals without expressing the gratitude of the Government and people of Jamaica to the European Union, for the work and support, consistent support, that they've provided to the Government of Jamaica. (Applause)

During last year, a total of Eighty-One Million Euros, (€81M), Nine point Four Billion Jamaican Dollars, (\$9.4B), was disbursed, of which, Budget Support Payments

accounted for Sixty-five Million, (\$65M), or Seven point Six Billion Jamaican, (\$7.6B).

Budget Support Programmes include the Debt Reduction and Growth Enhancement Programme, the Security Sector Reform, and the Sugar Adaptation Programme. The focus of the EU on Budget Support as a modality for delivery of its aid to Jamaica, is evidence of a maturing partnership.

Other projects within the cooperation programme include the Poverty Reduction Programme 2, which is implemented by the Jamaica Social Investment Fund; the Banana Support Programme, implemented by the Rural Agricultural Development Authority, the Climate Change Adaptation and Risk Reduction Project, which is being implemented by the United Nations Environment Programme, in collaboration with the Planning Institute of Jamaica. The EU has disbursed to Jamaica a total of Euro Two Hundred and Forty-six Million, (€246M), or Twenty-seven Billion Jamaican Dollars, (\$27B), in grant resources over the period 2007 to 2010. (Applause)

And I want to thank the Multilaterals and the – our European Union and our bilateral partners, who, many of them give their support through the multilateral institutions, Mr. Speaker. And of course, we also have strong bilateral support from many of them. And they are here with us today, and I want to convey to them the gratitude of the Government and people of Jamaica. (Applause)

I now turn briefly, Mr. Speaker, to what I call Good Governance Policies, Good Governance Policies.

Mr. M. PEART: You gone inna theory now.

Mr. SHAW: Gone in theory? That's because you are unfamiliar with what we are doing, in terms of good governance, on this side. (Laughter/Applause) And it is because of your unfamiliarity why you get up and walk out, because you don't understand...

Government MEMBERS: Yes! (Applause)

Mr. SHAW: ...the transparency that's going on in here. (Applause)

Mr. BUCHANAN: World class foolishness on that side!

Mr. SHAW: Now, if my friend from Manchester wishes to say anything more, I will yield.

Mr. Speaker, the Government has embarked...

(Sotto voce comments)

...the Government has embarked, Mr. Speaker, on a series of policy considerations and changes which are geared toward practices of good governance.

Good governance embodies processes that are participatory, that are consensus oriented, that are accountable, that are transparent, responsive, effective and efficient...

MEMBERS: Talk! Talk!

Mr. SHAW: ...equitable and inclusive, and which follow the rule of law! That is good governance strategy! (Applause)

Dr. DAVIES: Why you quarrelling? Why you quarrelling?

Mr. SHAW: I now will spend just a little time in outlining some of these practices that are being pursued.

Dr. DAVIES: Don't quarrel.

Mr. SHAW: Mr. Speaker, you will recall that a Fiscal Responsibility Framework was adopted by this Government, passed into law in March of last year. The Financial

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Administration and Audit Act, and the Public Bodies Management and Accountability Act, are to be amended to incorporate the parameters for achieving fiscal responsibility and prudence. The amendment to the FAA Act provides for the Minister responsible for finance to lay before both Houses of Parliament, a Fiscal Policy Paper.

And, Mr. Speaker, I want to here point out that although the Bill is on the Table of Parliament, we did not wait for the passage of the legislation. It calls for the tabling of a Fiscal Policy Paper. And I want to here announce that we have tabled the Fiscal Policy Paper today in Parliament. (Applause)

The Fiscal Policy Paper sets out a Macroeconomic Framework, a Fiscal Responsibility Statement, and a Fiscal Management Strategy, even though the amendments to this Act, as I have said, we have tabled it.

Now, the Macroeconomic Framework presents an overview of the performance over the period 09/10 to 10/11, and it focuses on developments in the Real Sector, Labour Market, Monetary Sector, External Sector, and provides a background to the economic challenges that culminated in the Standby Agreement. And the Framework also details the key assumptions that will inform the development of the Estimates of Revenue and Expenditure, and the debt trajectory over the medium term.

The Fiscal Responsibility Statement is a statement of intent and commitment, with a signed declaration by the Minister responsible for finance, stating that in pursuing policy objectives, he will adhere to the principles of prudent fiscal management. The Fiscal

Responsibility Statement specifies a menu of revenue and expenditure measures needed to close the fiscal gap and ensure achievement of key fiscal targets. These include:

- Tax Reform, both policy and administration;
- Pension Reform – implementation of a contributory pension scheme;
- Public Sector Transformation – to generate efficiencies and contain growth in the wage bill;
- better management and closer monitoring of expenditure through effective use of the Project Prioritization Tool, implementation of the Fiscal Responsibility Framework and enforcement of sanctions; and
- continuous assessment and management of fiscal risks and contingent liabilities.

So, the difference is, Mr. Speaker, the difference is, that in the past we have seen a piece of paper handed out, and it has been called the Medium-Term Programme – numbers. What the Policy Paper does now, that just doesn't give numbers. We state in words, specific, line by line, subject by subject, the programme for the medium term. (Applause)

The third piece of document that is a part of the Fiscal Policy Paper, is the Fiscal Management Strategy, which presents an overview of fiscal performance over the period, for the Central Government and the Public Bodies. The Fiscal Management Strategy also provides an assessment of the projected finances of the Government over the medium term. The strategies, specifically with respect to revenue and expenditure

measures, are designed to indicate how they will ensure achievement of the fiscal and debt targets.

Mr. Speaker, the Paper, as I said, has been laid in this Honourable House for all to peruse. The propositions presented here are consistent with the novel conceptual framework of the Fiscal Responsibility Framework, with respect to the control of public debt, the requirement for public sector solvency. The international experience has demonstrated that countries facing similar problems like ours have also gained credibility by the adoption of a well-designed Fiscal Responsibility Framework, underpinned by transparency and fiscal rules, and espousing the fundamental principles, the following:

- prevention of high and recurrent fiscal deficits, by striking the balance between the citizen's aspirations towards public expenditures and the resources available for financing them; (Applause)
- targeting of public debt at prudent levels, compatible with revenues and public assets, while providing a safety margin to absorb the effects of contingent liabilities and other fiscal risks;
- adoption of a reasonable tax burden and a stable tax policy;
- preservation of public assets, including the proper maintenance, at a level compatible with the role assigned to the State;
- transparency in the production and dissemination of documents concerning the budget, its execution and its accounting.

And, Mr. Speaker, let me indicate that for the first time we are also tabling another document. We table a Tax Expenditure Statement, a Tax Expenditure Statement, which is here. And I will explain to you what that is all about, because this Statement is in conformity, also, with the proposed amendments to the law.

Tax expenditure is essentially any provision by Government, that results in a reduction of tax for a specific type of taxpayer or activity. The Tax Expenditure Statement in this context, contains details of various expenditures, including exemptions, including statutory exemptions, as well, deductions, credits granted in the Calendar Year preceding the previous Financial Year. In this instance, the Tax Expenditure estimates presented this afternoon are for the calendar period 2007/2009.

A Tax Expenditure Budget, which essentially provides an overall estimate of the revenue foregone, is a useful tool – tax policy planning tool, as it helps to identify how much the various exemptions, deductions are potentially costing the Government and the country annually. This information will ultimately assist in determining a sustainable medium-term framework.

The Tax Expenditure Budget assists policy makers in determining areas where the revenue foregone is significant. Moreover, it is useful in the sense that it also gives an estimate of the various expenditures, other than direct spending that Government undertook on various programmes and initiatives.

Mr. Speaker, I have seen various news reports about tax waivers that have been

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presented. And unlike the previous Administration, since 2010, the Government of Jamaica has published all waivers on its website. This is part of our commitment to transparency, Mr. Speaker. (Applause)

Mr. PERALTO: You hear dat, Dean? Go on the website! You can use website?

(Cross talk)

Mr. SHAW: Mr. Speaker, I can indicate to you that the medium-term Tax-Reform Programme, which I will speak to shortly, will – part of that strategy is that it is going to lead to a phased reduction of the amount of waivers that are granted, whether by discretionary means or by statutory means. That will be a part of the broader programme of Tax Reform.

Let me speak - as I wrap up this section on Good Governance – we have introduced a Central Treasury Management System, Mr. Speaker. I am pleased to announce that the Government has decisively begun its move towards a modern, Central Treasury Management System, and has begun the series of strategic improvement. It will create a Treasury Single Account to better manage the cash resources of Government. The new system will be managed by accounting codes, thus eliminating the need for hundreds of separate bank accounts currently used to segregate Government funds. The ultimate objective is more efficient management of Government cash resources.

When the Central Treasury Management System is working properly you could never have a situation as developed at the St. Ann's Bay Hospital, where we were told that Two Million Dollars, (\$2M) was held in an account that was dormant for twenty (20) years.

This Central Treasury Management

System, Mr. Speaker, will make sure that that sort of waste of Government resources does not happen again. (Applause)

(*Sotto voce* comment from Mr. D. Peart)

Mr. SHAW: So far, in terms of the – you don't even understand what you are talking about! Keep quiet! (Laughter)

Government MEMBER: You don't even understand!

(Heckling/cross talk)

Mr. SHAW: Mr. Speaker, Mr. Speaker, achievements so far this year include a process improvement to the payroll mechanism. Mr. Speaker, an improvement to the payroll mechanism began in January, was improved in February. The improvements in this have reduced the number of steps required for the funding of the payroll accounts, and the time to fund the accounts ahead of pay day, and has been reduced from five days to two days, resulting in savings of millions and millions of dollars. (Applause) Where the bank could rinse your money overnight, it's not happening again under this new system.

Mr. BUCHANAN: Mr. Speaker...

Mr. SHAW: Government utility payments for the National Water Commission...

Government MEMBERS: Sit down! Sit down! (Cross talk)

Mr. D. PEART: Point of Order.

The SPEAKER: What is the point of order?

Mr. BUCHANAN: Mr. Speaker, under section 50 - 32(11) – and it says - the Standing Orders, Mr. Speaker, says:

“A Member shall not read his speech, but he may read extracts from written or printed papers...”

(Heckling)

Government MEMBERS: No! No! Sit down! (Shouting)

The SPEAKER: Sit, Mr. Buchanan. Mr. Buchanan, sit.

Mr. BUCHANAN: What is the ruling, Mr. Speaker?

(Heckling)

The SPEAKER: Mr. Shaw, continue. Continue, Mr. Shaw.

(Cross talk/heckling)

Mr. SHAW: Mr. Speaker, as you know I have never been one that shies away from extemporaneous delivery.

(Laughter)

That is when I have my most fun. Unfortunately, do we have another four hours to be here today? Mr. Speaker, I only am making copious reference to the notes that I have.

(Laughter/Applause)

But you know, Mr. Speaker, the young man who got up on the point of order is a young man that I attended a seminar with in London, and I'm a little bit disappointed that he doesn't appear to have absorbed much of the training that he got there.

(Inaudible comment)

(Laughter/Applause)

Mr. Speaker, the second area of benefit under the Treasury Management System is that government utility payments for the National Water Commission and the Jamaica Public Service Company have been centralized through the Accountant General's Department and are working well. Instead of multiple checks being made to the utility companies, the Accountant General's Department now collates and makes the payment. The activity adds to the already

centralized payments through the department with debt, payroll, utilities and statutory deductions which began some six years ago; approximately eighty per cent (80%) of payments are now made through the system. It will also assist us in reducing the persistent arrears that developed in Central Government financing, Mr. Speaker.

Briefly, I turn to Debt Management. At the close of the fiscal year, Jamaica's total public debt increased to \$1.57 Billion - Trillion Dollars compared with \$1.434 Trillion at the end of March 2010. This represented a 9.5 per cent increase in nominal terms. However, the debt-to-GDP ratio declined to 128.3 per cent from 129.3 per cent at the end of fiscal year 2009/10.

The stock movement over the review period was attributable to:

- Financing of the financial deficit;
- Disbursements on existing external loans;
- Assumption of debt of the Sugar Company of Jamaica;
- Issue of securities to the Bank of Jamaica for capitalized interest on former FINSAC Bonds; and the
- Assumption of Air Jamaica debts. Mr. Speaker.

You will recall that on February 14, of this year the Government successfully executed the placement of the largest single transaction in our history where we tapped our eight per cent Eurobond due 2019 for an additional US\$400 Million, to bring the total amount to US\$750 Million with final demand of US\$1.1 Billion—three times oversubscribed. The Government was able to replace an instrument that was out there in 2001 at 11¾ per cent.

Mr. MONTAGUE: Eleven!

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Mr. SHAW: We were able to replace it at a yield of 7.95 per cent coupon rates. (Applause)

I want to specially mention that the annual interest cost of the 2011 maturing bonds at 11.75 per cent was US\$41.1 Million, while the annual cost of the new replacement at 7.95 per cent amounts to US\$31.8 Million; freeing fiscal space of US\$9.3 Million or J\$801 Million *per annum* on one single instrument alone, Mr. Speaker.

The Debt Management Strategy document, which is laid in the House today, shows the details of our strategy and our plan to restructure the Debt Management Unit as well as to enact Debt Management Legislation which is part of the commitment of the government.

Mr. Speaker, we are committed to the reform of tax administration. In previous budget presentations, I had focused mainly on new tax revenue measures and in this year's presentation I will focus on some fundamental administrative changes; which will be made over a period of two years commencing in this fiscal year. We must change our tax culture, Mr. Speaker, and this is my objective in the next two years.

As you are aware the Bill to Revenue Administration Act was passed by this Honourable House in March, and then in the Senate. The purpose of this Act is to separate the tax administration into three distinct departments.

Firstly, the Inland Revenue Department, the Taxpayer Audit and Assessment Department and the Tax Administration Services Department will be merged into a single department called Tax Administration Jamaica. This will become effective the 1st of

May, and I'm hoping by May of next year this merged entity will be transitioned into a revenue authority with an independent Board of Directors. In most countries, such as Canada, Mexico, Trinidad and Tobago this is referred to as a Semi-Autonomous Revenue Authority.

Secondly, the Customs Department will be separated from Tax Administration and will be transitioned into an executive agency. This will commence - the process will commence on the 1st of May.

Thirdly, the Tax Appeal Department, Mr. Speaker, which used to be a part of the programme under the general supervision of the Director General of Tax Administration, will now be separated because appeals by its very nature you couldn't have people who are making decisions and the Appeals department is reporting to the same people who have already made, possibly, adverse decisions against the person who is appealing. And so we're separating the Appeals Department to become a Revenue Appeal Division under the Ministry of Finance. The primary objective is to ensure that the assessment and appeals are separated. This will become effective in May as well. It is to bring fairness - ensure that there is more fairness in the system of appeal and objectivity.

The rationale for creating a single administration agency for local taxes is to improve services to the people of Jamaica and to enhance its compliance programmes. More importantly, in this dispensation the Commissioners will be compensated on their performance both quantitatively and qualitatively. They must meet their revenue targets and the customer service requirements of the Jamaican people. They will be entrusted

with the authority to hire and terminate as they see best in meeting their targets, and not be hamstrung by any undue bureaucratic system. In the near term, the public can look forward to improved service in a number of areas:

- Same day processing for Taxpayer Registration Number Cards, TCC, GCT Certificate and Motor Vehicle titles.
- The creation of three (3) additional Tax Revenue Service centres. The new locations will be Mandeville, King Street and St. Ann. This will be in addition to Montego Bay, Constant Spring, May Pen and Spanish Town. Revenue Service centres will provide a one-stop shop service for taxpayers. The locations were determined by the needs of the local population at these locations. All taxes such as, transfer tax, stamp duty, income tax, *et cetera*, can be paid and other tax-related matters dealt with at those centres.

(Applause)

- In addition twenty-two (22) tax offices, including existing offices, will be established for the collection of tax revenue.

Mr. MONTAGUE: Hear, hear!

Mr. SHAW: In terms of the amalgamation of payroll deductions—statutory deductions, Mr. Speaker, the move to amalgamate employer's monthly statutory remittances has found favour with the business community, as they are now able to make their monthly payroll deductions using one form, one payment, one place...

(Applause)

Mr. SHAW: ...and we are now moving to simplify the process of filing employer's

annual returns by creating a single annual return form to capture information relating to PAYE, Education Tax, NIS, HEART and NHT. This new annual form will be rolled out by mid-year for full implementation in January of 2012.

(Applause)

Other changes regarding payroll deductions are also being considered, but I want to indicate that the programme of payment by e-payment and transactions electronically is something that is already well established and is in place at the Tax Department.

(Inaudible comment by Dr. Phillips)

Mr. SHAW: The Tax Administration will be introducing a National Compliance Programme in this fiscal year. Embedded in the programme will be the mandatory - this is very key, Mr. Speaker, will be the mandatory requirement for individuals to file annual Income Tax returns. The National Compliance Programme will be targeting initially, it will mandate that professionals such as doctors, lawyers, accountants, engineers declare their annual income even if they are employed in the private or public sectors. This has become necessary as studies have shown that an unacceptable percentage of persons within professional groups are grossly underreporting or not reporting their income at all, Mr. Speaker. Everybody must pay their fair share of taxes.

(Applause)

To close the tax gap of persons operating a cash economy which is an increasing phenomenon Tax Inspectors will be appointed to deal specifically with such entities. The Inspectors will be assigned to visit establishments, unannounced, to carry out spot

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audits. Additionally, persons operating on a cash basis will be required to pay over GCT collected by the fifteenth of each month.

As we move to ensure that persons pay their fair share, no more, no less, the public support will be engaged to identify persons, individuals, companies that are cheating the government of its revenue. It is not fair for some persons, such as employed captive persons paying under the PAYE system to be burdened while others are not meeting their tax obligations. However, it is difficult for the Tax Administration staff to do this alone. Tax Administration Jamaica will be introducing a mechanism for persons to confidentially call or mail in information on persons suspected of cheating the system of much needed tax revenue. A tax cheat toll free line, 1-888-292-4328, will be introduced May 1, 2011. We're inviting all well-meaning, civic-minded Jamaicans to report incidents of tax cheats. And you won't have to give your name. These reports will be confidentially received and discreetly investigated by senior officers, similar to the successful Crime Stop Programme.

If everyone, Mr. Speaker, was to pay what he or she owes, the government would have more resources to meet the ever-growing needs for education, health, national security, infrastructure, and national development. We would have a surplus of resources.

Mr. Speaker, the creation of these three departments eventually will revolutionize our tax culture in Jamaica. I'd like to thank our international partners for their assistance in creating these reforms. And these include IMF through the CARTAC programme, it include the Inter-America Development Bank, the World Bank, as well as the United

Kingdom Government through its overseas assistance programmes.

I turn now briefly to the discussion of an issue that has attracted a lot of attention, the question of electricity cost.

Mr. Speaker, the high cost of electricity continues to be a source of concern to all of us, and further underscores the need for the Government to accelerate its energy diversification programme and to embrace cheaper sources of energy. While the Opposition and other sources have called for the removal of the GCT on electricity, it is important to note that over three hundred and seventy-five thousand persons - the number is 375,823 of the users of electricity, representing seventy-four per cent of JPS customers, do not now pay any GCT on electricity.

Mr. GALLIMORE: Repeat that.

Mr. SHAW: They don't pay any General Consumption Tax on electricity. And Mr. Speaker, when we hear people speak about it sometimes it is wrong, inappropriate and mischievous to convey the impression that everybody who pays a light bill is paying General Consumption Tax on the light bill. Three hundred and seventy-five thousand eight hundred and seventy-three Jamaicans, seventy-four per cent do not pay any GCT on their light bills...

A MEMBER: What!

Another MEMBER: Mischievous!

Mr. SHAW: ...because they consume less than 200 kilowatt hours per month.

And those who have business, Mr. Speaker, are eligible to apply for a refund of GCT as an input tax. But part of the problem we have is that too many people who have businesses don't want to be a part of the

formal system. And in order to file for input tax, you need to become a part of the formal system. Listen, we need to get serious about running a formal economy. And part of a formal economy is to play by the rules and when you play by the rules you won't get shafted, under this Government.

(Applause/Laughter)

Dr. DAVIES: Stop reading and... You don't see you are better that way. Stop reading!

Mr. SHAW: Mr. Speaker...

(*Sotto voce* remarks by Opposition Members)

Dr. DAVIES: Stop reading!

Mr. SHAW: He has forgiven me. Is all right.

(*Sotto voce* remarks by Dr. Davies)

Mr. SHAW: Mr. Speaker, while this might sound trite, I must repeat that it is time for every Jamaican to do everything in his or her power to conserve on the use of electricity. (Applause) Turn off the light bulbs, simple little things, turn off the light bulbs, use energy-saving bulbs, turn on the water heater only 15 minutes before you need it - my wife is a police at my home in that respect - and engage in pool driving to work.

Dr. DAVIES: In that respect.

(Laughter)

Mr. SHAW: Yes, she is a police. Every time she see me turn on the water heater she seh I turn it off already.

(Laughter)

Dr. DAVIES: Don't explain.

Mr. SHAW: At the same time, I wish to announce that the Government intends to use the opportunity of an imminent change in the ownership structure of the Jamaica Public Service Company, to enter into dialogue on a

range of issues affecting the terms and the conditions of their operations in Jamaica. There is precedent for this, Mr. Speaker. As when Mirant sold its shares to Marubeni, significant amendments were made to the licence under which the Jamaica Public Service Company now operates. It is time for us to have further dialogue with the Jamaica Public Service Company.

(Applause)

Mr. VAZ: Who signed that licence?

Mr. SHAW: Mr. Speaker, in terms of energy conservation, a brief word on that. The Government, realizing the need for energy efficiency, has entered into a technical assistance agreement with the IDB for a grant of US\$350,000 to identify and address energy efficiency in the public sector. Following a review of previous and new energy audits, the potential savings identified is approximately US\$30 Million *per annum* requiring an investment initially of US\$113 Million. The script says US\$13 Million. Make the correction.

Dr. DAVIES: Stick to the script!

Mr. SHAW: Sorry, the notes say \$113 Million with a pay back of some three point seven years. The Government is in discussions with the IDB regarding financing for the programme which is projected to commence this year.

In the meantime, the completed audits have been distributed to the related entities for them to commence implementation of energy saving initiatives that do not require capital outlay. The Government is also scheduled to sign J\$1.3 Billion, US\$15 Million loan agreement with the World Bank to finance an energy security and efficiency enhancement project. The loan will fund various projects

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which will be administered by the OUR, the Bureau of Standards and the Development Bank of Jamaica.

Now, Mr. Speaker, I turn once again briefly to the issue of whether there should be a continuation of a Stand-by Agreement with the IMF when it runs out next year. The local business community, inclusive of *the Gleaner*, has called for an extension of the Stand-by Agreement. The Opposition Leader, in her contribution to the Budget Debate last year, asked, and I quote: "Why did the Government not choose the Extended Fund Facility instead of the Stand-by Arrangement?" Mr. Speaker, an EFF usually lasts for four years with a possibility of extending to - three years with a possibility of extending to a fourth year and is usually more appropriate for countries faced with balance of payments challenges that extend to the long term.

An extension, Mr. Speaker, of the SBA represents the preferred alternative to an Extended Fund Facility, as it is strongly believed that, with the right choices now, Jamaica can emerge within the medium term from the current economic depression and structural rigidities that exist, without subjecting the country to the adverse perceptions that could be generated as a result of seeking an Extended Fund Facility. Furthermore it's a facility that is being virtually phased out by the IMF at this time. So we believe that it is in the best interest of the country to continue its relationship, Mr. Speaker, with the IMF. A continuation of the programme will send a positive signal that will maintain stability, reinforce confidence, provide the important factor of certainty to stakeholders.

All the international development partners, the European Union, the IDB, the World Bank, CDB, use the quarterly reviews of the primary and first conditionality to be met prior to disbursement of loans and grants. In addition, there is need to foster both confidence and certainty in the capital market, both domestic and foreign, to facilitate incremental reduction of the interest costs on them.

Mr. Speaker, I want to indicate that this is an indication of the commitment of this Government to staying the course of fiscal discipline. (Applause) We are fully aware that next year an election is due. But election or no election, the people of Jamaica can be assured, all of our stakeholders at home and abroad, can be assured we are not going to run with it into another election. (Applause)

Mr. BUCHANAN: You are going to standby with it.

Mr. SHAW: We are going to be true to good governance. We are going to be true and faithful to ensure that we do the things that are right for Jamaica, not the things that are right for the next general election. That is the essence of good governance. (Applause)

Mr. Speaker, in terms of the Budget for 2011/2012 the Central Government's budget was formulated within the medium-term framework that seeks to first reduce then eliminate the fiscal deficit by March of 2016, as prescribed by the fiscal responsibility framework and reflected in the Financial Administration and Audit Act. For this year the Central Government's target is a primary balance of 5.2% of GDP and a fiscal deficit of 4.6% of GDP. Revenue and grants are projected at \$350.8 Billion with expenditure

budgeted of \$412.5 Billion and that, of course, exclusive of amortization payments of \$132.3 Billion. The expenditure of \$412.3 Billion represents a 5.9% increase over spending last year. Expenditure on Capital programme is budgeted to increase by \$8.7%, with recurrent spending projected to be 5.4% higher than last year. Interest cost as a percentage of GDP is estimated to fall to 9.8% in 2011/12 compared with 10.5% last year largely reflecting the impact of lower interest rates and exchange rate appreciation.

In terms of financing the Budget, Mr. Speaker, the Revenue and Grants projections for the fiscal year is 26.3% of GDP compared with 25.7% in 2010/11. Tax Revenue is budgeted to grow by 10.2% over collections last year and this 10.2% growth includes \$5.6 Billion associated with tax arrears owed to the Government by Air Jamaica and the Sugar Company of Jamaica. The counterpart is included in the Estimates of Expenditure. When these amounts are excluded tax revenue is projected to grow by 8.1% relative to the 5.3% growth in the previous fiscal year. This is an accounting measure but we have to clean up the books and we have to ensure that these payments for statutory deductions and so on are paid so that the employees benefit from their deductions. Non-tax revenue is projected to be 11.7% below collections. Receipts last year were bolstered by inflows of profits by the Bank of Jamaica, amounting to \$4 Billion and, given the BOJ loss for the last year, no revenue is expected from this source in this new budget.

With respect to the bauxite levy, the downturn in the bauxite/alumina industry that carried over from 2009/10 into last year occasioned largely by the fallout in global

demand as well as higher input cost is expected to be reversed in this new fiscal year. It is anticipated that the industry will continue to experience some recovery in production and export as a result of plans to reopen Windalco's plant in Kirkvine, which will translate into increased levy inflows. Capital revenue estimates of \$9.2 Billion or \$5.6 Billion more than collections in the previous fiscal year, and are due primarily to the repayment of on-lent loan amounting to \$8 Billion by the Development Bank of Jamaica. This relates, of course, Mr. Speaker, to the liquidity facility, the special IDB liquidity facility which was to be on-lent through the Development Bank of Jamaica.

The forecast for Grants amounts to \$13.3 Billion representing a 31% increase over receipts in the previous fiscal year and includes significant amounts to be received from the EU for budgetary support. Grant receipts in 10/11 were significantly below budget, 35% below due to lower than expected EU flows and slower than anticipated spending on Capital project.

In terms of loan receipts, the revenue forecast just outlined and the expenditure budget approved by Parliament leaves, Mr. Speaker, a financing gap of \$140.8 Billion. Of this total, \$97 Billion is programmed to be raised from the domestic market. The remainder of \$43.8 Billion is to be raised from external sources in the form of investment project loans, policy based development policy loans. And the borrowing profile for this year represents a 33.9% decrease in gross receipts relative to the previous fiscal year.

The reduction in the borrowing requirement for the new fiscal year stems largely from a significantly lower fiscal

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deficit, 4.6% of GDP down from 6.1% of GDP last year, as well as the raising of US\$400 Million on the international capital market to pre-finance a maturing bond of similar value. The availability of cash balances accumulated in 2010/11 also contributing to the lower borrowing requirement in 2011/12. Of note, the lower domestic borrowings by the Government should assist in maintaining the downward interest rate trajectory, Mr. Speaker. (Applause)

Mr. Speaker, I turn briefly to the issue of Public Sector Wages. Mr. Speaker, as you know, the Government of Jamaica has, over the years since coming to office, been doing its best to pay the public sector workers as best as possible. We hit upon hard times and everyone knows, this is not just a local phenomenon but in other countries they have been laying off workers, they have been cutting salaries, all kinds of things have been happening. In Jamaica we have sought to hold things together. It's a very difficult and challenging area, given the constraints faced by the Government.

It is well known that a wage freeze was instituted on April 1, 2009 and was scheduled to last for three financial years to March 31, 2012. We must point out, however, Mr. Speaker, that even while we have had a wage freeze in the public sector, it is not an absolute wage freeze, as the usual increments averaging 2.5% of the wage bill annually have been honoured over these past two years for most categories of public sector workers. And this amounts incidentally to around \$3.5 Billion. It's a pretty tidy sum of money, so it is not something that we should just cast aside and

say that doesn't matter, it's a pretty tidy sum of money.

However, we acknowledge that public sector workers have faced difficult times and the Government is determined to find a resolution that will help to cushion the burden that these workers have been facing. But any solution must be affordable and must not undermine the hard-won gains that we have made in stabilizing the economy and must take into account the provision in both the International Monetary Fund agreement and our own fiscal responsibility framework, to reduce the public sector wage bill and GDP ratio going forward.

Mr. Speaker, I am to advise that in recent discussions with public sector leaders, between - that have been held by myself and the Minister of State, Senator Williams, who is in the Chamber with us. It was intimated to them that the Government would be consulting with the IMF and with Cabinet with a view to reducing the length of the wage freeze and how to treat with the arrears.

The Financial Secretary recently held consultations and reported to Cabinet on Tuesday of this week. Accordingly, the Government is now in a position to fully engage the public sector leaders as to precisely how the wage issue can be resolved. Discussions will therefore be scheduled with public sector leaders immediately after the close of the Budget Debate.

Mr. Speaker, I must stress, however, that the country is not out of the woods and there needs to be a spirit of goodwill and compromise, of give and take as we enter in earnest into these discussions.

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Mrs. NEITA-HEADLEY: Give, give, give! Take, take, take!

Mr. SHAW: And I am sure if the Member from St. Catherine wants to join in, she is invited to join as well.

Mr. Speaker, I now turn finally to speak briefly about initiatives on Tax Reform and to end my presentation to speak about a few revenue measures that are proposed.

Within the ambit of a medium term tax framework which is linked to other frameworks, including the Fiscal Responsibility Framework, the Cabinet has agreed that the tax reform for the ensuing years should be undertaken mainly from the viewpoint of increasing the efficiency and simplification of the tax system. Indeed, a recent World Bank study that was done has ranked Jamaica very, very low, very, very low on paying taxes globally. We are 173 out of 180. That's not good, not acceptable.

The Government has committed to implementing tax reform, however, in an incremental way to achieve the objectives as simplicity, equity, broadening of the taxpayer base, improved compliance, growth and competitiveness arising from policy certainty and confidence in the economy. And most importantly, the measures must meet the revenue demands of the budget while maintaining macroeconomic and social stability.

The Tax Reform proposal contemplates the implementation, Mr. Speaker, in three stages. The first stage encompasses the reform of taxes on International Trade, Special Consumption Taxes and General Consumption Taxes. The second stage contemplates the reform of the corporate and personal income

taxes. And the final stage addresses the reform of Payroll Taxes.

Mr. Speaker, the guiding principles of the reform process will include:

- Lower import tariff rates. Our tariff rates generally, in some categories, are way too high, Mr. Speaker, and it leads to corruption and tax evasion at the wharf.

(Applause)

- We want to lower import tariff rates, lower import and domestic consumption taxes as well.
- sufficiency of the revenue, so as to ensure that the current revenue base is protected, as well as the success of the Government's financial programme
- economic growth, efficiency and competitiveness
- enhance compliance and ease of paying taxes.

People shouldn't have to go to a Tax office and line up for one hour or more to pay some taxes. (Applause) That has to be cut out.

- credibility of the revenue in terms of projections and actual collections
- reforming the discretionary waiver regime with a view to reducing these and ensuring that the regime becomes transparent, targeted and justified
- sustainability of the framework through a buy-in by the Opposition and other stakeholders and Affirmative Resolution of Parliament, but most importantly, the public at large.

Mr. Speaker, there has been extensive consultation and research on Tax Reform. The Ministry of Finance and the Public

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Service has engaged the private sector, including: the PSOJ, the JMA, the Medium, Small and Micro Enterprise Alliance Group. There was also consultation with the Partnership for Transformation Group.

The Ministry has engaged with its portfolio agencies, inclusive of the Tax Administration, Customs, Revenue Protection Division, the Planning Institute of Jamaica, the Statistical Institute of Jamaica and the Ministry of Labour and Social Security.

We have hosted an inter-agency meeting to have and to advance those discussions regarding amendments to certain Schedules of the GCT Act as enhancing social expenditure. This inter-agency collaboration is expected to continue in the coming months and will be informed by public discussion and technical analyses.

Mr. Speaker, it is also important to ensure that all tax reform proposals are compliant with the various trade agreements, international trade agreements such as the It World Trade Organization and agreements with our CARICOM partners.

It has therefore been decided, Mr. Speaker, that a rolling medium term three-year tax policy framework will be implemented. This framework will instill discipline in the promulgation of tax policy in Jamaica. In other words, changes to the tax rates and the GCT rate among others, will be implemented on a gradual basis. We are not going to go into it in any kind of kneejerk fashion causing confusion and causing general mayhem. We are going to be taking a cautious, deliberate, well researched and well organized approach to this matter. Changes in the purview of income tax will be implemented on a calendar

year basis effective January 1, at the beginning of the tax year to allow for smooth transition.

I want to indicate, Mr. Speaker, that while the question of border taxes and consumption taxes are the first phase, once that system is perfected, the next stop is to lower corporate income taxes and to lower personal income taxes, (Applause)...that's the next stop.

A MEMBER: In the second term.

Mr. BUCHANAN: That won't give you a second term! Don't bank on it!

(Laughter)

Mr. SHAW: Beyond that, we then look at reforms, Mr. Speaker, to the question of the payroll system.

REVENUE

I turn now, Mr. Speaker, to revenue measures that we are announcing today. And I want to say, Mr. Speaker, that many of the measures that are listed in here, once again, are aimed at supporting the stimulation of the economy, aimed at encouraging the stimulation of the economy, Mr. Speaker, and as I deal with them in turn I will explain why. Let me start with the first one.

This Honourable House is being requested to take note of the fact that - well, it's really number 2. Stamp Duty and the refinancing and transfer of existing mortgages.

Mr. Speaker, it has been known over the years that - the fact that when someone wants to transfer a loan from one financial institution to the next, he has had to close that loan and open a new loan, which then attracts a new round of expenses, including the expenses Stamp Duty.

And that has militated, Mr. Speaker, against loan portability. And, Mr. Speaker,

it's important that we understand that in terms of reducing and encouraging a competitive environment for the reduction of interest rates.... (Applause)we need to have greater portability of loans, loan portability.

In order to encourage that, it is proposed that effective May 16, where there is refinancing of a mortgage, mortgage is generically used, not just house, car, loan, anything, you have collateral and it's stamped.

Mr. VAZ: Once it is stamped?

Mr. SHAW: Once it's stamped.

Mr. VAZ: Absolutely!

Mr. SHAW: Where there is financing of a mortgage for equal amounts or less, Stamp Duty will be payable at the nominal rate of only \$100. Where there is however.... (Applause) In other words, you won't pay as the 3% that would normally apply. Where there is an increase in the value of the mortgage, however, Mr. Speaker, the applicable duty will be payable on the difference.

(Applause)

So, in other words, this must not be seen as a circumvention mechanism to refinance - get a larger amount of money on the base amounts, and try to get that at the nominal \$100. No. It is stamped, it is known, it is on the incremental amount you will be required to pay the established..... (Applause) ...stamp duty.

The revenue gained from increased activities is estimated at \$75 million. Mr. Speaker, we intend to remove the Transfer Tax and Stamp Duties on security.

(Applause)

It is proposed that effective the 16th of May 16, to facilitate the issuance and trading of registered Corporate

Bonds, the Stamp Duty and Transfer Tax will be removed.

The exemption will extend to all companies whether or not registered on the Stock Exchange.

(Applause)

Once again, once again, Mr. Speaker, Mr. Speaker, I have pointed out that it is registered, Registered Corporate Bonds. This is not any other scheme. This is Registered Corporate Bonds, Mr. Speaker, and the purpose of it is to open up yet another window of potential financing for business expansion in the country.

(Applause)

Mr. BUCHANAN: Remember what you told Jamaica the last election!

Mr. MONTAGUE: Young man.... (Inaudible)

Mr. SHAW: Mr. Speaker, the third one is very close to my heart and I am sorry that the Member from Central Kingston is not here. Because I am sure that he would stand up on a Point of Order, simply to applaud the Government for the decision that it has taken. (Applause) I speak, Mr. Speaker, about the fees that are payable and the Transfer Tax applicable to deceased estates. (Applause)

Mr. Speaker, an important plank in the Government's growth inducement strategy is a series of initiatives to unlock latent wealth in idle assets. We have too much idle assets in Jamaica, lying around idle, in administration of all type and you cannot get the Titles to put it to work and get the economy going.

To achieve this, we intend to introduce a package of financial incentives and tax measures aimed at freeing up idle assets, thereby increasing their market mobility and enable their efficient use in production.

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An important component of this package is the reform of the legal and administrative infrastructure to create a system that will facilitate the expeditious administration of deceased estates.

It is beyond doubt that a system that improves the process for administering the deceased estates will serve to improve revenue inflows in the long-term, the distribution of real estate, as well as releasing untold millions sitting in accounts in financial institutions.

A MEMBER: Hear, hear!

Mr. SHAW: Mr. Speaker, it is estimated that 50 to 60% of deceased estates are not being administered due to the slow inefficient and inflexible system currently in place as well as the prohibitive cost of having to pay the stamp duty and transfer taxes. (Applause) It is even estimated that at the Administrator General's Department over 5,000 such cases are now lying languishing there and cannot move for a variety of reasons.

(Inaudible comments by Mr. Buchanan)

Mr. SHAW: There is a huge backlog of applications for Probate and Letters of Administration at the Supreme Court and Stamp Office...

Mr. VAZ: Good governance...

Mr. SHAW: ...accumulated over a period of 20 years, Mr. Speaker.

Opposition MEMBER: The RM Courts did it.

Mr. SHAW: Some of the very beneficiaries of these estates, they themselves die before the estates can even be administered.

Opposition MEMBER: Is it retroactive?

Mr. SHAW: We want to assist the representatives of those estates to complete the processing of these applications. Accordingly,

stamp duty on Probate and Letters of Administration for applications that are filed at the Supreme Court on or before April 27 will now be a flat \$5,000 and transfer tax on death for those applications, Mr. Speaker, will be completely removed. (Applause)

Opposition MEMBER: All de dead a guh vote! All de dead a guh vote! Dead man a guh vote!

Mr. SHAW: Applications...

Opposition MEMBER: De dead gwine vote again!

Mr. SHAW: Mr. Speaker...

Opposition MEMBER: De dead gwine vote again!

(Inaudible comments by Opposition Members)

Mr. SHAW: Mr. Speaker, applications filed after that date will now attract transfer tax, not of 4% anymore, Mr. Speaker, but will now attract a new...

(Interruptions)

Mr. VAZ: Him soon finish, him soon finish...

A MEMBER: Government under pressure now.

Another MEMBER: Under pressure for what?

Mr. SHAW: Mr. Speaker, Mr. Speaker, applications filed after that date - that is after yesterday's date - applications filed as of today, the 28th of April...

Dr. PHILLIPS: After four years straight.

Mr. SHAW: ...will now attract transfer tax of 1.5%...

Dr. PHILLIPS: After 4 years straight.

Mr. SHAW: ...of the net value of the estate, down from 4%, and the stamp duty on Probate and Letters of Administration will no longer be calculated based on a percentage of

the value of the estate but a flat figure as follows: Estates value of \$10 Million or less, \$5,000. (Applause) Estates net value of between \$10 Million and \$19,999 Million, \$10,000 Stamp Duty; estate between \$20 and \$29,999 Million, \$15,000 Stamp Duty; estate valuing \$30 Million to \$39,999 Million, \$20,000 Stamp Duty and \$40 Million and over, \$25,000 Stamp Duty. (Applause)

The necessary amendments on to the Stamp Duty and Transfer Tax Acts will be made to reflect these changes.

(Inaudible comments by Dr. Phillips)

Mr. SHAW: Mr. Speaker, the present system for the administration of deceased estate is bureaucratic and cumbersome and we intend to establish a project to accomplish two things: oversee the processing of the backlog of over 8,000 applications in the system for over 20 years in the Supreme Court, the Stamp Office, the National Land Agency and the Administrator General's Department. Critically, examine the 21 laws which comprise the present legal infrastructure, if not nightmare, for the administration for the administration of deceased estates and transfer of assets of deceased estates and develop legislation that will provide for a modern and efficient system. This project, Mr. Speaker, will be completed within a three-year period.

Mr. Speaker, on this initiative, the revenue loss is estimated at \$300 Million. And in relation to - that is on those applications, prior to day April, 27 - the revenue loss is \$300 Million. And in respect of those after this date, as of the 28th, going forward, there is a revenue gain projected at \$220 Million.

Mr. Speaker, it is proposed that effective

May 2, the time that GCT registered taxpayers who purchased machinery or equipment valued \$100,000 or more, have to wait to claim input tax credits, that it is reduced from 24 months to three months. (Applause)

Mr. VAZ: Significant amendments!

Mr. SHAW: Claim your input tax credit on capital goods early and you will get back your money early.

Mr. VAZ: Business friendly Government!

Mr. SHAW: In respect of the contractor's levy, it is proposed that effective for this financial year, where the 2% contractor's levy has been deducted from the contract sum of a contractor and was paid to the Collector of Taxes, any amount not utilized as a credit for income tax for that year of assessment can be carried forward to subsequent period not exceeding 5 years.

(Applause)

Mr. VAZ: Talk man a yaad!

Mr. SHAW: Now, Mr. Speaker, Mr. Speaker, the motor vehicle taxation regime has been criticized as one characterized by high tax rates, high levels of complexity, inefficiency and inequity. In response to these inherent deficiencies, I appointed a review committee comprising officials from the Jamaica Customs Department, the Taxation Policy Division and key stakeholders in the car dealership sector...

Mr. VAZ: You hear!

Mr. SHAW: ...to examine the issues as they relate to the existing taxation regime with a view to developing reform options that will reform the system. Of paramount concern to the motor vehicle industry, inclusive of buyers, was the complexity of tariff classification.

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Currently, there exists some 76 different tax categories, based on categories such as, vehicle type, fuel type, engine size, seating capacity, unladen weight. The aggregate rates range from 65% to 194%, and I say that that is the dealer rate, with the gaps between each tax category being significant, averaging about 20% of cost. The multiplicity of categories ultimately result in significant price differential, complexity in administration and ultimately it encourages, Mr. Speaker, it encourages corruption.

A MEMBER: True!

Mr. SHAW: The following reform measures in respect of the motor vehicle regime are aimed at ensuring that the taxation regime meets two main objectives, that of simplicity and effective application.

Effective May 2, Monday...

Mr. VAZ: Monday, eh nuh, Monday!

Mr. SHAW: ...the Common External Tariff applicable to motor cars...

Opposition MEMBER: Again!

Mr. SHAW: ...will be reduced from 40% to 20%. (Applause) The CET on vehicles commonly referred to as *Pick-ups* will be increased from 10 to 20%, but there will be other decreases in Special Consumption Taxes...

Mr. BUCHANAN: You mashing up farming now. You mashing up farming.

Government MEMBER: Man, shut up!

Mr. SHAW: ...that will show a decrease.

Mr. BUCHANAN: Agriculture done now.

Mr. SHAW: Read the document. It's going down. It's going down.

Mr. BUCHANAN: Going back to jack ass. Going back to jackass.

Mr. SHAW: Everything is being put at 20% and other taxes are reduced. So there will be a reduction.

Mr. VAZ: Net deduction!

Mr. SHAW: The CET on bikes with engine sizes below 300 and 600 CCs be reduced to 10% and 20%, respectively. (Applause)

A MEMBER: How you get licence and you can't read!

Mr. SHAW: The CET on all-terrain vehicles be reduced to 20%. The CIF value to which the current 20% duty concession is applicable, be increased from US\$25,000 to US\$35,000 or J\$3 Million, and the US\$25,000 that was implemented in 2003.

Opposition MEMBER: We have that. How you nuh clap fi that?

Mr. SHAW: The GCT payable on second sale vehicles will be increased, and the increases can be found on Table 7 that is presented in the Revenue Measures.

Mr. BUCHANAN: Big man thing and small man suffa.

Government MEMBER: Read the thing.

Mr. SHAW: A licensed taxi operator... Mr. Speaker, a licensed taxi operator who acquires a bus with less than 10 seats for public transportation will pay an aggregate duty of only 36%. (Applause) And the reason for that, Mr. Speaker, is that the Government...

(Interruptions by Mr. Buchanan)

...the Government is trying to encourage a re-fleeting of our taxi service...

A MEMBER: Yes.

Mr. SHAW:so that they can purchase larger vehicles that are more comfortable...

Mr. WITTER: Fuel efficient.

Mr. SHAW: ...and efficient to...

A MEMBER: And don't have to overload.

Mr. SHAW: ...and don't have to overload and they can carry our people with a sense of decency. (Applause) The annual motor vehicle licensing fees will be increased by \$1,000 and this is applicable to fees which are currently below \$12,000. The estimated revenue yield is \$180 Million. And the total net revenue yield is \$195 Million, Mr. Speaker.

Let me just say, Mr. Speaker, that the details of the new rates are appended in the Revenue Measures that have been tabled.

(Inaudible comments)

Mr. BUCHANAN: Dat a hybrid! Dat a hybrid!

Mr. SHAW: Except to say, Mr. Speaker, that there are now three main categories - there really are four (4) categories now, other than buses and trucks and pick-ups. But the important thing to recognize is that in respect of the standard size vehicle like rental cars and so on, that that standard size vehicle of between one and two, one to two litres, that that size vehicle which used to pay an average 94 to 95% duty will now pay an aggregate duty of 62%. (Applause) Vehicles with a CC rating of 2 to 3.5 litres that used to pay an aggregate duty of 132% will now pay an aggregate duty of 76%. And vehicles that used to pay aggregate duties of 194% will now pay aggregate duties of 91%, Mr. Speaker. Mr. Speaker, let me also indicate that Agricultural Pick-ups will continue to be 20%.

Mr. VAZ: Yuh hear that, yuh hear that, Buchanan?

Mr. SHAW: Trucks 20%, Duty Concession 20%, Hybrid vehicles down from 63% to 41%. (Applause) And Electric

vehicles, let's get some of those, 20%. And in respect of the U-Drive industry, we have decided to institutionalize the rate for them which was earlier set by the previous Minister...

Mr. VAZ: With waiver.

Mr. SHAW: ...for good reason. With waiver. But we are going to institutionalize it in law, Mr. Speaker. There is no need for me to sign a waiver because the unique thing about the U-Drive industry is that when they pay their duty, every time they sign a contract...

A MEMBER: Rental.

Mr. SHAW: ...a rental contract, they also charge 17½% GCT. So the Government is earning on a recurrent basis from the GCT that applies to rental.

Mr. VAZ: Business-friendly again!

Mr. SHAW: So we are having a standard rate for vehicles up to 2 CCs of 32% for the U-Drive industry, standard rate up to 2000 CC of 32% aggregate rate. It was 30% before, it's going to be 32%.

Mr. VAZ: We have five (5) votes from over there already.

Mr. SHAW: Larger size vehicles will attract higher rates and will also attract General Consumption taxes.

Mr. Speaker, we believe that this will bring more buoyancy to the motor vehicle industry. But importantly, we must no longer feel obliged that we have to go and buy a secondhand deportee from somewhere. We can now purchase a new car that can service us better in the country.

(Applause)

Mr. Speaker, as I close the revenue measures discussion, I just want to say, and I want to indicate that there is a 10% differential

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for diesel. All vehicles that are diesel, which as you know, performs 30% better in terms of fuel consumption, each rate that you see here there is a 10% lower rate for units that are diesel unit whether motor vehicle or...

(Applause)

Mr. Speaker, as I close on this revenue, there are four other measures that are being seriously considered and these are:-

- the introduction of compulsory filing of Third Party information and tax returns;
- the amendment to the GCT Act, to reduce the claim period of input tax as I mentioned before, on machinery and equipment;
- eliminate restriction on taxpayer's ability to claim credit on building material for taxable activity;
- introduce a mechanism whereby credit earned can be set off against any tax type;
- introduce mechanisms whereby new companies are allowed to claim credit on first return.

And extend the right of appeal allowing the taxpayer the ability to appeal decisions of the Commissioner General.

Introduction of an incentive programme whereby tax credits are provided to small and medium size enterprises that employ and maintain persons who were previously unemployed, that is being considered, as well as the introduction of a tax credit system for the use of alternative energy in keeping with the policy of the Government of Jamaica.

Mr. Speaker, if 2010 was a make or break year, one which saw us edge away from the precipice over which we were hanging for a decade and a half to finally attain macro-

economic stability, then we must all commit to making 2011, a comeback year for Jamaica (Applause). A year that sees the Government building on its fiscal and legislative achievements, while private enterprise gets busy writing deals. Let us draw some quick inspirations from our achievements last year. But first let us recall the magnitude of the problems we inherited. Recall that for decades Jamaica has been caught in a vicious cycle of low growth and unsustainable fiscal and debt dynamics. We must not forget these things. You don't like when I repeat them?

Mr. PICKERSGILL: No! (Laughter)

Mr. SHAW: Well, Central Government debt service as a percentage of total revenue jumped, Mr. Speaker, from 49% in 1991, to an astounding 129% by 2002. Growth averaged half a per cent for 16 years and it took the equivalent of 40% of GDP to avert a total collapse of Financial Services sector in the 1990s. And now they don't even want an enquiry to tell us what happened. (Applause) And, Mr. Speaker, 40 financial institutions were closed, and over 40,000 businesses were closed down.

(*Sotto voce* comments by Members)

A MEMBER: Shame, shame!

Mr. SHAW: In short, with a lack of fiscal discipline and a weak governance structure produced an economy that constantly flirted with disaster.

A MEMBER: True!

Mr. SHAW: Recent global conditions like the world food crisis, oil crisis, global economic crisis triggered a massive downturn in revenue. In practical term, it was....

(*Sotto voce* comments by Members)

Mr. SHAW: Mr. Speaker, in practical term, it was like losing a job when your pay

cheque hasn't been covering your expenses in the first place.

But, Mr. Speaker, let us fast-forward now to 2010 and note the following benchmark achievements:

- Forty-year low interest rate. (Applause)
- single digit inflation; (Applause)
- gross reserves foreign exchange at historic highs, (Applause)
- and a stable Jamaican dollar all occurring at the same time. (Applause)

And to add to the list the divestment of chronic, loss making state entities, like Air Jamaica, and Sugar Company of Jamaica. (Applause)

The introduction of powerful pieces of legislation and the execution of the world's most successful debt exchange. (Applause)

By any standard, Mr. Speaker, this was a massive list of achievements to clock in a single calendar year. Let us be inspired and motivated. (Applause)

After a year of solid work, the worst is behind us. Significant challenges remain in terms of rising oil and grain prices and our vulnerability to external - to weather shock. But we must recognize that the stage has now been set for a credible transition to a new phase of economic development. The transition from stability to growth... (Applause)

We must never forget, Mr. Speaker, that reorganizing our debt is only a part of the story. The end game is for us to grow our way out of debt. That can only happen when banks start writing business loans again, and the creative sector, everybody: our musicians, athletes, scientists, inventors and writers find

ways to parlay their talents and ideas into bankable projects.

Let us make 2011 a comeback year, a year in which the Financial Services sector puts creative products on the market, while the entrepreneurial spirit of Jamaica is unleashed and soars like never before. And that is why I have relieved the stamp duty on transfer taxes to allow for mobility and competition in the Financial Services sector.

(Applause)

Let us make a comeback year where students turn in star performance and workers seek new training opportunities. Let us make it the year that budding entrepreneurs turn good ITL into a thriving, and thriving businesses.

(Applause)

Mr. Speaker, there is no time to waste. We must muster the courage to resurrect ourselves, like the phoenix from the ravages from the past, from missed opportunity, from untapped potential. Let us make it the year that all men, women and students seize this unique moment created from economic stabilization.

(Applause)

We all have a role to play. But let me throw out this special challenge to the private sector retool, refinance, retrain, refurbish, challenge yourselves to make a plan, develop a product, seek new markets, develop an export programme... (Applause) ...and let us challenge ourselves from the risk of our state that has emerged out of the Financial Sector collapse. Let us resolve to think big again.

(Applause)

There is no time to waste. Things are happening, I urge you to take an educated leap of faith. Let us work together to kick start growth in a big way to get this train called *Jamaica* rolling again.

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(Applause)

When Mike Henry's train will become a bullet train one day... (Applause) ...and we all can travel first class islandwide. Above all, Mr. Speaker, I urge you to maintain an unshakeable sense of optimism for Jamaica and about Jamaica. The time for action is now. We must together believe in our future.

May God bless you and may God bless Jamaica. (Applause)

(Standing ovation by Government Members)

A MEMBER: Well done bwoy!

Mr. HOLNESS: Mr. Speaker, the Minister of Finance has presented as usual, his very excellent presentation.

(Applause)

In his presentation, Mr. Speaker, he mentioned certain documents which have to be tabled. I therefore, as a matter of Housekeeping ask for the recommit of the item '**Announcements**'.

ANNOUNCEMENTS

(Recommitted)

The SPEAKER: Members the motion before the House is for the suspension of Standing Order to allow for the recommitment of the item '**Announcements**'.

Motion put to the House and agreed to.

ANNOUNCEMENTS

The Clerk by leave laid on the Table of the House the following:

- Fiscal Policy Paper for the year 2011/2012
- Tax Expenditure Estimates 2007/2008
- Jamaica Memorandum on the budget 2011/2012

- Medium Term Debt Management strategy for the period 2011/2012 to 2013/2014

The SPEAKER: House Leader, Public Business.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business, I therefore, move for the adjournment of the House.

PASSING OF RUPERT G. DAVIS

Mr. Speaker, but before I do so, Mr. Speaker, the Member from South St. Andrew's father passed last week Thursday, and I believe that the House should note the passing.

On behalf of this side, Mr. Speaker, I would like to extend the condolences of the Members to the Member from South St. Andrew.

The SPEAKER: Thank you, House Leader and we will ask the Clerk...

Mrs. SIMPSON MILLER: Thank you very much, Mr. Speaker.

I would like to join the House Leader in expressing the condolences and ask the Member from South St. Andrew to convey to his mom and other members of the family, the passing of Rupert George Davis.

Mrs. NEITA-HEADLEY: Great man.

Mrs. SIMPSON MILLER:at the age of 94.

An interesting thing, Mr. Speaker, is that all the men in this House can learn from. He shared 72 years of his life, of his life with one woman, with his wife. With his beautiful wife Miss Amy and she is alive, looking well and

strong at the age of 94. They produced some outstanding children, among them former Cabinet Secretary, former President of UTECH and the former Minister and soon to be Minister of Government again...

(Applause)

Opposition MEMBERS: Hear! Hear!

Mrs. SIMPSON MILLER: The important thing though, Mr. Speaker, is that he was a very important part of his children's life. He gave them love and ensured a good education for his children, despite limited resources. And to his family, unlike some of what the Minister said that could be creditable and some we have questions about, from stability to growth.

Mrs. NEITA-HEADLEY: Real growth.

Mrs. SIMPSON MILLER: Omar, I think you will allow me the privilege of saying to a college and a friend, I know how you feel, and I had the opportunity to be with your mom early after his passing, and instead of comforting her, she gave me strength, and I saw her giving all her children strength.

Condolences on behalf of the Opposition and your colleagues in this Parliament; and I know that you all will be stronger with the fond memories of your outstanding and upstanding father. And you can take comfort in the fact that your mom is still with you, and she will continue to shower all of you with love and to summon you from time to time to give you instructions as well.

Mrs. NEITA-HEADLEY: Hear! Hear!

Mrs. SIMPSON MILLER: And so, be strong and know that colleagues from both sides of the House, we are with you at this moment of your grief.

Thank you. (Applause)

The SPEAKER: Thank you Mrs. Portia Simpson Miller, we will ask the Clerk to send the usual card of condolence to Dr. Davies' family.

Thank you. House Leader.

Mr. HOLNESS: Thank you, Mr. Speaker. It is not proposed to do any further business. I therefore, move that the House do adjourn until the 3rd of May, Tuesday, the 3rd of May when we will hear from the Opposition Spokesperson on Finance. We will also be meeting on the 4th of May which is the Wednesday and the 5th as well. But on the Wednesday, Mr. Speaker, we will be hearing from the Minister of Transport and Works and a Member from the Opposition which would be the Member from Central Westmoreland.

Mr. Speaker, I therefore move for the adjournment.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until, Tuesday, the 3rd of May at 2:00 p.m.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourn.

Adjournment taken at 5:21 p.m. until Tuesday, May 3, 2011 at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, May 3, 2011

PURSUANT to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.19 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

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

MINISTERS OF STATE

THE HONOURABLES:

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

Minister, Minister of Information and Telecommunication.

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:19 p.m.

The SPEAKER: Please be seated.

The Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome all those who are

sitting in the Gallery. But special welcome to former Members of Parliament MRS. ALOUN D'NOMBET-ASSAMBA, MR. O. D. RAMTALLIE and MR. RICHARD AZAN. Welcome to the sitting of Parliament. (Applause)

Please, those in the Gallery, just remember to put your phone on vibrate or off so that you do not disturb the sitting of Parliament.

ANNOUNCEMENTS

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

- **Jamaica Hansard**

Parliamentary Proceedings of the House of Representatives

Session 2007/2008

27th September 2007 to 18th

December, 2007

- The University Council of Jamaica Annual Report for the year 2009/2010

- HEART Trust/NTA

Annual Reports for the years

2008/2009 and 2009/2010

- Report of Investigation conducted into the circumstances surrounding the alleged contractual agreements between the Petroleum Corporation of Jamaica and Caribbean Protective Security Management and Services Company Limited

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the volume of **Hansard** that is laid on the Table today is for proceedings that are almost three and one half years ago. Could the Speaker explain why the appearance of the bound volumes of **Hansard** are so tardy, and can an assurance be given that this most valuable

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research tool will be caught up as soon as possible.

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

The SPEAKER: Reverend Thwaites, my understanding is that there was a reprint because - the original one had to be re-edited, so what you are getting is a re-edited version - well a re-edit of the volume that should have been done three years ago. But my understanding is that we are fairly up to date.

Rev. THWAITES: Could you say up to when?

The SPEAKER: Reverend Thwaites, I think it's fair to say that some years ago - we are trying to bring them up to date and this is the first of what I hope - this is 2007 but we are hoping that in the next - shortly 2008, 2009, 2010 that they will be coming in due course.

(Hon. MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister, entered and took her seat.)

(DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North, entered and took his seat.)

Rev. THWAITES: Is there any more definite timetable? Is this a concern of the Speaker or of the House generally?

The SPEAKER: No. My understanding is that it takes some time before they are printed.

Rev. THWAITES: Really!

The SPEAKER: Well, in due course they will be up to date.

Mr. HOLNESS: Mr. Speaker, the **Hansard** records as you will agree, Mr. Speaker, are very important documents. I believe we are now at the stage, Mr. Speaker, where these documents can and should be digitised and made available on-line. The technology is there. We may need to dedicate some manpower to scanning and converting these paper-based records into digital records.

I want to assure the Member that it is something that I am contemplating to see how best we could have it done.

The SPEAKER: Very well. Hopefully, Reverend Thwaites, within a short period we can be updated within months instead of years.

(DR. ST. AUBYN BARTLETT, (JLP), St. Andrew, Eastern, entered and took his seat.)

Rev. THWAITES: Mr. Speaker, could we set a target, for the rising of the Parliament for the summer to be up to date? And really it is embarrassing. Where simple records of other institutions are real-time now and the Parliament is this behind. So may I assure...

The SPEAKER: I think, as the House Leader said, Reverend Thwaites, that it may be possible to have it on the Internet.

Rev. THWAITES: Well that's fine. In whatever form. I am not particular. All I want to ask is that we set some discipline.

The SPEAKER: No, no! I think in terms of putting it on the Internet I am sure the Clerk - I will ask the Clerk that it could be on the Internet during the course of this year, an up-to-date version. But in terms of the printed version, it is something outside of our control

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because of the circumstances of putting it to the printery and having it done within their time and within the resources available. But in terms of having it on the web site, I am certain that an up-to-date version could be on the web site this year.

(MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

(MR. DESMOND GREGORY MAIR, (JLP), St. Catherine, North Eastern, entered and took his seat.)

Rev. THWAITES: The current one.

The SPEAKER: The current one.

Rev. THWAITES: Thank you very much, Speaker.

The SPEAKER: Very well.

(DR. MORAIS VALENTINE GUY, (PNP), St. Mary, Central, entered and took his seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader, any answers?

(Inaudible response.)

MISS LISA HANNA, Member of Parliament for South East St. Ann, gave notice that at the expiration of 21 days she would ask the Minister of Education the following questions:

1. Who is LDP Hall and Associates?
2. Why have they been awarded a contract of US\$409,000 plus J\$1,381,250?
3. Was this contract open to tender?
4. What are the terms of reference and scope for their work?

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

PUBLIC BUSINESS

The SPEAKER: House Leader?

Mr. HOLNESS: Mr. Speaker, at Public Business we will hear from the Member of Parliament for St. Andrew South, the Opposition spokesperson on finance.

The SPEAKER: Dr. Omar Davies. (Applause)

Mr. VAZ: I waan hear Roger tomorrow.

BUDGET DEBATES (contd.)

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

Mr. Speaker, I begin by expressing thanks for the words of comfort and support expressed at the adjournment last Tuesday (Thursday) by the Leader of Government Business and the Leader of Opposition and by several other colleagues who have spoken to me or called me and conveyed condolences to the family.

Mr. Speaker, normally I separate personal business from business of the State, but this one is kind of difficult. And the fascinating thing about this extraordinary ordinary man is that anybody who met him would have found it hard to believe that this is someone whose formal education ended when he was twelve. He not only encouraged his children but any youngster he encountered.

(Hon. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and the Environment, entered and took his seat.)

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(DR. DONALD GLADSTONE RHODD,
(PNP), Portland, Eastern, entered and took
his seat.)

His children were spoilt in that we always had our own books. Even when we should have got book handed down he felt that books were your personal possession. And the truth is that he himself read widely. And he is the only mechanic I know who headed to work with his sandwiches and a book. But the peculiar thing about him was that reading for him was a physical activity and his books were creased and betrayed being held by the hands of a mechanic, covered by engine oil and grease. So it made no sense to lend him a book, you had to give him a book because if you didn't... (Laughter)

(HON. LAURENCE GEORGE BRODERICK,
(JLP), Clarendon, Northern, Minister of
State in the Ministry of Energy and
Mining, entered and took his seat.)

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

(HON. JAMES RUDOLPH EDWARD
ROBERTSON, (JLP), St. Thomas, Western,
Minister of Mining and Energy, entered
and took his seat.)

He spent almost all of his working life at Monymusk Sugar Estate. And the Minister of Agriculture, the last discussion he and I had about sugar, he heard you projecting output of 120,000 tons for the country.

(Sotto voce comment by Members)

Dr. DAVIES: No. And he said that Clarendon in 1965 did that, that was just for Clarendon. So he was really wondering how

much progress, whether you hadn't read your history books to know that. (Laughter)

He served as a JP. He served as chairman of the Four Paths Primary School Board. He was the Community Council chairman.

He had a wicked sense of humour. In the latter years he had some hearing difficulties and I asked him how was he dealing with it and he said that he felt it was retribution. He had spent so many years pretending not to hear what my mother said that he felt eventually the Lord had caught up on him. (Laughter)

The final thing I want to say, he was an amazingly ethical man. I tell you a story about a colleague here who was supposedly heading to Kingston in a hurry and was pulled over near Toll Gate. And the police signalled for him to go to this JP sitting under a tree. And this man went and presented his papers; and my father looked at the surname and said, are you connected to - I will just tell you, Ernest Peart? He said, oh, that's my father. He said, we were squaddies. We entered the RAF the same day. We were friends right through. And he said I will do anything for him, he was my friend.

So the son of Ernest Peart, Michael, stretched for his papers and my father said, now what are the details and wrote him up. So I don't... (Laughter) So these memories and there are lots of them, lots of them keep me going. (Applause)

Mr. Speaker, as regards to our work as Parliamentarians, let me begin by thanking the Clerk of the Houses and the staff who have assisted us in Parliament and in the various committees in different ways.

A MEMBER: Hear! Hear!

Dr. DAVIES: Yes, big them up.
(Applause)

The inadequacy of the facilities remains a major limiting factor and, Mr. Speaker; even interim measures need to be taken. We have a situation where you can't have two committees meeting and there are problems with the mikes *et cetera*, we need to do something about that.

I wish also to thank the Heads and staff of the various organizations who have worked assiduously to provide documentation to assist us in being able to monitor both past and planned activities of the State. (Applause) So thank the Financial Secretary and the staff at the Ministry of Finance, thank the Governor of the Bank of Jamaica and the staff, the Director General of the PIOJ and the staff, the Director General of STATIN all those who have provided us with documentation.

Mr. Speaker, I place particular emphasis on documentation as that should provide us with the basis for having a clearer understanding of the state of affairs. Even whilst expressing this appreciation, I have some concerns which I will be expressing in terms of documentation. Some which have been traditionally available at this time, but are not this year. And I will also speak to the inadequacy of some of that which has been provided.

Mr. Speaker, I need to say something about the approach of the Minister of Finance in this his fourth opening speech for the budget debate. There was a decided change in both tone and tenor as compared to earlier years, at least for the opening speech, at least for the opening speech. It seems that...

(*Sotto voce* comments by a Member)

Dr. DAVIES: No, not always. I hope that three and one half years on the job is having some impact.

Mr. Speaker, although reality may have influenced the tone and tenor of the presentation, unfortunately I have serious problems with the content. At times, as I listened to him, I wondered whether he and much of the population inhabited the same Jamaica. (Applause) There is a song, *Two Different Worlds*, we live in two different worlds, but I will get back to that.

Mr. Speaker, for this year's budget speech I will adopt a change in the approach as the global numbers on the proposed expenditure are well known. As such, I will not be placing too much emphasis on the various amounts committed for this or for that project. Nonetheless, we will be posing some questions about the budget, as there are two many numbers which simply do not add up.

Mr. Speaker, my focus, however, will go beyond looking at the numbers and I will be thinking of the implications for John and Jane Brown. As such, we will be doing a reality check, because you can't move forward unless you know exactly where you are. (Applause) And that reality check will cover both the social sectors and the economic sectors. This reality check, Mr. Speaker, using in every instance, I am using data provided by the Government, will identify a world, as I said, which is totally different from that discussed in the presentation by the Minister.

I will also speak to the issue of transparency in the operations of the GOJ. This is critical, in that, even as we all accept that we are facing hard times, it is imperative

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that the manner in which we utilize the limited resources which are available to the country, that way in which we utilize the resources must be transparent and subject to cross-checks, transparency and accountability, the country demands nothing less. (Applause)

Finally, as should be expected, and rightly so, the question is going to be posed, having carried out the reality check, what would a PNP administration do differently? And so we will present actual suggestions about programmes which will represent hope to a population which is bruised, battered and losing faith rapidly. (Applause)

Mr. Speaker, the three presentations from the Opposition, there will be the Leader of the Opposition on Thursday, but last week when my colleague from East Central, St. Catherine received word that she will be making - she will be the third speaker for the Opposition, she is ready and she will be delivering that presentation - I was about to say maiden presentation tomorrow in this House. And so, let me congratulate her on that. (Applause)

Mr. Speaker, let me turn to the budget. As I have indicated in my opening remarks I will be approaching my presentation this year somewhat differently from previous years. Whilst a budget presentation invariably must deal with numbers, what I will be focusing on relates to clear policy trends, or the absence thereof. Nonetheless, there were certain puzzling issues which have jumped out from the presentation of the Minister of Finance. Let us look at a few of them.

First, Mr. Speaker, at the deficit target. The Minister boasts that compared to the deficit target of 6.5% of GDP the outturn was 6.1% and this was a major achievement. There

is a whole table showing this achievement, but let's go beyond the hype.

Mr. Speaker, to begin, and this is not a fact anyone can contest, this administration has earned with justification the reputation of being a bad debtor.

Government MEMBERS: Yes.

Dr. DAVIES: The Government owes everyone street cleaner, pensioner, suppliers of pharmaceuticals, suppliers of security services, contractors, public officer and even the dog catchers. Do we have dog catchers? Anyhow, they owe every single one, they don't discriminate an equal opportunity debtor.

Mrs. NEITA-HEADLEY: Shame!

Dr. DAVIES: Hence in looking at the achievement of the 6.1% deficit, what really should be taken account is how many bills are owed and due to be paid, hopefully.

Mr. Speaker, the Opposition's economic team, and we were operating a team, when we meet with external agencies we just don't go one and one, we take a team, we take youngsters, we expose them. We raised this very issue with the IMF team as is explicitly referenced the issue of arrears, is explicitly referenced in the Standby Agreement, that there should be no build up of arrears 90 days and beyond after the commencement of the Agreement.

When I asked the head of the IMF team supervising the Jamaica programme, how was this measured, how did they monitor whether the Government was sticking by this? He frankly stated that he couldn't measure it, he couldn't check it. That is what he said, and my colleagues will confirm that. He was honest, but he couldn't but be, because the obvious

question is, if he attempted to say otherwise is, how do you do it?

Various attempts have been made through questions. The Member from Central Kingston has been consistent, asking, and in the various meetings of the Standing Finance Committee we have asked. The Minister of Health has provided some figures, but there are others, and I will come back to that. We don't know who is responsible for paying the debt. So, Mr. Speaker, let's go beyond what is known in the streets. Let's consider programmes and payments which have been deliberately cut in order to make this deficit target. And please understand, Mr. Speaker, we understand the importance of keeping the deficit under control. But let us not make a big achievement out of this, when you do certain things. Consider the JSIF projects, consider the JSIF projects. Here is an institution carrying out work aimed exclusively at the lowest socio-economic groups and communities, as what JSIF was set up. And I don't have to ask nobody...

A MEMBER: Who set up JSIF?

Dr. DAVIES: Me, we, the administration. Here is a programme for which there is significant grant funding... (Applause) Here is a programme for which there is significant grant funding, yet there approved budget of last year was under funded by \$400 Million and I am going to come back to the that issue, because we don't know, on the one hand somebody said it was underfunded and on the other hand said the projects weren't ready. But we will come back. But we know, that the budget for JSIF was underfunded. They spent \$400 Million less than we approved here a year ago.

Mr. BUCHANAN: That is bangarang.

Dr. DAVIES: To what end? For us to be able to boast that we beat the deficit target? Here is an institution established exclusively to aim at lower income communities and people, and we underspend by \$400 Million. So that we can tell the IMF, that watch us, we are tough on poor people, it can't be. But there are other examples. The next one is even worse than the cut in JSIF's expenditure. It relates to the annual little topping up for Government pensioners. Given the movement in prices, this topping up is something they look forward to and, Mr. Speaker, people should understand the official pension, is prescribed by legislation, but we have recognized that with cost of living moving faster than this every year, and we started it and it is being continued by this administration. So the Minister announced the topping up a year ago and said it would be paid, and in the normal thing it is announced and it will be paid within the calendar year by December.

What may seem like no big money to us, trust me, for people particularly those who retired before 1993, it is something they planned for... (Applause) ...they planned around. And one day when after we discussed the matter in the PAC, we discussed it in the PAC, I got several calls about pension, we were discussing pension. But several calls saying what can you do to get them to release the little topping up.

Mr. Speaker, the funds were not disbursed in December; in fact they were not disbursed during the financial year. On various occasions I posed the question as to when would this be done? And the answer varied.

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We pay some now, some later, now and again we hear promises that the little topping up will be paid.

Mr. Speaker, \$500 Million for the pensioners is not no big sum for a national budget, but it is big, big money for the pensioners and it should not have been done. (Applause)

How can we boast about attaining a fiscal target when this sum explicitly committed, it is not that it was - there was any question as to whether it would be committed. It was explicitly committed and it wasn't. Who are we trying to impress, the IMF? I assert without fear of contradiction that the IMF couldn't joke with their pensioners like that, they could not do that, and they would not do that. (Applause) But we can beat upon them here and say to IMF look at our achievement. Yes...

(Sotto voce comments by Mr. Pickersgill)

Dr. DAVIES: No, it is not balance it is deficit still. But right.

Next, the Minister speaks about the significant achievement in terms of the highest levels of NIR in history. And the highest levels of gross international reserves in history. These claims were also reflected in the GG's Speech presumably because they gave that to him. During the Standing Finance Committee, I asked the Minister a specific question. What has happened to the proceeds of the US\$400 Million bond issue? What has happened to the proceeds? Were these proceeds sold to the BOJ thus pushing up the NIR artificially?

I deliberately said artificially, as we all know that the money will have to be paid out later this month, the Minister can tell us exactly when because there was a maturing

bond and they pre-funded it so that they can have it for May. Hence, if the money was sold to the BOJ, this record NIR is just window dressing, as it will be in and out within a little time.

Mr. Speaker, when I asked the Minister, he consulted with his technicians and his response to us was that it wasn't, but I'd ask him to double check and I tell you why.

Dr. DUNCAN: Please.

Dr. DAVIES: In looking at the BOJ's Annual Report, it states that the NIR at the end of December 2010, was \$2,171 Billion - \$2,171 Billion - that is what it was at the end of December. And the Minister has informed us that at the end of March 31, the NIR stood at \$2,553 Billion.

Mr. D. PEART: Story time.

Dr. DAVIES: Do the arithmetic.

Dr. DUNCAN: Yes.

Dr. DAVIES: That's one thing bout Four Paths, a little arithmetic, that's it. (Applause)

The growth in the NIR between January 1, and March 31, is 382 ...

Mr. PICKERSGILL: Wha bout Glenmuir?

(Inaudible comments)

Dr. DAVIES: No, I learnt any arithmetic - the only thing I learnt at Glenmuir was Algebra, but all the arithmetic ever, I learnt from GS NEITA, Esquire. You understand? Yes, yes. (Applause)

(Inaudible comment from a Member)

Dr. DAVIES: Geometry at Glenmuir. You're from Clarendon yu nuh and yu know something, think of what you would've become if you'd had a chance. (Laughter) Think of what yu nuh. Your claim to fame is that your brother went to Glenmuir, that's your claim to fame. But we said no, no, no!

he can make it but you can't snatch your way, that's your claim to fame.

A MEMBER: You want justice, eeh?

Dr. DAVIES: So, Mr. Speaker, the difference in those three months is Three Hundred and Eighty-two Million.

And so, Mr. Speaker, if the record NIR is not reflecting the proceeds from the bond, I'd like to know what remarkable set of inflows could have resulted in this increase of Three Hundred and Eight-two Million in that three month period. I'd just ask the Minister to double check so we'll know, because something would be happening in terms of either exports, which are not reflected in the exports, or happening with FDI. But we need to know, Mr. Speaker, what really has happened in that regard.

Mr. Speaker, there's another reason why I ask questions.

Mrs. NEITA-HEADLEY: We need to know.

Dr. DAVIES: There's another reason. When you look at the projections for the fiscal year, the projection is that the NIR at the end of the fiscal year will be \$2 Billion. So how we're going to lose - why are we going to lose this \$500 Million?

Mrs. NEITA-HEADLEY: Where is it going to go?

Dr. DAVIES: Where is it going to go?

Mrs. NEITA-HEADLEY: Yes!

Dr. DAVIES: So, Minister, I'd like you to clarify that situation.

Dr. DUNCAN: Next week Wednesday.

Dr. DAVIES: Mr. Speaker, the movement in the NIR reflects only one aspect of the BOJ/Ministry of Finance relationship about which we have questions. You will recall, Mr.

Speaker, that during fiscal year 2009/2010, in the height of what must be termed, the Government's home grown credit crisis when no one would lend to them, the BOJ loaned unbacked money to the Ministry of Finance.

Mrs. NEITA-HEADLEY: Right.

Dr. DAVIES: Duly recorded, this is not an accusation, duly recorded, and the Minister said in a crisis, well you have to take action. But that in other terms, lending unbacked money is called 'turning on the printing press'. That's exactly what we did. We raised questions about it then, but we did not get satisfactory answers. But we have more questions. We know that revenues in fiscal year 2010/2011 which is just ended, were bolstered by a transfer of a sum of \$4 Billion from the BOJ, based on profits of that institution during fiscal year 2009/2010.

We know that the BOJ had significant losses in this last fiscal year in the region, I believe, of 1% of GDP. Within that context, the Ministry of Finance - and this has nothing to do with who is Minister - the Ministry of Finance is obliged to provide marketable securities to the BOJ, which they can sell to compensate them for these losses. What we'd like the Minister to tell us is, are there provisions in this year's budget for this payment to the BOJ? The transfer the other way was rapid fire. We ask now that it's changed around, are we going to have the same treatment next time?

A MEMBER: Pie, pie!

Dr. DAVIES: Mr. Speaker, can we expect the same alacrity - Danny Buck would say, good word...

Mr. BUCHANAN: Good word!

Dr. DAVIES: ...alacrity, alacrity in the flows the other way.

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The next point which I wish to make in terms of the budget, relates to the primary surplus. The Minister mentioned in passing, that the primary surplus was \$4.2 Billion below the revised target contained in the Standby Agreement. The truth is, Mr. Speaker, the target was \$57.6 Billion and the out turn was \$53.4 Billion. But the reality is that the shortfall was significantly reduced by the transfer from the BOJ of the \$4 Billion, you know, all other things being equal. And you really can't plan a primary surplus and hope that the BOJ going to transfer.

Dr. DUNCAN: Teach them!

Dr. DAVIES: And therefore we need to know when will the inflow in the other direction take place?

Dr. DUNCAN: Teach them, teach them.

Dr. DAVIES: Mr. Speaker...

Dr. DUNCAN: Good economics.

Dr. DAVIES: Mr. Speaker, I note the Minister's expectation that he projects that the reopening of Ewarton and Kirkvine will result in increasing level inflows in fiscal year 2011/2012. And, Mr. Speaker, we come to something sensitive here and I want the Prime Minister to listen. When the announcement was made in Parliament, I asked the Prime Minister if he would indicate what concessions were being demanded by RUSAL. He responded by saying that he would prefer not to discuss the matter in public as this could jeopardise negotiations. Rather, he said, he would authorise the two relevant Ministers - Mining and Energy and Finance - to brief me privately. And in that briefing I intended to include the Member from Central Manchester and the Member from South Manchester, given their proximity...

(Inaudible comment by a Member)

Dr. DAVIES: Yes, to the programme.

A MEMBER: Big word.

Dr. DAVIES: Mr. Speaker, I didn't leave the matter up to the Prime Minister's statement, I wrote to both Ministers reminding them of the Prime Minister's commitment, seeking this briefing. Nothing has happened.

Dr. DUNCAN: I can't recall. (Laughter)

Dr. DAVIES: Nothing has happened. Again I asked, what is the nature...

(Inaudible comment by Dr. Phillips)

Dr. DAVIES: Boy I don't get into dem business there, I don't get into dem business. All I know is that no briefing has taken place.

Mrs. NEITA-HEADLEY: None.

Dr. DAVIES: So what I want to know, Mr. Speaker, what I want to know is what is the nature of the concessions being negotiated with RUSAL? Are the negotiations complete? Is the Minister of Finance in a position where he can project what the level flows would be? From what we have heard, I've seen articles in the popular press that RUSAL is demanding ...

(Inaudible comment by a Member)

Dr. DAVIES: (Laughs) ...RUSAL is demanding...

Mr. SHAW: A PNP Press.

Dr. DAVIES: Well if it's PNP Press it must be the most popular Press then by definition, but we need to know.

(Inaudible comment by Mr. Vaz)

Dr. DAVIES: And so I say to the Prime Minister, I don't want to - this is serious business - I don't want to go public suggesting what I've heard, I think - let us handle this in a mature fashion and let us then...

(Inaudible comment by a Member)

Dr. DAVIES: And I am calling, I'm publicly calling. The Prime Minister publicly

promised, I privately wrote and I've been privately ignored, so I'd like to know what's going on.

Mr. Speaker, Mr. Speaker, I am going to turn to an area which is of tremendous importance to us on this side of the House. But I would urge that it should be of great importance to everyone.

Mrs. NEITA-HEADLEY: Yes!

Dr. DAVIES: Listening to the Minister, I would not be surprised by the issues which he sought to emphasize. The success of the JDX - the reality, Mr. Speaker, the JDX has been called a voluntary debt restructuring, but it was very hard for John Brown to take on a government. Because I don't know if you - the new investments would have got the first threatening note which says, sign up or else we will take certain remedial action. That's not what it says, it's a translation, we will come after you with taxation and whatever, that's not the first - and I think that wise counsel say take that back as quick as possible, but the first thing suggested that you better sign up or else. The reality is, let us not - after you get past the PR, this is the first selective default in the history of our country, this is the first time we have defaulted. (Applause)

The Minister has also trumpeted the raising of more loans debt. You know there is this euphemism of loans, loans equate debt, from the multilaterals at low interest rates and the buildup of the Gross International Reserves as well as the Net International Reserves. Mr. Speaker, I was simply amazed that nowhere in his presentation he spoke about what to many, has been the most significant development under the present

Administration. The doubling of poverty levels under this Administration in three years... (Applause) ...that to me is more important than any number in any of these books, the doubling of poverty under this Administration, the doubling of it and it was not mentioned. (Applause)

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: Not mentioned. Are we in the same country? The doubling of poverty.

Mr. BUCHANAN: Put a smile on the Minister's face.

Dr. DAVIES: Mr. Speaker, at this juncture, I must speak to the fact that the annual public...

Mr. CHARLES: I take care of that already.

Dr. DAVIES: Yea, but they take cognizance of it.

(Inaudible comments by Members)

Dr. DAVIES: You taking care of it, a coming to you.

Mr. MAIR: Leave Pearnell alone.

(Cross talks)

Dr. DAVIES: At this juncture I must speak to the fact that the annual publication of the Survey...

(Cross talks)

Mrs. NEITA-HEADLEY: Mr. Speaker, what is happening? Will you protect the speaker?

(*Sotto voce* comments by Members)

Mr. PICKERSGILL: Go back to sleep.

Dr. DAVIES: At this juncture, I must speak to the fact that the annual publication of the *Survey of Living Conditions*, which normally provides data on poverty has not been tabled. Mr. Speaker, this is - once is a mistake, it's becoming a habit now.

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Mr. D. PEART: A purpose dat.

Dr. DAVIES: This is disappointing but not surprising. Mr. Speaker, let me remind you, that it was only after I posed questions in this House to the Prime Minister, that he produced the document - I posed those questions last year - that he produced the document for 2008 and a summary - he read a summary - of the results for 2009.

Dr. DUNCAN: Shame!

Dr. DAVIES: I still don't know if the actual SLC document for 2009 has been published, all I can say is that I'm not seeing it. So here is a document which religiously, every year, was admitted for the budget debate, and then it's only a year and a half after I asked about it that 2008 was published, I think it came out in November of 2009, and up to now we've not seen the 2009 document and 2010 is not published.

Mr. D. PEART: Dem caan publish it, dem a hide it.

Dr. DAVIES: Mr. Speaker, when the data was provided for 2008 and 2009 - and the 2009 data was in summary form because I haven't seen a document - it confirmed what everybody knew. It indicated that the level of poverty which had dropped to 9.6% in 2007, 9.6% in 2007, had jumped first to 12.2% in 2008. (Applause)

(Microphone malfunctions)

The SPEAKER: Your mike is now on, Dr. Davies.

Dr. DAVIES: Has the bill been paid? Or it's temporary reprieve?

Dr. DAVIES: Mr. Speaker, the data, when provided, confirmed what everyone knew. It indicated that the level of poverty, which had dropped to 9.6 per cent, had

jumped first to 12.2 per cent in 2008, and then to 16.5 per cent in 2009. Simply translated, it meant that from a ratio of 1:10 below the poverty line, in two years this had deteriorated to 1:6 below the poverty line. But that's the beginning.

A Government MEMBER: Whoa! Whoa!

Dr. DAVIES: That's the summary information which we have. In actual numbers up to 2009, we are speaking about an additional 180,000 Jamaicans who were certified by the SLC as having fallen below the poverty line.

Opposition MEMBERS: Shame! Shame!

Dr. DAVIES: One hundred and eighty thousand. What of 2010? Mr. Speaker, that's two years ago. As I have said, the SLC publication was not tabled at the opening of the Budget Debate. And we are sincerely hoping that when the Prime Minister comes he will table both 2009 and 2010.

The SPEAKER: The Member's time for speaking has expired. (3:08 p.m.)

Mr. GALLIMORE: Mr. Speaker, I move for the suspension of Standing Orders to allow the Member to complete his presentation.

The SPEAKER: Members, the motion before you is for the suspension of Standing Orders to allow the Member to complete his presentation.

Put to the House and agreed to.

Mr. BUCHANAN: It can't table until after the Election! Next year!

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

But you think the people don't know? You think them need the SLC to tell them say

them poor? You think they don't know.

Mr. BUCHANAN: I know, but them don't know.

Dr. DAVIES: Mr. Speaker, what of 2010? As I have said before, the SLC publication was not tabled. What is the situation? What is the reason for this delay? What new developments and setbacks and roadblocks have taken place since 2000? What is happening? What is happening?

Mr. Speaker, the question is, what is the poverty level for 2010? Again, I can do nothing other than to rely on the government's estimates.

The PIOJ in its plan for growth, makes reference to poverty levels being between 18 and 20 per cent. This is the PIOJ. Whatever is the new level of poverty, the simple answer is that in three-and-a-half years of this Administration, the number of persons living below the poverty line has doubled! Has doubled! Has doubled!

Is it not amazing that whilst the Minister went to great lengths to speak about every possible issue under the sun, luxury car duty reduced, whatever, not one sentence about the fact that the poverty levels have doubled! (Applause) And what they intend to do about it.

Mr. BUCHANAN: Me ask him about it, but him nuh ansah me!

Dr. DAVIES: Mr. Speaker, the only thing which comes close to that deterioration, is the increase in debt, but we will get back to that.

Mr. Speaker, the omission of any discussion of poverty is very instructive, as it demonstrates a fundamental difference, in terms of Administrations.

Mrs. SIMPSON MILLER: Absolutely! (Applause)

Mr. BUCHANAN: Hear! Hear!

Dr. DAVIES: Under every PNP Administration, the matter of addressing the situation of those at the bottom of the economic ladder was always foremost in our mind and in our actions. (Applause) Sometimes, Mr. Speaker, we were accused that we overdid the attempts to reverse poverty. But no one could ever doubt that it was a priority. No one could ever doubt it was a priority. (Applause)

Let me speak very, very quickly to the issue of increased PATH benefits. Whilst this is appreciated and applauded, this cannot represent the totality of the attack on poverty.

Mr. Speaker, the technical persons are there. The methodologies employed before should be studied and modified, if you wish, because times are changing. But the country cannot accept the stance of doing nothing. That is not acceptable. (Applause)

Mr. Speaker, I don't know if you read the comic strips. Sometimes it's the best thing in the newspaper, or the only thing. But, there is a comic strip character, CHARLIE BROWN, who asserted that there is no problem too big you can't run away from it. If we continue to ignore this disturbing development, it would seem to me that you have adopted the CHARLIE BROWN approach. The CHARLIE BROWN approach can't work when we dealing with poverty...

Mrs. NEITA-HEADLEY: Noooo! (Applause)

Dr. DAVIES: ...just hope that it will go away.

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Critical to taking action is making use of accurate data. The non-publication of the *Survey of Living Conditions* implies at the same time, not only our inability to have a structured discussion on the matter, but also raises questions as to whether the Government itself is thinking about these issues. Do they talk about it at Cabinet meetings? Do they talk about it at - what you call it - Belmont Road? They don't raise it? I know that at Old Hope Road you couldn't have poverty moving that way and the whole Executive not onto us in that regard. (Applause)

Mrs. NEITA-HEADLEY: True! True!

Dr. DAVIES: Mr. Speaker, every single one of us, every single one of us in this House knows that the situation reflected in the data is not a theoretical one. We see it in the number of children not attending school regularly. We see it in the number of persons who attend health facilities but cannot afford the prescription.

Mrs. NEITA-HEADLEY: Yes! Yes! (Applause)

Dr. DAVIES: We see it in the number of persons who attend health facilities and they have to do a certain number of tests, and just come to you with their crumpled paper and say, M.P., what you can do about this? We see it in the number of persons, Mr. Speaker, who simply cannot afford food. You see it in the number of - you go into a bank and you go into anywhere with a security guard, and the man say, you a de real big man, how de lunch ting look? Squeeze me something fe de lunch.

Mr. Speaker, these are not theoretical discussions. That this did not deserve a sentence in the Minister's presentation, is instructive.

Opposition MEMBER: Callous!

Dr. DAVIES: Instructive. Callous, good word.

But we go beyond just poverty, Mr. Speaker, of those at the bottom of the ladder.

One of the interesting emerging characteristics of poverty in even the most wealthy countries, is the increasing number of persons who are full-time employed, but who fall below the poverty line. That is taking place in Jamaica. (Applause) The working poor - there are persons working 40/45/50 hours, sometimes more, who have difficulty meeting basic obligations like putting basic food on the table and paying their bus fare. (Applause) In this regard, the response of the Administration in terms of the working poor, has been totally inadequate. To be more precise, the issue has been treated in the most superficial and condescending manner.

Mrs. NEITA-HEADLEY: Shame!

Dr. DAVIES: Consider the minimum wage - and I told the Minister that I was going to come back to it, and I am going to come back to it until we get them to change. (Applause)

(*Sotto voce* comments)

The Minister of Labour and Social Security recently announced a new minimum wage, which I believe takes effect this month. What should be known to the Minister, and to those who advise him, is that the minimum wage was last raised two years ago, May, 2009. However, the Minister announced an increase of 10 per cent.

Miss HANNA: Ridiculous.

Dr. DAVIES: At the bare minimum, persons at the bare minimum, persons at this level would have faced increases of over 20

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per cent over the two-year period in the cost of living since the last increase. But we know that transportation cost is a significant part of that, and last year the bus fare was raised by 40-odd per cent.

Mrs. NEITA-HEADLEY: That's correct!

Dr. DAVIES: So that 20 per cent is a low estimate.

Consider this very carefully, Mr. Speaker. By definition, we know that all those who earn the Minimum Wage have difficulty in making ends meet, by definition. However, the Minister and the Administration, in their infinite wisdom, clearly are of the view that them that don't have should have even less; that they who ain't got should have less. What they asked us in Parliament, Mr. Speaker, is to use the full legislative authority to say to people who had faced a 20 per cent increase minimum, in the cost of living, hold this 10 per cent. In other words, if they were poor two years ago, hold this and be poorer.

Mrs. NEITA-HEADLEY: Be poorer!

Dr. DAVIES: It is for that reason, Mr. Speaker - it was for that reason that we voted against the token increase. And I call it token increase. (Applause) And don't care how the PR spin, Mr. Speaker, it's an insult when people have faced 20 per cent increases, minimum, that you say hold this 10 per cent.

We insist that at the very least the increase must equal the movement in the cost of living, one. We insist that the adjustment should take place every year.

Opposition MEMBER: Yes!

Dr. DAVIES: Mr. Speaker, the combination of the growth in poverty and the reluctance to respond in some way which could be termed effective, reflects a callous

lack of concern about the hundreds of thousands of persons at the bottom of our national economic ladder.

Government MEMBER: Hear! Hear!

Dr. DAVIES: In fact, some may not even be on the ladder anymore, we have kicked them off. The issue is one about which we feel very, very strongly. (Applause) We have made a case and we are dissatisfied with the manner in which the issue is being handled by the Ministry of Labour and Social Security.

We have heard about a Commission document on a liveable wage. Very vague. We asked for terms of reference, we asked for - say, can we get some information?

Mrs. NEITA-HEADLEY: Who is it? And where is it?

Dr. DAVIES: Can we talk to this mysterious writer? We know nothing. And we therefore, Mr. Speaker - and, Mr. Speaker, hear me and hear me good, this issue is not going to go away, and the Opposition will be on that. (Applause)

Opposition MEMBERS: Hear! Hear!

Dr. DAVIES: Mr. Speaker, the Health Sector. Mr. Speaker, the promise to bring free health care to the country, through the public health institutions, was a major plank of the JLP's platform leading up to the last election. Noble as this objective is - and it's a policy which is affordable to very few countries in the world - the simple fact is that it's not working. It's not working.

Let me give the fullest credit to the professionals employed in the public health sector. (Applause) The nurses who are still expecting their doubling of - double - the doubling of pay, the assistant nurses, the doctors, the medical technicians. However, regardless of their skills and dedication,

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without the tools, pharmaceuticals, equipment, basic supplies, they cannot deliver healthcare at the appropriate level. Any Member of Parliament here, would have received countless accounts from his or her constituents about being seen by health professionals but not being able to have the appropriate test carried out, or being able to purchase required drugs which are not available at the health centres and hospitals.

There is somebody - and I won't mention where she used to work, a government worker - and she had radical breast surgery, and she was supposed to do six (6) treatments, and they said because of the limited facilities, she can get three, but she must find the money for the other three.

Now, what is that? So what is that? Of course, her way of finding it is to check me.

Mrs. NEITA-HEADLEY: That sound so, so!

Dr. DAVIES: So, Mr. Speaker, persons would know - every single one of us in here, every single one of us in here, every single one of us in here knows.

Mr. Speaker the situation has not only been brought to our attention by complaints and pleas of our constituents, but the facts which have been present to the country in terms of the indebtedness of the Ministry of Health and the indebtedness of the Health Corporation of Jamaica. Mr. Speaker, against that background we remain amazed and outraged that the Administration a year ago...

(Sotto voce comment by Mr. Pickersgill)

Dr. DAVIES: ...could have raided the NHF, the National Health Fund...

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES:in order to bolster revenues in the face of the sector being underfunded.

(Applause)

How dare them!

Mrs. NEITA-HEADLEY: How dare them.

Dr. DAVIES: How could they?

Mrs. NEITA-HEADLEY: How could they?

Dr. DAVIES: Raided the NHF...

Opposition MEMBER: Raid!

Dr. DAVIES: ...raid and is nothing but a raid. Raided the NHF.

Mr. BUCHANAN: What got into them?

Mr. PICKERSGILL: Piracy.

Dr. DAVIES: But if that were not serious enough indictment, look at the results and I urge all Members to look at it. The Auditor General has carried out a critical review of the pharmaceutical situation; I want all Members to review it.

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: Is not a joke thing. It's very damning. It raises serious questions which must be answered. Nowhere in the Minister's presentation was there any reference to any special allocation to clear the indebtedness of the HCL and the indebtedness to suppliers of equipment and pharmaceuticals. The level of this indebtedness is not quite clear, all we know it big, and has been reported by the Minister and also by other officials.

Question: How much, Mr. Minister of Finance, how much in the present budget is there to clear the arrears?

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Question: Even if the arrears are cleared, are the allocations for the new fiscal year adequate to prevent a recurrence of further indebtedness? That's two double barrel questions.

How much Minister, have you got to clear the arrears? And when you done with that now, have you got additional amounts to prevent you getting back into the same problem? Those are the questions. And work with us; we can help bring the pressure so they can respond to us. Work with us.

(Applause)

Mrs. NEITA-HEADLEY: Work wid us.

Dr. DAVIES: Mr. Speaker, none of these issues have addressed, and even as we speak the situation becomes more desperate. Tour any hospital and one can witness deterioration in everywhere. Doors and windows hanging loosely from their hinges. Broken equipment thrown all over in corridors....

(Inaudible comment by Mr. Vaz)

Dr. DAVIES: ...and not to mention...

(Inaudible comment by Mr. Vaz)

Dr. DAVIES: ...as I have raised before...

(Inaudible comment by Mr. Vaz)

Dr. DAVIES: ...the chronic inadequacy of drugs and other basic supplies.

Mr. SHAW: You neva notice that?

Mr. BUCHANAN: You see because you go a hospital a America, you no know that.

Opposition MEMBER: You wouldn't notice that.

Mr. BUCHANAN: A Miami hospital you go.

A MEMBER: Oh, Lord.

Dr. DAVIES: My yute, you come like a young batsman just get pick and the big bat

mek zero - and yuh go out deh and mek zero and yuh sey but you mek it too. You have to prove -

(Inaudible comment by Mr. Vaz)

Dr. DAVIES: No yuh no big bat yet.

Mr. VAZ: Me no big bat?

Dr. DAVIES: You're on trial. You're on trial and we don't know if you're going to mek it again.

(Applause)

(Cross talk)

Dr. DAVIES: Yes, big bat run. Is him mek the brucks. But anyhow the big bat ducks on his way out, you know, so yuh betta look yuh place anyway.

(Laughter)

Mr. Speaker, the Administration must wake up and accept the reality of the situation. Let me say something. The Minister of Health is personable and charming. He's someone I consider to be a friend. However, Minister, charm and affability won't address the real problem of the deteriorating health sector, even as those who have no options are ignored.

Mrs. NEITA-HEADLEY: That's it.

Dr. DAVIES: The reality demands that the Administration honestly examine whether the much touted free health policy is working. If it is indeed the priority which the government says it is, then additional allocations will have to be made to the Ministry of Health.

(Applause)

So again I say to the Minister, Minister work with us. This transcends party politics. We talking about health, health. Work with us, work with us.

(*Sotto voce* comment comments by Dr. Phillips)

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Dr. DAVIES: Well, ask him to work with Ruddy.

Mrs. NEITA-HEADLEY: Work wid we.

Dr. PHILLIPS: Ask him to work with we.

Dr. DAVIES: Mr. Speaker, that was a brief summary of the social reality check. We could have spent more time, but I promised the Minister of Finance that I wouldn't go longer than four hours.

I listened very intently to the Minister's presentation on the state of the economy. I found the presentation interesting from the beginning, as the Minister, page one, paragraph three, started with a complete misrepresentation of recent economic history.

Government MEMBER: You deny it?

Dr. DAVIES: Recent. Paragraph—
(Inaudible comment by Government Member)

Dr. DAVIES: Let me quote him; and it don't matter whether you get the cheap version or the one with pretty picture. The colours are good. We could do without the person, but the -

Dr. DUNCAN: No value added.

Dr. DAVIES: No. But let's take page one, paragraph three.

Dr. DUNCAN: Yes.

Dr. DAVIES: I don't want anybody to say I misquoted the Minister.

Dr. DUNCAN: History lesson now.

(The Speaker leaves the Chair – Deputy Speaker Mrs. Dalrymple Philibert presides)

Dr. DAVIES: He said we inherited a company on the border of collapse.

Opposition MEMBER: Lie!

Dr. DAVIES: No, no, is all right. There is more. The only option for survival was for us

to make significant game changing decisions. Madam Speaker, welcome.

Opposition MEMBER: Yes.

(Laughter/Applause)

Dr. DAVIES: Listen to this now. Top of the list was negotiating an IMF agreement with the most bearable terms possible given the weak hand we held.

Mrs. NEITA-HEADLEY: Oh my, oh my.

Dr. DAVIES: Madam Speaker, Madam Speaker, we have to tear this - we have to mash down this lie.

(Applause by Opposition Members)

We're going to mash down this lie.

(Applause by Opposition Members)

You know, Madam Speaker, I determined for a period give the Administration a chance. Let them put forward, listen to me and tek the notes because you going have to find out how to explain it to the people in West Portland. They watching you.

One, I challenge the Minister to refute the following—you write this down. (1) The JLP Administration inherited an economy which had recorded nine (9) consecutive years of growth. Nine (9) consecutive years of growth.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Nine, nine!

(Applause by Opposition Members)

Mr. D. PEART: Nine, nine!

(Applause by Opposition Members)

Dr. DAVIES: Nine (9) consecutive years. And this is an economy on the border of collapse nine (9) consecutive years and I'm going to give you the table. I'm going to give you the table. In fact, Madam Speaker, in that last year before they took over, the economy grew by three per cent.

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Mrs. NEITA HEADLEY: That's correct.

(Applause by Opposition Members)

Dr. DAVIES: By three per cent.

(Applause)

When this Administration took over this economy on the border of collapse, the NIR stood at \$2.4 Billion, \$2.4 Billion.

(Applause by Opposition Members)

I hear the Minister boasting about the dollar stable at \$85 to \$1, when they took over the Jamaican dollar was stable at \$72 to \$1.

(Inaudible comment by Mr. Witter)

Dr. BARTLETT: Coming from where?

(Cross talk)

Dr. DAVIES: You know I like you, but this not countryman business, this serious business. You know I like you. Yes, yes, this is serious business.

(Laughter)

Yes, yes, talk to me later I will explain how it go. Talk to me later and we talk about it.

(Cross talk)

Cren, Cren, no! I didn't make the offer to you, Cren Cren. You can't be helped.

(Laughter)

You can't be helped. No, is a good yute.

Dr. DUNCAN: Downstairs we can talk.

A MEMBER: We'll go downstairs.

Dr. DAVIES: Inflation during 2006, Madam Speaker, was 5.8 per cent.

(Applause by Opposition Members)

This is the economy on the border of collapse. Domestic interest rates had been credibly reduced to 11 per cent, not manipulated, credibly reduced to 11 per cent.

(Applause by Opposition Members)

The country was experiencing unprecedented levels of foreign direct investment. And that gwine come back to.

(Applause by Opposition Members)

Poverty levels were 9.6 per cent, 9.6 percent

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: That's correct.

Dr. DAVIES: Not 12.2, not 16.5, not 20, 9.6 percent.

(Applause by Opposition Members)

And unemployment was below 10 per cent.

Mr. BUCHANAN: That's it.

Dr. DAVIES: And unemployment was below 10 per cent.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Management.

(Applause by Opposition Members)

Dr. DAVIES: Listen, this is the economy on the border of collapse. So if we were on the border of collapse, what has happened? We have collapsed totally now. We have collapsed totally now.

(Laughter/Applause by Opposition Members)

But those are just the numbers, but those are just the numbers. Listen to this statement. The Minister goes on to say the only option for survival was to make significant game changing decisions.

Mr. D. PEART: Ignorance!

Dr. DAVIES: No, no listen to this - these are very serious, top of the list was negotiating an IMF agreement with the most bearable terms possible given the weak hand we held. Madam Speaker, I do not believe that the Minister would have proof read that because he knows - he knows in mid-2009, the Prime Minister, himself, in this House asserted that the Administration was not seeking to engage the IMF.

Mrs. NEITA-HEADLEY: That's right.

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Dr. DAVIES: It was neither appropriate nor necessary, and then he said top of the list, he had to engage the IMF.

(Applause by Opposition Members)

(*Sotto voce* comment by a Member)

Dr. DAVIES: No, I don't agree.

Mr. PICKERSGILL: Quote what he said.

Dr. DAVIES: Ehh?

Mr. PICKERSGILL: Quote what he said.

Dr. DAVIES: No, I'm going above him. I going above him.

(*Sotto voce* comment by Mr. Pickersgill)

Dr. DAVIES: No, no, I going above him.

Dr. PHILLIPS: Go to the top.

Dr. DAVIES: Yes, I going to top.

Dr. VAZ: You going in for the big bat.

Dr. DAVIES: Yes, why - somebody help me now. Come help me now, why would the Minister open his presentation with assertions which are so untrue. Why?

Mrs. NEITA-HEADLEY: Why?

Dr. DAVIES: Why? Why? Was he badly advised?

Mrs. SIMPSON MILLER: He couldn't recall.

Dr. DAVIES: Or has he come to believe the propaganda and half truths recited on platform?

(Inaudible comment by Opposition Member)

Dr. DAVIES: Why would he do that? Why would you the third paragraph of your speech say something, which is so easily refuted, but so clearly, clearly wrong? Why?

A MEMBER: Propaganda!

Mr. D. PEART: Lie, lie!

Dr. DAVIES: Although I enjoying myself let's not tarry. Let's not tarry. Let us just recall

that for years part of the campaign of the Administration, while in Opposition, was to mock the rate of growth attained over the eighteen years of the PNP Administration. The country must be saying bring back the good old days.

Mrs. NEITA-HEADLEY: Yes, yes!

(Applause)

Mrs. NEITA-HEADLEY: Yes, yes!

(Applause)

Dr. DAVIES: Let us examine the facts. Let us pause and reflect on the utterances on the Minister of Finance, and indeed the Prime Minister during the early heady days of the Administration. Even whilst everyone else in the world was speaking about the global crisis and seeking to identify ways of battening down. We were reassured that this crisis would have no negative impact on Jamaica. In fact –

(Cross talk)

In fact, the Minister of Finance in full flight says that we would actually boom...

Mr. PICKERSGILL: Yes.

(Cross talk)

Dr. DAVIES: ...grasp the opportunities and boom in this thing.

(Laughter)

Dr. DAVIES: What, Madam Speaker? What?

Mrs. NEITA-HEADLEY: What?

Dr. DAVIES: Who? What could have influenced - informed such utterances? Was it bad technical advice?

(*Sotto voce* comments by Mr. Pickersgill)

Dr. DAVIES: Or was it that the Administration was so far removed from reality? Was it that there were too many changes in technical advisors? None could have advised that.

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Dr. DUNCAN: One-third.

Mrs. NEITA-HEADLEY: One-third.

Dr. DAVIES: Madam Speaker, for many years, for many -

(Inaudible comment by Mr. D. Peart)

(Laughter/Cross talk)

Dr. DAVIES: For many years, Madam Speaker, for many years the Opposition spokesperson, now the Minister lamented the low and anaemic growth rates being recorded in Jamaica. This became a major aspect of the campaign leading to the 2007 election.

Dr. DUNCAN: You want the PowerPoint?

Dr. DAVIES: Yes, we need PowerPoint. I'm going to - come, come youth. (Signalling to the orderly) We need to give them.

Mr. D. PEART: Yes, send it go give them, send it go give them.

Dr. DAVIES: This is you. This is you diving. You're off the cliff. The collapse has taken place.

(Laughter)

Mrs. NEITA-HEADLEY: Diver, Diver.

Dr. DAVIES: Diver diving off the cliff. Yes, I can give him. I even brought a copy for you.

A MEMBER: Yes, man.

Dr. DAVIES: Give him that. (Signalling to the Orderly).

Madam Speaker, for the 18-year period the economy recorded three years of negative growth. I didn't know him could catch up so quick. In three years he has done that. He has recorded three years of negative growth in three years.

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

Dr. BARTLETT: Every year!

Dr. DAVIES: So, Madam Speaker, this economy on the verge of collapse, where

would we be after three years of negative growth? Madam Speaker, we were not satisfied with our performance, call it anaemic, call it low, we were not, but in retrospect it look like these people weren't even trying.

Madam Speaker, we sought to do things, we sought to do things. And I want to - all of us need to learn in terms of how we can approach this growth issue. And it's something I would like removed from just the noise where we could have a discussion. The booming tourism occasioned by what they called the Spanish invasion, the Spanish invasion.

Mr. D. PEART: Enough hotels we build give them.

Dr. DAVIES: Yes, I am coming to that. It did not occur by chance. It was part of a deliberate plan to diversify ownership and expand capacity. (Applause) My young advisor says say it again. It was a deliberate plan to diversify, and let anyone who has ears to hear hear it, to diversify ownership and expand capacity. It wasn't just about expanding capacity. It's about diversifying ownership. And I see my friend and colleague here with.

(*Sotto voce* remarks by Mr. Vaz)

Dr. DAVIES: No, I have a colleague in this, you know. Me and you can stand and fight together. Him know how the power go. Is a good youth.

(Referring to Mr. Gallimore)

Mr. D. PEART: Good youth what ?

Dr. DAVIES: Him make a speech and him never know how the real power run, bap, him seh come youth, don't test.

Mr. BUCHANAN: See dem move him.

(Mr. Holness returns to his seat)

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Dr. DAVIES: But is a good youth, you can try with him.

(Sotto voce remarks by Mr. Pickersgill)

Dr. DAVIES: Bap, bap! Don't withdraw any of them thing. Don't tek back no chat, youth! Stand up firm! (Applause) Don't take back yuh chat.

Mr. BUCHANAN: Wuk with it!

Dr. DAVIES: Don't tek back yuh chat. I hope I don't set you up for nutten. (Referring to Mr. Gallimore)

Opposition MEMBER: Cabinet Minister.

Dr. DAVIES: Madam Speaker, the investments in highway construction, water and sewage, the Montego Bay Convention Centre, all these...

Mr. D. PEART: Falmouth!

Dr. DAVIES: The Falmouth cruise. I don't even get an invitation fi come even look on the place. But is love still, is love still. We don't worry 'bout the hype. We need to worry about the works.

Madam Speaker, we weren't satisfied and it a question which the Prime Minister has posed in one of his more sober moments, in one of his more sober moments. He posed the question, investment in infrastructure, how long before the pay back? And it's something we have to look at. It seems that sometimes we are somewhat impatient and the fact that you don't get the results as quickly as you would expect, is not a reason to stop. But we knew what we were doing in terms of investment. And in 2006 we had growth of three per cent and that was built on the back of the expansion. Yes, you have that. And I said to myself, oh, and this was anaemic. And I said, oh, wouldn't it be good even to have zero point three now. Yes, we could celebrate.

You could say you are above this line. (Holding up document) You would be above that line.

Madam Speaker, one of the important issues, we live in a world where, as they say in my constituency, "everything is everything" so you expect that you are going to get booms from the international economy. You are going to get licks. We got them too, you know. We got them and so some of these bad years reflect licks, some of the licks of that global crisis. So don't let this excuse 'bout this is the greatest recession in the history of recession. That is not an excuse. That is something you say in spite of this, this is what we are going to do. (Applause) We don't go as far as predict that we are going to boom as the Minister says, but you have to take action in order to counter these effects. (Applause)

Mrs. NEITA-HEADLEY: Action!

Dr. DAVIES: Madam Speaker, I was fascinated by the fact that the strongest phrase used by the Minister about growth. And it is an interesting phrase. The rate of negative growth has started to decline.

(Sotto voce remarks/Laughter)

Dr. DAVIES: And you know is a man who is good on the platform. I would like to hear him go to Christiana and say to them the rate of negative growth has started to decline. Dem say weh yuh a seh? Why the price doesn't start to decline? That's what they are going to ask you. The rate of negative growth has started to decline. That phrasing was deliberate. Because at present, using baseball terms, the Minister is batting zero. There is no way he would be in the lineup.

In 2008, the first year of the JLP Administration, there is negative growth of

0.9. In 2009 we recorded negative growth of -3% and in 2010 it was 1.2%. You know what that means, Madam Speaker? The growth...

(Sotto voce remarks by Members)

Dr. DAVIES: That's your consolation. I want you to go and tell your constituents...

Dr. DUNCAN: I am going to go and say...

Dr. DAVIES: yes, say that. The rate of negative growth....

Dr. DUNCAN: The rate of negative growth has started to decline.

Dr. DAVIES: So there is hope. There is hope. (Laughter) So, Madam Speaker, over the three years....

(Sotto voce remarks by Mr. Gallimore)

Dr. DAVIES: ...over the three years.... Remember I was backing you eh nuh, mine I remove my backing. ...so over the three years of the JLP Administration the economy has contracted by over 5%, contracted.

Mrs. NEITA-HEADLEY: Shame!

Mr. BUCHANAN: Is that anything to boast about?

Dr. DAVIES: Put another way, put another way, and you can go to Christiana and tell them the national economic cake has been reduced by 5% under this Administration in just over three years.

Mrs. NEITA-HEADLEY: Shame!

Dr. PHILLIPS: But the decline is equally felt.

Dr. DAVIES: Madam Speaker, today even as we speak – some are booming. Even as we speak, Madam Speaker, hear me and hear me good, even as we speak, the economy is close to the size it was in 2003, in 2003.

Mr. BUNTING: Three years. It takes us 18 years. In only three years they have reversed us.

Dr. DAVIES: But it is still working. It could get worse. It could get worse. This is for an administration which trumpeted there would be jobs, jobs, jobs based on significant economic growth.

Opposition MEMBER: Who seh so!

Dr. DAVIES: The only way to assess the Minister's presentation in terms of his economic positives against his reality is that somebody is dreaming. His name is not Arlene but is dream him a dream.

Mrs. NEITA-HEADLEY: Wake up!

Dr. DAVIES: Madam Speaker, let's come to the deficit. The Minister in his presentation trumpets that not only has the Administration met the target for the deficit of Central Government but they have actually over performed during the fiscal year. One may accept this achievement at face value but what is the reality. The reality is that the Government has accumulated unprecedented arrears beyond 90 days and there is no central point which is monitoring these arrears perhaps because they have no intention of clearing them as a priority.

I have obtained, Madam Speaker, from the Ministry of Finance data on the amounts owed for refund of tax on interest taken at source, pension funds, *et cetera*, and some pensioners get back that money. It's pulled at source and then you get that money. But the Ministry of Finance is now holding \$15.6 Billion of these people's money, \$15.6 Billion.

(Sotto voce remarks by Opposition Members)

Dr. DAVIES: These arrears cannot remain where they are but reducing them will have implications for the net revenue projections.

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Dr. DUNCAN: It's a klepto state.

Dr. DAVIES: That's a new phrase? They have to reduce it. It cannot be considered.

Mr. PICKERSGILL: Hypocrisy.

Dr. DAVIES: Can the Minister indicate whether there is a target in this fiscal year for reduction of the arrears? If so, can it be publicly announced such that pensioners and institutions will have some reason for hope that the government will meet its obligations on a more timely basis. (Applause)

Mr. VAZ: You never had any arrears?

Dr. DAVIES: I have the numbers. I can give you them. They have never been that high.

Mr. D. PEART: The Minister of Information doesn't know.

Mr. VAZ: I need it for information.

Dr. DAVIES: You have it? You need it for information. Anything else you need help with just call me, you know that.

Mr. D. PEART: Audley don't give you those figures?

Dr. DAVIES: Madam Speaker, we are just talking about the tax taken at source on interest. There is the big issue about the amount owed to the public sector workers. my colleague, young colleague, beautiful colleague will be speaking tomorrow and so we won't go much into that. However, I simply ask, what is the size of these arrears owed to the public sector workers?

Madam Speaker, in discussions with the Opposition has held with the IMF team and this continues, it's a tradition. When we were in office we sent them to meet with the then Opposition Spokesman on Finance and they have reciprocated, the same thing happens with us. We asked the team, how do you treat the unpaid amounts owed to the public sector

workers? There has been a court decision. There is no question that this is owed. How do you treat that? If, for example, there is no question that these funds are owed, these amounts are owed, why is this not considered a part of the debt stock? You can't just have it hanging. It can't be that the Government can simply have significant obligations and just leave it out there in space. Perhaps the Minister, at some stage, will explain to us how the ministry deals with this amount technically. Is it just a number or is it somewhere unchecked? How is this dealt with? Why is it not part of the debt?

Now, Madam Speaker, let's look at the increase in debt. And I tell you a coming in hot, hot today. Yes, it has been a long time. (Applause) One of the major puzzles about this three and a half years of this Administration relates to the phenomenal increase in the debt stock. In September 2007 - and this is a number which was provided to me by the Minister's office - the debt stock at the end of September it stood at \$973 Billion, 2007, September 30, 2007. Well they tell me. I just take it. What is \$23 Billion between...

(Sotto voce remarks by some Members)

Dr. DAVIES: Yes, data provided me by the Minister's office show that as at March 31, 2011 the debt stock had grown to \$1,572 Billion.

Mr. PICKERSGILL: What!

Dr. DAVIES: Hear me, I am just quoting. I have the figures sent to me by the Minister's office somewhat late but it came.

Miss HANNA: By 40%.

Dr. DAVIES: No, no, no! You need to go to Four Paths Primary. In simple terms, in exactly three and a half years under this

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Administration the national debt has grown by 62%.

Opposition MEMBERS: No, no, no!

Dr. DAVIES: At the same time, the economy has contracted. So on the one hand the debt stock is going up so and the other hand the economy is going down so. How are we going to bring back this relationship?

Miss HANNA: JDIP money.

Dr. DAVIES: When we left office the debt to GDP ratio was 105%. The Minister proudly announced it's 129%.

(Sotto voce remarks by Mr. Gallimore)

Dr. DAVIES: That's the only word they teach you.

Mr. GALLIMORE: No, I am asking you.

Dr. DAVIES: Okay, I will come back to you.

But the critical question, what the people want to know - and we are here to tell you what the people want to know. What was this debt used for? Where are the improvements in the hospitals? Where is the increased spending in education? Where are the improvements in physical infrastructure? What was the money used for?

(Applause by Opposition Members)

I have spent some time seeking to understand what happened, and I have - well nothing happened but I can explain the growth.

A MEMBER: You what?

Dr. DAVIES: I can explain the growth in the debt.

Opposition MEMBERS: Oh!

Dr. DAVIES: The only real answer lies in the unrealism, and I should add more than a little chaos. As the dread said to me, there is too much 's h a o s'. *(Laughter)* Andto

the chaos which characterized fiscal management during the first two years of the administration.

Mr. BUCHANAN: Him was referring to Shaw.

Dr. DAVIES: *(Laughter)* The administration came into office.... Madam Speaker, the administration came into office with certain political announcements.

Miss HANNA: Political, political!

Dr. DAVIES: ...'political' memory of Danny Buck, *(Laughter)* and sought to build the Budgets of 2008/2009 and 2009/2010 on the basis of these political commitments, in spite of the reality which was staring everybody else, everybody else in the face.

Miss HANNA: That's right.

Dr. DAVIES: Madam Speaker, A not into this "I told you so", but I told them so! I told them so!

(Applause/Laughter by Opposition Members)

I said, this budget cannot be funded, these rubbles, as you can recall.

Dr. DUNCAN: I can recall.

Dr. DAVIES: You can recall. Thank you. I told them so, and I said the budget cannot be funded.

What that led to, Madam Speaker, is that they proceeded to borrow money - and catch this -high cost money. You check the money, you check the money borrowed during those early periods in the attempt to fulfil these political objectives. Therein was the problem, you were borrowing money upon money and persons were able - those with cash could demand whatever interest rate. Right, Peter?

(Laughter by both sides)

So debt piled up on debt. Admittedly, there have been attempts to curb this, but these

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attempts simply amount.... My granny used to tell me that people who take unnecessary risk and then try to correct that, is like you “take poison and see if bizzy will cure it.”

(Laughter by Opposition Members)

This is exactly what was happening. These steps were unnecessary and so following that, you had the JDX, which is the bizzy, to seek to correct the poison of the madness in fiscal policy which was pursued for those two years.

(Applause by Opposition Members)

Was it that the administration was badly advised by the technicians, or were the changes too rapid in terms of technical support? What could have led to tabling these budgets which could not be funded by revenue flows, leading to more borrowing?

In that regard, the JDX which the Minister - you say don't say trumpets - puts forward as a major success was none other than a default by the Government of Jamaica on obligations solemnly given to repay money borrowed at an agreed time and at an agreed interest rate.

Mrs. NEITA-HEADLEY: That's right.

Mr. BUCHANAN: Dat is not nothing new!

Dr. DAVIES: At the same time, the Minister continues his boast of being able to borrow at low interest rates. Borrowing is debt. The principal has to be repaid! It doesn't matter what the interest rate, the principal has to be repaid!

(Applause)

The stark reality is that interest rates worldwide - and Madam Speaker, hear me. The interest rates worldwide had levels not seen in sixty (60) years because of the extraordinary measures taken in the major economies to counter the global recession.

The Fed is doing that to assist the American economy. The European Central Bank has done that, everybody is doing that, so the reason, the reason you have had these low interest rates, it has nothing to do with here. It has nothing to do with the Minister advocating. The same countries have committed additional resources to the multilaterals. Not because dem love we, but they say that unless they can give us some stimulus so we can repay them or buy some commodities, that is their enlightened self interest. (Applause) So this low interest that the Minister is talking about because of actions.....

Mr. BUCHANAN: Teach dem teacher.

Dr. DAVIES: So when you ask me about the recession, the recession has had benefits for us in terms of the low interest rates.

Madam Speaker, all in all, what we are faced with is a smaller economy, a significantly larger debt, an onerous debt-servicing prospect, greater levels of poverty, greater unemployment.

Madam Speaker, even as the Minister speaks about the success of the JDX, let the following be fully recognized. The JDX only speaks to interest rate. It does not affect the principal amount. This period represented - and the Minister knows it - a breathing space, it represented a breathing space. By now the economy should be starting to crank up, such that revenues would crank such we can repay the debt. That One Thousand, Five Hundred and Seventy-two Billion Dollars of debt will have to be repaid.

Mrs. NEITA-HEADLEY: That's it. That's it.

Dr. DAVIES: Unless. Madam Speaker, hear me and hear me good.

There is an issue which I have heard increasingly bandied about, and I say it very, very calmly and very soberly and with all good intentions to the Minister. Let us not even contemplate taking any such step. I am referring to the possibility of JDX 2.

The Minister, during the Standing Finance Committee, gave us the assurance that the administration had no such intention. Minister, I take.... you can't control the talk of everybody who is near you and all that, but I want you to realize that there are persons....

Mr. SHAW: Be careful!

Dr. DAVIES:there are persons closely aligned to the administration who are speaking loosely about JDX 2.

Mr. SHAW: And what you do?

Dr. DAVIES: I am telling you what's out there! I want you, I want you, I want you to say, this is not so!

(*Sotto voce* comments by Opposition members)

Mrs. NEITA-HEADLEY: You must be careful.

Mr. BUCHANAN: You must be careful!

Dr. DAVIES: Whatever the PR Treatment, the JDX was a default, and there are few persons going around, there are few persons who boast about the efficiency of a default. A default is a default. Let's get it over.

Madam Speaker, we have worked too hard to establish Jamaica's creditworthiness to sit idly by and allow it to be destroyed. So we won't. (Applause)

Madam Speaker, for several years I have spoken about the impending crisis in the public sector as it relates to pension payments. It should be recognized that the pension for most public sector workers is on a non-

contributory basis and hence payments come directly from the Consolidated Fund through the Accountant General's Department.

I requested of the Minister, and I received the information, demonstrating the growth in these pension payments over the past few years. The total pension payments now make this expenditure bigger than several ministries. Pension payments are now larger than several ministries.

A MEMBER: What?

Dr. DAVIES: It's going to be \$21 Billion this year. This rate of growth is not sustainable.

Madam Speaker, there is no major difference of opinion between the Administration and the Opposition on the need for radical initiative, which is the introduction of a Contributory Pension Scheme for all new public sector employees. (Applause)

I frankly don't believe, that it is going to be possible to attract anybody with the present arrangement into a new scheme. I don't think it's possible. (Applause) There is no difference of opinion there. However, we are somewhat puzzled at the slow pace at which these changes are taking place. We need to act and act now!

I have recently seen a paper, and I don't know if the Minister has seen it, produced by the PSJO which draws attention to this impending crisis unless remedial steps are taken immediately. That's nothing new. One finding from their analysis is that the Government is not even in a position to predict the total pension bill in the medium-term. Why? Because we don't know there are no data available as to the number of persons retiring over the medium term, nor what the obligations will be.

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And I am not trying to embarrass him, but when we asked the Minister during Standing Finance Committee for the Supplementary, he said the money was going to be \$26 Billion, but when the budget came out it was \$21 Billion. It's not his fault. The truth is that they really don't know, and therefore, that's something we have to look at.

I repeat, Madam Speaker, this is a time bomb and there needs to be action taken, not tomorrow, not anytime in the future but immediately.

(Applause by Opposition Members)

In summary, Madam Speaker, on listening to the Minister's pronouncement, no one could have believed that the problems which I have identified exist. Is it that he believes that they would go away if not mentioned, the CHARLIE BROWN principle? Or is there a secret plan? Are there persons working in a secret room to deal with them but they are not directed to reveal the answers to us?

In concluding this brief reality check, it has struck me that it is fascinating that when the Minister speaks of passing the various IMF tests in each quarter, there is no mention of the failure in terms of the critical indicators which I have identified. Will the proposed extension of the Agreement be used as a cover to revamp the programme? Is it that there is no concern about growing poverty levels? Is it that there is concern about those at the bottom of the economic ladder? Is it that there is no concern about the Government's credibility as a debtor being undermined? Is it that there is no concern at the rate of increase in the national debt? Is it that the IMF is not concerned about these matters and so we are not?

My proposal, even as the Minister indicates Cabinet's approval of an extension to

the Stand-by Facility, is that we gather all the facts and put them on the table for the next round of negotiations.

(Applause by Opposition Members)

There has to be a national reality check identifying areas of deficiency. There has to be some indication that somewhere in the upper echelons of Government, there is concern about the issues we have raised. We urge, Minister, that you put all these facts on the table to the IMF, to the World Bank, to all the major external agencies. In negotiating any new extension to the Stand-by Agreement, it must be on the basis of reality, not PR.

Mrs. NEITA-HEADLEY: No!

Dr. DAVIES:not hype....

Mrs. NEITA-HEADLEY: No!

Dr. DAVIES: Rescuing the country from the present socio-economic quagmire demands nothing less.

(Thunderous applause by Opposition Members)

Dr. DAVIES: Madam Speaker, let's get to the issue of transparency and accountability.

Mr. D. PEART: Dem don't have dat!

Dr. DAVIES: I welcome and support the actions taken to bring all state expenditure under increased scrutiny. And in that regard, I welcome the publications on the Public Bodies.

(Applause)

The Minister in his presentation made reference to "a higher level of transparency", and on page 25 of his script from which he read copiously - that's the phrase? No, he said he worked copiously. An interesting term, (Laughter) it's an interesting turn of phrase. No, he said he read copiously. That's what he said. He makes reference to fiscal management, Strategy No. 5, which demands,

“transparency in the production and dissemination of documents concerning the budget, its execution and accounting”. I took those comments very seriously, and to that end, I’ll be examining some of the public entities which have traditionally not received the same level of analysis and scrutiny as Central Government itself.

As Chairman of the PAC, I believe I speak on behalf of all Members who have been concerned about the extent to which, even when rules exist, when they are flaunted or simply ignored, very little is done to address these actions. In fact, it is not something I can blame the Minister, sometimes there is no little which can be done because the whole process - the whole process is so tedious and the Charlie Brown principle applies again.

When we present our Report to Parliament, we will be making recommendations in that regard. The Minister of State, the Member from West Rural St. Andrew is very strong about the need for us to put in place actual penalties.

Madam Speaker, I would like to say that chairing the PAC has been one of my more pleasurable experiences. Even some persons aren’t here as often as they should be. (Laughter) The distance from St. Mary is probably too great. (Laughter) But - and from South Trelawny. (Laughter)

Madam Speaker, I am serious, you know. There has never been an issue, there has never been an issue on which we have had division based on, we have dealt with it. But before I discuss the specific institution in detail, I cannot resist a comment on the Minister’s exposition on the PetroCaribe funds. (Applause) He identified that disagreement

represents perhaps the most concessionary bilateral agreement in our history.

In a five-year period, Jamaica has benefited from a loan of \$1.25 Billion, and this loan of One thousand Two Hundred and Fifty Million, US dollars, this loan is for 25 years at 1% interest. (Applause) One per cent, not three per cent, that is as close to a grant as you will ever get.

Madam Speaker, it had been desirable if these comments had been made officially by the Minister on the celebration of the Fifth Anniversary of President Chavez launching that Fund. The Minister could have added that there are absolutely no strings attached, no conditionalities to the receipt of these funds. (Applause) Furthermore, the facility is unique and many people don’t understand the importance and power of this facility. There is a double benefit. Not only do we benefit from the immediate alleviation of our balance of payments problem. We only pay 60% upfront. But also the Fund, unlike any other debt incurred, is fully backed by the resources to repay it. In other words, because we get the oil to the consumers we have the cash...To care?

Miss HANNA: We don’t need nuh... (Inaudible)

Dr. DAVIES: And so the Fund had the resources invested or loaned to Government, the GOJ. This is a remarkable agreement. And the Opposition once again wishes to place on record appreciation for what Venezuela has done in this regard. (Applause) Not just for Jamaica, but for the Caribbean. Whilst we appreciate and welcome the Minister’s comments, there still remains...

(Inaudible comments by Dr. Phillips)

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PJ...there still remains the memory of the totally inappropriate and disparaging comment made about the Fund by the present PM whilst he was Leader of Opposition. (Applause)

Opposition MEMBERS: Shame!

Shame!

(The Speaker returned to the Chair)

We believe that a formal apology would be appropriate...

Mr. BUCHANAN: That's right.

Dr. DAVIES: ...now that we have all discovered the benefits of this Fund.

Opposition MEMBERS: Hear, hear! (Applause)

An Opposition MEMBER: He should have done it at that time.

PUBLIC BODIES

Dr. DAVIES: I now turn to a brief examination of the Public Bodies and I'll make some comments within the context of a review of the programmes listed.

I start with JSIF. The work of JSIF, as I said before, is recognized by all Members of Parliament, but we have some concerns about the reduction in support last year. There is need for clarity in terms of the explanation provided by the Administration.

For last Fiscal Year the approved Estimates called for an expenditure of \$2.4 Billion under Capital B for JSIF projects. This amount was cut by \$400 Million, although more than half of the projected expenditure was supported by grants. When the Minister of Finance was asked during Standing Finance Committee for the Supplementary Estimates the reason for the cuts, he indicated that this was due to the fact that the projects were not all ready. This assertion was challenged by several MPs...

Mrs. NEITA-HEADLEY: I recall.

JSIF

Dr. DAVIES: ...who spoke of projects which were ready but for which JSIF had indicated they did not have funds.

Subsequently, in the Standing Finance Committee for the Estimates just tabled for Fiscal Year 2011/2012, the Prime Minister himself said that the cuts last year were due to an attempt to meet the fiscal targets. It's not our objective here to straighten out whose explanation is right. All we ask is that JSIF be provided with the appropriate resources which have been proposed and approved for Fiscal Year 2011/2012. (Applause) Madam...Mr. Speaker, oh, should have recognized that unfortunate change.

Mr. Speaker, there's no point in coming to us and boasting that the deficit target has been surpassed, when a programme which every Member of Parliament, every single Member of Parliament regards as a priority, is under-funded. Something is wrong, and that what is wrong must be corrected.

Opposition MEMBERS: Yes, yes!

JUTC

Dr. DAVIES: Let me turn to the JUTC. In reviewing the commentaries in the publication on Public Bodies, I'm forced to wonder whether there's any check as to the consistency in projections. I see... this document. I just urge everybody to look at it and go through it. Let's consider the JUTC specifically. Last year it was projected that revenues would double to \$3.8 Billion. On seeing this, I asked the Minister whether that was feasible. And I was assured that the increased fares and the higher turnout of buses

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would lead to it. We were also told that the number of passengers would increase from 49 Million to 62 Million. And that's a signifi...a 13 Million increase.

Mr. M. PEART: Rubbish!

Dr. DAVIES: What was the out-turn? Revenues were not 3.8 Billion. And as it is, nobody had to be a genius to handle that, but was 2.5 Billion. This year, we are now told that it's projected for Fiscal Year 2011/2012, ridership will again increase by 13 Million. But we have no idea as to what the actual ridership last year was. And since we have no reason for believing it or having a basis for assessing it...

Mr. BUNTING: Maybe they reprint rubbish.

Dr. DAVIES: Well, I'm coming to that. I've said repeatedly that the JUTC is an organization which we set up and which we will not allow to die on the vine. (Applause) But we need to have accurate information in order to assess whether the projections given are realistic and can be met. Once more, there is need for a reality check. This institution is much too critical for the working people of the Kingston Metropolitan Region to be allowed to flounder. But the way in which the projections have been presented to us, without any reference to prior year commitments, does not provide us with any reason to believe that the phrase used by the Minister, transparency and accountability, has any validity.

An Opposition MEMBER: Not valid.

NHF

Dr. DAVIES: Minister of Health, the NHF. Again, we on this side have a special interest in the NHF. And I will never tire to give credit to my friend and colleague, former

Minister of Health, JOHN JUNOR, who pushed, and pushed, and pushed to bring this into being. (Applause) Minister, I wish to speak specifically about the merger of the NHF and the Health Corporation, the HCL. It is established that the HCL which procures pharmaceuticals in bulk and sold to the hos...Well, sold is the wrong word.

An Opposition MEMBER: Give!

Dr. DAVIES: No!

An Opposition MEMBER: Trus'

Dr. DAVIES: Credited... to transfer to the hospital and Regional Authorities, is owed in excess of \$1.2 Billion.

An Opposition MEMBER: What!.

Dr. DAVIES: By these institutions.

An Opposition MEMBER: Shame! Shame!

Dr. DAVIES: I have posed the question before and there has been no answer as to how this debt will be treated by the merged entity. Question: Is the Ministry of Finance going to clear these arrears? If not, how will the NHF deal with this outstanding obligation? In the projections...

(Inaudible comments by Opposition Member)

Dr. DAVIES: ...Yes, but that's not enough. In the projections for Fiscal Year 2011/2012, I note that it's expected that there'll be sales of \$2.9 Billion by the merged entity to government institutions.

Mr. Minister of Health, what guarantee does the NHF have that the payment record of the Hospitals and Regional Authorities will be any different this year?

An Opposition MEMBER: None!

Dr. DAVIES: Have they been provided with the resources to pay for the pharmaceuticals?

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Opposition MEMBERS: No!

Dr. DAVIES: Have they been provided with the cash to care?

Opposition MEMBERS: No!

Dr. DAVIES: I pose these questions and we demand answers as we will not sit idly by and allow the NHF to be pushed into bankruptcy or to be deviated from its primary objective, which is to provide pharmaceuticals for certain chronic diseases at subsidized prices. And that institution is doing an exceptional job in that regard.

Mr. MONTAGUE: Under an exceptional Minister.

An Opposition MEMBER: What!

Dr. DAVIES: Well, you can put that in. (Inaudible comments by Mr. Montague)

Dr. DAVIES: Good, good, good! One of your more intelligent comments. Yes.

NHT

Again, this is another institution which is of vital importance to the country and the economy. Let me indicate that I've had reason to interact with the management and I find them to be a highly professional group of persons. However, I must ask whether there is any assessment of projections which are published each year, and then a review taken of what was achieved against these projections. I give specific examples.

Last year the Public Bodies book, the version last year, stated that the NHT had plans to commence construction of 4,600 solutions by April 2010, 13 months ago, with completion of 4,100 by March 2011. That's two months ago. In this year's publication, there's no report as to what was achieved against these projections. Furthermore, we

note that there are plans to commence construction of 2,370 units this month, with the expectation to complete 2,637 by March 2012. How do these projections compare with those for last year? Again, we seek answers. Minister, is there anyone monitoring the record of performance against projection for these institutions?

Mr. Speaker, part of the problem - and we have seen this in the reviews by the PAC - that often, parent ministries do not have the technical professionals to assess the work of the public bodies. A possible solution, Mr. Minister, is to strengthen the public enterprises division in your Ministry and that division would have the power and the responsibility to assess the plans advanced before they are published. It doesn't make sense, Mr. Minister, to proclaim transparency and responsibility when a....

An Opposition MEMBER: And accountability.

Dr. DAVIES: ...and accountability when a lot of what is in there can't stand up to scrutiny.

An Opposition MEMBER: Rubbish!

Dr. DAVIES: Those are your little phrase, cannot stand up to scrutiny.

Mr. Speaker, I come to an issue which created some...

An Opposition MEMBER: Turmoil.

JDIP/ROAD MAINTENANCE FUND

Dr. DAVIES: ...turmoil, during the Standing Finance Committee. And as much as we are not seeking a renewal of that situation, it is not a matter which will go away. I speak specifically of the Road Maintenance Fund and the Jamaica Development Infrastructure

Programme, JDIP. I cannot but make reference to the Minister's commitment to transparency and accountability.

(Inaudible comments by the Opposition)

Dr. DAVIES: And I'll start by asking him if he remembers a set of nine questions which I formally posed to him on November 3, 2009. And, ehm, can somebody... I've got a copy because I'm certain he lost his why he didn't respond to it.

Mr. Speaker, Mr. Speaker, I know you don't like when ah bring you into this. But you featured in this dispatch. And your big signature is seen here, 'Seen and Approved'. 'Seen and Approved'. For, obviously...

(Inaudible comments and Laughter by Opposition Members)

Dr. DAVIES: No, I think we need to give the Speaker a copy. Yes. 'Seen and approved'. 'Seen and Approved'. Yes.

(Inaudible comments by the Opposition)

Dr. DAVIES: Mr. Speaker, I tried unsuccessfully, I tried unsuccessfully for the next nine months to elicit answers to my questions from the Minister of Finance.

Mr. PICKERSGILL: Read the questions... (Inaudible)

Dr. DAVIES: I know of a fact that the Minister is well equipped in terms of administrative and technical assistance in answering these basic questions. But he either felt it unnecessary to so do, or was instructed not to.

Mr. PICKERSGILL: What questions you asked him? Read... (Inaudible)

Dr. DAVIES: You want to hear the questions?

Opposition MEMBERS: Yes.

Other Opposition MEMBER: It must be something... (Inaudible)

Another Opposition MEMBER: We wan' hear the questions.

Dr. DAVIES: Will the Minister indicate the total receipts as of October 31, 2009, from the gas tax which he announced in his Budget presentation in April 2009?

One Opposition MEMBER: What!

Other Opposition MEMBER: And he can't recall.

Another Opposition MEMBER: But him nuh even say that.

Dr. DAVIES: Will the Minister indicate how much of that sum is due to be transferred to the RMF?

Opposition MEMBERS: And he can't recall!

Dr. DAVIES: Will the Minister indicate how much of the sum listed in the answer to question 2 has actually been transferred to the RMF?

Opposition MEMBERS: He can't recall!

Dr. DAVIES: Will the Minister indicate how this transfer of funds to the RMF is effected?

An Opposition MEMBER: I don't know!

Dr. DAVIES: Can the Minister indicate whether any new projects have been started and/or completed using the funds provided to the RMF? Will the Minister provide a complete listing of such projects, including information on the relevant contractors?

Mr. M. PEART: I can't recall!

Dr. DAVIES: Will the Minister indicate the contracting process utilized for these projects?

An Opposition MEMBER: Him seh him can't recall!

Dr. DAVIES: Will the Minister indicate whether, in addition to the funds transferred to

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the RMF, the Ministry of Finance has provided funds to the Ministry of Transport and Works for road projects?

Mr. BUCHANAN: Is the silence transparency?

Dr. DAVIES: If the answer to Question 6 is in the affirmative, which is the complete listing of such projects, will the Minister indicate the amount provided in Fiscal Year 2009/2010 to October 31, 2009? Those are difficult questions? And I said...

Mr. PICKERSGILL: I refuse to answer all of those!

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: Mr. Speaker, non-receipt of the response forced me to ask for a special audit to be conducted of the RMF by the Auditor General.

Opposition MEMBERS: Yes! (Applause)

Dr. DAVIES: And from that audit, several interesting revelations came forth. Yes, we coming back to it. The first was that whilst the Minister had solemnly pledged that an increase in percentage of the collection from the special tax on gasoline would go to the RMF, that commitment had not and is still not being kept.

An Opposition MEMBER: Shame!

Dr. DAVIES: Specifically, for Fiscal Year 2009/2010, the committed percentage was 20. For Fiscal Year 2010/2011, the committed percentage should have been 35. And in this Fiscal Year, the percentage should have been increased to 50. We later learnt from the Financial Secretary that in December 2009 - and we learnt that in 2010 - the Government agreed with the IMF to keep the percentage at 20% for the medium-term.

And we said, Financial Secretary, how

long is the medium term? And he says, he don't know. That is above his case scale. However, Parliament was not informed of the change until the Auditor General's Report became available. So the IMF knew that what we had agreed to here had been changed, and we didn't know until months later. And next year we are celebrating 50 years of Independence.

Opposition MEMBERS: Ohhhh! Shame!

Dr. DAVIES: Mr. Speaker, no one is seeking a controversy, but the words transparency and accountability must not be used loosely. We need to have the answers to certain questions particularly in terms of the operation of the JDIP. (Applause)

Mr. Speaker, it remains a puzzle as to how the different actors feature in terms of the JDIP. Let us count. There are six (6) known institutions and bodies involved in this project.

Opposition MEMBER: One.

Dr. DAVIES: There is the Ministry of Finance.

Opposition MEMBER: Two.

Dr. DAVIES: There is the Ministry of Transport and Works.

Opposition MEMBER: Three.

Dr. DAVIES: There is National Works Agency.

Opposition MEMBER: Four.

Dr. DAVIES: There is the Road Maintenance Fund...

Opposition MEMBER: Five.

Dr. DAVIES: There is the EXIM Bank of China.

Opposition MEMBER: Six.

Dr. DAVIES: And there is the Chinese Construction Firm, China Harbour.

Mr. D. PEART: You leave out seven.

Dr. DAVIES: Well, I coming to that, I said known.

Question one, what is the specific role for each of these entities. We know that the Ministry of Finance has guaranteed the US\$360 Million loans obtained from the Chinese EX-IM Bank. What is the role of the other entities? We are told that there is a seventh actor.

(Sotto voce comments by Members)

Opposition MEMBERS: Yeah, man!

Dr. DAVIES: Yes, there is a guy here, as my mother would say, on the streets, yes. What is the role of the local firm which interfaces with local organizations on behalf of China Harbour? Is there a formal contract detailing this role? What is the role of the Road Maintenance Fund? It is fascinating that the characterization in the budget memorandum is that the RMF is “the facilitator of the project.” And anybody wants to check me, Chapter 3, page 2, of the budget, the facilitator. The RMF who just done borrow \$360 Million its role is the facilitator. Facilitator look like a hussler.

(Sotto voce comments by Members)

Dr. DAVIES: But in the - but the Public Bodies publication, page 40, it states that the RMF is commissioned to implement the project. Is that true, is it the facilitator or is it the commission? Mr. Speaker, this whole project is shrouded in too much mystery and controversy and there is need for clarity, or else we are mocking the concept of transparency and accountability. (Applause)

Mr. Speaker, consider the following. Various Members of Parliament have given explicit examples - and I can cite the Member from South Manchester and the Member from

Central Manchester - showing that there has been no consultation with the parish authorities in the selection of roads to be repaired. There are specific assertions, there are even rumours, which I want you to deny, that 80% of the roads selected are in a certain constituency in Manchester.

(Sotto voce comments by Members)

Dr. DAVIES: There are specific assertions which need to be answered. There are specific assertions which have not been countered, that in several parishes certain constituencies have benefitted from the bulk of the roads. Again we need, Mr. Speaker, an explicit statement in terms of the methodology for the selection of the roads and furthermore the selection of the contractors to implement the road.

The Minister speaks about this project as if it is his personal baby. He will do this and he will do that. Mr. Speaker, there are MPs who state that they have received a list of roads from the NWA for their constituency and these roads are not in their constituency. But my good friend, the Minister of State for Local Government, on April 19 it is on the computer so you probably should print it on the other version. It says:-

*‘To all Mayors, and it says your
Worships...*

Mr. D. PEART: Montague write that?

Dr. DAVIES: Yes.

*...Your Worships update on
additional funds. During the
last quarter of last year we
indicated to you a sum to be
used to undertake major
projects in your parish. The
funds although...*

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The sentence said - you should send it to me first.

...The funds although was approved cannot be released at this time, due to the conditionalities of medium term programme, with the IMF.

(Laughter)

They don't mention the Minister of Finance. You can't diss the programme, respect for the senior man. You should say Audley and the IMF.

...We are however, working with the Ministry of Transport and Works and the Ministry of Finance and the Public Service to resolve the matter. If these cannot be accommodated at this time we will endeavour to have your projects included in year two of the JDIP. We are hopeful that this matter will be amicably resolved in short order. Yours - remaining yours in humble service."

(Laughter)

(Sotto voce comments by Members)

Dr. DAVIES: You got a response from your Worships, you got a response?

(Sotto voce comments by Members)

Dr. DAVIES: Mr. Speaker, in certain instances where the contracts issued coincide with roads for which the Parish Councils have done estimates the contract sums are multiples of the parish councils' estimate. This project is being treated in a very unique, special and curious way.

Questions, Mr. Speaker: Who is China Harbour contracted to? Is it to NWA or is it to

the China EX-IM Bank? Why was the selection of China Harbour and the subcontractors not subject to the normal procurement routes? Who is responsible for judging whether there is value for money expended?

Opposition MEMBERS: Who?

Dr. DAVIES: Mr. Speaker, we need answers to these questions. These are not unreasonable questions, these are normal questions. (Applause)

Mr. Speaker, we need answers to these questions, not only because of our commitment to transparency and accountability, but otherwise the rumour about this project are not going to go away, they are going to multiply. And we have sensed from the first when the Minister refused to answer some basic questions to now, that something is rotten in the state of JDIP. (Applause)

(Sotto voce comments by Members)

Dr. DAVIES: Yes. There are many who assert that the sums being paid for work are sometimes multiple of the initial bids of the contractors until all these matters are fully exposed to light and scrutiny.

(Sotto voce comments by Members)

Dr. DAVIES: Yes, the Jamaican taxpayer is guaranteed as Bob seh, and if night shall turn to day, perhaps the JDIP will have to run away. We have to know exactly what is going on. (Applause)

Mr. Speaker, I now turn to the budget process. It is a matter of fact that the officials, Board and Management of the RMF have explicitly indicated to the Ministry of Transport and Works and the Ministry of Finance that they are unable to service the loan given the reduction in the allocation of

the proceeds of the special gas tax. This is an excellent document and I would urge all Member to read it. Nonetheless, the RMF is listed as the borrower on record, yes. But the situation becomes more and more curious. The only reference to this project in the Central Government operation is the sum of \$750 Million which is routed through the Ministry of Transport and Works to assist the RMF to meet the GOJ's obligation of 15% of the project.

Mr. BUCHANAN: But that is the biggest scandal in the history of Jamaica.

Dr. DAVIES: What of the remaining funds, which we are told will be of the magnitude of \$8.7 Billion for fiscal year?

(Sotto voce comments by Members)

Dr. DAVIES: The full, Mr. Speaker, the full...

(Sotto voce comments by Members)

Dr. DAVIES: And I urge Members and colleagues on the other side this is not a joke business. The \$8.7 Billion of money which has to be repaid by the taxpayers, the Jamaican taxpayers, the full treatment given to this sum which represents the biggest capital expenditure and will for the next four years of the Government of Jamaica is seven bullet points on page 41 of the Public Bodies publication.

(Sotto voce comments by Members)

Dr. DAVIES: Seven bullet points for \$8.7 Billion.

(Sotto voce comments by Members)

Dr. DAVIES: Mr. Speaker, need I say, this is unacceptable. Mr. Speaker. Consider this, Mr. Speaker, I went and did my home work. I am going to give specific examples of minor projects in the Estimates of Expenditure and I am going to come to the question and

then listed on - and I deliberately chose them from the Office of the Prime Minister. Under Capital B heading, a project entitled the Institutionalization of Dev. Info is given three pages (b) 1,500 - 5, 6, and 7. You know how much money is being spent on that project? You have three pages, you know much toilet tissue they gwine buy - not quite - but you know everything they are going to do. \$8.8 Million, so three full pages in the book for \$8.8 Million, and seven bullet points for \$8.7 billion, something not right.

(Sotto voce comments by Members)

Dr. DAVIES: Consider another project, Competitiveness Enhancement Project and I don't why it is not in the Ministry of Industry and Commerce and other things. The total is twenty eight point - why they don't give you that, that belongs to you demand it, demand it.

(Sotto voce comments by Members)

Dr. DAVIES: Competitiveness Enhancement Project, why, is it in the Office of the Prime Minister, it is yours. \$28.4 Million, it receives coverage of three pages 1,500 (b) - 11, 12 and 13 then there is a project by the UNDP pages (b) 24 to 25, it is \$7.2 Million. It get two pages. And a project for...

Mr. BUCHANAN: Half a page.

Dr. DAVIES: Not half a page seven bullet points. No, about a tenth of the page. You want to read it, this is an insult not just to us, no money. It says; the main areas of focus are, 1, bullet point one...

(Cross talk)

Dr. DAVIES: ...you don't hear nothing yet. Rehabilitation of 120 main and parochial roads, this is a budget, you know, this is a budget, you know, and you have - this is it. Rehabilitation of seven housing scheme roadways where are they? How much?

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Construction of 12 new bridges, when you starting them?

(Sotto voce comments by Members)

Dr. DAVIES: If you look in the...

Mr. VAZ: We start already.

(Sotto voce comments by Members)

Dr. DAVIES: Installation of 17 modular bridges, construction of 27 retaining walls, I mean, this is contempt. Patching of 200 square metres of roadway, river training solutions in six locations that is \$8.7 Billion. No, it can't work, it is not going to work. (Applause)

Mrs. NEITA-HEADLEY: It can't work.

(Sotto voce comments by Members)

Dr. DAVIES: Mr. Speaker, when this matter was raised in the Standing Finance Committee - let me let you into a secret and learn from this.

Mr. VAZ: I don't want to hear no secret.

(Sotto voce comments by Members)

Dr. DAVIES: No, I don't want everybody to know the secret. No, road work like that not going to win election, you good fi loose every seat you - because you have more quarrel and fight about the little money. You check pon that.

Dr. PHILLIPS: Half the roads that is supposed to get repaired is not getting any.

(Sotto voce comments by Members)

Dr. DAVIES: Mr. Speaker, when we raised the matter, in Standing Finance Committee...

(Cross talk)

(Sotto voce comments by Members)

Dr. DAVIES: Mr. Speaker, help me, help me here, please.

(Sotto voce comments by Members)

Dr. DAVIES: Mr. Speaker, when this matter was raised in Standing Finance Committee, we have been asking why this

secrecy shrouding the project. The Prime Minister intervened and accused me of being disingenuous and indicated that as Chairman of the PAC I could summon the relevant bodies in order to seek answers to the questions which I have.

Mr. Speaker, that response was most unfortunate. It cannot be that I must conduct a *post mortem*. I want to know before, I want to know before. (Applause) It cannot be that you must do whatever you wish, cover it up and then afterwards I going to try to chase down the facts. It cannot be.

(Cross talks)

Dr. DAVIES: As Parliamentarians we demand the right to know what is being planned, how much is being allocated for each project so that we can understand whether we are getting value for money.

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: Mr. Speaker, this is not a private project. This represents commitment by the Government of Jamaica to repay the \$360 Million and to put up each year...

Mrs. NEITA-HEADLEY: US.

Dr. DAVIES: US Dollars and each year to put up \$15 Million. And we are being told that the only information we need...

Mr. VAZ: Run did it, run wid it.

Dr. DAVIES: I want to tell you something bout run wid it.

Mr. VAZ: Run wid it.

Dr. DAVIES: I want to tell you something bout run wid it.

Mr. VAZ: Run wid it.

Dr. DAVIES: The year after there was 3% growth. Audley haffi go learn something, another year after another 3% growth, yes. You want to see it, a year after 3% growth, you understand, 3% growth. (Applause)

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Dream, dream bout 3% Audley, dream and then come out of office.

Mr. BUNTING: And leave, yes.

Mrs. NEITA-HEADLEY: That's it, that's it.

Mr. SHAW: I'm going to go to that 3%, don't worry!

Dr. DAVIES: What, 3%?

Mr. SHAW: I'm going to go better than 3%.

Mrs. NEITA-HEADLEY: When? When?

Dr. DAVIES: Yu gwine get Tufton to help yu? They say the Minister in Agriculture anything yu caan count grows and anything which yu can count yu fi plant. (Applause/laughter) Anything yu can count decline, sugar, anything yu caan count yam. (Laughter) Put the Minister up here, Jamaicans eating more yam and coco and everything, but anything yu...

Mrs. NEITA-HEADLEY: Yes, yes!

(Inaudible comment by a Member)

Dr. DAVIES: Teach him.

Mr. PICKERSGILL: Nuh badda wid di cassava.

Dr. DAVIES: Anything yu caan count, anything yu caan count. Minister of State, a hear is you in charge of census taking. (Laughter) Minister...

(Inaudible comment by Mrs. Neita-Headley)

Dr. DAVIES: Yes.

(Cross talks)

Dr. DUNCAN: Minister...

Mr. E. SMITH: Yu tell dem how much people run wid it?

Mr. PICKERSGILL: A do what?

Mr. VAZ: A 13 a dem.

Dr. DAVIES: I'm going back to tell...

Mr. VAZ: A 13 a dem run wid it, 13.

Dr. DAVIES: And 3% growth the next year - 3% growth the next year.

(Cross talks)

Dr. DAVIES: And 3% the next year. (Applause)

(Inaudible comment by Mrs. Neita-Headley)

Dr. DAVIES: Mr. Speaker, let me just indicate, let me indicate that this matter is not going to disappear.

(Inaudible comments)

Dr. DAVIES: Let me repeat, let me repeat, it's not going away.

Mrs. NEITA-HEADLEY: No!

Dr. DAVIES: I invite the Administration to do the correct thing.

There is no need for any great initiative in treating with this project. Consider, Mr. Speaker, the Convention Centre, which when they open I hope they invite Wykeham. Or they open it already?

(Inaudible comments)

Dr. DAVIES: All right, it better dem invite me. Yu know how much - KD - yu know how much work KD put into that?

Dr. PHILLIPS: Is all right man...

Dr. DAVIES: Same KD, yes.

Dr. PHILLIPS: Dem have no project for themselves.

Dr. DAVIES: That Convention Centre, Mr. Speaker, is financed by the same Chinese EX-IM Bank, which is financing JDIP.

(Inaudible comment by Mr. Vaz)

Mrs. NEITA-HEADLEY: No!

Mr. PICKERSGILL: No!

Dr. DAVIES: It is... this one, and the Prime Minister haffi answer us this. ...it is properly placed in Capital B Project...

Mrs. NEITA-HEADLEY: Yes!

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Dr. DAVIES: ...under the Office of our Prime Minister, on pages 60 to 62.

(Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. DAVIES: You can go into that document...

Mrs. NEITA-HEADLEY: Yea.

Dr. DAVIES: ...and know exactly where you are, where they've reached and when they're going to finish. But what do we have? We have seven bullet points and dem seh hug dat up. It's not going to work, it's not going to work. Mr. Speaker, if we are dealing with the Government of Jamaica and the Chinese EX-IM Bank in two projects, why this significant divergence in treatment?

A MEMBER: Nuh because dem have di big gun.

Dr. DAVIES: Why this difference? Mr. Speaker there is need for the Government to provide answers to our questions.

(Inaudible comments by Member)

Dr. DAVIES: The issue will not go away. I hope you understand what he says, I have difficulty more time.

Mr. VAZ: Just carry all your issues here tomorrow and you will... (Inaudible)

Dr. DAVIES: I want a unimodal response. (Laughter)

Mr. VAZ: Carry everything come.

Dr. DAVIES: I want a unimodal response. The multimodal confuse me. (Laughter) And if I let you into a little secret, so does my opposite number, him kind a confuse wid it too. A not gwine sey him tell me so but it's true.

Mr. Speaker, the issue won't go away and the more the Administration seeks to stonewall and set up roadblocks - where that expression comes from?

Mr. BUCHANAN: Stonewall?

Dr. DAVIES: And set up roadblocks?

Mr. BUCHANAN: Stonewall?

Dr. DAVIES: Yes.

Mr. BUCHANAN: Who use that word?

Dr. DAVIES: Yes. There'll be questions as to the rationale for the stonewalling and the road blocking.

Mrs. NEITA-HEADLEY: That's correct.

Dr. DAVIES: Mr. Speaker, the Opposition will not allow this matter to die.

Dr. DUNCAN: No way.

Mrs. NEITA-HEADLEY: That's right.

Dr. DAVIES: We demand public disclosure of all contracts with China EX-IM. (Applause)

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: We want publication of the contracts with China Harbour. (Applause)

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: We want contracts with NWA.

(Applause)

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: We want the contracts with RMF and anybody else involved including your seven. (Applause)

(Inaudible comments by a Member)

Dr. DAVIES: Right.

Miss HANNA: Hear, hear!

Dr. DAVIES: We demand public disclosure of all contracts signed, identifying the scope of work, the contract sum and the subcontractors involved.

Mr. D. PEART: And how dem get di work.

Dr. DAVIES: We demand a similar list for the projects proposed for 2011/2012.

Mrs. NEITA-HEADLEY: That's correct!

Dr. DAVIES: We'll be asking the Office of the Contractor General and the Auditor General's Department to implement a system to audit the contracts and the works under this project. (Applause)

Mr. PICKERSGILL: We don't get the Report for 2010/2011 yet yu nuh. We don't get Report for \$60 Million.

(Inaudible comment by Dr. D. Peart)

Dr. DAVIES: Mr. Speaker, I've indicated on different occasions in my presentation that there is a clear disjuncture between the picture of the economy and society presented by the Minister, and that which almost everyone else is feeling. Go to any supermarket, go to the road - go on the road, talk to the taxi men, talk to anyone and they will tell you that they have never seen things that rough.

Mrs. NEITA-HEADLEY: Never!

Dr. DAVIES: Speak to the operators of private education institutions, many of them are closing down classrooms...

Mrs. NEITA-HEADLEY: True!

Dr. DAVIES: ...because people are moving their children...

(*Sotto voce* comments)

Dr. DAVIES: ...because they can't pay the school fees. Before I came here somebody was asking me to help them with the school fee.

(Inaudible comment by Mr. Holness)

Dr. DAVIES: Okay, I love that interpretation. Stick with that line, stick with that line.

Mrs. NEITA-HEADLEY: Wok wid it.

Dr. DAVIES: Speak to the operators of private education institutions, private hospitals, speak to your constituents and the majority of the people are hurting.

Mrs. NEITA-HEADLEY: That's it.

Dr. DAVIES: Middle-class persons are having difficulty meeting their obligations.

Mrs. NEITA-HEADLEY: That's true!

Dr. DAVIES: If you doubt me ask the banks about their growing bad loan portfolio at record low interest rates. Right Minister?

Mrs. NEITA-HEADLEY: Yes!

Dr. DAVIES: Ask the Building Societies about increase in arrears in mortgage payments. Perhaps he is right.

Mrs. NEITA-HEADLEY: Dreamland.

Dr. DAVIES: For those who qualify for special waivers.

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: Look at the advertisements for auctions, nonetheless, the Minister assures us that things are going well.

Mr. D. PEART: True, true!

Mrs. NEITA-HEADLEY: Hi!

Dr. DAVIES: Perhaps he is right.

Mr. BUCHANAN: And I don't hear nутten bout the special waiver yu nuh. (Inaudible)

(Inaudible comment by Mr. D. Peart)

(Inaudible comment by Mr. Shaw)

Dr. DAVIES: You go on, go on!

(Cross talks)

Dr. DAVIES: You go on, whatever you want to do, do!

(Cross talks)

A MEMBER: Report him, report him!

Dr. DAVIES: Yea you deal wid me, but yu deal wid me.

(Cross talks)

Dr. DAVIES: It's ironic.

(*Sotto voce* comments by Government Member)

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Dr. DAVIES: It's all right, I'm trembling, I'm trembling, I'm trembling, I'm trembling.

It's ironic that the Administration's major policy initiative, as reflected in changes in taxation, is to lower duties on imported motor vehicles.

Mr. D. PEART: My God, man!

Mrs. NEITA-HEADLEY: Shame!

Dr. DAVIES: I'm certain that the man and woman in the street will celebrate this major initiative. Mr. Speaker, the reality is that virtually every ordinary law-abiding citizen is facing hard economic times...

Mrs. NEITA-HEADLEY: True!

Dr. DAVIES:partly due to the Government's refusal to meet its debt obligations and partly due to the downturn in the economy.

Let me state at the outset that in terms of any long-term sustainable recovery, the Opposition recognizes that growth will have to be driven primarily by the private sector.

Miss HANNA: Hear, hear!

Dr. DAVIES: We make that unequivocally clear.

Mrs. NEITA-HEADLEY: Yes.

Dr. DAVIES: We're not talking about state capitalism, we say any long sustainable recovery has to be driven by the private sector. But, Mr. Speaker, let's face reality. The private sector is not into social welfare.

Mrs. NEITA-HEADLEY: No, they're not.

Dr. DAVIES: Private sector investors don't invest simply because there's a national need for jobs and for incomes.

Mrs. NEITA-HEADLEY: No, no!

Dr. DAVIES: They invest because - it's in the bottom line - they invest because there's

a market and a demand for goods and services which they produce.

Mrs. NEITA-HEADLEY: That's right.

Dr. DAVIES: Right now in any area of activities such demand is either stagnant or declining.

Mrs. NEITA-HEADLEY: That's a fact.

Dr. DAVIES: Even despite our tradition, there's no demand for even bun...

Mrs. NEITA-HEADLEY: That's right.

Dr. DAVIES: ...much less cheese...

Mrs. NEITA-HEADLEY: No sah.

Dr. DAVIES:over Easter. So even whilst we know that the long-term sustainable growth is dependent on private sector initiative, that cannot happen in the near term because aggregate demand has contracted.

Mr. Speaker, let me return to the facts. The economy has contracted by 5% over the past three years. And thus, there is only so much which can be expected of the private sector in terms of stimulating economic activity and providing hope.

Having listed the constraints on private sector activity, Mr. Speaker, there's one other critical constraint which must be put in front of the society explicitly and up front. It relates to the need to contain the fiscal deficit, the real fiscal deficit, the real - not the one put before us, but the real fiscal deficit.

Mr. D. PEART: A we haffi pay it back yu nuh, we haffi pay it back.

Dr. DAVIES: I've already shown that in 3½ years the Administration has increased the national debt by 62%. We cannot continue this way. I've already shown that the deficit figure announced by the Minister is fictitious and is in fact, larger than any he would have us believe.

Mr. D. PEART: Lie!

Dr. DAVIES: How he has done it is not rocket science. You simply don't pay the bills, push back payments, or remain quiet about outstanding obligations. So on the one hand, we cannot expect the private sector to drive the recovery in this period and at the same time, we cannot respond - we cannot responsibly expand the fiscal deficit, which means growing the debt. However, apart from those two imperatives there's a third imperative. We cannot do nothing. That is not an option. We can't sit back and bask in the commendations from the multilaterals that we've managed to meet the targets which they have established for us. Something must be done. But, Mr. Speaker, there's hope, we must foster hope.

Some years ago in response to one of the Minister's budget presentations, I outlined a plan whereby we could stimulate economic activity without expanding the fiscal deficit. By and large the recommendations I made were ignored. And in one instance where it was accepted, it was bastardised. Mr. Speaker, let us try again.

There is the possibility, Mr. Speaker, for State spending to be targeted, utilizing the existing resources in a way to stimulate economic activity, particularly for those at the bottom of the income ladder.

(Applause)

Let me indicate not in generalities, but specific actions which can be taken. Start with tourism.

Mr. Speaker, in the last eight or so years of the previous Administration, Jamaica saw unprecedented investment in the tourism sector, highlighted by the introduction of several Spanish chains into the country. This

new investment did not arrive by chance, it was the result of targeted investments in infrastructure development financed by both the BOJ and foreign investors. There was unprecedented investment in water, sewerage works, highways and airports.

Mr. PICKERSGILL: Yes!

Dr. DAVIES: At the same time, potential new investors were targeted, introducing them to the country, jawboning them on the advantage of making Jamaica their preferred destination. The results are there for everyone to see. Not only was room capacity expanded, but the sector diversified.

This Administration has benefitted from some of the works in progress which we left when we left office. (Applause) The Falmouth Port and the Montego Bay Convention Centre are two examples. (Applause)

Mr. BUCHANAN: Hear, hear!

Dr. DAVIES: These investments have little or nothing to do with the efforts of this Administration, but we didn't intend to stop there. Several of the investors have completed the first phase of their investments. Work should have begun on the next phase, especially where approvals are in place. Whilst the results in terms of economic growth and employment may not be instantaneous...

Mr. PICKERSGILL: Come on, a thief is a thief is a thief.

(Inaudible comment by Mr. D. Peart)

Mr. PICKERSGILL: Yu don't hear anything bout the sand?

Dr. DAVIES: A can't tell you everything, a can't tell you everything. Talk to me off camera and a help yu. A like yu ehnuh so talk to me and we talk bout it.

Mr. D. PEART: What happen to the truck load a sand?

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Mr. PICKERSGILL: Yea, wha happen to the sand?

Dr. DAVIES: Mr. Speaker, whilst the result in terms of economic growth and employment may not be instantaneous, it will come if we demonstrate, as Norman Manley said, ‘fixity of purpose’. Recall we achieve 3% economic growth in 2006, before the Minister took charge.

The Tourism Enhancement Fund. In my original proposal I spoke to the manner in which the Tourism Enhancement Fund could be utilized, particularly in the resort areas, to carry out small projects which will simultaneously enhance communities, improve the tourism product and provide employment. That proposal was only partially taken on board, but implemented in a way which didn’t find favour with us. There is too much concentration in that implementation. There is just too much concentration.

We return to the possibility which exists for these objectives to be obtained, putting people to work, improving physical infrastructure, and at the same time improving the tourism product.

Mr. Speaker, as we are talking about the Tourism Enhancement Fund, let us just briefly touch on an issue raised during the Standing Finance Committee. It was pointed out that there was a strange anomaly that even as the Minister proclaimed significant increases in arrivals, the collections for the TEF were decreasing.

Mr. D. PEART: Something wrong, then.

Dr. DAVIES: He indicated that he had an explanation, whereby certain of the low-cost carriers had found a way to avoid paying the cess or tax, by booking two one-way

tickets rather than a return ticket. Did I get you right, Minister?

Mr. Speaker, I have no reason to doubt the Minister’s explanation. What is imperative is that as a matter of urgency, we deal with that development, such that the Fund can truly reflect payment by each visitor.

And, Mr. Speaker, we can use the proceeds of that Fund to systematically address the issues which I have outlined before, but with greatest emphasis on beautifying tourism communities, and creating employment in a transparent manner, with each project subject to audit and accountability – an audit and accountability.

Mr. Speaker, in my discussion of certain of the public bodies enterprises, I raised questions about what is the actual performance of the NHT. I sincerely hope that some logical explanation will be given by the Prime Minister, as well as ensuring that in future years there is some consistency check between what is committed and the actual outturn. But that’s a detail, Mr. Speaker. I wish to speak to ways in which the NHT can be used as a proactive instrument island wide, in creating employment and stimulating economic activity.

Mr. Speaker, there is no other sector of the economy which is able to impact on economic activity, as much as the construction industry. For one, it employs a variety of persons across skill levels. For two, the multiplier effect is tremendous when engineers, architects, masons, carpenters, welders, and the people who cook for them, are working, there is generally a higher level of economic activity. Everyone can literally and figuratively ‘eat a food’ legally.

Mr. D. PEART: Legally.

Dr. DAVIES: Legally.

Mr. Speaker, I am proposing that immediately the NHT's Capital Programme for Fiscal Year 2001/12 be revamped, concentrating on small schemes, using small contractors islandwide. (Applause)

Mr. D. PEART: Hear! Hear!

Dr. DAVIES: Mr. Speaker, we want to see in every parish clear signs of NHT activity with housing units geared for the lower and middle-income workers. There is demand for such units, Mr. Speaker, but this demand will not be met by the private sector activity on its own. The NHT must lead.

Mr. Speaker, even as we have clear ideas as to what could be done about the Tourism Enhancement Fund and the NHT, we need a big-ticket item. And I return to that project which is the major point of division between the Government and the Opposition. That point of division is the JDIP Project.

Mr. Speaker, any objective and fair observer would realize that there are too many unanswered questions about the operations of the JDIP. As I have said before, it cannot be acceptable that a project consuming so high a percentage of the total State capital expenditure is summarized by seven bullet points. It is unacceptable, and we will insist that this wrong be righted. (Applause)

We are proposing that the total JDIP Project be revamped and properly structured with transparency, and brought through the Budget! Through the Budget!

Opposition MEMBERS: Yes! Yes!

Dr. DAVIES: That loan will be repaid by the Ministry of Finance, using the resources of the taxpayers of Jamaica. It's not something

which belongs in this **yellow book** with seven bullet points.

Mrs. NEITA-HEADLEY: No!

Dr. DAVIES: We want to see it in the **blue book** in the blue pages, and we want details, project by project, of what's being done. Is it that we don't know what will be done? Is it either that it is based on whims and fancies that is subject to changes over night?

Mr. D. PEART: Yeah, man, a telephone call change it.

Dr. DAVIES: Secondly, Mr. Speaker, we are proposing that there be a significant shift in this time of crisis for whatever the big projects were. And I say whatever they were because I don't know what they are.

Mrs. NEITA-HEADLEY: Right. That's correct!

Dr. DAVIES: All I have here is river training in six locations.

Mrs. NEITA-HEADLEY: Where?

Dr. DAVIES: You know what is in there? Tell me. You must, as a big man. You know? Oh, nobody nuh know. I think I have some friends over there who have questions. We don't know what is in this. And so we are proposing that there is a significant shift in this time of crisis from whatever these big projects are, and on much of what is still unknown to us, to labour-intensive infrastructure development projects throughout the country. (Applause)

Specifically, Mr. Speaker, we are proposing that a half of the projected sum for Fiscal Year 2011/12 be transparently packaged into projects aimed at river training, repaving of gullies, rebuilding of the walls of gullies, repairing sidewalks throughout the country.

Opposition MEMBERS: Hear! Hear!

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Dr. DAVIES: Mr. Speaker, I am not talking about bollo work. I am talking about work which is properly designed, properly supervised, and contracts transparently granted.

Mr. D. PEART: Transparently granted! (Applause)

Dr. DAVIES: This 50 per cent of the JDIP expenditure, Mr. Speaker, would represent a special Capital Works budget of just under Four point Five Billion Dollars, (\$4.5B), will not expand in the deficit, the money is going to be spent. Mr. Speaker, we aggregate the total State sector, so we are not – we are just shifting it from where it doesn't belong to where it actually belongs.

Think, Mr. Speaker, of what would be the impact on the whole country, in terms of persons who are presently unemployed, willing and able to work. But there is nothing to do, because the State isn't doing anything. Or, what is being done under the JDIP is now known only to a few persons.

Mr. D. PEART: Racket and corruption.

Dr. DAVIES: Mr. Speaker, let it be clear that the present *modus operandi* of the JDIP is unacceptable and unsustainable.

Opposition MEMBERS: Hear! Hear! (Applause)

Dr. DAVIES: Mr. Speaker, I direct this comment to you for more reasons than one. It's interesting that the Chinese symbol for problem...

Mr. BUCHANAN: You have to wake him up.

(*Sotto voce* comments)

Dr. DAVIES: ...is the same for opportunity. I don't know why I direct the Chinese symbol. But right now the JDIP

represents a major problem. It's a problem not only for the Opposition, but for all well-thinking persons who are concerned about transparency and accountability.

Mrs. NEITA-HEADLEY: Hear! Hear! (Applause)

Dr. DAVIES: Many are concerned about what is going on, but are too scared to come forward.

Mr. Speaker, let us grasp this opportunity to revamp the JDIP, and put the money into properly designed, properly executed projects for which expenditure can be properly accounted for. (Applause) Right now we don't know. We hear the Palisadoes thing cost this, then it cost that. We hear they are going to spend a Hundred Million US, (US\$100M), then I hear a Hundred and Ten Million US, (US\$110M), we can't go on this way, Mr. Speaker. It looks chaka-chaka.

(*Sotto voce* comments)

It looks like a banana republic.

If the Government signals a willingness to do this, Mr. Speaker, if the Government signals the willingness, the Opposition is willing to collaborate, as long as there is transparency and accountability.

Opposition MEMBERS: Hear! Hear!

Dr. DAVIES: It is a time of crisis for the country, both economically and socially. And although the revamping of the JDIP will not provide the total solution, it can provide a significant change to the present social and economic malaise which envelops the land.

Opposition MEMBERS: Hear! Hear!

Dr. DAVIES: Mr. Speaker, there is need to give the people hope, and the revamping of the JDIP Programme may not be acceptable to a few persons who are doing well, but would

have a significant impact on the lives of thousands who simply have no hope for the future. (Applause)

So even, Mr. Speaker, even whilst we know that the long-term sustainable growth is dependent on private sector initiative, that won't happen in the near term, because aggregate demand is too low, and in fact, has contracted.

As I have said repeatedly but I will say it once more, the economy now is five per cent smaller than it was in 2007. The economy now is at the same size it was in 2003. You can't refute that. And, therefore, to expect the private sector to start producing, they say, for whom? Who will be able to purchase that?

Mr. Speaker, having listed the constraints on private sector activity, there is one other critical constraint which must be put in front of the population, and I have done that, Mr. Speaker. And we are saying that we need to maintain our deficit target, the real deficit target. But what we have outlined, in terms of restructuring the JDIP, provides us with the ability to do some work. Christiana, Spaulding is not here.

Mr. SHAW: Don't worry 'bout Christiana.

Dr. DAVIES: No, I am not worrying about it - 90 per cent of the expenditure, 90 per cent.

Mr. SHAW: Dean Peart should have 100 per cent in his constituency!

Mr. D. PEART: Foolishness! Rubbish! Rubbish, man, rubbish! (Heckling)

Mr. SHAW: I am going to bring the information!

Mr. D. PEART: Rubbish, man! Rubbish!

(Sotto voce comments)

Dr. DAVIES: So even if you are right, what you are saying is that you are making your wrong now.

Mr. SHAW: No. Every donkey track in his constituency was fixed already! They don't need to be fixed again! Every donkey track!

Dr. DAVIES: Is all right, is all right.

Mr. Speaker, it sound like it's a little confession we are hearing here.

(Sotto voce comments/cross talk)

Mr. Speaker, next year, the year 2012, the country will celebrate the Fiftieth Anniversary of our gaining Independence from Britain. We accept that Jamaica has not progressed as far as we would have liked, or we should have. There are several areas in which our progress should have been better, but we, on this side, reject the notion advanced by some that we are a failure as a country.

It is clear that as we celebrate the Fiftieth Anniversary and look forward to the medium and long term, there is need for the country to adapt and pursue certain common positions in critical areas. (Applause)

To paraphrase one of our Founding Fathers, N.W. Manley, Jamaica is not lacking in ideas, what we lack is fixity of purpose. At the founding of the PNP, N.W. clearly stated that...

Mr. M. PEART: Busta was there.

Dr. DAVIES: Yes – that we are a multi-class party. All forward-thinking Jamaicans have a role to play, but our priority is on those at the bottom of the socio-economic ladder. (Applause) We cannot deviate from that principle, or we will be betraying the Founding Fathers. (Applause)

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Opposition MEMBER: No! We never will! We never will!

Dr. DAVIES: This position is not based on unrealistic knee-jerk altruism, rather, it derives from the conviction that no country can move forward on a two-tier system. Minister of Education, you know that. You can't have two educational systems, with those at the bottom of the socio-economic ladder and their children permanently condemned to remaining there. You cannot.

We recognize that there is a special role for members of the political directorate to defend the rights and ambitions of those without financial resources and influence. (Applause) Whilst other special interest groups have strong lobbying powers at home and abroad...

Opposition MEMBERS: Yes! Hear! Hear!

Dr. DAVIES: ...at home and abroad, with the corresponding ability to influence the development of policies – sometimes not successfully – and programmes to benefit their objectives, it is often the case that the only support which the lower income groups have are the voices of their political representatives. (Applause) And don't let us allow others to beat us down in that regard. We have to speak up on behalf of them.

Mrs. SIMPSON MILLER: Hear! Hear! Yes! Yes!

Dr. DAVIES: When discussions are being held, either locally or externally, if the members of the political directorate do not speak up on behalf of the lower income groups, who will? Who will?

Mr. NEITA-HEADLEY: Who will! Who will!

Dr. DAVIES: Who will? We on this side are very clear about our major responsibilities...

Mr. MONTAGUE: That's why you walk out!

Dr. DAVIES: ...and to whom we owe the greatest obligation.

Mrs. NEITA-HEADLEY: Yes! That's right.

Dr. DAVIES: I speak up for you as part of that group!

Mr. MONTAGUE: Thank you very much.

Dr. DAVIES: Good.

Mr. MONTAGUE: But don't walk out on us.

Dr. DAVIES: Whilst we are willing to collaborate in the interest of national unity, we cannot collaborate and cooperate with an Administration which, presides over the doubling of poverty in three years, and articulates no remedial response.

We cannot collaborate and cooperate with a deteriorating health system which leaves the most vulnerable in the society unprotected. We cannot be boasting of achieving IMF targets based on delaying payments to those in need, or starving vital institutions of committed resources. (Applause)

We cannot collaborate and cooperate when attempts are made to hide from scrutiny the operations of the largest capital project being undertaken by the State. We cannot.

Mr. Speaker, within Latin America, ex-President Lula of Brazil.

Mrs. SIMPSON MILLER: good man, excellent.

Dr. DUNCAN: Yeah man, good man.

Came to power amidst much fear from the private sector within Brazil and externally in terms of his explicit commitment to improving the lot of the poor in Brazilian society.

Mrs. SIMPSON MILLER: Yes.

Dr. DAVIES: He surprised everyone in the business community by taking actions that supported responsible entrepreneurial spirit, but he never, ever waived from his fight against poverty and discrimination.

(Applause by Opposition Members)

(*Sotto voce* comment by Mrs. Simpson Miller)

Dr. DAVIES: You know what they found special about Lula when he gave his word, you don't need....

(Applause by Opposition Members)

(Inaudible comment by Mrs. Neita-Headley)

Dr. DAVIES: He delivered. What he said you could believe.

(*Sotto voce* comment by Mrs. Simpson Miller)

Dr. DAVIES: Brazil, under President Lula, proved that it was -

A MEMBER: Very good man.

Dr. DAVIES: Good, good. And Hugo to, you know. Big up, Hugo. On behalf of Comrade Mair, big up!

(Laughter/Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Comrade Mair. (Laughter)

Dr. DAVIES: Brazil, under President Lula, proved that it was possible to take positive remedial action to alleviate poverty and improve the socio-economic conditions of the lowest income groups even whilst...

Mrs. NEITA-HEADLEY: Hear, hear!

Dr. DAVIES: ...promoting economic growth through the success of the private sector.

Mrs. NEITA HEADLEY: Hear, hear!

(Applause by Opposition Members)

Dr. DAVIES: It's against the framework laid down by our Founding Fathers and inspired by the work of President Lula in Brazil that we have put clearly on the table the real state of affairs in Jamaica in terms of both economy and the social sectors.

In this presentation, we have not simply listed the problems and described the reality which faces the country, but we have also shown what steps can be taken to improve the lot of the lowest income groups even whilst being fiscally responsible.

For the country to move forward, decisions will have to be based on a realistic assessment of our present situation, it can't be based on a PR campaign.

Mrs. NEITA-HEADLEY: No, can't be.

Opposition MEMBER: No, no sah.

Dr. DAVIES: We have laid out using Government data and information, not one single thing, fact or number I have given can be challenged because I got from the Government's document or from the Minister's office. So we have used out—we have laid out using Government data and information, we have laid out the reality.

Mr. BUCHANAN: If it's the Minister's office it can be challenged.

Dr. DAVIES: We call on the Administration to emerge from this pretence and face the reality which most of the country experiences each day.

Mrs. NEITA-HEADLEY: That's right, that's right.

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Dr. DAVIES: But beyond that they must begin to act on behalf of those ...

Mrs. NEITA-HEADLEY: Action.

Dr. DAVIES: ...who have no one else speaking for them and who need their support.

(Applause by Opposition Members)

Dr. DAVIES: Mr. Speaker, then and only then can we seek to collaborate and cooperate in moving the country forward for the medium and long term.

I thank you very much, Mr. Speaker.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. BUCHANAN: Real Minister of Finance.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Hear, hear!

(Applause by Opposition Members)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business.

Dr. PHILLIPS: What about the editorial remarks before you say that?

Mr. HOLNESS: A very good speech.

(Cross talk)

Mr. HOLNESS: It's a speech, but I'm sure it will be appropriately dismantled.

(Laughter)

Mr. HOLNESS: Mr. Speaker, I therefore move that this Honourable House do adjourn until tomorrow, the 4th of May, when we will hear from the Minister of Transport and Works.

(*Sotto voce* comment by Opposition Member)

Mr. HOLNESS: Take the time and prepare. And the Member from East Central St. Catherine in continuing the budget debates.

The SPEAKER: Members, the motion before this Honourable House is that the House do adjourn until Wednesday, the 4th of May at 2:00 p.m.

Put to the House and agreed to.

The House adjourned approximately 5:10 p.m. to resume its sitting on May 4, 2011 at 2:00 p.m.

SESSION 2011 – 2012

WEDNESDAY, May 4, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.27 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Mrs. Sharon Hay-Webster.

The House resumed its sitting at 2:27 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

OATH OF ALLEGIANCE

MR. CLIFFORD EVERALD ERROL WARMINGTON, (JLP), Member of Parliament for South West St. Catherine, took the Oath of Allegiance and sat on the Government benches. (Applause)

The SPEAKER: First of all, let me welcome those persons who are sitting in the Gallery. In particular I would like to welcome twelve students and two teachers from Excelsior High School. (Applause)

I would also like to welcome a number of persons who are visiting from the constituency of South West St. Catherine. But although you are here in support of the swearing in of your new Member of Parliament, you cannot participate in any way. You cannot clap, you cannot participate. So bear in mind you must just watch and be of your best behaviour. Please, I know that you want to be a part of the proceedings but you cannot be a part of the proceedings in the Parliament. So listen strictly to the Speaker, because if you participate I will have to ask for you to go. So while you are here, please, just be silent and just check on your cellphone to make sure it is on off or on vibrate.

For the period that you are here please enjoy the sitting of the Parliament and I am sure that your presence here in support of your Member of Parliament is well appreciated. Thanks for being here.

CALL OF THE ROLL

(See Listing)

(DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture and Fisheries, entered and took his seat.)

NOTICES OF MOTIONS GIVEN

ORALLY

Mr. WARMINGTON: Mr. Speaker...

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The SPEAKER: Yes, Mr. Warmington, welcome.

(HON. LAURENCE GEORGE BRODERICK (JLP), Clarendon, Northern, Minister of State in the Ministry of Energy and Mining, entered and took his seat.)

(HON. ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister, entered and took his seat.)

(DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, entered and took his seat.)

(MR. MICHAEL ANTHONY PEART, (PNP), Manchester, Southern, entered and took his seat.)

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

FLOODING/SOUTH WEST ST.

CATHERINE

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

WHEREAS sections of South West St. Catherine are subject to constant flooding;

AND WHEREAS the main areas affected are Old Harbour Bay, Big Pond, Panton Street, Nightingale Grove, Bushy Park, Hartlands, Windsor Avenue, Windsor Road and Duncans Pen Road;

AND WHEREAS one of the causes of these floodings is the lack of adequate maintenance of the drainage system throughout the constituency;

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

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

AND WHEREAS the natural waterway of the Colbourne Gully is compromised and the size of the outflow is reduced by the construction of Highway 2000, causing severe flooding of an historic nature to Nightingale Grove, Five Acres, Grove Farm and the High House communities;

AND WHEREAS the McVickers Gully and Town Gully are similarly compromised and the sizes of the outflows reduced by the construction of Highway 2000, causing severe flooding in the Windsor Avenue, Windsor Road and Duncans Pen road;

(Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

AND WHEREAS New Era Homes at its own expenses constructed an extensive dyke system along the Colbourne Gully from the Old Harbour/Spanish Town main road to the Bushy Park bridge, which has prevented the constant flooding of the Vineyard communities:

BE IT RESOLVED that Parliament calls on this government to take immediate action to complete the dyke started by New Era Homes from the Bushy Park bridge to Salt Island Creek as

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was intended, so as to relieve the constant flooding and suffering of the people of Bushy Park;

BE IT FURTHER RESOLVED that the government moves with great urgency to correct and eliminate the flooding that constantly affects Big Pond, Old Harbour Bay, Panton Street and Hartlands;

AND BE IT FURTHER RESOLVED that the government takes the necessary actions to have developers of Highway 2000, Bouygues, T P rectify the situation created by them, that is causing the flooding at Nightingale Grove and surrounding communities and the communities of Windsor Avenue, Windsor and Duncans Pen roads.

Mr. Speaker, I'll further move:

WHEREAS the road infrastructure in most of the housing schemes in Jamaica are in deplorable conditions; (Applause)

AND WHEREAS these roads continue to deteriorate without maintenance by government;

AND WHEREAS some of these housing developments are in existence for over forty to fifty years;

AND WHEREAS successive governments at the Central and the Local levels have refused to assume full responsibility for these infrastructure;

AND WHEREAS such actions by government result in severe difficulty and suffering for Jamaicans living in these housing schemes;

AND WHEREAS these residents are taxpayers, most of whom are poor, less fortunate Jamaicans:

BE IT RESOLVED that this Parliament calls on the government to immediately assume full responsibility for all road infrastructures in housing schemes (Applause) throughout Jamaica and commence the repairs and rehabilitation needed to bring all these roads to proper and useable condition;

Mrs. NEITA-HEADLEY: Yes, yes!

Mr. WARMINGTON:

AND BE IT FURTHER RESOLVED that in all future developments a condition for developmental approval is that at the time of issuance of the first title to a homeowner, the titles to all road infrastructure and common areas be transferred to the local government, Kingston and St. Andrew Corporation or any other local authority, including, but not limited to the National Works Agency, in order that such entity can exercise the right of ownership inclusive of maintenance. (Applause)

Dr. DAVIES: You have another one?

RE: PARLIAMENTARY DRESS CODE

Mr. WARMINGTON: Mr. Speaker, I'll further move:

WHEREAS Parliament has relied on the 23rd Edition of Erskine May's Parliamentary Practice for guidance on Parliamentary Dress Code;

AND WHEREAS the Jamaican Parliament has never taken an official position on the Parliamentary Dress Code and has instead relied on the ruling of Speakers of the day for its interpretation;

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AND WHEREAS the ruling of individual Speakers are open to different interpretations:

BE IT RESOLVED that this Honourable House mandates the Standing Committee of Parliament to study the issue of Parliamentary Dress Code and submit a comprehensive recommendation to Parliament for adoption. (Applause)

MEMBERS: Hear, hear!

RE: ELECTION MARK/MARKERS

Mr. WARMINGTON: Mr. Speaker, I'll further move:

WHEREAS section 35 subsection (3) of the Representation of the People Act states that "the elector shall forthwith enter the enclosed area of the polling centre so provided and there make a cross with a black lead pencil within the space containing the name of the candidate of his choice";

AND WHEREAS there are other implements other than a black lead pencil that can also effect such mark for the candidate of one's choice;

AND WHEREAS there are other marks other than a cross that an elector may make in the place containing the name of the candidate of one's choice:

BE IT RESOLVED that this Honourable House take the necessary action to have the appropriate amendments done to section 35 subsection (3) of the Representation of the People Act to provide that "any implement that an elector finds appropriate or convenient to use to make the required mark shall be lawful";

AND BE IT FURTHER RESOLVED that further amendment be made to the said section 35 subsection (3) of the Representation of the People Act to make any mark placed on a ballot by an elector in the place containing the name of the candidate of his choice shall be valid and not limited to a cross.

RE: ELECTION AGENTS

Mr. Speaker, I'll further move:

WHEREAS section 41A subsection (1) of the Representation of the People Act specifies that "every candidate in an election shall appoint such persons as he thinks fit to be an outdoor agent and shall issue to any such outdoor agent appointed by him a Certificate of Appointment in the prescribed form specifying the polling station in respect of which the agent is appointed";

AND WHEREAS in many cases Returning Officers, Election Day Workers, Auxiliary or One Day Police and members of the security forces have prevented these said agents from effectively carrying out the functions for which they were appointed;

AND WHEREAS the reason given is that these agents cannot be on the compound where the poll is being conducted and in other cases that these agents must be hundreds of meters away from the polling stations;

AND WHEREAS section 77 (1) of the Representation of the People Act does not apply to Outdoor Agents;

AND WHEREAS section 41A subsection (3) of the Representation of the

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People Act specifies the distance of the Outdoor Agent to be not less than twenty yards from the polling station;

AND WHEREAS no agent can carry out the function for which he or she was appointed being such distance from where polling is being conducted:

BE IT RESOLVED that section 41A subsection (1) of the Representation of the People Act be amended to allow the persons appointed by a candidate as his agent to be within the precincts and closer than the 20 yards to the polling station as specified.

(Applause)

MEMBERS: Hear, hear!

RE: BALLOT PAPER COUNTERFOIL
REMOVAL ETC.

Mr. WARMINGTON: Mr. Speaker, I will further move:

WHEREAS section 43 subsection (3) of the Representation of the People Act states, "if in the course of counting the votes any ballot paper is found with the counterfoil still attached thereto, the Presiding Officer shall (carefully concealing the numbers thereon from all persons present and without examining them himself) remove and destroy such counterfoil he shall not reject the ballot merely by reason of his former failure to remove the counterfoil":

BE IT RESOLVED that this section be amended to add "or that the counterfoil is removed above or below the perforated lines".

MEMBERS: Hear, hear!

Mr. WARMINGTON: Mr. Speaker, I will further move...

MEMBERS: What, more! What!

RE: POLLING TIMES

Mr. WARMINGTON:

WHEREAS section 33 of the Representation of the People Act specifies that the poll shall be taken in each polling station between the hours of Seven o'clock in the forenoon and Five in the afternoon;

AND WHEREAS there are many changes to the circumstances which influenced the setting of the time for polling;

AND WHEREAS we are now in an electronic age:

BE IT RESOLVED that section 33 of the Representation of the People Act be amended allowing the time for polling on an election day to be between the hours of Six o'clock in the forenoon and Seven in the afternoon. (Applause)

RE: ELECTORAL COMMISSIONER'S
NATIONALITY

I will further move:

WHEREAS section 3 subsection (1) sub-subsection (a) of the First Schedule of the Electoral Commission (Interim) Act, 2006 specifies that a Commissioner must be a Jamaican resident in Jamaica;

AND WHEREAS at least one member of the present Electoral Commission is not a Jamaican resident in Jamaica, by being a resident of Barbados for the past seven to eight years and has most recently moved his residence to the Bahamas:

BE IT RESOLVED that this Honourable House exercise its prerogative as set out in section 4 subsection (5) sub-subsection (b) of the First Schedule of the

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Electoral Commission (Interim) Act, 2006 and remove this and any other individual as member or members of the Electoral Commission of Jamaica. (Applause)

RE: EMOLUMENTS OF ELECTORAL COMMISSIONERS

Mr. Speaker, I will further move:

WHEREAS Section 7, subsection (2) of the First Schedule of the Electoral Commission (Interim) Act 2006 provides for members of the Electoral Commission to be paid emoluments equal to that of Puisne Judges;

AND WHEREAS Parliament amended this provision, provides an emolument for the Chairman of the Electoral Commission equal to that of a Senior Puisne Judge;

AND WHEREAS the Commissioners have established a most generous pension, gratuities and Retirement Benefit Scheme for themselves, because of Section 10, subsection (1) of the Electoral Commission (Interim) Act of 2006;

AND WHEREAS Section 7, subsection (2) of the First Schedule of the Electoral Commission (Interim) Act 2006 was for Commissioners to be employed on a full time basis;

AND WHEREAS the Commissioners meet only on a part-time basis averaging four hours per month, and when there are no elections or enumeration, they do not meet for up to three months;

AND WHEREAS the task being provided by the Commissioners can in no way compare to that being performed by Puisne Judges or Senior Puisne Judges

who have to work long hours doing extensive researches, trials, among other duties;

AND WHEREAS those persons who serve on other Government Commissions, for example, the Police Service Commission, or the Civil Service Commission, among others, do not receive as generous a package as those serving on the Electoral Commission;

AND WHEREAS there are many unfortunate Jamaicans who have to work up to 70 hours a week at minimum wage just to meet the basic needs of their families while others are living in abject poverty.

BE IT RESOLVED that this Honourable House amend the Electoral Commission (Interim) Act 2006, by deleting Section 10, subsection (1), Section 7, subsection (2), Section 3, subsection (3), and Section 4 - and Section 7, subsection (4) of the First Schedule of the said Act 2006;

AND BE IT FURTHER RESOLVED that the emoluments to be paid to the Commissioners be commensurate with the part-time jobs they now perform and in line with that paid to members of other Government Commissions, and members serving on Government Boards.

Thank you.

The SPEAKER: Thank you, Mr. Warmington.

(Sotto voce comments)

MOTIONS RELATING TO SITTINGS OF THE HOUSE

The SPEAKER: Yes, Reverend Thwaites.

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Rev. THWAITES: Mr. Speaker...

The SPEAKER: Yes...

Rev. THWAITES: Will the Speaker be able to say what is the state of the proposed amendments to the Standing Orders of the House which have been approved by the legislature for several months now, and which appear to have disappeared?

The SPEAKER: No, no, Reverend Thwaites, the matter having been approved, the matter is now before the Parliamentary Draftsman to provide us with some preliminary draft for us to approve. And as soon as that is done we will be calling a meeting of the Standing Orders Committee.

Rev. THWAITES: Is there a timeframe for that, Mr. Speaker, having regard to the fact that the Standing Orders Committee essayed this issue from the early inception of this House, and we are nearing the final fifth of our term. And at the present pace, I am not being pessimistic to say that it won't be finished. And it is severely affecting, Mr. Speaker, the operation of the House, and particularly the discretion and privileges of the backbenchers?

The SPEAKER: Reverend Thwaites, I will ask the Clerk to let us have some indication for tomorrow's sitting as to when we can get these drafts.

Rev. THWAITES: Much obliged, Mr. Speaker.

The SPEAKER: Very well, Reverend Thwaites.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Thank you, Mr. Speaker.

At Public Business, we will be hearing from the Minister of Transport and Works.

The SPEAKER: He is first, and then...

Mr. HOLNESS: And then afterwards... we are not forgetting, Mr. Speaker, but, I plan to introduce specially, the Member from North East St. Catherine when her time comes to present.

The SPEAKER: Okay. Honourable Michael Henry.

Mr. HENRY: Mr. Speaker...

The SPEAKER: Mr. Henry...

BUDGET DEBATES (Continue)

Mr. HENRY: I would like to apologize to a number of persons whom I have invited here from the different agencies, and who are now taking their seats due to space in the Gallery. And it would be, not in keeping with my style if I didn't wait to see the most beautiful person in my life sitting across from me there. And I now can begin my speech.

Mr. SPENCER: Who is that?

Mr. HENRY: Mrs. Dawn Henry.

(Applause/Laughter)

Mr. SPENCER: From South East Clarendon.

The SPEAKER: Mr. Henry, before you continue, may I just welcome the Members of your staff, and also the - persons in the Ministry of Transport, the Permanent Secretary. And certainly, I saw your dear wife. I hope she is in the... she is here. Welcome to you all, to the sitting of Parliament. Sorry that accommodation was not available before, but I hope that all the members from your Ministry can now be accommodated.

Yes, Mr. Henry.

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Mr. HENRY: Thank you very much, Mr. Speaker. Mr. Speaker, in opening - my opening remarks, which we will go through, we will be circulating something called Generating Growth and Productive Job Opportunities, fulfilling the commitments made.

(Applause)

A MEMBER: Hear, hear!

Mr. HENRY: And this will be circulated. And to show that I am not afraid of colours, I put it in red, yellow, with limited green to show the unity of purpose in achieving what we want.

(Laughter/*Sotto voce* comments)

Mr. SPENCER: Multimodal.

Mr. HENRY: Mr. Speaker, after three-and-a-half years at the helm of the Transport and Works Ministry, I am happy to be now reaping the levels of success that were envisioned from the start, which took creativity, grit and determination to accomplish. With strategic application backed by indepth analysis of the inherited positions, coupled with a national responsibility that comes with effective political transformation, a lot has been realized, all in the best interest of the country. These, I will outline later, along with the continuing challenges.

It has certainly taken a lot of very hard work to deliver so much so far, with very much more to come, all for the betterment of the country and Jamaicans at large. For this very big effort, I must acknowledge the support of my various teams over the last few years. Of critical importance has been the support of input of the leadership and general staff of the Ministry, the agencies and entities within the portfolio arena. Their collective energies have taken us to this point of relative

success which is far removed from lackluster results that were pretty much the norm before this Government.

A MEMBER: Hear, hear!

Mr. HENRY: It speaks to the level of motivation and inspiration that have been generated all around in a concerted effort to simply get the right things done.

Appreciation must be extended to the Permanent Secretary, DR. HALES, the Chief Technical Director and other team leaders, including the retired Principal Finance Officer, ALTIUS WILLIAMS, my recently departed Executive Administrator, MRS. MINERVA COOKE, and the general staff of the Ministry for their continued support.

To the Heads of the Agencies and the applicable entities, their team members, the Board Chairmen, and Members, I thank you all again for your invaluable service.

Very warm appreciation is in no doubt as I open, to my wife, Dawn, and the rest of my family, along with my immediate support staff for this dedicated input.

I must again express appreciation to the Prime Minister for his continued confidence in me in the portfolio areas that I hold, and my Cabinet colleagues for their support and advice.

Thanks also to you, Mr. Speaker, for your continued assistance.

(HON. ORETTE BRUCE GOLDING, (JLP), Prime Minister, Member of Parliament, West Kingston, entered and took his seat.

As usual, I wish to extend special gratitude to Central Clarendon, the constituency I have the honour of representing in this Honourable House. Thanks to my constituents for their understanding and trust,

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especially when my ministerial duties take me away from them for longer periods than they might have been accustomed to when we had eighteen-and-a-half years in the wilderness without much support from Government. Special respect to my councillors/caretakers, and Councillor, MELVIN JONES, TREVOR MORRIS. Sadly, INLY BLAKE is not well. GARY DOUGLAS, the constituency executive, including SHARON MORGAN, the secretary, constituency workers, PD Captains, Indoor Agents.

And to the **Humble Lion Football Team** which had a rocky season, but managed to remain in the Premier League and will move from strength to strength.

(HON. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service entered and took his seat.)

The team has become a source of inspiration for the people of May Pen where the potential success through cooperation and determination has clearly demonstrated how important this world of soccer is. But, more importantly, Mr. Speaker, it employs - it provides employment for 120 persons.

Likewise, I have the pleasure of a comprehensive Basic School Education Support programme from my CDF which involves 29 institutions. That feeds into the primary, which then feeds on into the secondary, which feeds on to hopefully, moving toward zoning schools to reduce the way of the distance children have to travel.

There is a plan for a dialysis centre of excellence for which I owe all my help to the Minister beside me. The dialysis centre will be an investment of nearly US\$200 Million over

the period, and creating a dialysis centre which will commence very shortly on the site of the May Pen Hospital with the support of the land being made available with funds raised overseas, not costing a penny to the Government, to develop an overall programme for servicing the country; a community music studio which has already produced top line artistes, so far, and continued progress which will be announced further on the HERB MCKENLEY Stadium.

All of that came out of a sustained programme of development at the constituency level, much like what is being demonstrated in the development of the Ministry portfolio that I hold.

After three-and-a-half years, I am happy with the outcome and the positive outlook that has been taken, with respect to the business of public administration. These successes have been achieved through highly focused efforts, centred around attracting private sector investment, embracing global success stories and best practices, and resuscitating discarded State assets. Critically in the mix too, have been our efforts to attract significant development assistance for the country's public infrastructure.

Guided by 1-3-5-7, the country has begun to reap the fruits of the Ministry's efforts with many major successes emerging, including some which have defied the logics of long-time propaganda.

A MEMBER: Hear, hear!

PANAMA CANAL EXPANSION

Mr. HENRY: Years five and beyond will coincide with 2014; 2014 is the opening of the expanded Panama Canal and its huge transport possibilities. Hence, the period up to this,

critically represents the time available to foster the development of our infrastructure to capitalize on the Panama development. I am therefore simply acknowledging the achievements while moving apace with the programme of work ahead.

My presentation today is simply about the facts surrounding the successes of what was in the pipeline and what works. Mr. Speaker, it's not about PNP and JLP bantering. The facts are very strong. They should be presented simply and clearly so that all can see and judge for themselves what level of management has been at work on behalf of the people. This is within the context of good, participatory and consensus-oriented governance providing fulfilment with due regard for accountability, transparency, public responsiveness, efficiency, equitability and inclusiveness of the people within the ambit of the laws of the land.

Simplicity and clarity is what I am about this afternoon. Not subdued in any way by any personal attacks being directed at my integrity but more mellow, mellow on the job in delivering on the mandate from the Prime Minister. This comes automatically from the success that is being realized from the good old combination of very hard and purposeful work complemented by creativity and a vision of a new Jamaica.

In terms of that creativity, I waste no time pointing to examples of what as a government we have been able to achieve. We are not even on the drawing board of the previous administration.

JUTC

Take the JUTC as a case in point. With hundreds of out-of-service buses in the fleet,

much of which were inherited as proposed scrap metal, a clear two-pronged approach had to be taken towards rebuilding the company's fleet. Hence, over the last two years there has been a steady stream of new buses that have been acquired for the company under special arrangements with Belgium. That meant not only upgrading the service to general air-conditioning comfort as a means of raising the dignity of public transportation, but also introducing the first phase of the implementation of the Colour-Coding Programme that has been developed by the ministry, to bring more order to the sector. Hence, Mr. Speaker, as yellow as the sun, the future shines in all of the JUTC buses on the road.

But buying new buses to bring back the JUTC fleet to the 700 units it once had was an extremely challenging proposition. The cost involved was simply too much to be supported amidst the challenges of the ongoing global economic recession. So what did we do? We simply went back to the drawing board to see how we could resurrect buses, from the decay, that were left behind by our predecessors.

(Sotto voce remarks by Opposition Member)

Mr. HENRY: Definitely. Not only the acquisition of hundreds of new air-conditioned buses to convey average Jamaicans, we need to understand and appreciate that the future should not be centred around sweaty, sub-standard transportation. The Government also fought to find means of getting more units of the same standards without the prohibitive overall costs to re-equip the JUTC to its desired fleet complement. The answer, after intense assessment scrutiny and testing of the various options, has been the Brazilian

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rehabilitation model. This was successfully piloted in the country and now scheduled to be implemented in the PetroCaribe funding of US\$35 million on an expanded basis right here in Jamaica. And I want to congratulate the CEO and the Board of the JUTC for this foresight. (Applause)

The Brazilians are to come and bring more of our once discarded buses to a state comparable to the new ones. Air conditioning units under a programme that will gradually transfer the very important technology involved to local personnel so that initiatives can be continued perennially by Jamaicans in Jamaica. This is what management is all about, willing to find solutions, having the grit and determination to bring these solutions to the fore. Oh, and there is a minor fact that each thoroughly rehabilitated bus with air-conditioning capacity and all will cost about one-third of cost of a new unit, although both will have virtually the same economic life span.

The initiative is poised to revolutionize heavy-duty automobile rehabilitation in Jamaica, where old units can be brought back to almost new, and hence generating significant job opportunities for technicians in the various auto-refurbishing disciplines.

And Mr. Speaker, we always hear talk about poverty and what poverty means. Poverty must be responded to with actual actions that show how you lift the person out of the poverty level to achieving. It must also be dealt with under the basis of opportunities given in reviving issues.

So, Mr. Speaker, it would be remiss of me not to bring to the attention today's *Observer*, **"A dying breed of artisans get new lease of life"**. This is where shoe repairers have been

given a location in the Transport Centre for them to repair shoes, for them to be brought into the fore. These were people who were left around the Clock Tower. You could have seen them before; and all six of them have locations in the centre of the bus because nowhere in the world do you go to a transport centre you don't find a locksmith and a shoemaker to deal with the immediacy of it. And I am happy to welcome this in relation to these six persons. (Applause)

Poverty is not to be spoken about. It must be that you lift the person. Because to be poor really is not a sin. It's more a result of an economic development need. It's more a relationship to historically where you come from and how you get there. It's more against you looking at when the Busha Master sent you to go and look for the Free Village, rather than building you up equally to recognize what you are.

RAILWAY (JRC)

Mr. Speaker, over at the Jamaica Railway Corporation the passenger train service has been out of business for almost two decades. Everybody who has been in charge of the ministry before said they tried - and I will have more to say on that, and eventually gave their best shot at this regard, but that all came to nought until someone began to get some straight answers from the volume of JRC assets across the country. And realize that with the existing budgetary constraints and the answer to the intense public desires for the resuscitation of the passenger rail service, laid more in leveraging the Corporation's wide asset base of well over \$1 Billion that was left to lie and rot in the dump heaps of the areas around the railway. Again, intense vision and

creativity were employed in terms of the using and leveraging the Corporation's asset base. And on April 16 the first big sign of things to come was unfolded and even earned the approval of the Opposition, quite surprisingly, of course, related to, not recognize transport is multimodal, integrated, not conflict one with the other.

(Sotto voce remarks)

Mr. HENRY: Of course, only a relatively few of us Jamaicans got in on the amazing train ride then. But before the end of the summer we should all have the option based on the success of the recent test run. And I will say more about the railway later.

VERNAMFIELD

The same picture of abandonment of national assets also applies to Vernamfield, where the robust airstrips and other important logistical components were allowed to remain idle for far too long when the global transportation sector has been busy positioning for the opportunities to come with the expanded Panama Canal.

In seeking to develop Jamaica's overall transport policy along the lines of the model which Singapore used to revolutionize its transport sector, I have been forging the necessary linkages to effectively drive the model locally. And I have news for all who care to hear. Mr. Speaker, I will say no more on the subject as I will deal with it later, the opportunities that will be created by it.

Mr. Speaker, let me however remind Jamaicans. There is an ocean of difference between the philosophy of 'mission impossible', which was readily adopted back then to 'mission is possible'. That is the approach that I have consistently but

realistically taken. I will return to this very matter of Vernamfield later.

Other major successes. Having forcefully and creatively brought the relevance of 1-3-5-7 to the fore, it's becoming increasingly significant how many major national successes have been realized within the Transport and Works portfolio. Additionally as planned, there is so much more to come on stream to help justify the right decisions at the right time.

In keeping with my theme of "generating growth and productive job opportunities" and attracting investments to deliver on the commitments made, I will be focused on the major initiatives, accomplishments, challenges and projections instead of going into great details on agency reports and so on. These will be made available in a separate publication to be tabled in Parliament for the Sectoral Debate, and for any member of the media who requires greater clarity in any area that is mentioned today.

I will give an update on some of the longer term initiatives while visiting some of the challenges that continue to be with us, such as inadequate funding and the influence of some element of irresponsible opposition politicking. From this overall picture the country will know and can judge the stewardship of the ministry and, by extension, the Government, which has noticeably gone into top gear in fulfilling the commitments that were made to the country in our manifesto.

PORT AUTHORITY/KINGSTON WATERFRONT/TRANSHIPMENT

Mr. Speaker, as you know, I present on the basis of the four elements of travel. I will now move to the sea, the port of Kingston.

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And in doing so I want to pay my respect to the CEO, Mr. Hylton, for all the work that he has done on the Port Authority and bringing it to the point where it is today. (Applause)

The Kingston Transshipment Port is the third largest port in this region and is rated 64th in the world and is on an unprecedented growth path as of today. The Panama Canal is being expanded to accommodate mega-class vessels. The expansion is expected to be completed by 2014. On the completion of this expansion, world trade and world shipping will change dramatically. Already we have seen the changes gradually taking place, for example, the ordering of larger vessels. The large international shipping lines are seeking a home that is capable of serving the new mega vessels and this, Mr. Speaker, is by 2014.

I have instructed the Port Authority to ensure that the development plans for the Port of Kingston facilitate the necessary infrastructure. This will include dredging of the port, development of increased berthing facilities and the necessary infrastructure to support these developments, including the installation of the most modern cargo handling equipment and support technology. Our vision is for the next five years, but beginning now to achieve it.

The Port Authority will be focusing on three critical business drivers which will have a significant impact on the port's business, strategies for future operations. These are the era of mega-container ships, the expansion of the Panama Canal and the realignment of trade routes.

Mr. Speaker, this era of mega ships is one that we need to clearly understand. The total bookings for new container ships reflected a total of \$4 Million TEUs scheduled for

delivery by 2014. Approximately half of this amount will be in the category of 10,000 plus TEUs. By 2014 there will be 149 ultra large container carriers on the seas compared with only 39 in operation worldwide today. These ships will certainly have a tremendous impact on world trade and ports. What is quite evident is that only a few ports will be able to accommodate these mega ships. Fortunately, Jamaica will be one by vision and by plan. (Applause)

Mr. Speaker, do I need to remind us, the Zim Antwerp already come here, made three calls. Still doesn't seem to have been recognized by many of us that the Zim Antwerp has to come here *via* the Cape of Good Hope. It cannot come through the Panama Canal. Indeed, it cannot go into the harbour of New York because of its size. I hope it gives us the magnitude of where our vision should be, and equally speaks to the magnitude of the vision we had, which was destroyed by bad planning.

Government MEMBER: Bobby man, Bobby!

Mr. HENRY: Based on these changes in the shipping landscape, it is anticipated that the shipping service patterns will be restructured with greater emphasis on transshipment.

I believe that ultimately there'll be some five to six (6) global hub ports, where mega container carriers will call as a part of the equatorial round-the-world group. One of the hubs will be in our region. That hub will be there to serve the US East Coast, Central and South America, the Gulf of Mexico and the Caribbean and by extension the Far East. Because, may I remind us that China now takes four and a half days to move goods

across China from one border to the other. Four and a half days lost in reaching the world's market cannot be afforded in this day of instant responsiveness, and we must capture that right here in Jamaica.

(Applause)

So, I am pleased to announce, Mr. Speaker, that under the corporatization model which we have modeled **Development Plan** on, where we have the land, where we have the facilities, where we have the labour, the Port Authorities right now as I speak, in joint venture discussion, where we make Fort Augusta available, we make the Port available and the investment is coming, not as a loan but an investment in the Port of Jamaica.

(Applause)

And that's not happening tomorrow. That's happening as of lunch time today, and will be completed very shortly for the 2012 bloom to really face them as they open up their windows to look on a bright, new Jamaica that is out there waiting for the world.

The realignment of trade routes. Sixty percent of the realignment of trade routes serving North America markets are cargo destined for the US Coast and Midwest.

Traditionally, most of these cargoes have been off-loaded at ports on the West Coast, mainly Los Angeles and Long Beach. Shipping experts are of the view, that upon completion of the Panama Canal expansion, a large portion of this cargo which is now transported overland to the East Coast and the Midwest, will no longer be shipped to the West Coast ports due to several factors, congestion, inefficiencies and higher transportation costs.

The Ports of the US East Coast as well as the US Gulf Ports are also likely to benefit from the expansion of the Canal, but may not, as I earlier said, be able to handle the mega ships. Presently, several East Coast and Gulf Ports are draft restricted and are struggling to handle 8,000 TEU units.

Thus as I said earlier, in order to ensure that the Port of Kingston is fully equipped to handle these mega containers, dredging of the channel and turning basin to approximately 17 metres will be done by 2014; Expanding the Port into Fort Augusta to provide additional berthing for 1500 metres; developing yard-space of 70 hectares or 173 acres and developing the value-added logistic capabilities.

Mr. Speaker, I remind the House and you, I speak not of promise but of fulfilment and implementation; and nothing I am discussing here is not getting ready to be signed.

Within the International Shipping Industry, Drewry Shipping Consultants of the UK are forecasting that there will be an average growth of 7% to 8% *per annum* globally, and they have said that Jamaica can share in this growth.

However, it is expected that there will be significant regional variations in demand patterns. The Far East, South East Asia and the Indian sub-Continent, the Middle East and Africa will be recovering the fastest. Northern Europe and North America will be recovering later. It is expected that transshipment volumes will grow in all regions.

Based on these projections, Mr. Speaker, we estimate that by 2020, the Port of Kingston will grow from its present 1.7 Million TEUs

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per annum to approximately Five Million TEUs *per annum*. Mr. Speaker, that's growth, that's jobs, that's development.

(Applause by Government Members)

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

Mr. GALLIMORE: Mr. Speaker, I move that the Minister's time be extended for a period long enough to complete his presentation.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow sufficient time for the Member to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Minister Henry.

Mr. HENRY: So now that it's happening now and not tomorrow, you will be pleased to note that the Port Authority is in the process of renegotiating contracts and negotiating contracts with three of the world's largest shipping lines, with combined projected volumes of Three Million TEUs for this region between 2014 and 2020. And as I said earlier, this will include joint venture of partnerships that will involve the shipping lines committing to major investments in the Port of Kingston. Not borrowed funds, investment that follows; what the Ministry of Finance has achieved.

(Applause)

Government MEMBER: You hear, Pickersgill!

Mr. HENRY: And I am happy to report that a country that hasn't recently visited us with any ships at all, just signed yesterday. The Korean Government has signed to begin sending ships to the Port on the 7th of June this year. Happening now. (Applause)

Our projection for this period will result in an increase in the labour force by

approximately 2,000 people. Every single port worker, Mr. Speaker, is known in the area of the world of work, every single port worker that is employed will provide indirect benefit to five people, multiply 2,000 by five, 10,000 people will arrive at the productive level.

Mr. Speaker, I talk of fulfillment not promise. During the shift in cargo throughout the World Trade, Jamaica must position itself to be the major player in the development of a multi-modal cargo by air, land and sea.

(Applause by Government Members)

One has already started in Phase I, development of the Tinson - which will start - with an immediate development of the Tinson Logistic Centre, which is expected to link with Vernamfield Pen development and will complete the multi-modal transport ...(Inaudible)...(Applause)

CRUISE SHIPPING

Indeed, I turn to the cruise shipping industry. For the last fiscal year the cruise shipping industry has been seeing significant growth. Nine point six per cent increase in passenger arrivals.

Mr. Speaker, historical Falmouth Cruise Ship Port is a reality. Historic Falmouth Cruise Ship Port has accepted the first ship on February 17, 2011. It was officially opened by the Honourable Prime Minister on March 22, 2011. It has demonstrated our ability to provide world-class infrastructure, and already this is regarded as the premier cruise facility in the region, and is considered among the best in the world. And again, I want to congratulate the Port Authority. (Applause)

The most I could do for the historic statement of our number one HERO MARCUS GARVEY, is promising that there will be more

than 16 miles of Black Star Liners coming in the Harbour, but I could only bring the first ship with 16 storeys high into Falmouth where the first slaves arrived. (Applause)

The historic Falmouth Cruise Ship Port was specifically developed to facilitate the larger cruise ships, not unlike the mega containers which I am speaking about.

When Royal Caribbean's "*Oasis of the Sea*" made its inaugural call, followed by its sister ship last week, the "*Allure of the Seas*", which I understand is only five centimeters longer than the *Oasis*, each vessel reported in excess of 6,000 passengers and 2,000 crew members arriving in Jamaica.

I am pleased to report that since the opening, we have received over 100,000 cruise passengers to date in Falmouth.

(Applause)

The phenomenal number of passengers in such a short time is a testimony that international cruise lines have accepted Falmouth as a leading cruise ship call.

Royal Caribbean Cruise Lines have reported that the integration of the town of Falmouth - but just like the shoemakers, we have integrated into the Transport Centre, we must integrate the communities, not talk about poverty, make the reality of how you resolve poverty by planning....(Inaudible) (Applause)

We must not continue to cater to the lowest common denominator, which is the hallmark of the previous Government. We must take it to a level where the vision of the people reach forward and they can grow and participate in it with honesty and with integrity. (Applause)

And I say that to appeal to them, to the communities at large, because Falmouth is a

work in progress. There is a great deal more to be developed. There is at least another 60 acres to be developed in a new, new thrust. There is at least One Hundred Million more to be spent by Royal Caribbean. That is their investment portion which now starts.

So one hundred million more is to be injected in building the landside facilities, which must flow into the economy and which the communities must recognize is important to them. As you would know yourself, Madam Speaker.

(*Sotto voce* comments)

And I therefore appeal that we treat our visitors. It will be noted that I do not use the word tourism very often, I use visitor. Because you see, my experience of life in Jamaica that every Jamaican knows 'when a visitor a come'. And 'when a visitor a come, you treat a visitor with respect'. You dust off the best chair. You place it in the best window, and you make sure they are welcomed.

I think traditionally, a tourist is someone who we think came along with cameras, sat on the beach, photographed us, left and was gone and should be harassed. I am asking us to treat them as visitors. Welcome them as visitors, integrate them into your lifestyle, expose your culture in yourself and let them know that when the Indians were roaming the plains of New York, we had secondary education and we had a train service. (Applause)

The Falmouth development has created a positive change in the economic landscape of the town and its wider environments. It has created short-term employment for approximately 500 persons and is projected to create long-term employment for 1000

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persons. This employment opportunity will include our tour guides and operators, as well as attraction and transportation workers. Already, investments are taking place in the attraction business in and around Falmouth.

Again, the Port Authority's team has worked very hard, and I thank them wholeheartedly for the work they have done on the cruise ship. And let me point out that the Montego Bay and Ocho Rios Cruise Ship Ports have received benefits equally from the Falmouth, but they are now poised to return to growth. And this is evident by future bookings for these ports. And the Port Authority is working on plans to upgrade the facilities in Ocho Rios and Montego Bay, about which I will be making announcements very shortly. (Applause)

The Port Authority created history by winning more world travel awards for Jamaica than any other cruise destination in the world. For six consecutive years, Jamaica has won the Caribbean's Leading Cruise Destination Award. And for five (5) years, the World's Leading Cruise Destination, and for two years, the Caribbean's Leading Cruise Port in Ocho Rios. And I think they deserve a recognition from us for the work they have done.

(Applause)

I move to Air Transport.

AIRPORTS AUTHORITY

During the Fiscal Year ended March 31, 2011, the Airports Authority of Jamaica and the operators of Sangster International Airport and Norman Manley International Airport have had to work hard in an attempt to mitigate the negative impacts on passenger traffic caused by the global economic recession and other significant events.

The reminders: The upward movement in crude oil prices; the volcanic eruption in Iceland in 2010 April; the down-sizing of Air Jamaica; the impending and eventual divestment of Air Jamaica to Caribbean Airlines; and the 50% increase in the British Air Passenger Duty, effective 2010.

NMIA Report:

A wholly-owned subsidiary of AAJ was established in 2003 to operate the Norman Manley Airport under a 30-year Concession Agreement with the AAJ. NMIA is to be privatized. I rather the word corporatized. And preparatory work is in progress for its eventual corporatization. They have sought achievements with the Capital Development Programme.

On completion of that Programme, the SIA and the MJB have faced fiscal years which is focused on the preparation of a Master Plan, detailing proposals for the development of the airports, including projects beyond the scope provided in the case of Sangster, 30-year concession agreement.

The plan identifies and includes information on lands required to facilitate runway extension and to upgrade as well, initiatives to meet other regulatory requirements.

I pause, Madam Speaker, because indeed in the plan for Sangster International Airport and indeed in the plans which I inherited for Norman Manley, they left out great elements of development. The first one is that neither of them is fully equipped for the movement of cargo at the levels at which it can be accommodated in the world. Neither was built enough for intransit passengers to move through.

Mr. MONTAGUE: True that.

Mr. HENRY: And therefore, we now have a transcript to speak to them about realigning, because intransit passengers is what drives an airport. Intransit passengers have to pay a head count to pass through. So earlier when I mentioned about the British tax and we looked at Heathrow, we'll understand, hopefully, what I'm speaking to. Therefore, in the whole Sangster International Airport Development, we have to be in talk with the 30-year Concessionaries and which we have serious causes now to have to re-visit that whole agreement. Because, Madam Speaker, Sangster International Airport can all but be extended to take no larger aeroplanes than what is coming through.

The same thing for Norman Manley. Both of these airports are either at or below sea level and have not been configured beyond seven million passengers. Madam Speaker, the passengers that we get at the moment are all North American..... (Inaudible) When we open up - and I'll come to Open Skies on that issue - we'll understand that seven million passengers is a joke.

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: Is a joke, because we've only had Win World Cup Cricket, which they promoted. All we have had from the Far East as visitors over the last 10 years is 4,000 people.

Madam Speaker, think of the BRIC countries. Or think of India, China, Pakistan, Malaysia, Korea, Thailand. If you got zero point zero, point zero, point zero, point zero five per cent of those people travelling, they couldn't even come here.

(Inaudible comments by a Government Member)

Mr. CHARLES: You don't understand.
(Laughter)

A MEMBER: Williamsfield.

Mr. HENRY: So, Madam Speaker, we are going through this aspect of the upgrading of the Arrivals Forecourt, including the Immigration Hall and other areas of development at both airports.

Madam Speaker, significant progress was made to complete the upgrading of the Boscobel Airport into the Ian Fleming International Airport which lies in St. Mary and not in St. Ann. (Applause)

Mr. MONTAGUE: Hear, hear!

IFIA

Mr. HENRY: January 2011 has been operational as an international facility. Development of the IFIA is expected to attract operators of privately-owned aircraft, significant numbers to the North Coast.

I want to congratulate the Member of Parliament because we shared in a whole new experience at Ian Fleming, where we exposed the general population. The young kids who want to aspire, don't aspire to just drive a second-hand car brought from Japan....

Mr. MONTAGUE: Hear, hear!

Mr. HENRY: ...what we call pre-owned rather than second-hand. I want them to be pilots. I want them to be the ones who own the airline. (Applause) I want them to be the ones who own the investment. (Applause) And you've seen the pictures of youngsters who entered the plane, and who were able to sit behind a plane and be able to know...I'm being reminded that there is a Jamaican who flew the first prop engine around the world all on his own and therefore realize we not nuh

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second-class and fifth world country like we have been led to believe. (Applause) Madam Speaker, (and) if we think that it's meant in the planning... if they think it's meant just for private planes to come in....

Mr. MONTAGUE: You can say that again.

Mr. HENRY: In July, Madam Speaker, I'm bringing to this country, to have a look at the Ian Fleming, the owners of the largest airline in the world. Now the largest is not Delta. It's not South West. It's not British American - British Airways. It's not Virgin. The largest airline in the world is owned by Net Jets with 3,000 planes which are the private planes owned by people in the world.

Mr. MONTAGUE: They wouldn't understand.

Mr. HENRY: Net Jets, cannot operate anywhere in Central or South America right now. They are looking for a home in order to put a plane that hopefully we'll understand, you own planes now by partnership in planes. So if you want to fly - if you're flying 20 hours a day you buy a partnership in Net Jets, then you bypass the hassles that we all have to face. We wouldn't probably have to face some of what Barbados does to us. We'd probably be able to improve on that.

So the Net Jets President is coming to have a look to see that. And if one wants to lift the person's vision as they grow - those who may have to do it - you make more money washing a plane than you do washing a car. And all the planes have to be washed because a dirty plane uses more fuel and therefore creates a different impression. That is the way you build back your people into a growth of someone else.

(Inaudible comments by Members)

So, Madam Speaker, as I speak, I speak of Jamaica Far East. I wish to outline that Jamaica Far East is a locally registered airline company since 2009. It is currently pursuing a business plan that utilizes Jamaica as the hub to transport cargo on long-range intercontinental flights using the B747 aircraft out of Hong Kong on an initial route of Hong Kong/Madrid, Kingston/Viracopos (Sao Paulo), Madrid/ Hong Kong and reverse. The cargo brought into Jamaica will be transshipped into the Americas. That is ready for implementation. (Applause)

Madam Speaker, dear to my heart are the plans to fly from Jamaica to Africa with return legs as well. The Air Service Agreement with Nigeria is finalized. The discussions with South Africa is underway. And in July, I go to sign that Agreement.

Government MEMBERS: We go!

Mr. HENRY: While the Jamaica Far East operation will utilize the NMIA in Kingston... And I'll point out, Madam Speaker, when I said earlier that they had planned the airports wrongly with no cargo, there is a purpose in saying that. Because, Madam Speaker, the planned frequency of movement of just two flights per week at a capacity of 100 to 120 tonnes per flight, utilizing three B747s within three months of operation, will mean that the demand is larger than the air-lift capacity nor the storage capacity, because you have to leave 20% of your cargo on the ground at Norman Manley because you cannot lift off the runway, because you can only lift off the runway with 80% weight. Where was the vision?

Mr. MONTAGUE: Bobby!

(Inaudible comments by Government Members)

Mr. HENRY: Where was the planning?

The process of certification of Jamaica Far East is currently underway at the JCAA. And, Madam Speaker, just to put it all in perspective. Air Service Agreements have been signed, which is, Open Skies are up to freedom rights with Brazil, Burkina Faso, Chile, Ethiopia, Ghana, Iceland, India, Kuwait, Nigeria. We are working with Liberia and Senegal at the moment. Singapore, Switzerland, South Africa, United Kingdom, United Arab Emirates, China, Canada, Turkey, have been all signed.....Air Services Agreement. (Applause)

When I came into office, I said we would have started Open Skies. I thank my Prime Minister for the support. I thank Cabinet for the support. When you implement Open Skies, your whole vision and movement of people increases dramatically as Canada can attest to, as the United States can attest to. And therefore, in respect of this area, I say to us, the growth is coming. Because where the growth is these days I'm told it's in BRICS. We have signed with almost everyone of those countries here.

Mr. MONTAGUE: What about the Heathrow slots? They never have no vision?

Mr. HENRY: Well, the Heathrow slots, I advised the former Minister of Finance, they were valued \$300 Million. They cancelled the meetings during a break of Parliament. By the time I came back the slots had been sold for \$5 Million.

Mr. MONTAGUE: Oh! That's world-class.....

Government MEMBER: That's very bad.

Mr. HENRY: And **Hansard** records that.

Mr. MONTAGUE: And what the people advised? What they did at the meeting?

Mr. HENRY: In the same integrated way of approach, Madam Speaker, is the Caribbean Maritime Institute. When I went into office, the Caribbean Maritime Institute enrolled just about 200 people. Right now, it has enrolled 1,000 young people for work in the maritime industry. (Applause) All the plans in it have been geared now to increase the number to 3,000 in the near future, based on the volume of high-end job opportunities in existence globally. We have an agreement with Singapore to place 1,000 students as we graduate them.

Madam Speaker, of note is that pretty much all the qualified graduates from the institution over recent years have secured jobs in mostly very lucrative positions, including within the very rewarding yachting industry. That again speaks to the fulfillment of jobs, jobs, jobs at all levels and continues to mean that the Government will continue its programme.

Indeed, we are making now, an agreement with Turkey. Thanks to the Consul General, ARNOLD FOOTE, we are about to complete a marriage of a Turkey University with the Caribbean Maritime Institute.

Madam Speaker, I close my green folder. Green means where we are. I am not afraid of colour now, so I go to red. Red represents the programmes implemented by my colleague over there. Because we've had a lot of talk about JDIP. And I want to make sure I get the comparatives right. I want to compare apples with apples and pears with pears.

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(Inaudible comments by Mr. Montague)

Mr. ROBERTSON: Chairman Pickersgill and Chairman Henry.

Mr. HENRY: Yesterday, someone spoke from across and someone said nine questions weren't answered. He didn't say by whom or from whom. I checked on the Order Paper. Every question that I have been asked has been answered. And they are all documented here. (Applause)

The only question to be answered and which will be answered when I present it, Reverend Thwaites, is your question of March 8. And I don't like to repeat myself. At my age my young wife needs all my energy. (Laughter) (Applause) (Inaudible comments)

Answers to questions from Member of Parliament, Fitz Jackson, because they said they didn't know about the programme.

Mr. MONTAGUE: Yes, dishonest!

Mr. HENRY: Brief to the Honourable Minister of Transport on the motion raised by Eastern Westmoreland, MR. LUTHER BUCHANAN.

Mr. MONTAGUE: Oh, the clown!

Mr. HENRY: Answer to question to be posed in Parliament by Mr. Thwaites, September 14. And I said we have one unanswered.

I really leave it to responsible media and responsible public to talk about who really faces the truth and reality, rather than obfuscation for political gimmickry rather than the reality of the development of the country.

(Inaudible comments by Mr. Charles)

You know, Mr. Speaker, I saw something here, they haven't spoken to the fact. There is a whole new configuration created by our Prime Minister for which he should be

congratulated. The Prime Minister created within this House the possibility where every Committee of the House is chaired by an Opposition...

Mr. D. PEART: It never happened before.

Mr. HENRY: Never happened by me. In the time that I have been here up until now, this was always done by only one committee, the PAC. We reactivated the PAAC which actually questions your expenditure before you make it. (Applause)

Government MEMBER: Shame on them!

Mr. HENRY: The PAAC has had the Ministry of Transport and the NWA at least twice right here before them. (Applause) The PAAC by their own words have said that they have had an audit done on the RMF. (Applause) Lord judge me. Beside the London slot. The Ministry of Finance has tabled... (Cross talks)

Mr. HENRY: The Ministry of Finance... (*Sotto voce* comments by Members/laughter)

Mr. HENRY: They had questions raised by the Attorney General; the response was submitted to Cabinet and to Parliament at the PAC. The Ministry of Finance has tabled Ministry Paper No. 59 outlining how the JDIP is funded.

A MEMBER: Can't they read?

Mr. CHARLES: They want the programme cancelled.

(*Sotto voce* comments by Members)

Mr. HENRY: And you are right they want it cancelled, and I am going to show you why they want it cancelled. I am going to show you what is the misuse of public funds.

(Cross talk)

Mr. HENRY: Madam Speaker, I don't want to give you the hardest one first, I am going to leave that for another time. But you know, we are facing as a Cabinet and a country to settle a claim by a company call PIHL...

Government MEMBER: Say it again.

(Sotto voce comments by Members)

Mr. HENRY: Is a \$10 Billion claim by PIHL...

A MEMBER: Billion.

Mr. HENRY: Billion. You know what the report is, coming through the agencies that were involved in that? Over employment, I won't call the name of the country who mentioned a large cadre of employees beyond the required amount for the project. You know what? That was near election time.

Government MEMBERS: Yeah, man!

Mr. HENRY: At one stage they said it was 1,500 people. You know who they sent there to manage the project? He was rejected in Manchester...

(Cross talk)

Mr. HENRY: It is your thinking I am going to deal with of how you think. Activities unrelated to the project, vehicles seen transporting voters on Election Day, (Applause) vehicles being openly involved in election campaign (Applause) and a significant number of vehicles reported stolen.

(Sotto voce comments by Members)

A MEMBER: Corruption, that is what you call corruption.

(Sotto voce comments by Members)

Mr. HENRY: Procurement of material, it is not my report, you know, it is the people who give the grant, a grant, you know, a grant.

When we came into office at that the Prime Minister called me in his office to point out to me that that \$400 Million grant for this area of which 15% work was done and 90% money spent, and I had to bring it in on time or we have to pay back the grant.

Mr. CHARLES: And they lose same way with a minister of corruption.

(Sotto voce comments by Members)

Mr. HENRY: Report of political bias in the processing of marl i.e. the trucking of comrades' marl along distances hill while bypassing good quality marl within close proximity of the work.

A MEMBER: Read the marl part again.

Mr. HENRY: I won't read it again because sadly...

Mr. MONTAGUE: A former Member of Parliament you buy the marl from, a PNP Member of Parliament.

A MEMBER: Corruption.

Mr. MONTAGUE: Poor quality marl.

Mr. KELLIER: A Point of Order, Madam Speaker. The Member is reading from a document....

Mr. HENRY: I am going to leave Mount Rosser...

Mr. KELLIER: The Member is reading from a document allegedly that we have no knowledge of the document...

Mr. HENRY: ...I am going to leave the variation on Mount Rosser for the next period, because what I am going to do....

Mr. KELLIER: Point of Order, Point of Order...

(Sotto voce comments by Member)

Mr. KELLIER: Tell him fi sit down.

The DEPUTY SPEAKER: Minister, there is a point of order. What is your point of order?

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Mr. KELLIER: Madam Speaker, the Member is quoting from a document that we do not have any knowledge of. He has not presented the document to the Parliament so we don't know the authenticity of the document from which he is quoting. He needs to tell us where the document comes from.

Mr. HENRY: Madam Speaker, I am reading from my notes, I held up all of these notes. I held up all notes. I am reading from notes for the Honourable Minister. I will furnish the report to the right programme.

(Cross talks)

The DEPUTY SPEAKER: (Gavels) Look here, Members, please don't shout. A question was asked on a Point of Order, and the Minister has answered. Please, let us conduct....

Opposition MEMBERS: No, no!

Mr. KELLIER: He hasn't told us, Madam Speaker. We don't know what report. What report, which report is he quoting? We don't know and you don't know. As the Speaker you don't know and he hasn't shown anybody.

(Heckling)

Mr. HENRY: Madam Speaker...

The DEPUTY SPEAKER: A minute, Minister, I am not going to try and compete with the noise. So I can't make a ruling, I can do nothing if you don't allow me to hear and don't allow me to speak. So there will be no ruling. Can't talk all at once, cannot speak all at once.

(Heckling)

A MEMBER: Keep quiet.

Mr. HENRY: So, Madam Speaker, I turn to apples with apples, so I come to a programme called NARIP...

(*Sotto voce* comments by Members)

The DEPUTY SPEAKER: No, I heard somebody say foolishness, it is foolishness for us to behave this way. It is and it is poor behaviour...

(*Sotto voce* comments by Mr. Buchanan)

The DEPUTY SPEAKER: Mr. Buchanan, please control yourself.

(Cross talk)

The DEPUTY SPEAKER: Continue.

Mr. HENRY: Madam Speaker, the **Bible** gives you the answer. The **Bible** says, answereth not a... less you be likened unto him. (Applause) And I am sure the Reverend Thwaites can attest to what word I left out.

So, Madam Speaker, this one I have to be very careful with, because you know, Madam Speaker, the NARI programme, NARI programme....

A MEMBER: Listen carefully Robert.

(*Sotto voce* comments by Members)

N.R.I.P.

Mr. HENRY: Let me make sure, this writing is a little fine so I will put on my glasses.

The National Road Improvement Programme commenced in 2001. It was the second phase of deferred financing as formulated by the Government at the time.

A MEMBER: Repeat that.

Mr. HENRY: It was the second phase of deferred financing as formulated by the Government at the time, the same Government talking about spending off-budget. The justification for the programme was due to the number of damaged roads and bridges consequent of flood damage events in years 2000 and 2001.

(Cross talk)

The DEPUTY SPEAKER: No, no, Members, I cannot hear the Minister and there are people in the Gallery who want to hear him. Please let us conduct ourselves, please.

A MEMBER: Alright, Minister, gwaan again.

Mr. HENRY: You know, Madam Speaker, I said early, you know, I did not come here for PNP, JLP I am reporting facts against facts.

(Cross talk)

Mr. HENRY: The project goal of the NRIP...

(*Sotto voce* comments by Members)

Mr. HENRY: Maybe Ronnie didn't know about the programme, you know, because he was alienated at the time, you must remember. He was not in there at the time. Remember it was a three sided camp there, you know. You have to decide who is leader and who is supporter.

The project goal of NRIP was to make significant contribution towards the repair, rehabilitation of the existing main road network and other roads which were vital to local interests and industry. Specific of the programme involved the rehabilitation of one thousand kilometers of roads – listen to this – tenders were invited from Grade1 NCC registered contractors at the time. After due process contracts were awarded to one contractor, I don't want to name the contractor....

A MEMBER: What?

Mr. HENRY: Two contractors. One contractor got \$3 Billion for the contract and the other one got \$185 Million.

A MEMBER: Oh bwoy! Oh Lord!

Other MEMBER: You and the contractor is cousin.

(*Sotto voce* comments by Members)

Mr. HENRY: Remember me, Madam Speaker, remember, Madam Speaker, that is not only off budget this is nowhere because when I come to how they pay the bills, I want them to clarify that.

(*Sotto voce* comments by Members)

Mr. HENRY: Madam Speaker, time may not permit me to read every line. Work was carried out under the 13 parishes across Jamaica, I have them here. Initially a total of 94 road sections were to be rehabilitated. No work was scheduled for the parish of Kingston. It should be noted that one of the contractors... not only Portland to work with on nine roads. The contracts were implemented concurrently with each contract period of 24 months, recalculation in the budget to include the value of increased numbers of roads damaged from flood rains ISADORE and LILLY 2001/2002 - you are not going to like it when I come to Nicole and Gustav, you know, not going to like it when I come to NICOLE and GUSTAV. Well not only that, I am going to show you some of the roads that they were supposed to do and they didn't, coming back under JDIP, and written to me by MPs asking me to repair the same roads.

(*Sotto voce* comments by Members)

Mr. HENRY: Madam Speaker, important to this is, there was a lot of show about \$8.6 billion, there is a lot of talk about the depth of the programme. I want you to understand, Madam Speaker; they were going to be spending \$6.2 Billion in one year.

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Government MEMBERS: What!

Mr. HENRY: Madam Speaker, this programme was \$6.2 Billion in one year.

(Cross talk)

A MEMBER: Never come to Parliament.

(*Sotto voce* comments by Members)

Mr. HENRY: Hold on, because I have the consultant's report.

A MEMBER: Oh, Lord! Read it.

Mr. HENRY: Because you have to understand how they think, you know. They think that the damage they left me, I have continued. Me not like unno. (Applause/laughter)

The Consultant's Report...

Mr. MONTAGUE: Read in the mike cause Portia never know.

Mr. HENRY: ...the improvement of the roads network was identified as crucial to Government of Jamaica programme of economic reform, because of the importance of road transport to agricultural development, expansion of tourism and increased exports.

This is the same people who say they don't know how you chose a road?

Mr. PERALTO: Yes!

Mr. HENRY: I inherit this yu nuh, so I must use some of it.

(Cross talks)

Mr. HENRY: The project goal was to make significant contribution - the same ones who talking about sidewalk and depth because they soon come to the analysis ... towards the repair and rehabilitation of the existing main roads and other roads, which are vital to local interest and industry.

They go on about the 13 parishes, they could name the two contractors, the consultant is named. The tender price for the original

project was \$3.2 Billion, recalculation to include an increased number of roads bring it to \$6.2 Billion.

A MEMBER: What? Hold on, hold on, what? No man.

Mr. ROBERTSON: Under PNP.

A MEMBER: Read that again, read that again.

Mr. BUCHANAN: The biggest scandal ever is the JLP.

Mr. HENRY: The tender price - and the Minister of Finance, they knew about all this, because I was coming to how it was paid.

Mr. BUCHANAN: Poor people pleased.

Mr. HENRY: The tender price for the original project list of roads...

Mr. BUCHANAN: It's a disgrace.

Mr. HENRY: ...was approximately \$3.2 Billion. Recalculation of the budget...

Mr. BUCHANAN: Greedy people.

Mr. HENRY: In other words, it might have been 'the run with it budget Minister'...

A MEMBER: Yes true, sir!

Mr. HENRY: ...to include the value of the increased number of roads, damage from flood rains...

(Cross talks)

(The Speaker gavel)

Mr. HENRY: That means you know, Madam Speaker...

A MEMBER: Sidung! Sidung!

Mr. MONTAGUE: Buchanan gwaan outside for one minute.

(*Sotto voce* comments)

The SPEAKER: (Gavelling) No!

(Cross talks/heckling)

(Inaudible comment by a Member)

Mr. MONTAGUE: Yu tink a cow yu a run in a pasture?

Mr. HENRY: From December 2001 to May 2002, they calculate the \$3.2 Billion to come to \$6.2 Billion.

Mr. MONTAGUE: Where was the Minister of Finance?

A MEMBER: Fast asleep.

Mr. HENRY: As the project nears completion in 2003, a financial crisis in the country resulted in nonpayment of contractor bills which caused a slowdown and the eventual stoppage of the works in December 2003.

Mr. D. PEART: Wha him a sey?

Mr. HENRY: Approximately \$5.6 Billion of the total projected budget has been spent on the roads.

A MEMBER: Five point six?

Mr. HENRY: And I want you to listen to me Minister of Finance.

A MEMBER: Minister of Finance was running.

Mr. HENRY: Implementation - you see this is why when they talk about quality I show them how you manage quality in a minute, because I made sure that this would never happen to any Government I was a part of.

A MEMBER: Hear, hear! That's right.

Mr. HENRY: Implementation issues: Significant damage to the pavement from rainfall during construction.

Dr. DAVIES: Unless you have a reporter on the road, go ahead.

Mr. HENRY: Significant damage to the pavement by overloaded trucks - and all of this has a purpose we are kneeling to you know? There's a whole host of them for the Leader of the Opposition in bright yellow.

Mr. VAZ: Send them a copy.

Mr. HENRY: And I'll give you a copy cause I'm sure you didn't know about this.

(Cross talks)

(Inaudible comment by Dr. Davies)

Mr. HENRY: And this is when they were planning to try and remove you too, yu nuh.

(Laughter/cross talks)

A MEMBER: Well orchestrated.

Mr. HENRY: Because you know you were counting on my counterpart on that side and him never come through for everybody that counted on him. But a leave that.

Mr. VAZ: Look wey Peter deh, round deh soh.

Mr. HENRY: Low skill levels - so this is why I want you know - low skill levels of subcontractors, supervisors and labour leading to substandard construction work.

Mr. MAIR: Wow!

Dr. DAVIES: At least you have a ... (Inaudible) ... JDIP road.

Mr. HENRY: Contract documents inadequate in number of respects; insufficient inadequate control of traffic signage et cetera; input from political directorate expanded the programme beyond the prime contractors capability to supply sufficient resources.

(Cross talks)

Mr. HENRY: Political intervention recommending which subcontractors or individuals should be used on the work, negatively impacted the schedule of work and the quality of the finished product.

Mr. VAZ: What?

Mr. PERALTO: 'Politricks'.

Mr. HENRY: Input from political directorate expanded the programme beyond the prime contractors capabilities to supply sufficient resources to undertake the work on a timely basis.

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Mr. MONTAGUE: A soh dem tek di money fi run gainst Portia.

Mr. HENRY: They try to repeat it. It coming to some millions.

A MEMBER: Three Hundred Million.

Mr. HENRY: Contractors don't...

A MEMBER: Don't believe him Portia, don't mek he talk to you.

Mr. CHARLES: Three Hundred Million and still...

Mr. HENRY: ...Contractors don't... (Inaudible) ...is 13 points - I only reading some of them - contractors don't appear to appreciate the obligations after requesting a practical completion certificate and receiving the defects list. Insurance obtained by the contractors per contract to cover damage of work does not meet the requirements of the contract.

A MEMBER: Bad.

Mr. HENRY: The insurance industry doesn't appear to offer this product and approximately 100 million paid to contractors as insurance.

A MEMBER: What?

Mr. HENRY: A beg dem to leave me alone yu nuh. Status of the project time and suspension as is illustrated in the following table: Total out section 177, completed roads 93...

Mr. MONTAGUE: What?

Mr. HENRY: ...practical completion 32, serial defects 16 and finished roads 36. And you and I...

Mr. CHARLES: Money done a road and finish.

Dr. DAVIES: And you get the same contractors and...

Mr. CHARLES: Money done a road and stop.

Mr. HENRY: External... I didn't say that contractor. How you suddenly know which contractor a talking 'bout? I don't call the name of no contractor. I don't understand that at all.

(Cross talks)

Mr. HENRY: I don't call people's name lightly you know.

(Cross talks)

Mr. MONTAGUE: Were you supporting Sister P?

Mr. HENRY: Contractors are sometimes held to ransom by guns at their head you know?

Dr. DAVIES: You should know.

Mr. HENRY: Yea, and you know too.

External pressures brought to bear on the contractors... (knocking) ... external pressures brought to bear on the contractors to start work on as many roads as possible early in 2002, led to scheduling problems, material shortages, dust control problem, claims by the contractors for additional overheads and to some extent, decrease in the quality of work.

(Cross talks)

A MEMBER: Run did it.

Mr. HENRY: So, Mr. Minister of Finance, present Minister of Finance...

Dr. DAVIES: Mr. 3% growth, how are you?

Mr. SHAW: Yu nuh know nutten but 3% growth?

Dr. DAVIES: Three consecutive years.

(Cross talks)

Mr. HENRY: A coming to what you can ask them.

Funding: Initially the contract was indicated that the functioning of that would have had to be paid by the contractor. That wasn't possible in the Government of Jamaica,

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the Ministry of Finance and Planning, the Ministry of Works had to provide all the financing. The project, Madam Speaker, was never brought to Parliament, as it was not done on budget but deferred financing.

MEMBERS: Aah! The opposite.

Mr. SHAW: Say that again.

Mr. ROBERTSON: Read that again.

Mr. HENRY: As such, the Government of Jamaica, the Ministry of Finance and Planning, the Ministry of Transport and Works - and a know you weren't talking to each other at the time, because a found the file.

(Laughter)

(Inaudible comments by some Members)

Mr. HENRY: Because you were trying to get him to vote for you but him tell you no, you weren't suitable so you and him had a quarrel. So I know all of this come into play yu nuh? (Laughter)

So the Ministry of Transport and Works, with the Ministry of Finance had to provide the financing. The project was never brought to Parliament and it was not done on budget, but was deferred financing.

Dr. DAVIES: Four Hundred Million US slush.

Mr. HENRY: Six point Two Billion.

(Cross talks/heckling)

A MEMBER: No yellow book, no yellow book.

(Cross talks)

Mr. HENRY: You see, Madam Speaker, my time in here tell me one thing, try and be consistent with what you do.

MEMBERS: Yes.

Mr. HENRY: Don't be hypocritical and play the games for little bit of politicking.

A MEMBER: Hypocrite!

Mr. HENRY: Because, Madam ... finance a gwaan. Financing was provided by the Development Bank of Jamaica.

A MEMBER: What!

Mr. HENRY: And it was provided at an interest rate of 20% to 21%.

MEMBERS: Noo!

Mr. ROBERTSON: Which road was that?

Mr. HENRY: So this is the people who are talking about a 3% loan yu nuh. (Applause)

Miss GRANGE: Yes.

Mr. HENRY: On your instructions, I can't even lend that at 10%. (Applause)

Mr. SHAW: That came to Parliament.

Dr. DAVIES: Carried around in suitcases. (Cross talks)

Mr. HENRY: But here is how the runkus work, here is how the runkus work.

MEMBERS: A dat me waan hear, dat me waan hear!

Mr. HENRY: The Ministry of Transport would send the request for payment to the DBJ.

A MEMBER: What!

Mr. STERN: Bypass!

Mr. HENRY: The DBJ would then make such payment.

Mr. STERN: Is a bypass.

Mr. HENRY: The Ministry of Finance would then make the necessary repayment inclusive of interest to DBJ, for the money that was advanced to the Ministry of Transport and Works.

Mr. SHAW: And nothing come to Parliament, and nothing come to Parliament.

A MEMBER: Shame, shame, shame! Who was the Minister?

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(Cross talks)

Mr. HENRY: Worse yet, tell you. When I said they weren't talking to each other, when I said the Chairman and the Minister of Finance wasn't talking, MTW - that means Ministry of Transport and Works - was not aware when the Ministry of Finance made the repayment to DBJ.

Mr. MONTAGUE: What!

Mr. HIBBERT: Hear deh. Nutten caan go soh. (Laughter)

(Inaudible comments by Dr. Davies)

MEMBERS: Aah! (Applause)

(Heckling)

Dr. DAVIES: Yu read the Auditor General's Report?

Mr. HENRY: So, Madam Speaker, I hear dem complain about how roads are selected.

A MEMBER: Yes!

Mr. HENRY: And a doing that because I gwine show how we do our business you know.

Mr. ROBERTSON: Wey di Deacon deh, he gone too?

Mr. STERN: Run dung a May Pen.

Mr. HENRY: So, Madam Speaker...

A MEMBER: He gawn pray fi unoo.

Mr. HENRY: ...the NRIP budget report...

Mr. ROBERTSON: Mobilisation.

Mr. HENRY: ...thank God for the NARIP I say, because me get one little road - Howard Avenue - the first road me get in 20 years from the PNP, twenty nine million one road... They even have my name against a road that don't exist in my constituency. (Laughter)

MEMBERS: Ooh!

Mr. HENRY: They even have me and yu sharing a road call May Pen to Hayes.

A MEMBER: May Pen to Hayes?

Mr. HENRY: But, Madam Speaker, I can go on and point out some of them, but the main point, Madam Speaker... I know who like who you know, so I can tell you how you get cross out too yu nuh. So Peter yu get shaft too yu nuh... (Laughter) ...cause yu was running for leadership and dem was organising gainst yu. (Laughter)

A MEMBER: Dem fix him business.

Mr. HENRY: But, Madam Speaker, 168 roads, 178 projects went to the People's National Party - that's who dem report it too yu nuh.

A MEMBER: What? One sixty-eight roads?

Mr. HENRY: One sixty-eight roads - projects - went to the People's National Party, nine (9) to the Jamaica Labour Party.

MEMBERS: Ooh! Shame!

Mr. HENRY: And of that nine, two of them don't belong to JLP, because Osbourne Store is not in the constituency I represent.

MEMBERS: Shame! Shame!

Mr. HENRY: But not only that, not only that.

(Cross talks)

Mr. MONTAGUE: Omar, I'm surprised at you.

Dr. PHILLIPS: Run wid it.

Mr. HENRY: Not only that...

Mr. VAZ: Yu want more scandal than that? Si scandal deh.

Mr. BUCHANAN: Wey di scandal deh?

Mr. HENRY: Mr. Buchanan shouldn't make any noise, because at that time he got Crane Road to Parottee, Mountainside to Black River and Pedro Cross to Treasure Beach.

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Mr. BUCHANAN: Madam Speaker, on a point of order, Madam Speaker, on a point of order.

(Cross talks/Heckling)

Mr. HENRY: What is this road?

Mr. BUCHANAN: Madam Speaker, on a point of order.

The DEPUTY SPEAKER: What is your point of order, Mr. Buchanan?

Mr. BUCHANAN: The Member is accusing me wrongfully, because there is no road in my constituency by the name of Crane Road.

(Cross talks/heckling)

(Inaudible comments by Mr. Henry)

Mr. BUCHANAN: Yes, you said Mr. Buchanan shouldn't... (Inaudible)

(Cross talks/heckling)

Mr. BUCHANAN: He is misleading this House and that is disingenuous. He must withdraw it.

Mr. HENRY: Madam Speaker...

The DEPUTY SPEAKER: (Gavels) Mr. Buchanan, it doesn't seem that - I haven't heard him accusing you.

Mr. HENRY: Madam Speaker, I apologise to Luther for I meant what the Minister of Opposition Spokesman spoke about - God rest his soul - Danny Buchanan, I don't know who lie, I not lying...

(Inaudible comments)

Mr. HENRY: Madam Speaker, Madam Speaker, Madam Speaker, the list is here.

Mr. VAZ: A waan see it. Send it come gi mi. The Minister of Information waan see it.

Mr. HENRY: Be my guest. Ninety-eight per cent went to them under PNP/JLP Division.

A MEMBER: Talk yu talk Mike.

Mr. HENRY: So, Madam Speaker, let's compare the programme they are criticizing now.

Government MEMBER: Remind them, where them coming from.

Mr. BRODERICK: I tell you don't trouble Mike, you know.

Mr. HENRY: I did that to show where their minds are. Because I'll show them what the driver tell me, I must drive the programme honestly. So, Mr. Driver, don't worry I drive this programme very well. Because, Madam Speaker, I now going show how hypocritical and how much they're trying to play politics to stop the people's roads from being repaired across the country ...

Mr. HUTCHINSON: Hear, hear!

Government MEMBER: Hear, hear!

Mr. HENRY: ...in the interest of Jamaica.

Government MEMBER: Hear, hear! (Applause by Government Members)

Mr. HENRY: And not PNP or JLP road.

Government MEMBER: Full speed ahead!

Government MEMBER: Too much road to them.

Mr. HENRY: In 2007, when I came to the Ministry of Transport and Works, that is what I found. It coincided with a final submission of a programme they started called the Road Maintenance Master Plan. This had been prepared by them with consultants engaged through funding from the EU. The RMRP contained recommendations for action by then government that was in line with the demands from international agencies. They ignored all of that and went through the NARI programme. It was to create a dedicated fund for road maintenance - and I remind you the

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road maintenance fund was established in 2002 about the time of NARIP. It was to implement a vehicle weight limit enforcement and ensure sustainability for funding for long-term maintenance.

The recommendations clearly stated, and I want everyone listen carefully and the media, the recommendations in the RMP clearly stated that a cess on fuel would be required to increase the dedicated funding for road maintenance and this was vigorously pursued, and put in place by us because they neglected to put in place in fear of what is the honesty position with the people. In that dedicated fund I asked for a hundred per cent for the fund, I got twenty per cent.

The implication, therefore, of the fuel cess coincided with the IMF agreement, that resulted in the removal of all Capital A from the Ministry and, therefore, it coincided with Chinese Preferential Buyers Credit. That Preferential Buyers Credit was made to the world internationally at three per cent interest, and we sought to access that required funding to address the needs that they had left by their own misdeeds. The loan had to be from China Ex-Im Bank to the Government of Jamaica.

The applicable interest rate was three per cent, not the twenty-one per cent deferred financing they did. They're aware because they've appeared at every committee. They're aware that under the Preferential Buyers Credit the loan is made between government and government, but that it's a Chinese contractor that must carry out the work. Chinese contractor has to be the main contractor for the project; all of this they know. And indeed, under the Ex-Im Bank agreement, the Chinese contractor should really carry out forty per cent of the work.

This government prevailed on them and we got it to be agreed that they would not do all of the work nor bring in the labour. So it was negotiated to have Jamaica grade one contractors hired to do the bulk of the work of the projects valued at ten million and below. Instead of them complimenting the Government and the people of Jamaica for finding part in this work, they are there criticizing it because they really think we think like them, pork barrel. China Harbour Engineering Company acted in accordance with the position to select contractors from the NCC list for subcontracting select works.

The administrative arrangement that has been put in place are as follows:

- the RMF services the loan and audits requests for payments;
- the NWA as the implementing agency is responsible managing the projects and ensuring the quality of work;
- the Ministry of Transport and Works has the overarching responsibility for the project; ensures the integrity of the work managed through the NWA and receives detailed quarterly reports.

All of which I'm going to show you in documents here.

China Ex-Im Bank visits on a quarterly basis to review the progress of work, and China Harbour does its analysis of performance of the subcontractors to ensure the integrity of the work.

Madam Speaker, I'm sure they're able to read, and they must be seeing a lot of signs all over the country. Maybe that's what frighten them, eh? For year one and year two.

Mr. VAZ: But they don't see nutten yet. Wait til the money come from the 2011 budget.

(Inaudible comment follows)

Mr. HENRY: Because what is out there is for the first two years.

(Inaudible comment by Mr. Vaz)

Mr. HENRY: But let me emphasize because some of us on every side as you represent people have a problem.

Mr. VAZ: A no thief we thief the money.

Mr. HENRY: But they left the country in such disrepair that we really need Two Billion Dollars to repair the roads of this country not Four Hundred Million.

Mr. VAZ: US, say US.

Mr. HENRY: US.

Mr. VAZ: US, that deh money too strong to convert back to Jamaican.

Mr. D. PEART: The country bankrupt man. We caan go so far in the trough.

Mr. VAZ: Trough, trough, yuh see how your neck long... it's extreme.

(Inaudible comment by Mr. D. Peart)

Mr. HENRY: Indeed, Madam Speaker, the idea of how you - how you choose a road is known by them under the main roads. Generally speaking, main roads will be selected based on traffic count, economic analysis, roads will be selected based on the Road Maintenance Master Plan - their plan, and yet they say they don't know how roads are chosen. That includes things like the roughness index, the traffic count, the importance of roads as it relates to schools, health centres, civic centres, the areas where communities have been cut off. And I want to emphasize these points when I come to how they reacted to the programme.

Mr. VAZ: How unno so quiet? A Whapen?

(Inaudible comment by Mr. Fagan)

Mr. M. PEART: Whey yuh no stop yuh noise.

Mr. HENRY: The population density. Parochial roads included under the JDIP were selected by the respective councils and I will come to examples, here.

(Cross talk)

Mr. M. PEART: Rubbish, rubbish him talking.

(Cross talk)

Mr. HENRY: So they know it's population served.

(Cross talk)

Mr. HENRY: They know about schools and hospitals. They know about agricultural areas access, access to attractions, access to main roads and link roads, urgent conditions. It is all part of the master plan which was left, and which I merely am implementing. That master plan, therefore, cannot be argued by them that they don't know how a road is chosen. But I tell why they say they don't know a road is chosen. I have here before me, some requests.

Dr. PHILLIPS: You have mine in here.

Mr. HENRY: I don't bring all of them, but I come to yours in a minute.

(*Sotto voce* comment by Dr. Phillips)

Mr. HENRY: Requests for roads to repair to support law enforcement and activity. I wanted to show you the extent to which we look at this project as being important to country.

(Inaudible comment by Mr. D. Peart)

Mr. HENRY: Therefore, I asked the Commissioner of Police to provide me with roads that would assist in the area of crime prevention. That was never, ever done. I wrote to the Commissioner of Police, he wrote back

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to me, or to the NWA for law enforcement—this is how roads are selected other than by PNP or JLP, gentlemen.

Mr. M. PEART: Rubbish him talking!

Government MEMBER: Teach them!

Mr. WITTER: Teach them a new way, a new dispensation.

Government MEMBER: Roads 101.

Mr. HENRY: St. Andrew Central Division - and I'm seeing that you can see what is in year one and what is in year two, eh! In the St. Andrew Central Division, Barbican Road, if you go along Barbican Road now you can see the sidewalks are being put in, ready for the asphalted concrete to come. That is done because the Commissioner of Police said that it would assist in the area of crime prevention. Not Mr. Delroy Chuck who wrote me, Commissioner of Police.

In the same year one programme, is North Street in Kingston Central and Bay Farm in Olympic Way, and Penwood Road. In year two, which is the year we going to be addressing, Upper King Street, Woodpecker Ave are going to be addressed. Then in year three and four, we address the others.

Mr. D. PEART: Three and four won't be there, so you don't have to worry 'bout that.

Mr. HENRY: Because you see, Madam Speaker -

Dr. PHILLIPS: Is four roads yuh gwine fix in a year?

Mr. HENRY: Four roads coming from that list.

(Inaudible comment by Mr. Vaz)

Mr. HENRY: From the Commissioner's list.

Dr. PHILLIPS: How much road on the Commissioner's list?

Mr. HENRY: About fifteen.

Dr. PHILLIPS: Okay and you do four.

Mr. HENRY: I have to do four in year one. It's a four year programme that's what I trying to get -

Dr. PHILLIPS: One, three, five, seven.

Mr. HENRY: Yes, it's a four year programme, you do four this year, you do four next year and finish the rest and you go for ten years....

(Applause by Government Member)

Mr. HENRY: ...and you don't leave the country abandoned after twenty years.

Dr. PHILLIPS: All right.

Mr. HENRY: Thank you very much.

Mr. D. PEART: And him really believe wey him sey.

A MEMBER: One more time.

Mr. HENRY: I trying hard not to call everybody.

Government MEMBER: Teach dem, teach dem!

Mr. HENRY: I have one from an office of Member of Parliament.

Mr. VAZ: Who dat? Which one? Call dem name.

Mr. HENRY: I don't like to slay all my friends in one time, but it's from St. Thomas and is not my colleague here.

(Laughter)

Mr. HENRY: He has sent me five and two, seven and three, ten, fifteen roads like the Commissioner.

Dr. PHILLIPS: Yes.

Mr. HENRY: You want me give him and tek away yours?

Dr. PHILLIPS: I would like some.

Mr. HENRY: You getting a big bridge a soon come to that, but you're not the leader,

you know, that's why they tell me I mustn't help you too much. And you didn't share all the information coming in, so, you know.

Dr. PHILLIPS: Give me some roads. My people dem have no roads.

Mr. HENRY: But he left out the one which was his priority. His priority was Bath to Barrett's Gap is it? That road is started and almost thirty per cent complete. But you also included some roads that were included under NARIP, you know. So I don't know if that got caught in the bad Administration there. But I'm just trying to show you the thinking of that side because I have another one from the Member of Parliament of South West Clarendon. This one come to me by way of a copy because he is writing the parish manager and he's saying to the parish manager - now, they say they don't know which roads they're doing? Right? I'm in receipt of a letter from Minister Mike Henry on the above matter which is Jacob's Hut to Milk River.

(HON. EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism, entered and took his seat.)

(Inaudible comment by Opposition Member)

Mr. HENRY: I letting you off the hook right now, you know. Which I understand is scheduled to start soon. I welcome any initiative to repair the very important road as evidenced by my lobbying at the Gleaner Company, Chamber of Commerce, Versailles Hotel. But then, Madam Speaker, I would like to take the opportunity to recommend a number of companies to be considered for sub-contractual work. These have been assisting me in maintaining some semblance of roadway at their cost, and now that the

work is to commence I believe it is only fair that they get some of the work!

Mr. VAZ: Let them go, let them go. Bust them.

Mr. HENRY: *"They are registered NCC contractors and would therefore fulfill the legal and technical criteria"*. Thank God the parish manager never follow him. He recommend four contractors, three is not on the NCC list at all.

Mr. VAZ: And one gone a prison.
(Laughter)

Mr. D. PEART: And you soon follow dem.

Dr. DAVIES: I want every road written and call every road PNP road and JLP road.

Mr. HENRY: Another way we choose roads is from the citizen's request. I have in my hand one from Belmont District, Lawrence Tavern which is written 'Citizens Request'. It is year two on Work Order Eight because we get a citizen request we send and check it, because we know not every MP live good with everybody. And we know that the people themselves will cry out. That is on Work Order Eight to start in year two. Citizens sent us the photograph, showed us the damage, made the request. The officers went out there and checked in the interest of the citizens whether they be PNP, JLP, or no P at all. We feel that the citizen's issue must be dealt with.

(Applause by Government Members)

(Inaudible comment by Mr. Vaz)

Government MEMBER: Governance, unno no see that.

Mr. HENRY: It is possible, Madam Speaker, that they don't know their councillors or don't talk to their councillors. Because I'm sure that they have some councillors in St. Elizabeth and they certainly have in Trelawny.

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Because the Trelawny list I got from the Mayor's parlour—and you asking number of roads, we must share information and when we coming. Roads for periodic maintenance and roads under....

Madam Speaker, this is not a programme of work where you spend \$2 Million here, \$1 Million here, \$3 Million here, and it wash away.

(Sotto voce comment by Members)

Mr. HENRY: So, when you send me a list which says that a road is \$3 Million, and when we survey it we find it's \$20 Million, because it is an infrastructure programme for life, we cannot approach it like that.

Dr. HARRIS: (Inaudible) ...criminal when one is \$3 Million and the other one is \$20 Million...

(Sotto voce comments)

Dr. HENRY: So, the same thing applies because we selected... out of the one from St. Elizabeth, we have selected four for year one, out of the 24 submitted: Newell to Bethany, Seaview to Queensbury, Smoothland to Mount Plymouth, Institution Drive and Retirement Road, Cransbrook to Cornwall. And we have finished the Black River seawall in that area.

So, Madam Speaker, I mentioned earlier that the programme started a long way, but let me also point out that when they talk about how contractors are selected, let me remind the House that at the moment on the National Contracts Committee list, officially, we only have ten (10) Grade I contractors. And indeed, seven (7) of them are working on this programme.

A MEMBER: What!

Mr. HENRY: Indeed, we have expanded the programme to allow anyone who gets upgraded and become Grade I to qualify. And

we come to how the contractors were chosen, by ads, and by reference, and I have the letter from the Chinese contractor. And indeed, my colleague from St. Thomas has written me that he might have a problem because in St. Thomas there is no Grade I contractor, and he has written me, pointing that out. It is a serious problem in the country that we are short of Grade I contractors.

Mr. CHARLES: Both PNP and JLP.

Mr. HENRY: So, this is how we check now as against the - that side Madam Speaker. I have in my hand - we inherited Gustav and Nicole. Gustav and Nicole, in St. Andrew the damage was \$1.6 Billion alone, in St. Andrew. In St. Thomas \$1.5 Billion damage.

A MEMBER: Where?

Mr. HENRY: Therefore, in any area that you do, if you have no damage to get to the people, that parish is likely to have more because you are correcting the people's problems.

(Sotto voce comment by Members)

Mr. HENRY: And I can tell you what we have spent there since. But, in our quality approach, Madam Speaker, the difference between us and them...

(Sotto voce comment by some Members)

Mr. HENRY: Here, in my hand, Madam Speaker - and the Press will be getting this - this is a 46- page - 48-page document of every specifications that must be complied with under the JDIP.

(Applause)

If you turn, you will see what you must do during construction: single road, prime coat, what it must be. And each of these is measured, because built into each contract is an independent check that is available with China EX-IM Bank, and the Works Agency

insisted on. And I have told every contractor - I have to re-check, that is. I travel with a sledge hammer and a measuring tool, and if I lick the sidewalk and it collapses with one lick, they not getting paid for that, and dem haffi go re-build it.

A MEMBER: Hear, hear!

Mr. HENRY: So, this piece is my Bible. And I travel with the experts to say what they do and what they don't do. In addition to that, I demand from the Works Agency, an analysis of every contractor. This is the sheet that I get. (Displaying sheet) This sheet states work order, progress, and score. It states the contractor, and it states his progress, his score for work, his score for quality, his score for documents, his score for the work site, his score for what other issues, and others, and total. And the contractors are graded.

A MEMBER: Ongoing assessment.

Mr. HENRY: So, every contractor is graded. I don't want to call contractor's name, but it varies from 89.5 per cent satisfaction through 93, the lowest being 79. And all of this is provided by China EX-IM Bank themselves. Because we insult the Chinese Government if we do not believe it's their taxpayers money they are lending us too. And they come here every quarter to investigate the work that is being done. So, it is sheer irresponsibility for them to be trying to attack the programme, because it is a good programme and what they don't want is success that impacts on the people out there.

(Applause)

A MEMBER: You see, if you build the road they will lose the Election.

Mr. HENRY: That's not alone, Madam Speaker. This is the JDIP quality insurance - assurance form. This, every contractor has to

fill out and give to check. It has such thing as the location line, the dimension of rubble masonry walls. It has, "the concrete for this work shall conform to design drawings. The masonry shall be kept wet while pointing." All of this is continuously checked and this is about another twenty pages. All of that, Madam Speaker...

A MEMBER: They don't want the road, they will fail the Elections.

Mr. HENRY: All of that is then analyzed to the Ministry in a Quality Assurance Directorate. The Quality Assurance Directorate, JDIP Critical Wall Programme, inside here is the photograph which shows before and after.

A MEMBER: Whoi! That's right.

Mr. HENRY: It shows continuity...

A MEMBER: Whoi!

Mr. HENRY: ...and it available to them whether PAAC, PAC, or anywhere they call me, this is available. And this is my March report.

(Applause/*Sotto voce* comments)

Mr. HENRY: Compare that to their NARI Programme and you will find where their minds are. You have been eating nyamburgers, know better than that.

A MEMBER: That's so transparent.

Mr. HENRY: So, I said to the NWA, compare what work that happened under Nicole and Gustav, because with the intervention of the IMF we had no Capital A, and we had to absorb programmes that were then into the JDIP.

Mr. CHARLES: You see that?

Mr. HENRY: So, I had a report of the money across the parishes - every parish so spent. So, I have it here: Clarendon \$2.7 Billion; Hanover, \$170 Million; Kingston \$1.7

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Billion. Remember it's all done on which is the marooned areas, *et cetera* - all here.

Madam Speaker, this is therefore in my hand, the work that was caused by Nicole and Gustav. It is here, of what we have collected... photographs. The Press can go and look. Mount Horeb to St. Andrew, 55 per cent complete. Papine to Hardware Gap, damage up yonder, 90 per cent complete; Red Light to Hardware Gap, 90 per cent complete; Border to Cuffy Gully, 100 per cent complete; Comfort Castle – Mr. Rhodd should cheer – Comfort Castle... break away at Portland 90 per cent complete. Cheer, cheer, cheer...

A MEMBER: Cheer nuh!

(Applause)

Mr. MONTAGUE: Cheer, Mr. Rhodd.

(*Sotto voce* comments)

Mr. HENRY: Comfort Castle break - is three break away yu nuh, is three break away, yu nuh...

A MEMBER: How much...

Mr. HENRY: Three; Comfort Castle, number one break away, 90 per cent; number two break away, 90 per cent; break away at Portland, 80 per cent.

Mr. MONTAGUE: Dr. Rhodd get weh.

Mr. CHARLES: All complete?

Mr. MONTAGUE: Harris, you not listening how much Rhodd get?

(*Sotto voce* comments)

Mr. HENRY: Now, I could have said that he is a PNP like their NARI programme, don't do it. But, the people on Friday can now drive across for the first time and... Alligator Church bridge ...twenty years neglected is being done.

(Applause)

Mr. CHARLES: Say something, man. Say thanks, for your own PNP Minister never do that.

Mr. CHARLES: Jack's Hill Road, Persimmon Avenue - I believe somebody coming in now lives near Persimmon Avenue. Persimmon Avenue, you aware of that road?

(Mrs. Simpson Miller nods)

A MEMBER: Good road, good road.

Mr. HENRY: Persimmon Avenue, 35 per cent complete - but you know they call me and say I shouldn't give you that road, you know.

(Laughter/*Sotto voce* comments)

Mr. HENRY: Halls Delight, Red Light District...

(*Sotto voce* comment by Mr. Harris)

A MEMBER: Everyone a dem get road. A complain 'bout...

Mr. HENRY: You will never get through.

A MEMBER: He has achieved... not one person.

Mr. CHARLES: Send a copy to them so them can see it.

A MEMBER: He has achieved.

(*Sotto voce* comments by Members)

Mr. CHARLES: They want the road programme to stop. That's why them send and make the Chinese Government take back the money.

(Cross talk)

Mr. HENRY: In this file, ten per cent to 49 per cent folded and ready. Cavalier's break away 25 per cent, started; Cane Shop/Skull Point, 25 per cent, all of the roads; New Port West; Port Bustamante, 36 per cent in progress. Every programme is listed here in respect of the work done as it related to the needs of the area.

Mr. CHARLES: PNP or JLP, it nuh matter. Unnu wicked, same like how Chinese Government teck back the money.

Mr. HENRY: You see, a tek you all evening if I read them. Trelawny: Martha

Brae, Kinloss, Trelawny; Martha Brae to Kinloss...

Mr. CHARLES: What!

Mr. HENRY: Martha Brae to Peru...

A MEMBER: It is a disgrace.

(Sotto voce comments by some Members)

Mr. HENRY: No, his girlfriend lived on one road that I wouldn't do so that upset him.

(Laughter/Cross talk)

And he came to me and said he wouldn't want his wife to catch him rushing home... drop in a pot hole. And I say I can't do it because yuh girlfriend lives on that road.

(Laughter)

Incomplete, 50 to 89 per cent. Every road is listed.

Lucky Valley Pen Road, Bog Walk, Neita-Headley, 80 per cent complete.

Mr. CHARLES: What!

A MEMBER: Don't support him, you are a good man.

(Sotto voce comments by Members)

Mr. HENRY: So, Madam Speaker, here is the folder for the Press. Every road is listed. You can go and check and see the - like the NARIP, where we prevailed on the contractor, we tell them buy bad marl or we will tell them to campaign before they get the work.

Mr. SPENCER: Every road is registered.

Mr. HENRY: Ninety to one hundred per cent complete. It is not just listed, the photographs are there. That is how we report, that is how we do, before and after.

(Applause)

Mr. CHARLES: All the potholes have been repaired.

Mr. HENRY: I don't want to embarrass the former Minister, but how far Worthy Park Road reach? Three hundred Million.

A MEMBER: How much im get?

Mr. HENRY: He said it's not his road, it is the McConnell's road. So, he don't regard the McConnells as being part of Jamaica. And, Mr. Speaker - Madam Speaker...

A MEMBER: Yuh silent now.

Mr. HENRY: Madam Speaker, I now come to the \$100 Million we have to spend...

A MEMBER: This year.

Mr. HENRY: ...this year. Because everything that I have given you here, is under year one, but some year one stretch into year two. I heard somebody moved a motion about community roads. I don't want to go back to Fairview which isn't started yet because we have to start Fairview. Fairview is in the MP area of the Deputy Prime Minister. But, that area has been flooding for nearly twenty-odd years; you have houses abandoned.

A MEMBER: What!

Mr. HENRY: That's because you only patch the road and you don't put in place the drainage necessary.

(Applause)

So, what we normally request for \$30 Million is not going to be \$200 Million. But when we build the retention pond for the drainage, we are going to impact on six community areas in that area, and solve that problem.

(Applause)

Mr. CHARLES: All Sister P cousin dem will get road. One of your cousins come from up there.

Mr. HENRY: So, in the one per cent roads that I have to visit, I don't think I am going to be as bad-minded as they are. But is a whole heap of them is at one per cent start. And since I put it into \$150 Million programme, it is only \$100 Million; I will build it on the basis of need, immediacy, till the next year's programme starts. But they are

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here, Madam Speaker, work not yet started.

A MEMBER: May Pen to Chapelton.

Mr. CHARLES: May Pen to Chapelton, please.

Mr. HENRY: And here is the kinds of problems I will face. We examined the design for the breakaway at the Port Henderson and have done some modification based on current practices. You know why, Madam Speaker, if we have to reduce a programme, the budget we have for the breakaway to that Portmore is \$300 Million. We can't start and stop. And if we are going to fix it for a community we have to finish it if we start it.

(Sotto voce remarks by Dr. Guy)

Mr. HENRY: So in Dr. Guy's area we don't start doing Lyndon Housing Scheme.

(Sotto voce remarks by Members)

Mr. HENRY: No, we don't start it. You are nice to me because that's how they say I choose it.

(Sotto voce remarks)

Mr. HENRY: That's why they don't start because we have to put in pipes. Some of them when I say don't start, we know we have problems and you know that. That's why I don't know how your councillors could get up and talk about Fern Gully. For you know we have to move the water pipes first. You know we have to move the electricity poles first. You know we have to design them all. So you know that even in terms of the start the preliminary work takes time.

(Sotto voce remarks by Dr. Phillips)

Mr. HENRY: So I do have Jacob's Hut, I do have Eden River Bridge. I do have the Eden River Bridge in Peralto. I do have the Port Maria footbridge in St. Mary.

Opposition MEMBER: What about St. Thomas?

Mr. HENRY: No, but you see I had a call from Michael Peart. Him say him got so much under the (Narif). I must not give you all and gi him some.

(Sotto voce remarks by Mr. M. Peart)

Mr. HENRY: Yuh waan mi give it to him. Yuh waan mi give it to him. (Laughter) And him said to me that him don't support one leader, I must support the other one.

Mr. M. PEART: Madam Speaker, on a point of order. The Member is misleading the House. The Member is misleading the House. My letter to the Member actually pointed out that he named a number of roads that would be done in my constituency, only to discover that none of the roads to be rehabilitated on his letter to me, none of them was actually in my constituency.

Mr. BUCHANAN: Not one!

Mr. M. PEART: And him coming here now and putting on this little charade, man. This is foolishness!

Mr. SHAW: No, no!

Mr. HENRY: Is that a point of order? He does an indignity to the name Michael and he should know better than that.

Mr. PICKERSGILL: What is the ruling?

The DEPUTY SPEAKER: Minister probably you could just clarify for him then, just clarify for him.

Mr. HENRY: I don't recall the call of who called me and say don't give him the road, but maybe Mr. Phillips can tell me. I didn't recall it. My phone wasn't even working then.

Mr. D. PEART: You can't recall.

(Sotto voce remarks by Mr. Shaw)

Mr. HENRY: So, Madam Speaker, I want us not to focus, I want us not to focus, I am finished with the JDIP, every programme, every road, every issue, every selection process is there, every breakaway is there, photograph, everything to start in Year One and Two. We will take what we don't have in Year Two to Year Three. I will take it to Year Four. I will take it to Year Five, and for the information of the spokesman yesterday I will go into JDIP 10. (Applause) I am going to build all the roads back in this country.

Mr. CHARLES: They ain't see nothing yet. You ain't see nothing yet. Wait 'til next year.

Mr. HENRY: Other infrastructure works not in JDIP. The Palisades sea defence project, the progress 15%. You see time won't permit me to do everything with the.....

Mr. MONTAGUE: Take your time, we have all day. . . They could walk out, we don't mind.

Mr. HENRY: It commenced and is on its way and it is meant to prevent and protect the sea defence of the country. And I clarify once more, it's a two-lane highway with a wide enough shoulder that for the future if you want to expand it you can, because that is vision and with a boardwalk for people to walk and sell coconuts and look at the lights of the harbour; 20% complete. And it is meant to save the \$200 million they invested in the airport knowing that the road could be threatened at any time and that you can't privatize Norman Manley if you leave it unconnected at below sea level.

Government MEMBER: No access to airport.

Mr. CHARLES: And you say you were Minister of....

Mr. HENRY: We recognize that.

Mr. PICKERSGILL: Yuh love chat and you can't trace. Meet me outside.

Mr. HENRY: We realize that the urban and suburban levels have got to be addressed. Therefore we have an IDB loan, two two seven six (2276), that is aimed at the performance bid road maintenance that is maintaining the roads. For that we have earmarked \$5 Million beginning this year. The targetted locations are on the North Coastal Highway spanning Negril to Westmoreland. It is works that is chiefly consistent with bushing and drain and cleaning.

(Sotto voce remarks by Opposition Member)

Mr. HENRY: Negril and Westmoreland. Sorry, spanning Negril, Westmoreland and Port Antonio. It's all those roads that have to be addressed.

The Memorandum of Understanding has been established with the National Solid Waste. I want to pay them thanks because if any of you drove recently, as I did Sunday, if you drove from Westmoreland all the way to Ocho Rios, I have never seen more cleaning and bushing that is being done in this country.

(Applause)

Mr. CHARLES: Thank God for the Solid Waste team.

Mr. HENRY: I may be proud to drive but it may be disappointing. And I must agree with the CEO of the National Solid Waste, that basically we must do better with how we dispose of garbage and how we dispose of plastic in this country. It included a project for the implementation support of nearly 500,000 for training to be conducted by the

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Mona School of Business for 20 members of staff of the NWA and the Ministry of Transport as part of the quality assurance that we are seeking.

It includes a road safety improvement for road marking, for traffic signs, for traffic signals. And this is also tied with the machine we got through the EU Grant that will enhance the installation of road markings. It has the strengthening of the Road Safety Unit to prevent and maintain the levels of accidents.

I think everyone of us who drive along Washington Boulevard now must remember that there have been successive Ministers before me. I think there are about four of them that preceded me. Most of you who drove along Washington Boulevard would have noticed how long the bridges stayed there but were never connected. You wondered why one person would put in a whole heap of bridges and then don't connect the road. Well the Washington Boulevard is about to be completed, is 80% completed and at the end of July/August it will be opened. (Applause)

(Sotto voce remarks by some Members)

Mr. HENRY: Then we have the IDB/GOJ Transportation Infrastructure Loan. This relates to Yallahs in St. Thomas, \$1.5 Million to do work; Red Hills, St. Andrew to Bog Walk, rehabilitation of the drainage and improvement. Scott's Cove to Belmont, Phase I, tender is out, Phase II is in progress and the geo-technical investigation is finished and that's going to be at an expenditure of US\$5.3 Million this year. Old Harbour, St. Catherine, Sandy Bay in Clarendon, the geo-technical investigations - because we can't make the same mistake they made - is 100% completed but we have start that in 2012/2013.

(Sotto voce remarks by Mr. Charles)

Mr. HENRY: Sheffield to Negril, Westmoreland, the Phase I of \$51.6 Billion drainage improvement contract has been awarded to DR Foote Construction Limited for 2012/13 implementation.

(Sotto voce remarks by Dr. McNeill)

Mr. HENRY: Some have to go into 2012/13; you begin your design stage. The master drainage plan has been awarded to Stanley Consultant for a 12-month duration period and has now started. The Southern Coastal Highway technical study will be implemented this year and there will be physical progress on the Dry River Bridge for which the contract to KIER has been awarded and it's nearly complete. The bridge construction is 80% completed and the super structure 25%. I will remind that will be completed in 2011/12. I remind you that's the bridge that was washed away which connects Kingston to St. Thomas, in which we start to replace that bridge after Gustav in 48 hours. We now will have a four-lane bridge installed on that Dry River Bridge ready to open in June. (Applause)

A MEMBER: Fergie, clap man.

(Sotto voce remarks by Mr. Charles)

Mr. HENRY: We have to realign and deal with the Agualta Vale, St. Mary corridor. And under the Kuwaiti Phase II Rehabilitation Programme that work will begin this year. The activities include the commencement of land acquisition and the utility relocation to complete in next year's budget.

We inherited the RA Murray programme and that is now complete. It's completed with Johnson River, St. Thomas; Seven Rivers, St. James; Milk River, Clarendon; Black River,

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(sic) Portland, all completed and in place. Worthy Park, St. Catherine; Angels River, Clarendon, Martha Brae River, Trelawny; Gordon Town, St. Andrew; Queen's River, Hanover; Waterloo, St. Andrew. And you all drive on that Waterloo Bridge in Kingston, now completed by this Government in record time. (Applause) Fairfield, St. James; Springfield, Clarendon; Bog Walk, St. Catherine; Alligator Church, Portland; Steer Town, St. Ann; Troy in Trelawny and Horse Savannah in St. Thomas, all completed this year.

I have done so much in the ministry, Madam Speaker, all I have to do is mention that Bogue Road that remain there for 10 years, we have completed and freed St. James from the traffic jam. (Applause)

(Sotto voce remarks by Mr. Charles)

Mr. HENRY: So, Madam Speaker, the China Ex-IM Programme I have dealt with. And then to wrap it all up on this side, Madam Speaker, I have in my hand a letter from the University of the West Indies, Mona GeoInformatic Institute addressed to the NWA:

"I wish to congratulate you and the NWA for the splendid work currently underway across the island in terms of construction, repairs and maintenance. The scope and scale of activities across the board are impressive as is the management and coordination of these activities. (Applause) I wish to note the new Bogue Road and the Chalky Hill improvements as well as the multiple activities assisted with the JDIP project. I wish you and the Agency continued success and would hope that nothing derails or slows down

the real and obvious progress being made".

Signed: Dr. Parris Lyew-Ayee,
Director.

That wraps up roads on JDIP.

I don't want to be too, too long now, Madam Speaker, but I must speak to the Jamaica Railway Corporation. I must record my thanks to MR. BONITO the Chairman, who unfortunately is ill. I thank him and MR. OWEN CROOKS and their team for the work done in allowing the railway to run recently at great odds. (Applause)

I don't know if I need to go into the history of the railway. Suffice it to say that I think I have lived in this House and I have heard from that side what you would do with the patronage of this country. It is the greatest insult to this country that the patronage of the railway, the railway that through green, gold, built all of England, that we should have allowed the demise of the railway and leave it abandoned. And I say that you know, Madam Speaker, because you have heard me talk - and I am sorry - my minister of Finance is here - we'll have a schedule which I'll announce on the railway.

But Mr. Minister of Finance, I am sure they didn't tell you clearly when they sold the cement shares. And they sold the cement shares with a clear undertaking that \$1.2 Billion of that would have gone to restore the railway.

Government MEMBERS: What!

Mr. HENRY: This was in 1999.

Government MEMBER: So what happened?

Mr. HENRY: Receipt from sale of shares, \$29, 828,384, paid in US, \$1.1 Billion.

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This is the breakdown of the funds that went to the DBJ. Payment to Ministry of Finance, US\$20,000. I don't know if that is what paid the deferred financing.

(Laughter)

Because that gone out of the accounts, you know. Payment to Ministry of Finance, \$4 million, \$168 Million. Cost of shares in NIBJ books \$44,954,885. Privatization field, \$11,235,000. Recovery expenses \$225, balance allocated to JRC privatization, \$149,613,417.86. It continues to accrue interest, it lie down there, \$236 Million. It was an audit query, it has never been answered, and I am begging the Ministry of Finance to bring it to Parliament that it can be placed rightfully at the foot for the restoration of the Jamaica Railway. That was in April '99.

I cry shame! And I wondered if it was meant to make the stock deteriorate, that somebody could.... No, let me not go further.

So, Madam Speaker, this is part of what will drive the railway, for the railway offers investment opportunities to the world. We have four or five investors knocking at the door to invest in the railway.

The railway will be rehabilitated on the five (5) elements of its value. I know they don't know too much about a thing called "rights of way," but the railway is the best way to move and transfer data. The railway has heritage and intellectual property rights value. The railway can be leased for cargo. It can be leased for heritage tourism. All of these are investment opportunities and the investment is standing weight because this period will not be driven by loans but by investment.

VERNAMFIELD

So, Madam Speaker, I turn to Vernamfield. There are other aspect of the transport sector that shows enormous promise. We intend to turn around the wasted national assets of Vernamfield to take advantage of new opportunities in the aviation industry.

There is a shortage globally of trained aircraft maintenance engineers and the world market for maintenance repair operation is expected to surpass \$45 Billion by the end of 2013. Designed along similar lines to what Singapore did to revolutionize its transport sector, an overall transport policy now includes the high quality training of aircraft maintenance mechanics, pilots, flight attendants, air traffic controllers. This is part of what is tied into the Vernamfield project in what is called the Aero Space College.

Cabinet has approved the transfer of land for the Aero Space College to be implemented. The Aero Space College is being developed by private sector funding. It is operating as I speak, in training. It is located at Tinson Pen and will be relocated to Vernamfield. It is ready to start. The investment of \$7 Million is in place. What Cabinet approved is now to be implemented very shortly. And I want to say thanks to the private sector persons, who have already spent \$3.7 Million, bringing it to that point.

(Applause)

This is part of the programme of building up and giving the opportunities to young people. We are building this capacity of an approved training organization. Within a few years we will be able to make Jamaica an aviation training hub when we set up a maintenance repair organization.

As I said earlier, Jamaica is strategically placed to become a hub for the world. We already boast a good reputation in the MRO Third Party industry. We also have the human resources, the language preference support from Government, incentives for investors and available land for expansion that are critical to the success of an MRO. An MRO has to follow a training college. Immediately the training college is built, US\$5 million is in place to now deal with Vernamfield in the realignment of the new runway that we can now have A380 and Antonov airplanes take off. And this is the new alignment and there is no commitment from Government other than the corporatization being made available.

The Vernamfield complex will bring economic advantage in unexpected ways when the Panama Canal expansion is completed. The Kingston Container terminal will be the only Port on the Caribbean Atlantic side of the canal ready to both the Mega Ships. The Mega Ships will be connected by the railway, which the railway will be in the port where it almost is. The railway will transfer the same cart as we build a bridge across Sandy Gully, straight to Parnassus. The 3.2 kilometers of Parnassus live into Vernamfield is part of the railway budget, will be built a sea/air connection, the likes of only Singapore has.

(Applause)

The developing of Jamaica's industry through Vernamfield as a catalyst. The solution of Vernamfield Development Project. Everything is in place to now kick-start the movement of Vernamfield, and then we will move forward to seek the joint venture investment which must follow in relation to that.

Phase I: the GOJ has 2008 acres to be transferred from Land Agency to Port Authority. Road rehabilitation to the site is already budgeted.

Phase II: the project requires approximately 1,000 acres. The GOJ has zero acres, land acquisition necessary for the core airport facilities will be funded. Phase III: the Vernamfield development has to acquire land to facilitate the furtherfrom the landbank.

I have mentioned the Jamaica Far East, locally registered airline company, which is all linked to this development. And I summarize.

Phase I:

Rehabilitation of 1195 meters of runway, 75 jobs, US\$2 Million.

Aero Space College, 243 new jobs.

The EU money of 700,000 is already committed to the developer.

Then, more importantly, Vernamfield will be a green energy airport. And already the contracts are in place between the developer and the Geo Firm Energy Facility, for which 80 new jobs will be provided and the \$100 Million investment is already committed and in place.

Tinson Pen Aerodrome is to be, of course, into the Logistic Centres which we have \$40 Million investment that will be done by the Port Authority tied into the expansion of the Port. And I think that if one can't see investment and growth being driven by the Ministry of Transport, then, you reluctantly should not.... (Inaudible)

The project and defining of it all is completed and ready for implementation. And at the Press Conference tomorrow, I will expand on that where necessary.

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As I close, I can safely say today that our 'can do' approach to public administration in my three years at the Ministry is showing measurable and solid success. We are highly focused on attracting private investment, embracing global success stories and best practice and adding life to discarded state assets. We have won major development assistance in the Jamaica Infrastructure Programme.

Transportation eternally and with the wider world is critical for Jamaica's sustainable economic growth and a decent quality of life. My Ministry's job is to connect people to jobs, health care, education and other public services. We also help to connect communities, friends, and families to create a more inclusive society and a strong economy.

An improving transport strategy for urban and rural communities is giving people access to retail and leisure facilities, while preserving our environmental quality.

We daresay we are sure, Minister Tufton will agree with me, that it is the transportation improvements that are helping farm output to arrive at its 22% growth. And I am sure the Minister of Tourism will agree with me that good transportation, roads, elegant corridors which they left without lights, and which we had to complete, means that the tourist can move safely from the cruise ship back to the pier and from the hotel to be accommodated in better areas.

Our Blueprint of 1-3-5-7 is important. As a Publisher, you know I take the term seriously. Years 1 and 2 were about analysis and direction, with years 3 and 5 showing the initial major deliverables that you have seen recently.

In our strategy planning and consultation are laid out. Each objective is explored in detail, setting objectives and measurable output targets. We have established quantifiable output targets so that we can easily demonstrate progress in the development strategy. All projects are appraised against these targets to illustrate how they are helping to meet the objectives of transportation.

We also look at how each team will continue to the targets grouped under the key objective. This objective is an objective-led approach with emphasis on the links between objectives, problems and opportunities.

Some of the opportunities are already evident. Our investment approach has made possible Chinese funding for the JDIP Programme, and is to follow for highway expansion. And the staff of a serious aero space industry with aero nautical training now expanding at the Caribbean Aero Space College.

Years 5 and beyond in our planning will coincide with the 2014 opening of the expanded Panama Canal and its huge transport possibilities. Until then, we are pushing infrastructure development to capitalize on what is happening in Panama. The transportation improvements we are making are critical in the recession that has hit Jamaica and the world.

In the past three years, they are helping to upgrade our infrastructure, revitalize pockets of our economy in various parts of Jamaica and secure livelihoods for many who had no hope.

We are improving transport accessibility as a key to attracting investment and creating job opportunities. This is particularly true

when your development resources are limited and international donors are having problems of their own. So we are pushing innovation and technology to get our transport system into the modern-age fast.

Given what we found when we took office, the Ministry is doing all it can to contribute to the new vision of Jamaica. We have started on the train to a better future and we plan to take everyone on board.

Madam Speaker, time does not permit me to deal with the issues of the new licence plate regime. The Kingston Regal Multi-Modal Study which is complete. And for the benefit of those....When you go to London, you know, Madam Speaker, and you want to take the underground and connect to the bus, you can pick up a little free card, which tells you how to get there. In my hand is what we are developing as the JUTC/JRC connection.

(Applause)

We are trying to develop the light rail line, the Hunts Bay line, the Spanish line, the cargo line, the city line, the circle line, the harbour line and the ferry line, all over a 20-year programmed which connects the city in every way.

(*Sotto voce* comments)

I told you I could have taken all day. And that, Madam, Speaker, is designed from this. This is the multi-modal transport study for the Kingston Region connecting Portmore. This study relates and comes out of ...We didn't just buy the yellow buses. We bought with it a commitment that would make that multi-modal study work and be examined in every way, and that's at no further cost. It includes the kind of bridge that we will be building for the railway to connect into the port. And it will be all part of the JDIP and the other

developmental programmes to drive investment. (Applause) The refinement of that all is here in the documents which will be made available to the Press.

A MEMBER: And the Opposition.

Mr. MONTAGUE: And the Opposition if they want to.

Mr. HENRY: So, Madam Speaker, I will not have time because - I will have time to deal with other issues as we go along. But the Prime Minister and the reorganization will deal with the establishment of a land authority. That Land Authority will be combined what exists as more than one authority today that what we do is that we do the implementation and you privatize, corporatize what develops in Jamaica.

RURAL URBAN TRANSPORT

I could not close without dealing with the Rural Urban Transport Plan. We inherited none. Recently we saw how children died going to school because there are no bus services and no properly planned programme for the rural/urban places. We have selected four towns to form that study. Those four (4) towns are: Montego Bay, Ocho Rios, Santa Cruz and May Pen. We have added Christiana recently to this new rural/urban transport plan. That will improve Transport Centre facilities. It will relate to the railway development as it connects. It will mean the Montego Bay Metro will have to play a greater role in the Montego Bay area and by extension, we therefore will begin to...You know, Madam Speaker, everywhere I go you go to buy a house, advertised with that house is where is the entertainment, the church, the fire station, the railway station, the bus station, the school...

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Government MEMBER: Hospital.

Mr. HENRY: And the hospital. We advertise houses here, not one of those items are put in as being attracting. We have been so relegated to a Fifth World status we forget what real living is.

Mr. MONTAGUE: Amen!

Mr. HENRY: So I wanted where the houses being developed on that corridor of Toll Road, that they will point out that in May Pen there is a well-equipped hospital with a dialysis centre; that the railway station is within walking distance; that the railway station will take you to the bus station; that the taxi can take you to the railway station. That a young man wanting to visit his girlfriend in Portmore - see what this is all about - can ride his bicycle to the railway station in May Pen. He can put his bicycle on the train. He can come off at Pechon Street. Then he can ride his bicycle to visit his girlfriend in Portmore. And he can get back to Kingston and to May Pen in Sevens Road all within a quick... (Inaudible)(Applause)

Mr. MONTAGUE: All in a day's work.

Mr. HENRY: That the old lady who wants to visit her son arriving at the airport doesn't have to find only a taxi at hard money. She can walk from Sevens Road to May Pen, catch the bus to Pechon Street - the train to Pechon Street; come of, walk in a corridor to get on the bus that takes her to the airport; come out at the entrance at the airport, seh, Masa John ah welcome you to Jamaica, look at how nice (the) place is overall. Get back the bus, catch back the train, come back to Sevens Road. Safety, security and no hassle. (Applause)

Infrastructure development plans, Madam Speaker, depend greatly on both our own

resources and our ability to attract investment. Most of all we must rely on our Jamaican creativity and innovation to realize the vision we all have of a prosperous Jamaica that functions with a First World sensitivity. At this point in our history we need transformational ideas that exceed the five-year political cycle that has crippled us thus far, and which even after 20 years has left us down a path that sadly we should never have been. The old politics has not stirred our imagination nor given us motivation to do better.

Mr. MONTAGUE: True!

Mr. HENRY: To move forward in a progressive world, we must change the way we do things. We must raise the level of debate, be honest in our commitment to national development and work. (Applause) It's hard to develop and prepare leadership for a century that is complex as it demands for good governance. The new way of doing things means not being afraid to use ideas from others which prove useful. The Jamaica Development Infrastructure Programme grew out of the Road Master Plan of the previous administration. We considered what was good about it and we applied new energy, effort and creativity to enhance its purpose. Our industry has paid off because we found the money to effectively implement meaningful infrastructure rehabilitation islandwide. Now we are working on what is needed to keep such rehabilitation sustainable. Jamaicans want no less from us.

I promise fulfilment of hope and a new Jamaica. And that is what I shall work within the Ministry under the guidance of the leader of the Jamaica Labour Party and Prime Minister of this country to ensure that this new

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vision, this new dream, this new hope, this new realization of what we were, what we should be and what we will be, will be a participation of... (Inaudible) (Applause)

Mr. MONTAGUE: Well done.

Government MEMBER: Well done as expected.

Mr. HOLNESS: Mr. Speaker... Madam... How could I? Madam Speaker, the Minister of Transport has just taken us on a tour of his ministry, extensive tour. We will now hear from the Member from North-East St. Catherine

A MEMBER: East Central.

Mr. HOLNESS: East Central. Forgive me. East Central St. Catherine. (Applause)

EAST CENTRAL ST. CATHERINE

Mrs. NEITA-HEADLEY: Thank you, Madam Speaker.

Madam Speaker, I take very seriously the honour of representing the people at this level.

MEMBERS: Hear, hear!

Mrs. NEITA-HEADLEY: It is a privilege. It is my hope, Madam Speaker, that my colleagues would not just be hearing me out of collegial courtesy but that in some way I may have some impact on the process for the good of my country. Indeed, Madam Speaker, this debate is not about any individual, but about service to country, how, together, regardless of party affiliation we may take Jamaica forward. (Applause)

As I rise, I am acutely aware, Madam Speaker, that at this hour a courageous but anxious people are looking to us for answers to the daunting challenges that they face. I would like to express my heartfelt gratitude today to my constituents... (Applause)... for

their continued support and trust. Today I express my solidarity with those of you who have in recent months been victims of senseless violence and I salute you for choosing to remain law-abiding citizens in the face of such horror. (Applause). To my staff, thank you for your patience and for looking beyond the demands of my cause-driven personality to the needs of our constituents. To my family, thank you for enabling me to pursue my passion to help others. Credit belongs to you who so graciously accept the unequal share between my political life and my family life. (Applause) To the Leader of the Opposition and to my parliamentary colleagues, thank you for your generous support and even more generous guidance. I appreciate the opportunity to serve. (Applause)

Mr. BUCHANAN: Hear, hear!

Mrs. NEITA-HEADLEY: Madam Speaker, representational politics is challenging, yet rewarding. Some of my rewards are the inspiring insights of East-Central St. Catherine. The spectacular hills of Sligoville, the first Free Village of our country, the large sand deposits of Above Rocks, the modern dormitory communities of Angels, the urban-encroached features of Lauriston and the vast orange fields of Bog Walk.

Madam Speaker, although pockets of the constituency have been plagued by violence. We are partnering to rid our communities of this evil scourge. Over the past three years, we have made strides in the following areas: infrastructural development, assistance to our farmers, economic training facilities for our youth, education grants for both the secondary and tertiary levels, and youth sports

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programmes including cricket, football and netball at the Sligoville sports complex. We have built new basic schools and homes for the indigent. Now we are focused on working to ease the nagging water woes and to develop income-generating projects through the establishment of cottage industries.

Madam Speaker, it has been my privilege to serve the people of East-Central St. Catherine and I pledge to remain unswerving in my resolve to be the best representative I can. (Applause)

Mr. BUCHANAN: That's right.

Mrs. NEITA-HEADLEY: Today, I want to salute the presidents of Citizens' associations, Youth Club leaders, political workers, pastors, and last but by no means least, today is Teachers' Day and I want to express my gratitude to the hard work of our teachers. (Applause) And in the Gallery, a dance troupe from Bog Walk, the Ed Hardy dancers who are competitors in the Dancing Dynamite competition, and today I salute you for your talented work and ask every single one of you as parliamentarians to support this group. (Applause)

Madam Speaker, we are debating what is really the key to the door of national prosperity, the management of the budget, and all of its ramifications. This document represents the vehicle for meeting people's aspirations. And from that perspective it is not just a matter of collecting revenue and spending money. It is essentially what public governance is all about. As Opposition spokesperson on the Public Sector, I am responsible for an area strongly related to the finance portfolio, that of the Public Service Rationalization. Indeed, Madam Speaker, one of the most important national goals is

sustainable development, and it is not achievable without good governance which is the *raison d'être* of the public sector. (Applause)

Dr. DAVIES: What is that?

Mrs. NEITA-HEADLEY: I'll say it again.

Dr. DAVIES: Say it again.

Mrs. NEITA-HEADLEY: If you didn't hear it I will spell it.

Dr. DAVIES: Yes.

Mrs. NEITA-HEADLEY:
(Spells letter-by-letter)

R-a-i-s-o-n d'-e-t-r-e.

A MEMBER: Drop it on them.

(Inaudible comments by Mrs. Neita-Headley)

Opposition MEMBER: Chat Spanish to dem.

Mrs. NEITA-HEADLEY: Today, I will address **Public Service Rationalization Strategy** under the theme **Governing for Growth**. In doing so, I will indicate where, what, and how the Opposition would do things differently in order to advance the cause of Jamaica's development.

Allow me, Madam Speaker, to recognize the contribution of those Jamaicans in the private and public sectors who over the years have pushed for efficient governance. First, thanks to the generations of public sector reformers who have guided Jamaica through from the Administrative Reform Programme I and II and the Public Sector Modernization Programmes I and II.

If I should single out some leading individuals involved, I would like to thank former head of the Civil Service and Cabinet Secretary, DR. CARLTON DAVIS; (Applause) MR. GEORGE BRIGGS, former head of the

Public Sector Reform Unit in the Cabinet Office, former advisor to the Government and Local Government Reform, MR. KEITH MILLER; (Applause) MR. DOUGLAS ORANE, whose Orane Report in 1998 remains a guidepost to cutting waste in the public sector (Applause) and MR. PETER MOSES whose Moses Report in 1999 on taxation and revenue was so instrumental in improving budgeting since the 1990s. (Applause) The many others who have served and continue to serve the cause of good governance might be unnamed here, but they are certainly not forgotten.

Finally, I must thank the great Jamaican leader, who had the insight and the foresight to have commissioned all of these reports and implemented many of their recommendations. Today, Madam Speaker, I salute the efforts of the MOST HONOURABLE PERCIVAL JAMES PATTERSON. (Applause) It was he whose words in 1999 still sums up our predicament here today. He said, *'we must change our approach to governance or we will be swept aside by the emerging new social order'*.

The vision behind the Budget, Madam Speaker, determines what a government tries to do and what it does. Over the last three and half years, the mettle of Jamaicans has been tested, having to endure one of the most tumultuous periods of our financial history and social history. The people look on, while the character of leadership is also tested. We ask them, what was the vision that led to the following? Eighty-six thousand (86,000) Jamaicans joining the ranks of the unemployed. An extended freeze in hiring, crippling inflation rates over the last four years. One of the most massive price increases in consumer prices exacerbated by further increase in fuel and electricity costs.

(Applause) Enforced voluntarism as coined by the Opposition spokesperson on finance, by the pensioners through the Jamaica Debt Exchange initiative; high-handed treatment of public sector workers, rapid erosion in the standard of living, pervasive fear of the future among our people, and unrest and unhappiness among public sector workers.

Mr. Speaker, the truth is that, this Government has failed to present a strategic vision for Jamaica's development. And as the Bible says, where there is no vision the people will perish. Indeed, Madam Speaker, the people are perishing and our institutions are at risk.

What is the Government's role in promoting growth? Madam Speaker, the 2030 vision lists effective governance as a major national goal and so we take note of what is said in the GOJ/PIOJ document on its growth inducement strategy.

The PIOJ says, we must adopt a new role for government. At present, Government is widely perceived as being part of the problem. In fact, government is beset with interagency coordination problems, and by its own actions creates market distortions, allocate inefficiencies, avenues for rent seeking and corruption. Government which is now engaged in a contractionary mode should seek to get back to performing well its core functions, that is, the efficient delivery of service to the public and acting, not just to facilitate, but also to become an effective partner with the private sector. (Applause)

Yet when we look at the lead agencies and sources of funding in this growth inducement strategy, we find that the Government of Jamaica was the lead agency in all 33 cases, and the private sector or private sector

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organization was a partner agency in only three cases. Furthermore, the Government of Jamaica was the source of funds in four out of six cases.

Madam Speaker, this team of eight Ministers of Government, and one private sector representative from the Office of the Prime Minister sat and agreed to this. In fact, they agreed that Government is perceived to be part of the problem. Yet the Ministry of Finance was the lead agency in ten (10) of forty-three (43) cases, and the PIOJ and DBJ which fall under the Ministry of Finance were leading agencies in another five cases.

A MEMBER: Good God!

Mrs. NEITA-HEADLEY: Curiously too, Madam Speaker, there is a chart on page 10 of that Report identifying the strategic framework for this growth inducement strategy. It could not be discerned what the role of any organization, but government, would be in this growth inducement strategy, except for the occasional reference to private sector or a private sector organization.

The presence of the financial and commercial sector among stakeholders was palpable, and their apparent ownership of the Ministry of Finance, the PIOJ and the DBJ was possible.

Madam Speaker, there was power without responsibility. The stakeholders who favoured privatization never invested in these assets. The ownership of the State was not matched by the ownership in the economy.

What is the role of the State in Public Sector Transformation? Madam Speaker, the State is the centre of power in our society, its actions matter. With respect to public human resource change there has to be radical

transformative change if Jamaica is to compete successfully in a 21st century environment. There is a saying; 'the more things change, the more they stay the same'. It describes what we have seen so far from this Government. They promised change to the Jamaican people, but I believe the Jamaican people recognize that it is senseless to have change just for the sake of change.

Madam Speaker, there needs to be a transformed public sector management, which means, getting things to work better and serving more people for the greater good of all. (Applause)

Madam Speaker, we accept the idea of rationalization, if it means applying measures of efficiency, and effectiveness to organizations.

MEMBERS: Yes.

Miss NEITA-HEADLEY: We accept the idea of modernization, if it means bringing an organization up to date and in style, design and methods. But these must be for a larger purpose and that purpose I submit, must be transformation.

Madam Speaker, transformation refers to an organizational process of profound and radical qualitative change that makes a real and positive difference to people's lives. Over the years, respect and consultation of characterized public sector staff management relations in Jamaica, these are basic human rights. We are no longer in the era when governments can ignore the legitimate concerns of a workforce without repercussions. This is especially true, when that workforce has experienced a more responsive and progressive management style. Proof of this statement is that, I am presenting

against a background of restive nurses, disgruntled police officers, demoralized teachers and struggling firefighters.

Madam Speaker, our public servants have demonstrated that they can put country first. (Applause) And this is evident in the landmark Memorandum of Understanding One and Memorandum Understanding Two. (Applause)

We can trust the public servants and the unions to come to a table where there is genuine desire to consult. (Applause)

Madam Speaker, there must be genuine efforts to reposition public servants from the periphery to the centre of the policymaking process, so that they are not just merely passive observers, but active participants in the decisions that will impact their careers and their lives. It is this take it or leave it strategy employed by the Government, and then, trying to bolt the gate after the horse has bolted, approach, that has lead to the intractable breakdown of trust and cooperation between Government and its workers. (Applause)

Madam Speaker, in the Minister of Finance's presentation, there were no words or numbers inspiring hope or direction of the Government to ease the burden now being faced by public sector workers. The Minister has indicated on page 33 of his presentation that he has sought an additional 24 months extension and is seeking an additional 24 months of extension in the Standby Agreement. How many more years of wage freeze are we going to face? What of the 7% arrears that we owe? Who are the stakeholders with whom we are now consulting? Who are the people making the decisions on behalf of the people of Jamaica. This, Madam Speaker,

is another clear sign of how out of touch with reality the Government is.

On page 37 of that presentation, the Minister is suggesting that dialogue takes place after the budget debate, after the budget debate. There must be a spirit of goodwill, he says and compromise, of give and take, as we enter in earnest into those discussions. In the words of the Leader of the Opposition, there is no such thing as retroactive consultation that does not exist. (Applause)

Madam Speaker, the Government has taken enough from the public sector. It is time to give good governance to the people of Jamaica. (Applause)

Minister, this is not a matter that can be resolved through fancy speeches and public relations, there must be a genuine effort to meet at the bargaining table and to understand the plight of our people.

I received a text message last night from a public sector employee, Madam Speaker, who states clearly that he receives a gross payment of \$40,000 per month. In 2006, his gas petroleum to get to work was \$2,000 per week or \$8,000 per month in 2006. That cost is now \$5,000 per week, \$20,000 per month, and I did say \$40,000 gross, Madam Speaker, before taxes.

He is repaying a NHT loan of \$9,000 per month; he pays a JPSCo bill that fluctuates between \$5,000 and \$6,000 per month. This is a total of some \$34,000 per month. He hasn't bought food for his family. He has to chose between purchasing lunch for himself when he comes to work and sending his child to school. Madam Speaker, this reality is true for many of our professionals, and as Government, we have a responsibility to our working poor.

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Transforming Governance and Misuse of Power: Madam Speaker, power has been used by those who have it to control those who don't. We must shift our efforts from power to empowerment. We exist now in a society guided by what I call "is who you know syndrome". Anybody know anybody down a wharf? (Laughter) Anybody know anybody a tax office?

A MEMBER: Anybody know anybody a JDIP?

Mrs. NEITA-HEADLEY: Anybody know anybody a JDIP? (Laughter) Does anybody know the Minister? So we are existing not in a society where because you are a decent law-abiding citizen of Jamaica, you're entitled to these rights. But we are now at a place where we are existing with who you know and who know who. We must be shifting from power over others, to enabling them to have greater power over themselves. We need an empowering State, not a State that intimidates. (Applause)

A MEMBER: Hear, hear!

Dr. DAVIES: Yuh hear dat Montague?

Mrs. NEITA-HEADLEY: Madam Speaker, this is what for us, transformation means. We differ from Government because there is no such concept of transformation in the Government's public sector rationalization programme and this difference for us, is profound. (Applause)

Madam Speaker, the old system is one where some have such powers over others to make those others dependent. That dependency has fostered through the instrument of patronage-breeding practices of corruption. It has led to a feeling of powerlessness by those who don't have power or have friends in power.

Madam Speaker, this is not what we want as a team. We do not want a State to be at the centre of the system of power, where it serves the interest of those in power, or those with power. We do not want to keep the majority of the people dependent on handouts and favours from those in power. (Applause)

Worse, we do not want this situation to cause people to use violence against one another to serve those in power and those with power. (Applause) We don't want a State that tolerates gangs, and guns and criminality to protect those in power, in the State or the community. (Applause)

Mr. BUCHANAN: No, no!

Mrs. NEITA-HEADLEY: We do not want a system of dependency, where people shoot or shout or have to burn fires to get favours from the powerful.

Madam Speaker, we can rationalize all we want, we can modernize all we want, but we will not get a State that transforms society into a peaceful, productive space until the State itself is transformative. The State must win the respect of the people, but first the State must respect the people. (Applause)

Mrs. SIMPSON MILLER: Hear, hear!

A MEMBER: Remind them of that.

Mrs. NEITA-HEADLEY: Madam Speaker, we seem to be restudying the studies. The Public Sector Modernization Programme (PSMP) commenced in 1996 - not something new 1996. A new phase of the PSMP began in 2002, as set out in Ministry Paper Number 56. The PSMP was already planned and programmed to last through 2012. The budget allocation had been provided. It was \$343 Million for 2006/2007, even more than the \$335 Million now allocated in 2010/2011. (Applause)

Madam Speaker, the best way to go about change is through consensus gained from wide participation that then provides the basis for policy continuity over time. It is expected that there will be some adjustments between administrations. This is the case. For example, we started the Vision 2030 document, you put the finishing touches on it and we have signed off on it. Governments change and each government needs time to study, consult and put its perspectives and programmes in place. However, Madam Speaker, we believe that there has been unnecessary delay and disruption in the public sector modernization between this and the previous administration. Rather than having continuity, we have suffered discontinuity and disruption.

A MEMBER: Rubbish! Rubbish!

(Cross talks)

Mrs. NEITA-HEADLEY: It has taken over two years to set up the Public Sector Transformation Team, since the present Government took the House, and almost three years into the administration's term to submit a Green Paper. This new phase is referred to as the Public Sector Modernization Programme II. It is essentially the same as its predecessor. Yet, unlike the 20/30 Vision Plan, which was tabled in less than two years after the Government took office, it has taken nearly three years for the Government to submit its first view as the PSMP II.

I call this section, Madam Speaker, Home-based Solutions not Imposed Conditions: When our administration launched PSMP II in 1996, we did so right after the Jamaican Government had passed all the tests of the IMF and we had ended our arrangements with them.

A MEMBER: Yes.

Mrs. NEITA-HEADLEY: That enabled us, the Jamaican Government, and the people of Jamaica, to establish our own terms for public sector rationalization and modernization.

MEMBERS: Yes, yes.

Mrs. NEITA-HEADLEY: When we launched PSMP II *via* Ministry Paper 56, we did so on the terms...

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

Mr. GALLIMORE: Madam Speaker, I move the suspension of Standing Orders to allow the Member time to complete her presentation. (Applause)

Put to the House and agreed to.

The DEPUTY SPEAKER: Go ahead.

Mrs. NEITA-HEADLEY: This enabled us, Madam Speaker, the Government and the people of Jamaica, to establish our own terms for public sector modernization. When we launched PSMP II *via* Ministry Paper 56, we did so on the terms set by the Government and the people of Jamaica. It was a home-based consensus, based on home, taking into account home-based realities.

Madam Speaker, the difference with this review, however, is that it has come under the circumstances of IMF conditions for accelerating State contraction. Under such circumstances and conditions, those contractions are likely to bring negative, not positive change.

The prevailing orthodoxy of the IMF's conditional lending programme is deficit reduction and balanced budgeting. We have no quarrel with this, Madam Speaker. This was our objective in government and we were getting there.

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Mr. VAZ: Yea, right.

Mrs. NEITA-HEADLEY: Madam Speaker, we did not have all smooth sailing, as they would like us to believe.

Dr. DAVIES: We were better off then than we are now.

Mrs. NEITA-HEADLEY: We were hamstrung by disasters and calamities too.

Dr. DAVIES: One point Five Trillion.

Mrs. NEITA-HEADLEY: We had the banking crisis in the 90s, our economy was impacted by the 9/11 situation. We were.

Dr. DAVIES: Yes.

Mrs. NEITA-HEADLEY: We have had several hurricanes and several periods of droughts.

MEMBERS: Yes.

Mrs. NEITA-HEADLEY: But we didn't play any blame game, we understood our objectives... (Applause)

MEMBERS: Hear, hear!

Mrs. NEITA-HEADLEY: ...we understood our objectives, we understood our mandates from the people and we were getting there.

Ms. HANNA: We were mature.

Mr. D. PEART: And we nuh come fi chat rubbish.

(Cross talks)

Mrs. NEITA-HEADLEY: Madam Speaker, we would like to see value added in governance.

Dr. DAVIES: Look around you.

Mrs. NEITA-HEADLEY: We are concerned with what spending cuts are made and where. We are concerned with who makes the decision about what goes and what stays. We are concerned about the philosophy of governance. Let me elaborate.

We on this side have a certain philosophy about public sector economics. We believe in public sector economy. While we believe that growth has to be driven primarily by the private sector, we know that this cannot be achieved without an efficient public sector. We are aware that there can be costly waste and corruption and those things must end. We must tighten up and run a lean State. It's taxpayers money that we are running with and we must tighten up and ensure.

(Applause)

Miss HANNA: Hear, hear!

Mrs. NEITA-HEADLEY: Beyond this however, Madam Speaker, we are faced with the choice of cost-cutting or value-added. We must decide if we can get better efficiency and effectiveness with cost-cutting or with value-added. We believe the negative approach is cost-cutting informed by some dogma rather than the reality of a country's situation. (Applause)

(Cross talks)

Mrs. NEITA-HEADLEY: For example, Madam Speaker, of great concern to the Opposition is the long awaited reclassification exercise in the health sector. As a result of the failure to complete this reclassification exercise, there has been unrest and instability in the sector over the last three years. This, at this time...

Mr. ROBERTSON: You have no shame!

Mr. D. PEART: You have too much.

Mrs. NEITA-HEADLEY: ...when the present policy pursuits demand better remuneration and conditions of work in order to maintain quality care while attracting greater numbers of professionals to the sector.

Dr. DAVIES: That's right.

Mrs. NEITA-HEADLEY: Madam Speaker, there is a legitimate concern about the decreasing training budget for the health sector. (Applause) In spite of efforts, with training partnerships with Cuba and tertiary communities, there is still a significant budgetary shortfall. The health of Jamaicans is being placed at serious risk. (Applause)

Madam Speaker, a system that demands nearly 4,000 nurses to operate efficiently, has a cadre of just over 2,000 nurses. It bears mentioning also, that only 45 pharmacists are currently in the nation's public sector, in spite of the increased demand for their service. As I speak, Madam Speaker, there is no public sector pharmacist in the parish of St. Mary.

Mr. D. PEART: Shame!

Dr. DAVIES: Repeat that.

Mrs. NEITA-HEADLEY: As I speak, Madam Speaker, there is no public sector pharmacist in the parish of St. Mary.

Mr. D. PEART: Bobby Montague, yuh hear dat?

Mrs. NEITA-HEADLEY: It is therefore not unreasonable to say that we are literally sacrificing the lives of Jamaicans at the altar of unwise cutting. The level of attrition of workers from the sector is serious, and what value are we adding to our nation in this regard?

Madam Speaker, we believe in positive governance. This is, governance that provides value-added. To this end, government in pursuing the developmental functions, must craft policies that enable, regulate, facilitate, mediate and arbitrate, but most importantly, implement. Madam Speaker, by acting on decisions equitably and in a timely manner by participatory, accountable and responsible means, (Applause) implementation, which is

the role of the public service, has been our greatest challenge. The crisis we face is but a symptom of a larger problem, which is a policy implementation deficit. Interest groups, affected individuals and groups often attempt to influence the implementation of policy. Such influences must be weighed against the interest of the nation and the public sector must be allowed to play its role in nation building, independently underlined by neutrality, impartiality and anonymity.

Dr. DUNCAN: Chat Spanish to dem.

Mrs. NEITA-HEADLEY: Madam Speaker, our team will add -

(Cross talk)

Mrs. NEITA-HEADLEY: Our team will add value to our knowledge through education, to our skills through training, to productive work through good health, to safety and fairness through regulation, to productivity through speed and efficiency, and to partnership through consultation.

(Applause by Opposition Members)

And last and by no means least to efficiency through implementation.

(Applause by Opposition Members)

Madam Speaker, we intend to promote opportunities and do all of these more equally for larger numbers of people for the greater good of all. It is against this philosophy of wealth creation that we speak of positive governance.

The role of the State is to add value to society's stock of wealth, that is, its human, social and natural resources. We see nothing of this in the rationalization plan. Negative governments emphasize lay-offs and redundancies. We do not say there is place for this. There is a place and time when there has to be lay-offs and redundancies, but we say

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lay-offs and redundancies should be tested against whether they add or subtract value from the State's role in facilitating wealth creation in the society.

(Applause by Opposition Members)

Madam Speaker, since the Jamaican Government cannot cope with an additional large-scale public sector downsizing or rationalizing without exacerbating the already grim unemployment situation, new approaches to public management participation, accountability and responsibility must be pursued earnestly. Training is one of those areas.

We recommend, Madam Speaker, a greater level of investment in the public sector as partners of government.

Mr. BUCHANAN: That's right.

(Applause by Opposition Member)

Mrs. NEITA-HEADLEY: We have always maintained that an investment in the public sector is an investment in Jamaica's social capital.

Opposition MEMBER: Yes.

Mrs. NEITA-HEADLEY: It is an investment in the quality society we are building and striving for. We have not changed course on that position.

Opposition MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: Whether they remain in public service or they're transferred into the private enterprise, properly trained, quality public servants are an enduring asset to Jamaica's social capital.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Madam Speaker, public sector workers are the eyes, the ears, the hands, the feet of the government.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: They are partners with government. It is their feedback which facilitates accurate evaluation of programme initiatives. It is their proper implementation of programmes which ensures the efficient operation and the smooth flow of governance generally. A poorly trained, poorly equipped, disgruntled, demoralized, insecure, underpaid public sector does not perform satisfactorily and the impact is felt by the rest of society.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Madam Speaker, we are now witnessing how the lack of consultation and failure to communicate respectfully with public servants is likely to cause serious disruptions in the delivery of vital public services.

Opposition MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: This approach to public service management will most certainly impact negatively on the ability of the government to achieve even its basic objectives.

Madam Speaker, we intend to strengthen the policy capacity of the State to research, build and monitor programmes in partnership with, for example, the Management Institute...

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: ...and the University of the West Indies. Developments such as globalization, internal policy needs, and technology are all posing challenges for many governments across the world. We need the research expertise of academia and practitioners to assist in ensuring that the public service and its policy design meet our developmental challenges.

Let us make change professional, our

colleagues. We support objectives for better service delivery and greater efficiency. We stand in full support of the human resource professionals and their work in this endeavor. We join them in saying that public sector transformation must be fair and transparent.

Ms. HANNA: Hear, hear!

Mrs. NEITA-HEADLEY: We applaud the work of the Change Management Team and the democratic spirit of the objectives of the Change Management Plan.

I believe, though, that the patient, sensitive and laudable work of public sector and human resource professionals in this rationalization process is being made much too difficult - much more difficult than it has to be. This is because the political approach of the government has been so at odds with the administrative approach of these professionals. Madam Speaker, the professional approach is based on the Westminster-Whitehall doctrines of impartiality, neutrality and anonymity. Together, they represent independence between the politics of government and the professionalism of administration. To these we must add the good governance principles of objectives of transparency, accountability and integrity. These are the hallmarks of modern democratic governance.

Ms. HANNA: Hear, hear!

Mrs. NEITA-HEADLEY: The political approach, on the other hand, is to put power above everything else, worse when this is done with bad manners.

Dr. DAVIES: Yes, and bad mind too.

Mrs. NEITA-HEADLEY: The result is that we have a government that:

- Insults rather than consults
- Breaches the Constitution rather than heals the breach.

- Fires dignified professionals officials like the Government of the Bank of Jamaica, and the Commissioner of Police in very unceremonious, and undignified and vulgar ways.

(Applause by Opposition Members)

Mr. D. PEART: Vulgar and out of order.

Mrs. NEITA-HEADLEY: We have seen wage freezes on salaries without consultation and without regard to the public sector Memorandum of Understanding.

Mr. MAIR: What MOU?

Mrs. NEITA-HEADLEY: It ignores due process in the dismissal of reputable and professional public servants. It is not just bad governance that we are concerned about, Madam Speaker, we are concerned about bad manners as well.

(Applause by Opposition Member)

Mrs. NEITA-HEADLEY: We can rationalize structures, but if the people in the government are not rational, display bad manners, and demonstrate incompetence, we won't have the public sector we want.

(Applause by Opposition Member)

Mrs. NEITA-HEADLEY: Madam Speaker, we must have a State where the government respects the rights of the public sector. We must declare our beliefs and this was explained in the Jamaica Gleaner Editorial.

Opposition MEMBER: Warning.

Mrs. NEITA-HEADLEY:

"We must declare our belief in subscription to the notion of natural justice. It is not right for people to be condemned without an opportunity to defend themselves."

Opposition MEMBER: Hear, hear!

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Mrs. NEITA-HEADLEY:

“That would be antithetical to the ideals of liberal democracy.”

When due process is not served it gives the appearance of political victimization. This undermines professionalism and the morale of those professionals upon whom an efficient and effective State rests. This violates what the hard working professionals have trying to achieve. The indignity and disrespect, the fear of victimization and bullying all emphasize the gulf between what the professionals have been trying to achieve and the self-defeating behaviour of government politicians.

(Inaudible comment by Opposition Member)

Mrs. NEITA-HEADLEY: The temperament of government and its bad manners have not provided moral building support that this process needs.

Madam Speaker, there just cannot be good governance with bad manners and arrogance.

Mr. BUCHANAN: That’s right.

Opposition MEMBER: Hear, hear!

(Applause by Opposition Members)

Mr. BUCHANAN: An apology has to be made.

Mrs. NEITA-HEADLEY: This arrogance is against the fact that the hard-working public sector—

Government MEMBER: Hard, say hard!

Mrs. NEITA-HEADLEY: Hard, hard any way you want to tek it, they’re hard-working.

Dr. DAVIES: Yes, you don’t know anything ‘bout hard.

Opposition MEMBER: Very hard-working.

Mr. D. PEART: You nuh know Andrew?

Mrs. NEITA-HEADLEY: They’re hardworking. You’re denying that they’re hard working? They’re very hard working.

Opposition MEMBER: Ask Ernest bout hard working.

(Laughter)

Mrs. NEITA-HEADLEY: This arrogance is against the fact that the hard working public sector workers, according to the information coming from the Ministry of Finance, are owed over Thirty Billion Dollars.

Opposition MEMBER: Oh, Lord.

Mrs. NEITA-HEADLEY: Madam Speaker, I don’t know ‘bout you, but when I owe Thirty Thousand Dollars, I penitently go to my creditors...

Government MEMBER: Consumers.

Mrs. NEITA-HEADLEY: ...to ask them to give a little more time.

A MEMBER: You mean you a go cuss them out.

Mrs. NEITA-HEADLEY: I can’t be obnoxious and presumptuous in believing that they will write off my debt and say boy, I just don’t have any money fi pay. Imagine a public sector worker deciding to go to JPSCo to tell them listen after three months I just can’t pay, you know. No consultation.

(Inaudible comment by Opposition Member)

Mrs. NEITA-HEADLEY: No discussion. I just can’t pay. I wonder if they would have light tomorrow morning? I don’t believe so.

Opposition MEMBER: Cut off.

Mrs. NEITA-HEADLEY: I think I would certainly have to sell something, mortgage something, prepare a different budget, cut out three of the suits that I normally buy.

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Government MEMBERS: What.

Mrs. NEITA-HEADLEY: Something has to happen for mi to buy back that thirty thousand dollars because I made a contract.

(Applause by Opposition Members)

Mr. ROBERTSON: Yuh not going to bounce no check.

Mrs. NEITA-HEADLEY: Public Sector rationalization needs guidance from the Minister of Finance and Public Service, but his own bombastic approach has not served the purpose well.

Dr. DUNCAN: You hear that, Shaw.

Mrs. NEITA-HEADLEY: The cursing out of the nation by the Minister referring to - of Local Government dampens morale.

Opposition MEMBER: Yes.

Mrs. NEITA-HEADLEY: The Minister of Labour scolding nurse's...

Dr. DAVIES: Downtown.

Mrs. NEITA-HEADLEY: Representative about understanding uptown language. The Minister of Labour publicly chastising an officer of law for doing his job.

Mr. BUCHANAN: What!

Opposition MEMBER: Quasi government.

Mr. PICKERSGILL: They fine him though, him get bail and -

Mrs. NEITA-HEADLEY: And the failure of a Prime Minister...

Opposition MEMBER: To act.

Mrs. NEITA-HEADLEY: ...to discipline these Ministers...

Mr. BUCHANAN: What!

Mrs. NEITA-HEADLEY: ...and apologize to the longsuffering public sectors workers shows a lack of leadership.

(Applause by Opposition Members)

Opposition MEMBERS: Talk 'bout it, talk 'bout it.

Mrs. NEITA-HEADLEY: Madam Speaker, in fact...

Mr. BUCHANAN: And the police looking for Ernie.

(Laughter)

Mr. D. PEART: But I wonder if them know him is here?

Mrs. NEITA-HEADLEY: Madam Speaker, we wonder if there is not a conflict of interest between the cost cutting priorities of a Minister of Finance carrying out the mandate of the IMF and the same Minister of Finance and the Public Service who should be seeking a sensitive solution to cost saving.

Dr. DUNCAN: Take a sip.

(Offers her drink).

Mrs. NEITA-HEADLEY: I gwine say that again, you know.

Opposition MEMBERS: Yes.

Dr. DUNCAN: Yes, chat it. Chat Spanish to dem.

Mrs. NEITA-HEADLEY: Madam Speaker, we wonder if, in fact, there is not a conflict of interest between the cost cutting priorities of a Minister of Finance carrying out the mandate of the IMF...

Opposition MEMBER: And the instructions.

Mrs. NEITA-HEADLEY: ...and the instructions of the IMF, and the same Minister of Finance and the Public Service who should be seeking a sensitive solution to cost saving. The real conflict is both in his character and his role.

Mr. BUCHANAN: What!

Mrs. NEITA-HEADLEY: Did you hear me?

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Mr. D. PEART: Repeat it again because him no hear, you know. Him a chat.

Mr. ROBERTSON: What rubbish she chatting?

Mr. D. PEART: Repeat it again.

A MEMBER: Gwaan no man.

Mrs. NEITA-HEADLEY: Can I ask the question, Madam Speaker.

(Inaudible comment by Mr. Pickersgill)

Mr. ROBERTSON: You explain what that one mean.

Mrs. NEITA-HEADLEY: Can a mean-spirited government be generous and respectful?

(Cross talk)

Opposition MEMBER: No!

Mrs. NEITA-HEADLEY: Can a Minister of Finance and the Public Service serve two masters at the same time? The IMF or is it the public sector? Which master are you serving, Mr.....

Opposition MEMBER: The IMF, the IMF.

Dr. DUNCAN: Which skin?

Mr. SHAW: Mi like you, you know.

Dr. DUNCAN: Which skin you're in?

(Laughter)

(Cross talk)

Dr. DAVIES: She has good taste. She has good taste!

Mrs. NEITA-HEADLEY: I would have to determine first what skin he's in.

(Laughter/Applause)

Dr. DUNCAN: Chat it to dem!

Mrs. NEITA-HEADLEY: Madam Speaker, our approach to change is to aim for transformation. We express confidence in the professionals guiding this process, but we have great concerns over the politics of the

administration and its lack of consistency with good governance.

Our approach will be that government must meet the test of stakeholder participation, accountability and responsibility.

(Cross talk)

We ask is the government...

(Cross talk)

...telling the truth about the contracts award process for the JDIP programme?

Opposition MEMBER: No!

Mrs. NEITA-HEADLEY: We must find middle ground with private labour and other partners.

(Cross talk)

How does government fare in this respect?

(Cross talk)

We must show cost cutting with estimates of savings to be made in government generally.

Mrs. NEITA-HEADLEY: Madam Speaker, the Government has avoided this critical matter. It gives no estimate of savings to be made, with respect to the re-sizing of the public sector employment, and the size of Government, including Ministers. Instead, we witness suspiciously, political spending, such as b-u-y elections.

Mr. PICKERSGILL: Yes.

Mrs. NEITA-HEADLEY: Too many Ministers, too little performance; too many overseas trips, and too many costly consultants and advisors.

(*Sotto voce* comments by Mr. Henry)

Mr. BUCHANAN: Speak English, speak English...

Mrs. NEITA-HEADLEY: We must operate through more joined-up services; cut costs, increase efficiency in payment of taxes, fees and fines, and the registering of

companies, births and debts. Madam Speaker, we must carefully assess the impact of spending adjustments on people's lives.

The Government has warned about its populist electoral promises on education and health, doubling of nurse's pay, security of tenure for Resident Magistrates, et cetera, and we could go on and on. We intend to genuinely protect those who can least afford to lose out on education, health and shelter, especially the poor, young, aged and disabled who represent the most vulnerable among us. Madam Speaker, this Government's election promises have left those groups more exposed than ever.

(Applause)

We intend to work consistently towards the 20/30 Vision Plan for national development, its strategies, its goals and its deadlines, to propel Jamaica towards developed country status.

On the heels of tabling the 20/30 Document, came the IMF adjustments. What is the future of the 2030 Vision document? Where are we? Where are we, in terms of achieving those goals?

(*Sotto voce* comment)

They must be reviewed honestly, Madam Speaker, and aligned with our policies. Our approach will show consistency between strategizing public sector modernization and national development. We will deliver, and be consistent with our Election Manifesto. We will not promise what we cannot deliver...

MEMBERS: Hear, hear!

Mrs. NEITA-HEADLEY: ...and do not intend to address.

(Applause)

Mr. PICKERSGILL: Jobs, jobs, jobs!

Mrs. NEITA-HEADLEY: The present wage freezes and rationalization target shows no consistency with the Government's Election Manifesto and vote-getting campaign. We will continue to be consistent in the fight against corruption. We cannot cut costs in Government, and society as a whole, if we continue to tolerate or invite corruption on the scale that it now exists. We must...

Mr. PICKERSGILL: When last you hear from Dudus?

(Laughter/*Sotto voce* comments)

A MEMBER: Sorry boss, sorry, sorry, sorry!

Mrs. NEITA-HEADLEY: Madam Speaker, Internet in access to information facilitates partner with the public, through communication, research, Internet commerce, self development by distance learning and communication across borders. Too many Jamaicans still cannot relate to computer technology and its advantages. This is unsatisfactory. Madam Speaker, I speak on behalf of the many rural children in Harkers Hall, for example, who continue to be locked out of the technology that is making such a difference in the lives of their contemporary, both locally and abroad.

In addition, Madam Speaker, investing in sustainable Internet access to the public in a broad band environment by updating and expanding the telecommunication infrastructure, so that users can benefit from high speed access to information communication technologies, is important. Madam Speaker, such investments have the potential for significant economic advantages, such as the creation of new industries, jobs and career paths.

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Madam Speaker, we must address the problem of poverty which has doubled since 2007 by reviewing, improving and maintaining the social safety net for groups at risk while creating an equitable legal and social framework within which this can prosper, as I am sure the Member from Central Kingston will agree with me.

We will now have to look at widening the Social Safety Net to include the working poor. The BSI test used to assess citizens for these programmes will now have to be re-calibrated to address the emerging addition to this poverty list.

A MEMBER: The whole country.

Mrs. NEITA-HEADLEY: This rapid erosion in the standard of the public sector workers is untenable. Madam Speaker, they need help now.

(Applause)

MEMBERS: Now, now...

Mrs. NEITA-HEADLEY: Madam Speaker, let me touch a little bit on accountability.

Mr. D. PEART: Because they don't have that, you know.

Mrs. NEITA-HEADLEY: The March report of the United States Department on International Narcotics highlighted corruption as a major problem in this Government.

Mr. D. PEART: This Government yah, man... yeah, man, this Government...

Mrs. NEITA-HEADLEY: But listen to the Contractor General's statement - damning statement reported in the daily newspaper on June 22, 2010.

(*Sotto voce* comments/Laughter)

Mr. PICKERSGILL: This is the Foreign Affairs.

Mrs. NEITA-HEADLEY: And I quote:

"There are telling indications that it, (corruption), is operating in a highly efficient, but surreptitious manner as it criminally re-distribute the country's wealth from the poor and the middle classes, to the connected and the privileged few."

A MEMBER: What?

Mrs. NEITA-HEADLEY: "We are barely scratching the surface..."

Mr. HENRY: Who said this?

Mrs. NEITA-HEADLEY: This is the Contractor General's Report.

A MEMBER: They said so.

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY:

"There are much bigger fish to fry, many of whom come in suits, and in ties, and occupy high places in the society."

Mr. D. PEART: Some are in Parliament.

A MEMBER: Is James you talking?

Mrs. NEITA-HEADLEY: I dare say, some might be in Parliament.

A MEMBER: Is James you referring to?

Mrs. NEITA-HEADLEY:

"With each passing day, they laugh their way to the bank with taxpayers' dollars as we make believe..."

(*Sotto voce* comments by some Members)

Mrs. NEITA-HEADLEY:

...as we make believe that we are doing something about it."

A MEMBER: That is Shaw.

(*Sotto voce* comment by some Members)

Mrs. NEITA-HEADLEY: Madam Speaker, I would like to ask the professionals,

in the rationalization process, to look very carefully at this, very importantly.

Mr. JACKSON: We are in support of it, but not in the form that it is before us.

Mrs. NEITA-HEADLEY: Madam Speaker, we will continue to support the Office of the Contractor General. We must support its independence and its professionalism. (Applause)

A MEMBER: Yes.

Mrs. NEITA-HEADLEY: We, on this side, have given our pledge, and we repeat it now, that we will look at the Contractor General's proposals to see how we can make his office more effective. And we will look at all proposals to make sure that power is exercised responsibly.

A MEMBER: Hear, hear!

(Applause/*Sotto voce* comment)

Mrs. NEITA-HEADLEY: Madam Speaker, our public sector reform...

Dr. DAVIES: Hugo Chavez...

Mrs. NEITA-HEADLEY: Our public sector reform will not be business as usual. It will be professional, not political.

(Applause)

Dr. DAVIES: PetroCaribé.

Mrs. NEITA-HEADLEY: It will be participatory, accountable and responsible for community up, not State down; from community up, not State down.

Mr. BUCHANAN: You hear that Holness?

Mrs. NEITA-HEADLEY: Cost and value will be assessed, based on greatest choice and best care. It will be evidenced-based to monitor and measure gains.

(Applause)

A MEMBER: Data driven.

Mrs. NEITA-HEADLEY: ...and data driven.

A MEMBER: Progressive agenda.

Mrs. NEITA-HEADLEY: Spending choices will be determined by value of outcomes relative to investment. It will be based on honest government and telling truth.

(Applause)

It will be based on economy by government and economy in government. It will establish minimum standards for protecting the poor, the young, aged, disabled and the vulnerable. It will be customer-friendly, so that people are served speedily, efficiently and humanely. It will be done through an intelligent state that maximizes information and communications technology across joined-up services.

A MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: Madam Speaker, we are willing to hold our political leadership to account by using performance tests and measurements, to ensure that we have economy in government, participatory and consultative government, honest and truth-telling, respectful customer service and achievement of outcomes.

A MEMBER: Quality outcomes.

Mrs. NEITA-HEADLEY: Madam Speaker, in all of these ways, our objectives will be geared towards a model of Jamaica Government for the greater good of all.

Mr. PICKERSGILL: That's right.

Mrs. NEITA-HEADLEY: We will be partner with our citizens, because if there is to be a democratic system of government for - of, for, and by the people, then the people's input must play a significant role in policy formation.

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(Applause)

While the Government uses power to manage the nation's economy and social resources for development, the policies that are designed for development must reflect the needs of the people. The Government cannot claim to be democratic unless it is fully accountable to the people and conduct its business in a transparent manner.

A MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: Madam Speaker, it is important that the people believe that governance is a shared responsibility and so their participation does not end at the voting process.

(Applause)

Dr. DAVIES: That's right.

Mrs. NEITA-HEADLEY: They must be invested in appropriate decisions, rather than having them imposed from above if they are to respond as stakeholders and not as onlookers. Investing in our youth is critical - and this is my final point, Madam Speaker.

We are disheartened by the recent revelations that in the current budget, there is a cut of \$30 Million to the Ministry of Youth, Culture and Sports, which has serious negative implications for youth development.

(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: Madam Speaker, this is a retrograde step, and adds no value to our nation's development. We have repeatedly called for more resources to be allocated to youth development...

A MEMBER: Hear!

(Applause)

Mrs. NEITA-HEADLEY: ...as a country's survival and long-term progress will depend on the training opportunities we provide our young people.

Miss HANNA: Hear, hear!

Mrs. NEITA-HEADLEY: Last year, out of the Ministerial Budget - Budgetary Order allocation, of \$2.2 Billion, four per cent, or \$86 Million was focused on youth development.

A MEMBER: Disgrace!

Mrs. NEITA-HEADLEY: This new cut makes a mockery of any commitment to our youth, and clearly will not help...

(Applause/*Sotto voce* comment)

Mrs. NEITA-HEADLEY: Madam Speaker, against the background of the World Bank declaring that two-thirds of our labour force is functionally illiterate, as decision-makers we must be serious about adequate investment in our youth through training and education, in order to create an environment for their entrepreneurial and creative talents to blossom and create wealth.

Fifty-six per cent (56%) of our population is under the age of thirty, and as legislators we must recognize the significance of these numbers for the future of our country, Jamaica.

Dr. DUNCAN: You hear, Prime Minister.

Mrs. NEITA-HEADLEY: We must not be lured into a shortsighted game of political public relations when our future development is at risk. We must have a clear vision for the future economic growth of our country that will rely heavily on well-rounded, young, confident and competent leaders of industry, education and innovation.

A MEMBER: Yes, yes, and politics, like you.

(Applause)

Mrs. NEITA-HEADLEY: Furthermore, Madam Speaker...

(Cross talk)

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Mr. HOLNESS: \$700 Million...

Mrs. NEITA-HEADLEY: Furthermore, Madam Speaker...

Miss HANNA: Don't challenge our low figures. Do not challenge our low figures.

Dr. DAVIES: He has saved the evening.
(*Sotto voce* comments)

Mrs. NEITA-HEADLEY: Furthermore, Madam Speaker, where young people are concerned, Jamaica has a monumental challenge to focus on their well-being because of the social problems that prevail in the country. We must prepare them to break their own cycle of poverty and vulnerability to criminal influences. A priority on this side is to continue to make youth a priority of the Government.

MEMBERS: Hear, hear!

A MEMBER: That's right.

(Applause/*Sotto voce* comments)

Mrs. NEITA-HEADLEY: Madam Speaker, no country that fails to invest in its young people can transition into a great nation. (Applause)

Opposition MEMBER: That's right!

Mrs. NEITA-HEADLEY: None!

Competition drives economic growth in the 21st Century. So we must equip our young men and women to perform or we forfeit our ability to outdo or even keep pace with our competitors in Asia, Latin America, Africa and the Caribbean. (Applause) We will focus on the priorities for real growth as we will continue the philosophy of our movement of putting people first. (Applause)

In conclusion, Madam Speaker....

Mr. PICKERSGILL: Listen to the conclusion!

Mrs. NEITA-HEADLEY: And before I conclude, I just pause to say and to extend on behalf of all of us....

Mr. ROBERTSON: Lord forgive me for what I have just....

Dr. DAVIES: You have saved the afternoon.

Mrs. NEITA-HEADLEY: We just pause to wish our colleague a speedy recovery. The Opposition Speaker on Agriculture isn't here today all because he is not well. (Applause) We wish him well.

Madam Speaker, Jamaica land we love are words we sing with passion, pride and even commitment.

Dr. DAVIES: And you sing that extremely well.

Mrs. NEITA-HEADLEY: And I sing it extremely well. Thank you very much.

Dr. DAVIES: Yes, you sing extremely well.

Mrs. NEITA-HEADLEY: I sing it extremely well. Thank you very much. Yet emotions and big talk are not enough to save us from disintegrating into a failed State.

Dr. DAVIES: They working hard at it.

Mrs. NEITA-HEADLEY: We must act. (Applause) Policies are formulated to deal with problems in society, crime, education, health, social welfare, corruption and so on. Yet policies are only as helpful as the will to implement them. We must act. (Applause) The Government must engage Jamaicans as partners by mobilizing us beginning at the grass-roots level for a bottom-up change. (Applause) We cannot, Madam Speaker, legislate morality but we can promote morals.

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(Applause) We must act. We must ensure that programmes are implemented legally....

Dr. DAVIES: JDIP is an example.

Mrs. NEITA-HEADLEY: ...effectively and for the purpose for which they were intended. (Applause) We must act. We must act quickly. We must act compassionately. We must act honestly. We must act impartially. We must act courageously and we must act progressively. (Applause) Jamaica land we love, Madam Speaker, deserves no less. May God bless our actions. Thank you.

(Applause/standing ovation)

Dr. DAVIES: You have saved the afternoon.

Mr. HOLNESS: Madam Speaker.

Mr. JACKSON: It's refreshing to hear your editorial now.

Mr. HOLNESS: Madam Speaker, the Member from East Central St. Catherine has just delivered her maiden presentation and I believe, having moved her up in the batting order, she has acquitted herself well. (Applause)

ADJOURNMENT

Mr. HOLNESS: It is not proposed, Madam Speaker, to do any further business today. I therefore move that the House do adjourn until tomorrow, the 5th of May, when we will hear from the Leader of the Opposition. (Applause)

The DEPUTY SPEAKER: The question before the House is that the Honourable House do adjourn until tomorrow, 5th of May.

Put to the House and agreed to.

The DEPUTY SPEAKER: This Honorable House is now adjourned.

The House adjourned its sitting at 6:35 p.m. until Wednesday, the 5th of May, 2011, at 2:00 p.m.

SESSION 2011 – 2012

THURSDAY, May 5, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:25 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, Northern.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:25 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome all persons sitting in the Gallery. I know you are here to support,

or most of you are here to support the Leader of the Opposition. Welcome to the sitting of the Parliament.

I just want to ask you, please, do not participate in any way in the presentation. And remember to turn off your cellphone or put it on vibrate. But please enjoy the sitting this afternoon.

I would also like to welcome in the Speaker's Gallery, former Members of Parliament, former Senators and in particular, the husband of the Leader of the Opposition, MR. ERRALD MILLER. Welcome to the sitting. (Applause)

Mr. VAZ: And Collin that's the closest him a go come to the Chamber.

The SPEAKER: Special welcome to everyone sitting in the Chamber.

ANNOUNCEMENTS

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

- Nutrition Products Limited
Annual Reports for the years
2007/2008, 2008/2009, 2009/2010

(MRS. NATALIE NEITA-HEADLEY, (PNP), St. Catherine, East Central, entered and took her seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

Rev. Thwaites, Member of Parliament for Central Kingston, gave notice that at the expiration of 21 days he would ask the Minister of Tourism the following question:

Question: Will the Minister please state when the Tourism Enhancement Fund contribution will be

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collected from cruise ship passengers?

Rev. Thwaites, Member of Parliament for Central Kingston, gave notice that at the expiration of 21 days he would ask the Prime Minister the following questions:

Question 1: Will the Prime Minister state which public bodies Annual Reports are outstanding beyond four months of the end of their financial year.

Question 2: What is the sanction for Boards of Director, Chief Executive Officers and Financial Officers who are responsible for timely reporting.

Question 3: On what basis will any further public resource be made available to any public body which is in breach of the Public Bodies Management Accountability Act.

Rev. Thwaites, Member of Parliament for Central Kingston, gave notice that at the expiration of 21 days he would ask the House Leader and Minister of Education the following questions:

Question 1: Will the House Leader concur that the present format of the Sectoral Debate is dilatory and ineffectual in advancing public policy?

Question 2: Will the House Leader and Government agree to a changed format dividing debate into three (3) sector resolutions dealing with:

(a) equitable growth in the economy;

(b) Uplifting Human and Social conditions; and

(c) Strengthening Infrastructure - each debate to be completed in no more than four sittings of Parliament.

Question 3: And further will the House Leader accept that each contributor to such debates be allocated thirty (30) minutes in the case of a Cabinet Minister and Opposition spokesperson and fifteen (15) minutes for all other members.

Rev. THWAITES: Mr. Speaker, having regard to the fact that the first two are carry-overs, re-introduction from the last sitting and having regard to the subject matter of the third, may I ask for particular attention and priority to all.

The SPEAKER: The Leader of the House is here and I am sure he heard you, Reverend Thwaites.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the only matter today for Public Business is the presentation by the Leader of the Opposition.

The SPEAKER: Thank you, House Leader. Leader of the Opposition, Mrs. Portia Simpson Miller.

(Applause)

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker.

I thank the Almighty God for His guidance and protection and for the strength He has given me over these years.

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I want to take this opportunity to welcome the students of Whitfield School, South West St. Andrew future leaders of this country. (Applause)

I begin my presentation, Mr. Speaker, by paying tribute to all those persons who have inspired me, those who have stood by me and strengthened my resolve to work earnestly for the interest of all the people of Jamaica. These include my constituents, South West St. Andrew, my constituency executive, and my Councillors AUDREY, KELLY and KARL and former Councillor, longest serving councillor of the Kingston and St. Andrew Corporation, former Councillor BASIL GORDON. (Applause)

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

I express my appreciation to the officers and members of my party, the noble movement of the People's National Party. (Applause)

I am also thankful of the staff of the Office of the Leader of Opposition. (Applause)

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

I want to thank you, Mr. Speaker. I know you have a very difficult task to ensure the maintenance of good order in this Honourable House. I thank you for your guidance. You try, I thank you for trying. (Giggles)

I want to thank the Clerk of the House and staff of this House, including those who serve

us and those who serve in the Canteen as well and the offices. (Applause)

I am grateful to the people of Jamaica, drawn as they are from all walks of life, who have offered me their personal words of encouragement, prayers and support. They have continued to be a tower of strength to me and I thank them most sincerely.

I also wish to thank my husband for love and for support (applause) and for being my greatest critic, that will always keep me doing the best I can. Thank you, Errald.

My housekeeper, Marva, my family members, members of my security team, my friends and wellwishers for their continued love and support.

(HON. ROBERT ST. AUBYN MONTAGUE,
(JLP), St. Mary, Western, Minister of
State in the Office of the Prime Minister,
entered and took his seat.)

Mr. Speaker, this year has been – before I move may I say thanks to, not everybody, but there are a number of Members on that side who do give some support to us on this side and I want to thank them.

Mr. VAZ: Why you looking on me?
(Laughter)

Dr. DAVIES: She said not everybody.

Mrs. SIMPSON MILLER: I am not going to name anybody.

Mr. Speaker, this year has been designated by the United Nations the year – “The International Year for People of African Descent”.

(Mr. FRANKLYN ROBERT WITTER, (JLP),
St. Elizabeth, South Eastern, entered and
took his seat.)

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I must pause here, Mr. Speaker, to note the Government's delay in appropriately recognising the importance of this global celebration. I ask that the Government quickly indicate the plan to appropriately recognise the importance of this global celebration. Many nations in our region are already far advanced in the recognition and celebration of this significant observance. Jamaica must now launch its activities, especially as our own VERENE SHEPERD, Professor of History, is a part of the group of world experts who led the fight for the United Nations designation, and I want to commend her. (Applause)

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

It is important, Mr. Speaker, given the status and relevance of Jamaica among peoples of African descent. And I stand here as a proud great, great granddaughter of my ancestors who assisted in the fight for our freedom.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: And so I therefore pay tribute to them, as I am sure all members of this Honourable House this afternoon will pay tribute to our ancestors. They gave of their blood, sweat and tears. Many of them paid the ultimate sacrifice; they paid with their lives. They bled and died and because of their struggles for freedom we can stand today as free men and free women provided with the opportunity to chart our own future and create our own destiny. (Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: In 1957 the chief architect of our Independence and National Hero, the RT. EXCELLENT NORMAN WASHINGTON MANLEY, had said, and I quote:

“Let us now praise famous men and our fathers who begot us...”.

He continued to say:

“I next remember the long, hard years of modern beginning and that it was the little people, the poor, the humble and the seeming weak who first begun to glow on the still living and hidden flame of freedom and blew till it soared like a torch and all the land began to light up around us.

There in those early days are the men and women of whom it is said some there be that have no memorial but their monument is around us for all to see. Their name liveth to all generations.”

Mr. Speaker, MARCUS GARVEY, NORMAN MANLEY and SIR ALEXANDER BUSTAMANTE, and the pioneers who stood with them through the struggles for self-government and then Independence, are to be remembered and celebrated. We can do so by securing our gains, carrying on their fight for justice, equality, freedom and economic advancement of all our people. That, after all, is the primary and ultimate duty of a responsible government.

Today I recall that day in the National Stadium, when the Union Jack was lowered, and when for the first time the Black, Green and Gold of the new Jamaican flag unfurled to her glory. This symbolized the hope that was rooted in the triumphs and fortitude of a resilient people. On that day our leaders had

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established a platform for real hope. Through the sacrifices of our forefathers and mothers, we have been given an opportunity to chart our future.

We, the members of this Honourable House, now have the responsibility on this the eve of the Fiftieth Anniversary of our Independence, to build on that foundation...

Opposition MEMBER: Hear! Hear! (Applause)

Mrs. SIMPSON MILLER: ...to ensure that generations to come will benefit fully from the collective sacrifices of those who went before them. The sacrifices of the Heroes and Heroines, named and unnamed, have always been my inspiration for service.

It is against this background in this International Year for People of African Descent, that I make my contribution to this year's Debate.

Mr. Speaker, I am uniquely placed to serve where our country is situated in the context of modern realities, as well as to credibly determine what is required, in terms of our national development. Accordingly, Mr. Speaker, I will provide an objective critique of the Budget, as seen through the eyes and felt through the experiences of various groupings across the society. Then, I will present an overview of the deepening challenges facing the Jamaican family. You see, Mr. Speaker, the numbers only tell a part of the story. Behind the numbers, there is a human story which must also be told.

Next, I will present a few of practical, workable and implementable recommendations, recommendations that are designed to achieve social justice on behalf of all Jamaicans. These recommendations are

intended to take our people from welfare to well-being, and from well-being to wealth creation.

Opposition MEMBERS: Hear! Hear! (Applause)

Mrs. SIMPSON MILLER: Finally, Mr. Speaker, I will describe the Jamaica that will be attained if these new approaches are considered.

If this generation is to lay down a strong platform for real growth, then we must begin with an honest assessment of where we really are and where we need to be. I am certain that if we intend to tell the truth, the whole truth and nothing but the truth, we will agree that all is not well within our country. The truth is, Mr. Speaker, hope itself has worn thin and is fading fast. I am cognizant of the growing disquiet within the hearts and minds of the majority of our people. There is a creeping sense of despondency and hopelessness among too many of our people who now feel marginalized and excluded.

Mr. Speaker, I just want to look a little at putting the people back into this Budget. There is a tendency for too many of us to approach this Budget process as an exercise in numbers only. For some, it is merely, Mr. Speaker, a process of crunching the numbers. However, these numbers are meaningless if they are not centred upon the needs of the Jamaican people. And I mean not some, all the people. (Applause) I have always insisted that in balancing the books we must also balance people's lives. (Applause) There can be no tangible or sustainable economic growth without the real development of the people.

There are some who claim that I love the people too much. But what is politics? What

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is Government, if not for the people. If we never had people there would be no need for any government.

It was MARCUS MOSIAH GARVEY who said, and I quote:

"Government is only an executive control, a centralized authority for the purpose of expressing the will of the people. Before you have a government, you have a people. Without the people there can be no government.

The Government must be, therefore, an expression of the will of the people."

(Applause)

When Garvey spoke, Mr. Speaker, he meant all the people, not just some of the people. This is what I mean too, when I speak of the people. I mean all the people, not just some of the people. In my presentation today, I will continue my defence of all the people. I will voice the concerns of the people regarding this Budget.

In their three previous Budgets, this Administration has blatantly excluded the people. This Budget is no different, Mr. Speaker. In fact, it is even worse than the others. Consequently, I see it as my duty to re-insert and mainstream, Mr. Speaker, the people into this process. (Applause) I will do this by calling the Government's attention to the crushing negative effect that its numbers-crunching Budget will have on the Jamaican family. These are law-abiding citizens of Jamaica who strive, despite the daily struggles, to keep hope alive in this nation.

My presentation, Mr. Speaker, will concentrate on the pressing needs and

aspirations of all the people of Jamaica. There are many areas of national importance that I would have liked to address. However, in the context of national development and moving the country forward to our Millennium Goals, I have chosen to focus on a few specific areas. These include jobs and job creation, energy, a few words on justice, urban renewal - and when spokesman Roger Clarke will be making his contribution he will speak to rural development, alongside agriculture. Other areas will be examined in detail during the upcoming Sectoral Debate by the respective spokespersons. Mr. Speaker, on this side, we are aware of the circumstances surrounding this Budget Debate.

This is the fourth Budget that this Government is presenting. At this point in the life of this regime, we know full well, Mr. Speaker, that the Government is keen on trying to use PR to trick the Jamaican people.

Mr. BUCHANAN: Again!

Mrs. SIMPSON MILLER: They are trying to sugar-coat everything.

Mr. BUCHANAN: Again!

Mrs. SIMPSON MILLER: There is a difference, Mr. Speaker, between fantasy and reality. (Applause) So the country is faced at this time with two choices, fantasy or reality. Some may choose fantasy, we choose reality.

Opposition MEMBERS: Hear! Hear! (Applause)

(HON. AUDLEY FITZ ALBERT SHAW, (JLP), Manchester, North Eastern, Minister of Finance and the Public Service, entered and took his seat.)

Mrs. SIMPSON MILLER: They are presenting fantasy instead of reality.

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Mr. Speaker what are the stark realities? I am happy that the Minister of Finance is now here.

(Sotto voce comments)

Mr. KELLIER: Apologise for coming late.

Mrs. SIMPSON MILLER: Mr. Speaker...

Opposition MEMBER: Fantasy is here!

Mrs. SIMPSON MILLER: And I know that the Prime Minister is listening keenly to everything, and he is taking his mental note.

Mr. Speaker, fourteen (14) consecutive quarters of negative growth is reality, not fantasy.

Mrs. NEITA-HEADLEY: No, not at all!

Mrs. SIMPSON MILLER: Loss of more than 100,000 jobs is reality, not fantasy. The dramatic decline of the standard of living and the doubling of poverty rate is reality, Mr. Speaker, not fantasy.

Government MEMBERS: Hear! Hear! *(Applause)*

Mrs. NEITA-HEADLEY: That's reality!

Mrs. SIMPSON MILLER: The sky-rocketing cost of living and the daily price increases on critical goods, Mr. Speaker, and services, that's reality, not fantasy. Denying the existence of burdensome taxes and claiming that there will be no new taxes is fantasy, not reality. I want to remind you though, that the Minister of Finance, he has a way of saying no taxes, but imposes some tax just before Christmas.

Dr. DAVIES: Santa tax.

(Sotto voce comments)

Mrs. NEITA-HEADLEY: Santa Claus!

Mr. BUCHANAN: Tax-a-Claus!

Dr. DAVIES: The Prime Minister is a part of it, too.

Mrs. SIMPSON MILLER: I will soon talk to the Prime Minister. The Government is seeking to redirect our attention with illusion and misdirection, Mr. Speaker. They have tried the three-card trick. They will even try to convince you that we have achieved stability, when the reality is that the economy continues to deteriorate. It is fantasy, Mr. Speaker, not reality.

Mrs. NEITA-HEADLEY: Fantasy!

Mrs. SIMPSON MILLER: We will not allow them to succeed in this deception. We will expose their public relations gimmicks and propaganda. We will hold them responsible for their misdeeds, miscalculations and mismanagement. *(Applause)* We will level with the people. We will keep them conscious of the harsh realities that this Budget will create at the shop counters, at the supermarkets, at the gas pumps, at the bill-payment outlets, at the banks, and wherever payments are made, including the Internet.

Mr. Speaker, I now want to look at the Budget, and the impact on the Jamaican family. When I speak of the Jamaican family, I speak of every youth, householder, worker, professional, business owner, student, pensioner, artisan and artiste; I speak of every Jamaican citizen. They are all valued members of this Jamaican family.

Mrs. NEITA-HEADLEY: Hear! Hear!

Mrs. SIMPSON MILLER: The same Jamaican family we are now counting in the national Census. And I want to pause to urge everyone to participate, so that we can have the accurate count of the family.

Dr. DAVIES: Mair, you enumerate yet? (Laughter) and Caracas too? (Laughter)
(*Sotto voce* comments by Members)

Mrs. SIMPSON MILLER: It is necessary for us to give information so we can be counted, so that any development plan, and any plan in this country will take into account every Jamaican, and that those plans will be based on facts.

I want to look on prices, inflation and the Jamaican family, Mr. Speaker.

On Tuesday, our Spokesman on Finance indicated that the Finance Minister failed to mention that the rate of poverty in the nation has doubled in the three and a half years under his stewardship. This is a dramatic reversal of consistent decline in poverty levels achieved during our administration.

Mr. BUCHANAN: Remind them.

Mrs. SIMPSON MILLER: Another thing the Minister did not mention is the drastic increase of basic food prices, Mr. Speaker. He did not even mention his famous shopping list. And so I have decided to assist the Minister. Here is his list from 2005 and 2006. I got it from the impressive website 'audleyshaw.com'. (Laughter by all)

Dr. DAVIES: Fantasy, at fantasy.aud. (Laughter by both sides)

Mrs. SIMPSON MILLER: Mr. Speaker, I'll take the liberty to update the list so that it reflects today's prices.

Dr. DAVIES: That's reality.

Mrs. SIMPSON MILLER: By the way, these are actual Christiana prices.

(Laughter/Applause by Opposition Members)

Not baby Christiana, Christiana!

Dr. DAVIES: Shaw's Hardware!

Mrs. SIMPSON MILLER: In the parish of Manchester. You know, I love baby Christiana. Beautiful baby.

By the way, Minister, these are at actual Christiana prices drawn from research we did in that town. Perhaps this will assist his recall capabilities.

(*Sotto voce* comments by Opposition Members)

Mrs. SIMPSON MILLER: Let us look at some of the items and the changes in prices.

Mr. Speaker, a pound of rice has moved from \$17.32 in 2006 to \$44 today. That is an increase of 154%.

Dr. DAVIES: Where is Tufton and the home-grown rice?

(*Sotto voce* comments by both sides)

Mrs. SIMPSON MILLER: I am comparing the prices that I got from audleyshaw.com. And I am indicating the prices then when he spoke and took us to task and the prices now.

Mr. PICKERSGILL: Okay, you are putting it in context?

Mrs. SIMPSON MILLER: Yes. I want for him to recognize, for him to recognize today's reality.

Dr. DAVIES: That's right.

Mrs. SIMPSON MILLER: And this is not fantasy, this is reality. Let us look at milk powder that has moved from \$42.40 to \$87.50, an increase of 106%.

Mrs. NEITA-HEADLEY: My God!

(*Sotto voce* comment by Dr. Davies)

Mr. BUCHANAN: Oppression!

Mrs. SIMPSON MILLER: Flour has moved from \$15.77 per pound to \$38 today. That is an increase of 140%.

Mrs. NEITA-HEADLEY: Oh goodness!

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Mrs. SIMPSON MILLER: Salt, salt - and this is without tax.

(Sotto voce comments)

Mrs. SIMPSON MILLER: Salt has increased by 185%. It was \$10.50 per pound in 2006, it is now \$30 per pound.

Mrs. NEITA-HEADLEY: My goodness!

Mrs. SIMPSON MILLER: Bread, Mr. Speaker, bread has moved from \$45.50 for a two pound loaf to \$201 per loaf. That is an increase of 314%, bread for a two pound loaf, from \$48.50 to \$201 per loaf.

And, perhaps the Minister don't know. When I represent a constituency that is very poor and I know, people are now - the shop keepers are now very creative, and people are now buying bread by the slices.

Mr. PICKERSGILL: Buying by the slices?

Mrs. NEITA-HEADLEY: Oh, Audley, Audley.

Mrs. SIMPSON MILLER: Let us look at some basic tinned prices. Canned mackerel has increased by 108%.

A MEMBER: Canned mackerel?

Mrs. SIMPSON MILLER: Yes. It has moved from \$29.70 to \$62 per tin. Sardines have gone up 150% from \$45 to \$112.90. Tell me, Mr. Speaker, tell me, where is the stability in this?

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: This is the real world, this is reality.

Mr. SAMUDA: Many of them are produced locally.

The SPEAKER: (Gavels) Okay, the Leader of the Opposition's time for speaking has expired.

Mr. HOLNESS: Mr. Speaker, I move for the suspension of the Standing Orders to enable the Leader of Opposition enough time to complete her presentation.

(Sotto voce comments by Members)

The SPEAKER: (Gavels) Okay, Members, Members, please. Before I ask for the suspension of Standing Order, I expect the Leader of the Opposition to speak without interruption.

The motion before the House is for the suspension of Standing Order, to allow the Member to complete her presentation.

Put to the House and agreed to.

The SPEAKER: Leader of Opposition.

Mrs. SIMPSON MILLER: It is instructive, Mr. Speaker, that the interruption is coming from somebody that I would never expect it to come from. I expected much better.

Mr. SAMUDA: Yes, but the logics wrong.

Mrs. SIMPSON MILLER: Mr. Speaker, since he is going to talk, with all of these increases by over 100%, minimum wage was moved by only 10%.

Opposition MEMBER: Oh my God!

(Sotto voce comment by Mr. Samuda)

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: And that's reality!

Mrs. NEITA-HEADLEY: That's reality.

Mrs. SIMPSON MILLER: Mr. Speaker, on average, the items in the basic food baskets - and I have not listed everything, no cleaning agent, no toothpaste, no soap, no bath soap, no washing soap, nothing like that, Mr. Speaker.

We have seen increases of approximately 105%. Salaries have been frozen, jobs have been lost, poverty has increased, while prices are soaring. This is a reality, not fantasy.

Minister, if they provoke me and want me to list more prices, I have the list here.

Dr. DAVIES: No, but, I want to hear more. We face it too.

Mrs. SIMPSON MILLER: In the interest of time - I have them and I'll send it to the Minister so he can compare the prices.

Dr. DAVIES: Audley's figures are higher, you know! Audley's figures are higher. (Laughter) Yes.

Mr. SHAW: 'christiana.com'. (Laughter)

Mr. PICKERSGILL: 'audley.com'.
(Laughter)

Mrs. SIMPSON MILLER: Mr. Speaker, over the three years since 2008, the overall inflation rate has increased by almost 40%. This is in the context of the prevailing public sector wage freeze, workers facing lay-offs and massive job losses.

This is particularly significant, given the recent report from the International Development Bank that, and here I quote: Not Portia saying so. Not the Opposition saying so. Let me tell you again who seh so. The International Development Bank.

(Dr. Davies whispers to Mrs. Simpson Miller)

Mrs. SIMPSON MILLER: The Inter American Bank. Yes, thank you, you listening. You are listening. Very good young man. (Laughter) Commendation, congratulations.

Dr. DAVIES: That's why I am doing so well. (Laughter)

Mr. BUCHANAN: Yu no see Tufton caan catch yu!

Mrs. SIMPSON MILLER: And I quote:

"Recent advances in nutrition and education in the region could be in jeopardy if food prices remain high, countries will need to expand investment in social protection programmes, in order to ease the impact of the crisis."

Mr. Speaker, how prepared are we to deal with this impending food crisis? From what has been seen and heard, there is nothing in the budget to address it beyond the PATH Programme. And there are a number of persons who will never be able to get on the PATH Programme, but are suffering. And so, I am going to be awaiting the presentation of the Honourable Prime Minister to see what stimulus will come for the others who are suffering and are not on the PATH Programme.

Mr. Speaker, the best way to tackle this problem is to provide job opportunities for our people.

(Applause)

Speaking of jobs, Mr. Speaker, you would be interested to know that the website that provided the comparative price data also had a link entitled "job creation". Imagine my surprise and shock, surprise and shock, Mr. Speaker, when I clicked on the link only to see the following, "*The web page cannot be found*".

(Laughter by Opposition Members)

Dr. DAVIES: No jobs! Fantasy!

Mrs. SIMPSON MILLER: Perhaps - Mr. Speaker, the Minister's website provides the likely causes for the absence of information on jobs. It could have been a typing error in the address or link. Could have been out of date. It urged me to click again on the address.

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Mr. Speaker, I entered it myself, I wanted to find out about those jobs. It led me right back to the prompt. "The web page cannot be found". Well neither can the jobs be found.

(Applause)

Four years and four budgets later, Mr. Speaker, under the stewardship of this Government, there has been absolutely no growth in the economy. And we are going to hear that we've been saying it over and over, but I have been hearing about 18 years over and over, except, they have always deleted the things that we have done good and what we have left that they are now implementing.

(Applause)

In fact, as the Opposition Spokesman on Finance, Dr. Davies reminded us, there have been 14 consecutive quarters of negative growth.

In 2006, the Minister of Finance when sitting on this side, made the following comment, and I quote the Honourable Minister. "*GDP remains the best metric by which to judge the standard of living of the Jamaican people*". We, today, endorse those words, Mr. Speaker. If this Government is to be assessed by these standards, they have failed their own test, and failed it miserably.

Opposition MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: Mr. Speaker, this chart alluded to by the Opposition spokesperson on finance in his presentation, adopted from the Bank of Jamaica, shows us the performance of the GDP between 2000 and 2010. Minister, this is the chart. And you will see...

Opposition MEMBER: In green!

Mrs. SIMPSON MILLER: ...in green, where the present position of the Government is. And you will see I deliberately did not use

orange. I used the Tivoli football... Oh, they are orange. (Laughter)

A MEMBER: Boys' Town, Boys' Town, Boys' Town, Boys' Town!

Dr. DAVIES: I was there. I was there. I was there!

Mrs. NEITA-HEADLEY: Tangerine, tangerine!

Mrs. SIMPSON MILLER: By whatever standard, is orange. Tivoli Team. And they did very well the other day. Congratulations to them. And the Prime Minister has no objection to them wearing orange.

(Inaudible comments by Miss Grange)

Mrs. SIMPSON MILLER: Be quiet!

Miss GRANGE: Tangerine, tangerine!

Mrs. SIMPSON MILLER: And as the Prime Minister is indicating to me, is from 1968, the Tivoli football team, good comrades. (Laughter)(Applause) And Minister, what you would say, just look at the green, the green.

Opposition MEMBER: Below the zero...

Opposition MEMBER: Orange!

Mrs. SIMPSON MILLER: ...Simply - As the red bars, or the orange bars show, there has been consistent growth from 1999 to 2007 during our period in office. Sadly for the Jamaican family, in this Administration's entire term of office, GDP has plummeted over 5% below where it was in 2007 as shown by the green bars.

Mr. Speaker, for all the big talk, the big promises, and the boastfulness - because we have a very boasty Minister of Finance - about growing the economy, this is a clear example of their failure. And by their own test, that is reality, Mr. Speaker, not fantasy.

Mr. PICKERSGILL: Clearly.

Mrs. SIMPSON MILLER: The Government's failure to grow GDP over three

years comes as a result of the delayed and bad economic choices they have made. The Government must take responsibility. It is time to stop finding excuses. (Applause)

Opposition MEMBER: Full responsibility.

Mrs. SIMPSON MILLER: People do not elect governments to find faults and make excuses. They elect governments to take responsibility and lead the country to growth and prosperity. (Applause)

Mr. Speaker, what this budget is lacking is a stimulus for the engines of real growth. This is not just the Opposition's view. The accounting firm - listen carefully. The Accounting Firm, Price Waterhouse Cooper's, also shares the view in their post-budget review.

Mr. Speaker, the Minister of Finance has described this budget as one which will take the nation from stability to growth. We would love that. The title of his presentation was just that: 'From Stability to Growth'. Mr. Speaker, there has been neither stability nor growth.

Stability, Mr. Speaker? How can he make such a false claim? Stability? Stability, when over 100,000 persons have lost their jobs in this period of stability. How come, when over 600,000 people are now below the poverty line? Is this stability? Stability? Stability? The over \$70 Billion in new taxes imposed on the backs of the Jamaican people in the last three years. Stability? Stability, when the debt has increased by 62% to approximately \$1.6 Trillion? That is an increase of \$600 Billion in only three years, with nothing to show for it. Is this stability, fantasy or reality? Stability, when the real GDP has declined from \$510 Billion, where we left it in 2007, to \$485.6 Billion? This is

over 5% below where we left it in 2007. Mr. Speaker, it is time to tell the people the truth, the whole truth and nothing but the truth. (Applause)

Opposition MEMBERS: They can't recall.

Mrs. SIMPSON MILLER: Mr. Speaker, this budget does not take us from stability to growth. At best, it will take us from their current economic depression to stagnation. We always acknowledged the global economic situation. We always. Ah, don't even respond because when we were warning the Government, when we were making recommendations to take action, we were told termites were eating our brains. Or we were told to shut up. Or we were called congo worm in this Parliament. Or we were...

Dr. PHILLIPS: All manner of things...

Opposition MEMBER: Derrick promised to lock us up.

(Inaudible comments and laughter)

Dr. DAVIES: What's your point of correction? Audley, a point of correction.

Mrs. SIMPSON MILLER: I was even threatened that I would be locked away for not committing a crime. However, Mr. Speaker, the global recession should not be used to mask the mismanagement, the lack of understanding which caused the economy to move from current economic depression to stagnation. The trial and error strategy is not good enough.

Other countries in the region have experienced growth. Guyana, our Caribbean partner, grew by 7.3% over the past two years. The Dominican Republic grew by 9.2% in the same period. The Bank of Jamaica in its Annual Report of 2010, page 117, page 117, has, page 117, Minister, has revealed that

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other countries in Latin America and the Caribbean have also grown. Yet the Government seems overjoyed about the move from depression to stagnation. It is a decrease in the rate of decline. In fact, it is fantasy not reality.

Mr. Speaker, I am mindful of the comments that have been made to suggest that all we do is to focus on the negatives. I am, however, even more mindful that what is being described as negatives are the real experiences of some members of the Jamaican family who have fallen deeper into vulnerability and destitution.

Opposition MEMBERS: Hear, hear! True, true!

Mrs. SIMPSON MILLER: Mr. Speaker, we believe that every member of this Jamaican family is in this thing together. The O'Jays in the 1970's anthem tells us: *We're all in this thing together and we've got to work it out.*

This budget does not treat all members of the family as equal. This government has favourites within the family. They give more attention to a few favoured family members and ignore the concerns of the majority. (Applause)

Mr. Speaker, it is unfair and inequitable. It is an unfair and an inequitable budget, a budget that does not focus on the people and their real needs. Again, in the words of the Minister of Finance: "*We cannot afford to focus on the negatives*".

What are these negatives that he wishes to sweep under the carpet, Mr. Speaker? Let me highlight a few of them. It is (Is it) the suffering caused by the reduction in the quality of life of the Jamaican family as shown in the doubling of poverty?

The loss of jobs or the declining economy? Is it the onerous burden of the GCT on electricity? Is it the heavy weight of the *ad valorem* tax on gas? Is it the extreme plight of public sector workers whose wages have been frozen for three years so far? Are those the negatives the Finance Minister wishes to avoid in his budget? I wonder!

Mr. Speaker what the Minister calls the negatives, is the reality faced by the Jamaican family. These are not matters of administrative inconvenience. They are supposed to be at the center of a responsible budget process. They are supposed to be the nation's priorities. It is callous for anyone to want to ignore them. Government exists to make life better for all members of the family, not to make life harder. Their pain should never be dismissed as negatives. Their pain should be our pain, Mr. Speaker. (Applause) A caring government must identify and focus on the needs of all the family members. They must then take measures to alleviate the suffering of the people. The budget must be about the people, all the people. Not some of the people.

And so, Mr. Speaker, I am putting these issues. The Minister is trying to hide, squarely back on the family table for discussion and resolution. Too many members of the Jamaican family will be affected by this budget.

(Inaudible comments by both sides)

Mr. PICKERSGILL: No, no! Don't worry 'bout dat. We don't want any help from you. You don't worry 'bout dat.

Mrs. SIMPSON MILLER: I want to look at a very important sector, an important segment, Mr. Speaker, of the family. I begin

with a vital component of the Jamaican family, the public sector workers.

Mr. Speaker, Jamaica can boast an excellent public service.

(Applause)

I want to ask a question, Mr. Speaker, of the Government. Does the Government really expect public sector employees to perform at their best when for three years, three-quarters of the life of this Administration, the basic issue of compensation has been a source of on-going contention and conflict? Does the Government really expect civil servants to give of their best when job uncertainty has persisted for two years?

Mr. PICKERSGILL: Parnel, answer.

Mrs. SIMPSON MILLER: Mr. Speaker, for three years, this government has chosen not to honour their solemn agreement to grant public sector workers their seven per cent increase, effective 2009. This is not the first time that a government...

Mr. KELLIER: Signed agreement.

Mrs. SIMPSON MILLER: Let me make it clear.

Mr. KELLIER: It is a breach.

Mrs. SIMPSON MILLER: This is not the first time a government has had difficulty in finding money to pay civil servants. But what was the approach on previous occasions? What did you do?

Mr. KELLIER: Consultation.

Opposition MEMBER: MOU.

Mrs. SIMPSON MILLER: We consulted...

Opposition MEMBER: Yes.

Mrs. SIMPSON MILLER: ...negotiated...

Opposition MEMBER: Yes.

Mrs. SIMPSON MILLER: ...and finally, arrived at agreements which were honoured.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: Sometimes it involved innovative approaches, such as the issuing of bonds, which was done always in an atmosphere of participation and trust.

Mr. Speaker, public sector workers can attest to the fact that we did not arrogantly dismiss the sanctity of collective agreements. We treated our public servants with respect as valued Members of the Jamaican family. (Applause)

We did not always agree, but we started with mutual respect and together we work diligently to formulate workable solutions. This is how complex industrial relations issues are managed. Right Deputy Opposition Leader, right Smith, right former Minister? The country cannot afford to have a public sector kept in limbo holding on to fantasies. You cannot be asking public sector workers to continue to make sacrifices while you favour others in the society with waivers and tax breaks.

Opposition MEMBER: Aaah!

Mrs. SIMPSON MILLER: If sacrifices must be made, those who can afford it most **MUST** make the greater sacrifice. (Applause) And you know, you must understand how I feel. I don't know how the Minister of Labour is feeling or those who were trade unionists on that side. I know how I feel, when I see this happening. It hurts.

I want for us now to look at supporting the students in the Jamaican family. I turn next to the tertiary students. Mr. Speaker, I must

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register my appreciation to the Minister of Finance, and the Government for the reduction in the interest rates on student loans from 12% to 9%. I commend you Minister, and I think it is very important and it is commendable. And I also commend you on the lengthening of the repayment period for these loans. However, I have some concerns. Some concerns have emerged and I am putting them on the family table for discussion.

The concerns relate to conflicting information coming from two Ministers in the same Government. The Minister - and I commend the Minister of Finance. The Minister of Education has indicated that there might be some consideration that the subvention to tertiary institutions will be reduced.

A MEMBER: Further reduced.

Mrs. SIMPSON MILLER: Don't go there Minister. And I beg the Prime Minister to ensure that you don't go there. Don't go there.

Mr. HOLNESS: Your former Minister of Finance has started that.

Dr. DAVIES: I am responsible for everything, all now.

(Sotto voce comments by Members)

Mrs. SIMPSON MILLER: He says these funds will be given to the Students Loan Bureau. If this is the case, Mr. Speaker, if this is the case, Mr. Speaker, won't the university fees be increased? So on the one hand, the Minister of Finance is giving a tax break to students...

A MEMBER: Not a tax break.

Mrs. SIMPSON MILLER: A break, a break, to students while on the other hand, a different Minister from the same Government

is taking it back. Mr. Speaker, what is the real position?

Dr. DAVIES: Guilty with explanation.

Mrs. SIMPSON MILLER: The tertiary students want to know and they want to know now.

I am sure that the past student of JC, that noble institution that produce so many Prime Ministers and Ministers of Government will never allow it. And I look forward to his presentation to save - because if you think ignorance - if you think education is expensive, try ignorance. And show me a prosperous country, and I show you an educated people. (Applause) And if more of our people were educated some of the challenges we are now faced with would not be, and we would have more growth and more prosperity, and the time will come when we should place some we should place some serious focus on the education of our people.

Mrs. NEITA-HEADLEY: Hear! Hear!

Mrs. SIMPSON MILLER: I want to know though, Mr. Speaker, whether it is the case that in effect, the Government is reducing interest the rates for loans while making the tuition more expensive. I want the clarification.

(Sotto voce comments by Mr. Holness)

Mrs. SIMPSON MILLER: Okay. And just to say, every one of us as Members of Parliament, if it is only happening on this side and not happening on that side, something is wrong; we are faced with students coming to us and parents for assistance with their children who are being de registered.

(Sotto voce comments by Mr. Holness)

Government MEMBER: Hold on. That is not how the debate goes, you know. Don't

get jumpy. You are the Leader of Government Business.

(Sotto voce comments by Members)

Mrs. SIMPSON MILLER: My son, my son hold strain, you will be able to respond. Be calm. There is no need for you to get jumpy. Be calm.

Because I am sure you are aware of the additional pressure this will bring on parents as well as the students.

(Sotto voce comments by Members)

Mrs. SIMPSON MILLER: You see, Minister, the reality is that this move would increase the levels of financial oppression on the poor, the lower middleclass families. Governments must assist and liberate not oppress the youth. And I don't care which Government is in power whether this side or that side, it is through any government that is in power, (Applause) I don't care which one in power.

Mr. Speaker, this policy is going to further exclude large segments of promising bright Jamaicans from ever accessing university education. Minister, just over the holiday I had an experience, where a supervisor called my office to say, a student was deregistered and was informed he would not be able to take his exam. The student is doing very well...

A MEMBER: A whole heap of them.

Mrs. SIMPSON MILLER: His exam was the Tuesday morning. I got the call on the eve of the holidays, the Friday, Saturday, Sunday I had to call her or to beg her to speak to the officials and the Tuesday morning very early, I sent a letter of commitment to the university, to give me a payment plan that I would pay for that student. Because I - the Prime Minister had a phrase, I don't remember

it, but I certainly would prefer for that bright young man to - and his ambition is to become a doctor - to become a medical doctor, rather than to hold a gun. So that, rather than having another doctor, to serve the poor of this country and to serve the Jamaican people, we would have a very educated criminal in the country. And so, I think that it is something that we need to take.

Mr. KELLIER: Hear! Hear!

Mrs. SIMPSON MILLER: And, I think we are all aware, and we all can agree that the tertiary education is not the preserved of only the privileged, but that we will do everything so that the less privileged in the society will be able to access quality education. (Applause)

There is another pressing concern I have, Mr. Speaker, which relates to the whole issue of interest rates on loans from the Students Loan Bureau. In 2009, the Prime Minister said in this House that a special interest rate of 4%, for loans from the SLB should be made available to students pursuing specified disciplines linked to national priorities. Has this been done? Was it more - was it made into a reality? I really would like to get a response to it.

A MEMBER: One more lie.

Dr. DAVIES: They are not employing anybody else.

Mrs. SIMPSON MILLER: Mr. Speaker, nowhere else in this budget - I want to look at the inequitable taxation, and in terms of what they would call in my constituency favouritism in the family or curry favour. Nowhere else in this budget do the inequalities in the Government's policy become clearer than in their approach to taxation waivers and incentives, Mr. Speaker...

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(*Sotto voce* comments by Members)

Mrs. SIMPSON MILLER: Waivers and incentives.

Generally, Mr. Speaker, the taxation waivers and incentives policy of the administration favour those who need it least. Let me present two examples. One, under the system which existed prior to last Thursday's announcement on estate valued at \$40 Million, I want you to listen - an estate, listen to me carefully, an estate valued at \$40 Million would have attracted a stamp duty of \$1.6 Million at the time of transfer. Whereas the estate valued at \$6 Million would have attracted \$24,000. As at May 16, the \$40 Million estate will attract \$24,000 in stamp duty, a saving of \$1.57 Million. For the property estimated, listen now, for the other property. For the property estimated at \$6 Million, the new stamp duty is \$5,000 the tax break at this end of the scale is only \$19,000.

(Laughter from the Prime Minister)

A MEMBER: You laugh after poor people.

Mr. KELLIER: Check the percentage.

A MEMBER: Laugh after poor people.

Mrs. SIMPSON MILLER: So, the Government provided an ease at the top, but placed a squeeze at the bottom. So the top got an ease, and the bottom got a squeeze.

There has been - Number two, there has been a reduction by 97% of the duty on larger SUVs *versus* the reduction by only 9% for the vehicles for the average purchasers. This is another example where the break favours those who can better do without a break. It is this I want to ask a question, Mr. Speaker. Is this the right signal that we should be sending at this time? This point is also made by Price

Waterhouse Coopers in their analysis of the budget. Let me quote directly from that Report. And I quote:-

"Against the background of the significant pressures on foreign exchange reserves, that in time will result from increases in oil prices the announcement of a dramatic reduction in taxation on motor cars is puzzling".

"This will not only stimulate demand for foreign exchange to import the cars, but create concomitant demand for fuel to operate them."

Mr. Speaker, we could have not said it better.

Mr. KELLIER: Leakage of foreign exchange that.

Mrs. SIMPSON MILLER: I turn now to another segment of our family, the seniors amongst us. Respect is due to our elders - our seniors... (Applause)

Mr. KELLIER: Yes.

Mrs. SIMPSON MILLER: ...and the plight of our super pensioners. And the JDX I want to look at.

I am concerned, Mr. Speaker, about the plight of our pensioners and senior citizens. I would like to draw particular attention to the plight of our super pensioners. These are those pensioners over the age of 80 years who would have retired some 20 or 25 years ago. Many of these persons have lost their spouses and no longer have the benefit of that additional cheque.

They continue to face mounting bills for electricity and basic food. They are finding it increasingly difficult to manage on a day-to-day basis, as the real value of their pension has been ravaged by inflation over time, Mr.

Speaker. Recently, their meagre savings have been hit by the impact of the Jamaica Debt Exchange programme.

MEMBERS: Yes, yes!

Mrs. SIMPSON MILLER: Mr. Speaker, in his debate - in his presentation in the debate the Minister of Finance pointed to the successes of the JDX programme. He did not, however, address the fact that over \$15.8 billion in interest, taken out at source, is currently owed to pension funds and pensioners by the Government. Let me repeat, \$15.8 Billion in interest, taken out at source, is currently owed to pension funds and pensioners by our Government - by this Government. Neither did he present a firm timetable for the outstanding amounts to be handed over to the pensioners. Mr. Speaker, these funds are therefore not reflected in this budget.

All of these have created a worrying complex web of issues for our seniors and pensioners.

- a) Their fixed incomes have been hit hard by inflation.
- b) There are payments outstanding to their pension funds by government.
- c) Their pension funds were hit hard by the Jamaica Debt Exchange.

Mr. Speaker, let me briefly direct the Government's attention to a paper that was made public yesterday, May 4. It was published by the Centre for Economic and Policy Research. You know of that centre very well and I'm sure the Minister is aware of it.

It critiques among other things, Mr. Speaker, the government's response to the global recession as well as the utility and

effectiveness of the JDX. It states that:

"While the JDX had succeeded in lowering debt services costs in the short term, the domestic debt's maturity profile will still pose a problem for public finances in the medium term."

It continued.

"Although the amount of debt maturing within one year was dramatically lowered from 26% to 6% of the total domestic debt, the share of debt coming due within one of five years, remained virtually unchanged. In other words, the Government will still face large amortisation costs in the medium run."

That is reality, Mr. Speaker, and not fantasy.

The Paper further stated:

"It should also be noted that the contractionary nature of Jamaica's current IMF agreement could, itself, endanger the sustainability of the Government's long term fiscal outlook."

Mr. Speaker, it went on to say that:

"This constitutes a significant obstacle to economic recovery, jeopardizing Jamaica's ability to pay off its debt and potentially leading to a self-perpetuating cycle of greater fiscal tightening and low growth."

Simply put, Mr. Speaker, all the sacrifice of our pensioners may still be in vain, as the JDX, as external sources note, did not bring the reprieve it promised. Mr. Speaker, this is reality. I want to say something about the health services, Mr. Speaker, because the provision of health services is another area of

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risk not only to the pensioners, but to several members of the Jamaican family as well. Several credible sources have documented concerns with respect to the health sector.

The Washington-based Centre for Economic and Policy Research, Mr. Speaker, states that:

“Throughout the programme particular emphasis is put on containing the wage bill, which can have negative consequences for a developing country that needs to increase spending on sectors such as health and education.”

Mr. Speaker, it continue to say that:

“Despite the official government poverty rate rising from under 10% in 2007, to over 16% in 2009, spending levels for health, education and childhood development are all programmed to decrease in real terms from financial year 2009/2010 to financial year 2010/2011.”

Mr. Speaker, some may say these are negatives, but they are the realities faced by several Jamaicans.

The Auditor General’s Report that was tabled in this Honourable House, recently published this Report on Health - of Public Health Sector among - and among the findings, Mr. Speaker, here:

- Shortages of Pharmacists in the Public Sector
- Improper refrigeration and storage Facilities which compromise the efficacy of medication - and it can be found I’m not joking.

Mr. BUCHANAN: Where is Ruddy? Where is Ruddy?

Mr. KELLIER: Where is the Minister?

A MEMBER: Him gone.

Mr. KELLIER: Him gone to hide!

Mrs. SIMPSON MILLER: It spoke about the storage of pharmacists should be priority concern of the Minister of Health and the Regional Health Authorities and that they were informed that the remuneration of pharmacy staff is a contributory factor. And we need to - I’m sure a number of MPs would have read that the refrigeration service for medication is in trouble.

Mr. KELLIER: It’s an old fridge.

Mrs. SIMPSON MILLER: And some old fridge, some old equipment...

Mr. KELLIER: Need to be fixed.

Mrs. SIMPSON MILLER: And, Mr. Speaker...

Mr. KELLIER: Use the money that you raid out, give them back the money that you raid.

Mrs. SIMPSON MILLER: ... if we’re to have a productive workforce we need to have a healthy workforce. (Applause)

Mr. KELLIER: Hear, hear!

Mr. BUCHANAN: That’s right.

Mr. KELLIER: Give them back the money that you raid.

Mrs. SIMPSON MILLER: And I’m sure the Minister of Industry and Commerce will agree with me, that something needs to be done. And the Government need to take a serious look in the area of health. There are serious challenges, serious, serious challenges that I will not say in this debate, but there are serious challenges of grave concern to the Opposition.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: Some raised by our spokesperson...

Mr. KELLIER: Hear, hear!

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Mrs. SIMPSON MILLER: ...some we have not raised publicly, but we are very concerned and we are not going to keep very quiet on them for much longer.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: We need some action in this direction.

A MEMBER: They can walk out.

Mr. KELLIER: Give them back the NHF money that you take.

A MEMBER: Dem a joke it out too much.

Mr. KELLIER: The four hundred million, give them back.

Dr. DAVIES: Or else the suspended sentence will be...

Mr. KELLIER: Give them back.

A MEMBER: Restored.

Dr. DAVIES: Yes.

(Inaudible comment by a Member)

Mrs. SIMPSON MILLER: No, he has no concern that the refrigeration and storage facilities which compromise...

Mr. KELLIER: Give them back the money.

Mrs. SIMPSON MILLER: ...the efficacy of medication...

Mr. KELLIER: Give them back the money that they raise...

Mrs. SIMPSON MILLER: ...is a challenge...

Mr. KELLIER: ...from the NHF.

Mrs. SIMPSON MILLER: ...which is serious.

Mr. SHAW: Which document it's in?

Mrs. SIMPSON MILLER: Which means people can be getting medication and believe that they will be getting better and instead of getting better something else

happens. It's not something to joke about, it's the responsibility of all of us inside here.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: This is not about party politics, it's about the Jamaican people and our own constituents and from all sides. (Applause)

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: It's not about JLP, it's not about PNP, it's not about any party at all, it's about the Jamaican people.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: So don't joke it out, do not joke it out; it's not a joke.

Mr. KELLIER: Give them back the money that you raid so you can buy fridge.

Mrs. SIMPSON MILLER: And so, Mr. Speaker, a reasonable interpretation of this Report, is that the Public Health Sector is in serious crisis. It is an emergency case and is in need of intensive care.

Mr. KELLIER: Yes.

Mrs. SIMPSON MILLER: And we are calling on the Government for some emergency intensive care for the health sector of this country. (Applause)

Mr. KELLIER: Tell them to bring back the money.

Dr. DAVIES: Yes, \$300 Million was stolen last year.

Mr. KELLIER: Yes, they raid it from the barn.

Dr. DAVIES: It was transferred from NHF.

Mr. D. PEART: So much money?

Mr. KELLIER: Give them back.

(Inaudible comments by a Member)

Mrs. SIMPSON MILLER: Well...

Dr. DAVIES: A moving it up.

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Mrs. SIMPSON MILLER: ...we note they mentioned that in that paper, of additional tax measures ...

Mr. KELLIER: Yes.

Mrs. SIMPSON MILLER: The country will recall that the Government said no new taxes, and I'm wondering if we're going to get some for Christmas, as I indicated before, from the Minister. So I asked the question then, how is it that just yesterday in a release from the Office of the Prime Minister, the public was advised of steps to increase the Tourism Enhancement Fee by 100%, from US\$10 to US\$20?

Mr. KELLIER: What yuh call that?

Mrs. SIMPSON MILLER: I have spoken previously about a growing trust deficit that this Administration suffers from. This represents an example of why it exists.

Mr. KELLIER: That's the recommendation from the Board.

Mrs. SIMPSON MILLER: Mr. Speaker, there's a troubling phenomenon that is severely affecting our nation. It is the increasing incidence of Jamaicans suffering in silence. Mr. Speaker, this is seen in the growing number of people seeking counselling to deal with stress. And sadly, the recent spike in suicides and murder suicides.

Mr. KELLIER: Yes, yes!

Mrs. SIMPSON MILLER: Last year, we spoke to you of a policeman we called "Squaddy". He was one of the fine men and women in our security forces who have worked diligently and conscientiously to help to bring down the crime statistics in this country. Squaddy and his colleagues deserve our continued commendation and support. But, Mr. Speaker Squaddy - is this year another year of wage freeze? Squaddy asked

me to ask. He gave me the question. For him, as I've shown, the cost of gas has gone up; the cost of food has gone up. There is a serious matter, Mr. Speaker, this dedicated policeman and many others are so stressed out.

Mr. KELLIER: Yes.

Mrs. SIMPSON MILLER: We ignore their reality to our peril.

Mr. BUCHANAN: True, true!

Mrs. SIMPSON MILLER: Every year I talk about these people, real people with real families and real issues.

I concede, Prime Minister, that I do not have the monopoly on compassion. However, I will not be silenced.

Mr. KELLIER: No!

Mrs. SIMPSON MILLER: And I appeal to Prime Minister, that when he comes to make his presentation, I will hear and feel the compassion coming out, and we'll experience a government with a heart and a soul...

Mr. KELLIER: Yes, yes!

Mrs. SIMPSON MILLER: ...for the Jamaican people.

Mr. KELLIER: Yes. Hear, hear, we want to hear it.

Mr. BUNTING: The same way they defend Dudus.

Mrs. SIMPSON MILLER: And I want to...

Mr. D. PEART: Even more than how they defend Dudus.

Mrs. SIMPSON MILLER: I will continue to speak on behalf of those members of the Jamaican family who are suffering, and often suffer in silence.

Mr. KELLIER: Waan hear what yuh doing with Squaddy.

Mrs. SIMPSON MILLER: In recent times more and more people now speak in

hushed tones behind lowered eyes tinged with the pain of shame and embarrassment. “I have never seen it as bad as this”, has become a common refrain.

Mr. PICKERSGILL: True.

Mrs. SIMPSON MILLER: Too many are now too stressed ...

Opposition MEMBER: Yes, to be blessed.

Mr. PICKERSGILL: Nutten nah gwaan.

Mrs. SIMPSON MILLER: ...only a very few continue to be blessed.

Opposition MEMBER: Yes.

Mrs. SIMPSON MILLER: We’re not moving forward, we are moving backwards. Mr. Speaker, this is reality. Many are quietly approaching their bank managers begging, begging them to give additional time on their loan arrears. As Bob Marley said, “*Rain a fall, but dutty tough*”. He also said “*No woman no cry*”. It has become a heartfelt belly bottom, silent cry of broken spirits and dashed dreams.

Opposition MEMBER: Yes.

Mrs. SIMPSON MILLER: Their silence springs from a spirit of deep resolve and pride. It is a pride we learned from our ancestors. They told us to put the best outside and walk with our heads high despite the trials.

Mr. Speaker, I say to the people of Jamaica, there’s hope. The Member from South St. Andrew pointed us in the direction of hope. The Member from St. Catherine East Central showed us hope. Today, I say, we can, in fact, secure a brighter future for the entire Jamaican family. The first step in securing a brighter future today and beyond, is to determine today the things that we need to do to get it right once and for all.

Opposition MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: We recognize that it cannot be business as usual. We need a different approach, a different way of thinking. This different approach requires the involvement and active participation of all our people in decision-making processes. We need to include every single Jamaican in the process of setting national priorities and building a brighter future. This must include creating an economic vision that is inclusive. A better Jamaica can only come about through the empowerment of all Jamaicans.

Opposition MEMBERS: Hear, hear!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: This is the core of our mission.

Opposition MEMBERS: Hear, hear!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: It is against this background that I present the following proposals, looking specifically at a few crucial sectors.

Mr. Speaker, I want to look a little at business development. The future of Jamaica is dependent on the rate of business - the rate of business growth...

Mr. KELLIER: Yes.

Mrs. SIMPSON MILLER: ...and it requires a partnership of the State, entrepreneurs, workers and consumers.

Opposition MEMBER: Hear, hear!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: We need to recognize that when we speak of businesses we’re speaking of all those who invest their resources and take risks to better themselves and their families. When I speak of businesses, I include: the peanut vendor...

Mrs. NEITA-HEADLEY: Yes.

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Mr. BUCHANAN: Yes.

Mrs. SIMPSON MILLER: ...the cane and coconut vendor...

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: ...the crafts men and women, the corn soup seller...

Mrs. NEITA-HEADLEY: True.

Mrs. SIMPSON MILLER: ...the taxi man...

Mr. BUCHANAN: Yes.

Mrs. SIMPSON MILLER: ...the jerk chicken and chicken back and...

Mr. BUCHANAN: Good man that.

Mrs. SIMPSON MILLER: ...chicken foot and...

Mrs. NEITA-HEADLEY: Whatever.

Mrs. SIMPSON MILLER: ...whatever man or woman, the hairdresser and barber, the dressmaker and tailor, the creative and cultural worker, the farmer, the store owner, the consultant, the factory operators, the truck operators, the small, and medium and large manufacturers, the motor car dealer, the financial institutions, and the multilateral corporations.

Mrs. NEITA-HEADLEY: That's correct.

Mrs. SIMPSON MILLER: So, Mr. Speaker, when we speak of being business-friendly our friendship must extend to all these businessmen and women, not just some, but to all. Indeed, the State has a duty to facilitate, encourage and empower all business persons in the family, not just some.

Mr. PICKERSGILL: Hear, hear! Hear, hear!

Mr. KELLIER: That's right, that's right.

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: And so again, I repeat our goal must be to develop a business environment in which all businesses

regardless of size, scale or bottomline can draw from available resources and contribute to national growth and development.

Ms. HANNA: That's right.

Mrs. SIMPSON MILLER: It will not happen by chance, Mr. Speaker.

Mrs. NEITA-HEADLEY: Cannot.

Mrs. SIMPSON MILLER: We must take steps to unleash the entrepreneurial spirit of the Jamaican people, which will propel us on a sustainable growth path.

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: We have to do things differently.

Mr. KELLIER: Progressive, progressive!

(Applause by Opposition Member)

Mrs. SIMPSON MILLER: In the same way, Mr. Speaker, we have achieved in sports development - and I pause to commend the schools, the teachers, the coaches, their parents, the sporting associations, the communities, their parents, their families. In the same way we have achieved in sports development, we need a similar strategy for business development.

Mrs. NEITA-HEADLEY: True, true!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: As a country, we must create the environment for our entrepreneurs to develop their full potential. The strategy must be focused, outcome-oriented, data-driven, and powered by cutting edge technology.

(Applause by Opposition Members)

It must be built upon a culture of innovation, creativity and productivity.

Mrs. NEITA-HEADLEY: That's it!

Ms. HANNA: That's right.

Mrs. SIMPSON MILLER: We believe in our people. We believe in the capacity of

Jamaicans to produce and perform. With the right conditions, we can compete with the best in the world. Jamaicans have tremendous untapped potential in the cultural and creative industries.

(Applause)

Opposition MEMBERS: Hear, hear!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: The United Nations Conference on Trade and Development, Mr. Speaker, has estimated that the global entertainment and media industries will inject some US\$2.2 Trillion into the global economy in 2012. Even while the world's economies were contracting in the global recession, this sector was growing.

Opposition MEMBER: Yes.

Mrs. SIMPSON MILLER: And so, Mr. Speaker, our cultural industries are missing out on opportunities to grow. And we have a responsibility to place them on the path. And I know that that might be in the works right now, I'm not sure, but we would love to hear some of that. There are extensive economic opportunities in music, sports and culture and we are failing to tap into this boom. The time is ripe, the time is ripe for greater emphasis on the business development of our creative and cultural sectors. We have to develop a policy for our cultural industries. In order to tap into this growth area, we need to establish training institutions, which can utilize existing facilities to train our young people in technical skills.

Opposition MEMBER: Hear, hear!

(Applause)

Mrs. SIMPSON MILLER: I mean there are great possibilities. Training in stage management, in lighting, in writing of plays, in scripts, in managing, in directing...

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: ...in a number of other areas...

Mr. KELLIER: That's right.

Mrs. SIMPSON MILLER: ...that that too numerous for us to mention. Our young people could attain certification in areas that I mentioned, sound engineering, production coordination, and all of these skills are globally marketable. There are areas that will attract many of the young who are deemed to be at risk, and it would provide them, Mr. Speaker, with the ability to earn and create business opportunities for themselves and employ others.

(Applause by Opposition Members)

I turn now a little, Mr. Speaker, to job creation and growth. I'd like to remind this Honourable House that last year I spoke about creating a platform for economic growth and development. I indicated that the issue of economic growth and job creation must be the subject of extensive and ongoing discussions in Parliament. We need to engage in dialogue with all sectors of the Jamaican society. This includes, the captains of industry, the traditional private sector, the financial sector, the small business sector, the farmers, the self-employed, artisans, members of the trade union movement and civil society.

In his budget presentation last year, the Prime Minister acknowledged that I made this call. However, he preferred to focus on a renewal of the 'Partnership for Transformation'. That partnership had died due to trust deficit in the government.

Mrs. NEITA-HEADLEY: That is true.

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: We have, therefore...

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Mrs. NEITA-HEADLEY: That is true!

Mrs. SIMPSON MILLER: ...wasted one year in which we could have been pushing the creation of jobs.

Ms. HANNA: Hear, hear!

Mrs. SIMPSON MILLER: That is critical.

Mrs. NEITA-HEADLEY: Hear, hear!

Mrs. SIMPSON MILLER: That is not about party politics. That is not about just Government and Opposition, but we as Parliamentarians have the responsibility to see to that.

Ms. HANNA: Hear, hear!

Mrs. SIMPSON MILLER: We have a responsibility to encourage, to promote and to give the assistance where we can for it to happen.

Mr. PICKERSGILL: Hear, hear!

Mrs. SIMPSON MILLER: During that time we could have been stimulating the economy, making it possible for more Jamaicans to produce and earn, and for the Minister of Finance to knock his chest even harder.

Mrs. NEITA-HEADLEY: Man a yard!

Mr. PICKERSGILL: Man a yard, love knock him chest.

(Laughter)

Mrs. SIMPSON MILLER: I want to - we want to -

Dr. DAVIES: The rate of decline has started to decline. That's what you seh?

Mrs. SIMPSON MILLER: Just looking briefly at tax incentives, Minister - Mr. Speaker. We have been saying consistently for months that we would implement tax incentive programmes to encourage the development of new businesses. These incentives will apply to businesses regardless of size or sector. And we

are prepared to have discussions with the various - with the government on this area. There has been much talk on tax reform, but I want to say something. Let the records show that the genesis of tax reform dates back to the 2003 Matalon Report.

Opposition MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: We plan to take tax reform forward; we will engage our private sector partners in discussion about the Entrepreneur Advancement Programme. This will include tax incentives for up to five years.

Mr. KELLIER: Yes.

Mrs. SIMPSON MILLER: We will place emphasis on venture capital and credit management.

Opposition MEMBERS: Hear, hear!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: Our philosophy on tax reform is to ensure equity in the sharing of the tax burden. Mr. Speaker, I want to repeat, equity in the sharing...

Mrs. NEITA-HEADLEY: Yes!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: ...of the tax burden.

Miss HANNA: Hear, hear!

Mrs. SIMPSON MILLER: Progressive, Tony. To this extent we are concerned that discussions are taking place on the widening of the list to be included in the General Consumption tax without sufficient consideration to the vulnerability of particularly the urban and rural poor. At the same time, the working poor are the most vulnerable among us.

We're renewing our call for the capping of the *ad valorem* tax on fuel.

Mrs. NEITA-HEADLEY: That's it.

(Applause by Opposition Members)

Mrs. NEITA-HEADLEY: Yes.

Mr. BUCHANAN: Audley, yuh hear?

Mr. KELLIER: Murdering people. Cap the thing, man. Cap it, cap it.

Mrs. SIMPSON MILLER: I should repeat. Let me repeat the call, the capping of the *ad valorem* tax on fuel.

Miss HANNA: Hear, hear!

Mrs. SIMPSON MILLER: And the rollback of the GCT on electricity bills.

Mrs. NEITA-HEADLEY: Now, now, now.

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: We are also demanding that the fifty per cent of the Special Consumption Tax on fuel be allocated to the Road Maintenance Fund as approved by Parliament.

Opposition MEMBER: Hear, hear!

(Applause by Opposition Members)

Mrs. SIMPSON MILLER: The government told the people that the gas taxes are to deal with roads. The government must keep its word...

Mrs. NEITA-HEADLEY: Yes.

Opposition MEMBER: Hear, hear!

Mrs. SIMPSON MILLER: ...and we intend to ensure that this happens.

(Applause by Opposition Members)

Opposition MEMBER: Hear, hear!

Mrs. NEITA-HEADLEY: Yes, that's it.

Mrs. SIMPSON MILLER: We're going to hold the Government to their word.

Mr. BUCHANAN: Dem caan keep dem word on nothing.

Mrs. SIMPSON MILLER: Mr. Speaker, this a fundamental issue of trust.

Mrs. NEITA-HEADLEY: Fundamental.

Mrs. SIMPSON MILLER: Mr. Speaker, I want to look a little on a very important area,

which I think that we could have been doing much better; and that is Information and Communication Technology, the ICT sector. Another area in which the Government has failed is that of Information and Communication Technology, ICT.

Mr. KELLIER: Who is in charge?

(*Sotto voce* comments)

Mrs. SIMPSON MILLER: Mr. Speaker, while we were in government, we worked hard and successfully in this sector.

Mrs. NEITA-HEADLEY: That's it.

Mrs. SIMPSON MILLER: We put Jamaica in a position to take advantage of the technological revolution that was sweeping the world.

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: We knew that we were capable of competing with the best in the world.

MEMBERS: Yes.

(Applause)

Mrs. SIMPSON MILLER: We did this so that more jobs could be created for our people.

A MEMBER: That's right.

Mrs. SIMPSON MILLER: In addition, most Jamaicans have been able to access and use the latest technology, not just cellphones, but other technologies as well.

Mrs. NEITA-HEADLEY: That's it.

Mrs. SIMPSON MILLER: In 2007, when we left office, Jamaica was ranked we were ranked 45th out of 138 in the global IT ranking.

(Applause)

Mrs. NEITA-HEADLEY: That's good.

Mr. KELLIER: Very good.

Mrs. SIMPSON MILLER: Mr. Speaker, this placed Jamaica second in the region.

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Mrs. NEITA-HEADLEY: That's right.

Mrs. SIMPSON MILLER: The latest rankings show that in less than four years, Jamaica has slipped to seventy-third position.

Mr. BUCHANAN: What!

Mrs. NEITA-HEADLEY: Shame!

Mr. KELLIER: Fire the Minister.

Mrs. SIMPSON MILLER: We are extremely disappointed, Mr. Speaker, that after the tremendous efforts we made, the Government has caused us to slip so far in terms of our E-readiness index.

Mrs. NEITA-HEADLEY: Shame!

Mr. BUCHANAN: The Minister should resign.

Mrs. SIMPSON MILLER: This is a fundamental crisis facing our country.

Opposition MEMBER: Who is in charge of that? Who is the Minister?

Other Opposition MEMBER: (Inaudible) ...wants to know who is the responsible Minister.

(Crosstalk)

Mrs. SIMPSON MILLER: At present, Mr. Speaker, our ability to expand enterprises being compromised by the inability to attract new investments and create additional jobs. Mr. Speaker, we need the ICT sector to drive the creation of thousands of jobs...

(Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: ...and to create a platform for additional new business development.

Mr. PICKERSGILL: Hear, hear!

Mrs. SIMPSON MILLER: This decline in the ICT sector threatens to set us back decades.

Mrs. NEITA-HEADLEY: True, true!

Mrs. SIMPSON MILLER: And I am sure that the former Minister...

Mr. KELLIER: We turning back, man.

Mrs. SIMPSON MILLER: ...must be his heart must be aching, the man who undertook the technological revolution in Jamaica.

MEMBERS: Hear, hear!

(Applause)

Mrs. SIMPSON MILLER: And, to watch it dying, the Member from East Kingston and Port Royal can never be happy.

Mr. KELLIER: No leadership.

Mrs. SIMPSON MILLER: Mr. Speaker, we have to restore Jamaica's technological pre eminence in order to maximize the real business potential that exists in the modern world.

Mr. KELLIER: Hear, hear!

Mrs. SIMPSON MILLER: Mr. Speaker, when it comes to national energy policy, let us be clear, there is no need for any political contention.

Mrs. NEITA-HEADLEY: Not at all.

Mrs. SIMPSON MILLER: If ever there was an area around which there should be national consensus, it is the energy sector.

Mrs. NEITA-HEADLEY: That is fact.

(Applause)

Mrs. SIMPSON MILLER: The high cost of energy now, threatens to destabilize all of our developmental targets. The average price today, Mr. Speaker, of US Thirty Cents per kilowatt hour for electricity continues to affect our efficiency and makes us uncompetitive within the region and the world.

Mr. Speaker, we are recommending the immediate establishment by the Government of a National Council on Energy.

(Applause)

This Council will bring together all the critical stakeholders in the Energy sector. This includes Government, Opposition, the petroleum dealers and marketers, the electricity generation companies, academia, and, of course, consumers.

Mrs. NEITA-HEADLEY: That's right.

Mrs. SIMPSON MILLER: The Council will be responsible for implementing the energy policy.

Mrs. NEITA-HEADLEY: That's right.

(Applause)

Mr. KELLIER: That makes sense.

Mrs. SIMPSON MILLER: I am recommending to the Government that their mandate should include the short, medium and long term energy projections for energy security.

Mrs. NEITA-HEADLEY: That's right.

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: Mr. Speaker, much work has already been done to develop a National Energy Policy. We started that work.

(Applause)

This administration has finally completed the policy document, and I commend you. The challenge we face in this country is the implementation of policy.

(*Sotto voce* comment by Mrs. Neita-Headley)

Mrs. SIMPSON MILLER: This is where the focus of the new energy council must be placed.

(Applause)

Let me give you an example, Mr. Speaker. Three years ago, the Prime Minister said,

"We have established an Energy Conservation Unit in the Cabinet

Office to co ordinate an effort across all ministries and agencies to reduce our energy consumption by 15 per cent this year. I have instructed Permanent Secretaries to ensure that an energy coordinator is identified in every Ministry...

Mrs. NEITA-HEADLEY: Fantasy.

Mrs. SIMPSON MILLER:

...department and agency to be responsible for energy conservation, and to ensure that we achieve the target."

This was a wonderful suggestion.

Mr. PICKERSGILL: Three years ago.

Mrs. SIMPSON MILLER: What has come of it?

Mrs. NEITA-HEADLEY: Fantasy.

Mrs. SIMPSON MILLER: This year, the same proposal has been made by the Minister of Finance.

Dr. DAVIES: He read over the speech.

Mrs. SIMPSON MILLER: We watch to see if it will remain, just another proposal. We want it to become a reality, not to remain a fantasy.

Mrs. NEITA-HEADLEY: That's correct.
(Applause/*Sotto voce* comments)

Mrs. SIMPSON MILLER: And, Mr. Speaker, we stand ready to continue to play our role on the National Council on Energy. We are committed to forging a united effort to achieve energy security.

(Applause)

Mr. Speaker, among the immediate issues that the Council must address are:

a) the upgrade and expansion of the refinery,

(Applause)

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- b) resolving the outstanding issues with respect to the LNG project and other fuel sources,
(Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER:

- (c) liberalization of the electricity grid,
(Applause)
- (d) the exploration and exploitation of all types of renewable energy,
(Applause)
- (e) fostering a culture of efficient use and conservation of energy among the population, starting from the basic schools.
(Applause)

Mrs. NEITA-HEADLEY: That's right; that's it.

Mrs. SIMPSON MILLER: We are looking at some progressive things here.

Mrs. NEITA-HEADLEY: Progressive, progressive.
(Applause)

Mrs. SIMPSON MILLER: We believe the Council also needs to immediately address and I heard the Prime Minister on this about people having licence, but if we had waited on that, then we would not have broken the telecoms...

Mr. KELLIER: Monopoly.

Mrs. SIMPSON MILLER: ...monopoly. It would still be there.

Mr. KELLIER: That's right. Thousands a jobs are coming. Millions of dollars...

Mrs. SIMPSON MILLER: And I say to Prime Minister, re negotiation of the licence that governs the Jamaica Public Service operations should be done should be undertaken.

Mr. PICKERSGILL: Hear, hear!

Mrs. NEITA-HEADLEY: That's right.
(Applause)

Mrs. SIMPSON MILLER: There is nothing wrong with re negotiation.
(Applause)

This matter demands bold and transformational leadership.

MEMBERS: Yes. Hear, hear!

Mrs. SIMPSON MILLER: The Government has a 20 per cent holding in JPSCo. So, if we have a 20 per cent holding in JPSCo, then they must use that as leverage to protect the consumers of Jamaica.

Mrs. NEITA-HEADLEY: Hear, hear!
(Applause)

Mrs. SIMPSON MILLER: In 1999, we negotiated to change the monopoly arrangements for the provision of telecommunication services to the country. But for our action, this agreement would have still been in force until 2038; that is still 27 years away. The decision taken then, by our administration, provides a manual that is still relevant and workable today.

Mrs. NEITA-HEADLEY: That's right.
(Applause)

Mrs. SIMPSON MILLER: Mr. Speaker, there are still issues within the energy portfolio that need to be addressed. The country needs to know what is happening to the joint venture project with our Venezuelan partners, PDVSA. Are we still pursuing that option? I acknowledge the solidarity that Jamaica enjoys with our friends in Venezuela.

MEMBERS: Hear, hear!
(Applause)

Mrs. SIMPSON MILLER: I sat here last week, Mr. Speaker - last Thursday - and I

listened keenly to the Minister of Finance heaping deserved praises on the relationship between Jamaica and Venezuela and President Hugo Chavez...

Opposition MEMBER: Comrade Hugo Chavez.

Mrs. SIMPSON MILLER: ...in respect to the PetroCaribe Agreement.

(Sotto voce comments)

Mrs. SIMPSON MILLER: I think, maybe, for the first time for the second time in his life, he recognizes the importance of trumpeting something.

(Applause/Laughter)

Opposition MEMBER: Second time, second time.

Mrs. SIMPSON MILLER: He would do that when he was in the YO, and he would give Damion Crawford, and the others, trouble when he was in the YO.

Dr. DUNCAN: Countrymen all.

(Sotto voce comment/Laughter)

Dr. DAVIES: The anti-IMF... I saw them during the anti-IMF discussions.

A MEMBER: There were discussions?

Dr. DAVIES: Yes. He was there. You were there. I saw you there.

(Sotto voce comments by Mr. Shaw/Laughter)

Mrs. SIMPSON MILLER: Not only that. You all are forgetting...

Dr. DAVIES: Not you, Karl, that was another time.

(Laughter)

Mrs. SIMPSON MILLER: You all are forgetting...

(Applause/Laughter)

Mrs. SIMPSON MILLER: You all are forgetting when we were told, that our

relationship with that programme, that if we were going to swim in oil.

MEMBERS: Yes.

Mrs. SIMPSON MILLER: And my response was, "I pray to God that I could swim in oil..."

Opposition MEMBER: Swim baby, swim.

Mrs. SIMPSON MILLER: ...because if we could swim in oil, then the challenges that we are now facing and the type of discussions and even some of what is in my presentation today would not be here because we would have been able to do much more than Jamaica can afford to do now.

Mr. JACKSON: Who blocked the road; who blocked the road?

Mrs. SIMPSON MILLER: The Minister of Finance himself said, "This represents the largest source of concessionary loan flows available to the Government of Jamaica."

Mrs. NEITA-HEADLEY: True that, true that.

Opposition MEMBER: Good work, good work.

(Applause)

Mrs. SIMPSON MILLER: And we are now pleased - see Minister...

Dr. DAVIES: Long live Fidel, and Hugo!

Mrs. SIMPSON MILLER: ...if you should have a meeting now on PetroCaribe, you would not find us demonstrating and blocking the roads.

Opposition MEMBERS: No! Hear, hear!

Mrs. NEITA-HEADLEY: Facts.

Mr. KELLIER: We would be supporting it.

Mrs. SIMPSON MILLER: You would find us giving you full support, because we

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know of the benefit that can be attained from this programme.

Mrs. NEITA-HEADLEY: Yes.

Mr. KELLIER: Mutual respect and...

Mrs. SIMPSON MILLER: And we are pleased that you now realize that the PetroCaribe Agreement is the most significant, single source of developmental assistance to Jamaica today.

Mr. KELLIER: Hear, hear!

Mrs. NEITA-HEADLEY: That's so.

Mrs. SIMPSON MILLER: Congratulations on your conversion, even from your conversion... from your conversion, Minister, even if it is somewhat belated.

Dr. DAVIES: So, what's his new name?

(Sotto voce comments)

Mrs. SIMPSON MILLER: In 2006, Mr. Speaker, I spoke to the need for Jamaica to transform **inner city** communities into **winner cities**.

Mrs. NEITA-HEADLEY: Yes, yes!

(Applause)

Mrs. SIMPSON MILLER: Today, I wish to expand on that proposal to the Government. I am proposing a programme called CARE, C A R E, to be implemented. The programme, Culture, Arts, Recreation and Education would be designed to create jobs, to educate and train citizens as confident and independent Jamaicans.

Mrs. NEITA-HEADLEY: Hear, hear!

(Applause/Sotto voce comment)

Mrs. SIMPSON MILLER: I think if anything now we need in our inner cities and poor communities across Jamaica, is some serious care from their representatives, those of us sitting in this Parliament. And if we can't do it, it will never be done. We have a responsibility. And I am proposing that major

sporting facilities be constructed in every constituency, in every constituency...

Mrs. NEITA-HEADLEY: In every single one.

Mrs. SIMPSON MILLER: ...in which innercity communities and poor communities across Jamaica exist. They should be equipped with running track. And I know we will have to seek funding. I am not saying it should be swimming pool, gym, homework centre, and a space for long life learning. If we are talking and if we are taking the transformation seriously we have got to get back to the communities, we've got to involve, mobilize and harness the potential of our people.

(Applause)

Mr. BUCHANAN: Yes, yes!

Mrs. NEITA-HEADLEY: That's it!

Dr. DAVIES: Not a ministry of mobilization, just mobilize.

Mrs. SIMPSON MILLER: And there are a number of areas, including the private sector I am sure - and, Minister of Finance, I want you pay me one little minute now. Perhaps when you are speaking to the multilaterals you can say to them this is one programme because it is something that could help to maintain and to even get crime, the murders lower, crime down lower than where it is presently at this time.

(Applause)

Mr. KELLIER: Build social harmony in the community.

Mrs. SIMPSON MILLER: And I really feel that you should push for something because - I am proposing that a pool of funds be established where citizens who are in the cultural and creative industries can gain access to funds to enhance their businesses. These persons will be provided with professional

support through the JBDC. The fund will be provided by the Development Bank of Jamaica. The formation of a greater number of dance groups, track clubs, football clubs, marching bands, we should encourage.

Mrs. NEITA-HEADLEY: That's it!

Mrs. SIMPSON MILLER: These can be coordinated by the Social Development Commission and the JCDC. And we should encourage our young people to join the Scout Movement (Applause) so that the discipline and the girls, the Guides. A major development programme of education for youth who lives in our inner cities and poor communities across Jamaica is required. The requisite financial support should be provided directly to schools to support the education of the children. The Jamaica Defence Force can be called upon to assist in the improvement of the physical facilities and change the look to give the place a face lift, to continue the zinc removal programme. The cut in the JSIF will not help for us to complete.

Mr. KELLIER: Daryl, your programme.

Mr. CHARLES: Copy.

(Cross talks)

Mrs. SIMPSON MILLER: We can provide tax... Mr. Speaker, can I get some protection here.

Mr. PICKERSGILL: You couldn't get into Black Ants Lane. Once you go up there dem kill you.

Dr. DAVIES: Black Ants Lane.

Mrs. SIMPSON MILLER: Mr. Speaker, we can provide tax incentives for companies to invest in and adopt various inner-city communities. The Minister is not listening. I was saying that you could give some - we could look at a programme of tax incentives....

Dr. DAVIES: Talk to Audley.

Mrs. SIMPSON MILLER: ...for people who - he would have to help to drive the Minister giving the approval and the thing - will invest in our poor communities. And I think that would serve us very well. We should also provide incentives for those companies who employ persons from these communities, including persons with disabilities, women and youths. (Applause) Waivers and duty concessions could be pegged to these activities and not only the few that get the waivers, but will allow it to get down to those who will be giving support to the less fortunate among us in this country.

JUSTICE

I want you, Mr. Speaker, to permit me to say a little on justice. This year positive steps have been taken in both Houses of Parliament to approve the new Charter of Rights and Freedoms. (Applause) This may not be a perfect document. However, its provisions represent the collective wisdom of the Parliament. It is designed to guarantee and protect the rights of our citizens in a free and democratic society. We must now take it from being fine words. It must become the protective shield for our citizens.

The new Charter of Rights and Freedoms is meant to set us on a new course in abiding by the rule of law in the development of our democracy. (Applause) If there are no applicable sanctions for breaches the provisions will prove to be meaningless. No one must be above the law. And as I said when I spoke in that debate, that it is one thing to have the Charter of Rights but we need to have the court where the Jamaican people can go to for redress because the majority of them

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will not be able to access the Privy Council. They can't afford it. (Applause)

Mrs. NEITA-HEADLEY: That's it.

Mrs. SIMPSON MILLER: And we are to be mindful that the Charter is not just words on paper; that if we breach the Charter, like now where we promise free early childhood education and we are not doing that...

Dr. DAVIES: Andrew, gone a court.

Mrs. SIMPSON MILLER: Minister, the citizens of this country can act against us Parliamentarians.

Mr. HOLNESS: They won't have any need.

Mrs. SIMPSON MILLER: They won't have any need. I am so happy to hear. Thank you.

Dr. DAVIES: Confident young man. Him working on it.

Mrs. SIMPSON MILLER: You are working on it.

Mr. HOLNESS: I have your support in balancing the budget.

Dr. DAVIES: You make your own speech.

Mrs. SIMPSON MILLER: They are working on it. You will have support on balancing as long as you are balancing people's lives. (Applause)

There are companion measures, Mr. Speaker, there are companion measures required for our citizens to develop the trust and confidence that rights and entitlements in the Charter will be fully protected. We must move on them.

Mrs. NEITA-HEADLEY: Yes!

Mrs. SIMPSON MILLER: First we must resolve the issue of the Caribbean Court of Justice as the final Appellate Court for Jamaica. (Applause)

Mrs. NEITA-HEADLEY: That's it!

Mrs. SIMPSON MILLER: And I am reminded that - we had discussions, Prime Minister and myself and our team, they are supposed to be meeting soon to be having discussion in this area and we look forward for the completion of the discussions early from the team on this side and the team on that side. No time to waste. There is absolutely no shame in acknowledging that the Government has blundered on the CCJ issue. It is time for us to move ahead. (Applause)

I want to just say one little thing about crime. Mr. Speaker, over many years the high crime rate has been a challenge faced by our people and governments. It has retarded our productivity and hampered our development. I therefore wish to commend the work of our security forces. (Applause) The valiant effort of these brave men and women has resulted in the reduction of murder rate over the last year; and we commend them.

Mrs. NEITA-HEADLEY: Hear, hear!

Opposition MEMBER: Good work!

Mrs. SIMPSON MILLER: Some unfortunately paid the ultimate sacrifice in their defence of our citizens. To their families and colleagues we offer our sincere condolences. We also extend our gratitude for their sacrifice.

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: Experience has taught us that some years the crime rate comes down only to spike again in ensuing years. The best gift we can give to the next generation going into the 50th Anniversary of Independence is to make the current reduction sustainable and achieve new victories in the fight against the criminal elements. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

Mrs. SIMPSON MILLER: They have done too much damage to the good name of our country. In this regard, I again offer an approach which will allow us to build a national coalition against lawlessness, criminality and its causes. That approach is that we set aside special sittings in the Parliament each quarter, to objectively and dispassionately discuss lasting solutions to our country's crime problems. (Applause) This will send a strong signal to the country that as Parliamentarians we are united on this critical issue. We must also include the communities and the families. If we can get the families and the communities engaged in the fight against crime then certainly we will succeed. (Applause) Unless we measure and evaluate our progress and involve the people in this fight, we will continue to have ups and downs instead of sustainable solutions.

I hope that the Government will accept the proposals that I have given this evening. From time to time it is said, we've said nothing and we have given - may I say to the critics the Government is in charge. We do not have a responsibility to tell the Government what to do but we are here to defend the rights of the people. And because we see things are not going very well we are making some recommendations. (Applause) And I hope that the recommendations that we make will be accepted, will be considered.

(Applause)

Mr. Speaker, there will be no doubt that there are those who might be sitting - a few who might be sitting in their ivory towers that might be criticizing this presentation this evening that I focus too much on the poor,

and that they will say she is saying too much about the poor. But they are the ones, the only ones that would be concerned about their own circumstances. Removed far from realities of the other members of the Jamaican family, how can I turn my face from the immense suffering of my Jamaican family members, my brothers and my sisters?

Mrs. NEITA-HEADLEY: No way! No way!

Mrs. SIMPSON MILLER: As Members of Parliament, we should know these truths. Those of us who make ourselves available to our constituents, encounter these difficulties on a daily basis. Daily we see their suffering, and daily we feel their pain.

Mrs. NEITA-HEADLEY: That's true!

Mrs. SIMPSON MILLER: We get their calls, we read their notes and letters asking for help with somewhere to live, or to pay school fees, or to fill the prescriptions. Today they are asking for money for sustenance, for survival from one meal to the next. They are asking for lunch money and bus fare for their children. I have never seen things this bad in the Jamaican family.

Mrs. NEITA-HEADLEY: Never!

Mrs. SIMPSON MILLER: I see the single mother whose son has been de-registered from the university. I see the elderly woman who has to swallow her pride and confess that she does not have anything to eat. I read about the dramatic increases in domestic violence, in suicides even among children. Those hopes of a better future have been crushed. This by an Administration that sees the plight their plight as negatives, not warranting their attention, not to be mentioned. I hear about the rise in murder/

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suicide, and I know that the crushing economic distress can be or could be a contributor.

Mrs. NEITA-HEADLEY: It is, yes.

Mrs. SIMPSON MILLER: And I have to pause and ask myself, how did we get here so quickly? How did we get here in just three and a half years?

Mrs. NEITA-HEADLEY: Yes! Boy, I tell you!

Mrs. SIMPSON MILLER: I have to pause and ask myself, what can we do about it? How can we halt this slide? How can we alleviate this pain? How can we restore their dreams? Our people are suffering.

Mrs. NEITA-HEADLEY: They are!

Mrs. SIMPSON MILLER: Many of them are walking around shell shocked. And as parliamentarians, we have to pause and take stock. Indeed, it's time for reality check.

I want to speak to Members of Parliament on both sides now. I want to see how many of you are suffering what some of us are suffering as MPs. I want to say to us, as Members of Parliament in this Honourable House, Mr. Speaker, the woman at this moment in a little shack on a hill, with no one to care for her, a senior citizen, sick and weak. Councillor did not reach her. M.P., you didn't know that she exists up on that little hill in that shack. She is in pain, she is sick, she is hungry, she's tired. She is saying one prayer, Lord, take me home. Consider this senior citizen, this woman, our grandmother, or our mother. Consider this senior citizen, the male, lying in that bed with no one to care for him. He cannot provide for himself, has no adult pampers, which makes it very difficult for somebody to go through to care for him. And his only prayer right now no breakfast this

morning, no lunch, no hope of dinner. His prayer is, Lord, you have seen my suffering, take me home. That senior citizen, that senior gentleman, see him all of us in here, see him as our grandfather or our father. Let us say within ourselves now, that in the same way we would feel his pain and want to do something to help, let us feel the same pain now for those suffering among us in that position. And let us all together in unity try to do something for them. (Applause)

Mr. Speaker, the Jamaican family is hurting, and hurting bad.

Mr. KELLIER: Very bad.

Mrs. SIMPSON MILLER: That is the reality that I face as I came here to this Budget process expecting a Budget that would make an effort to address the real concerns of the Jamaican people.

Easter I got some buns, but I decided that I would try to get to the senior citizens, those who are suffering in my own constituency. And I remember distributing, and when I got to one lady she grabbed my head and she whispered to me and she said, Sista P, God bless you. My sister is ill at home. If you did not come there would be no food. And I thank you so much. She was so happy that the package was accompanied by an envelope. And so I say, we must be concerned, especially about the ones who are suffering on the edge of desperation.

Mr. KELLIER: Yes, yes!

Mrs. SIMPSON MILLER: And I came to this Budget process expecting the Budget would be in concrete terms, bringing hope to the Jamaican family. I did not come here to listen to the fantasy of a government clearly out of touch with the people's reality. After three and a half years, I expected that the

Government would finally realize that they have to put the people in the Budget.

Mrs. NEITA-HEADLEY: That's correct! (Applause)

Mrs. SIMPSON MILLER: I did not expect a Budget that would favour a few and ignore the plight of the majority. And I am disappointed in the Budget as it has excluded the people again. This Budget has no heart! (Applause)

Mrs. NEITA-HEADLEY: No heart!

Mrs. SIMPSON MILLER: This Budget has no soul! (Applause) This Budget gives no hope. The Budget will provide neither stability nor growth. This Budget speaks of a decrease in the rate of decline, when what Jamaica needs now is economic development and progress. No one group holds any monopoly on knowledge. We are all in this thing together and we have got to work it out.

Opposition MEMBER: Hear! Hear!

Mrs. SIMPSON MILLER: And all of us in this House on this side and on that side, we had better get it right! It's not a party thing.

(Sotto voce comments)

You see, that is why I said – and I commend the women in this Parliament, because they don't misbehave, they always behave in a dignified way. And when I sit here, and when one parliamentarian passes on everybody gets up and say the best thing about that parliamentarian when the parliamentarian is a practicing politician and doing well. You notice I commended you today, Minister, yes.

Opposition MEMBER: Yes, you get whole heap a big up.

(Sotto voce comments)

Mrs. SIMPSON MILLER: I am not going wait until you are leaving. That is why

nobody is going to see me walking through that door and be any hypocrite to get in here and say anything good about me. Because when you are practicing, this is when you need to hear, no, you could have done it better. It could have been different. But we are the ones that allow ourselves to be called 'gangs' in Gordon House, because of how we treat each other... (Applause)

Opposition MEMBERS: True! True, true!

Mrs. SIMPSON MILLER: ...and the disrespect for each other, and what we say on the platforms. And we only say good things about each other when the person cannot hear one word that we are saying.

Mr. KELLIER: ...when man dead!

Mrs. SIMPSON MILLER: And so, I am saying to this side and that side, we have to come together in this House and find a way, a better way.

And I am inviting the Prime Minister to convene urgent discussions with us on the hardships that our people are facing. Let us help to find the solutions and relieve the people's suffering.

Mr. Speaker, the Government needs to be jolted out of its fantasy. It needs to face reality. The reality that the Jamaican family faces every day when the light cut off, when the gas run out and the pocket empty. When the mother looks at her baby, and when she offers her breast, no milk.

Mr. KELLIER: Malnutrition!

Mrs. SIMPSON MILLER: The reality of when the bank account dry and the pickney hungry. We need to get this Government to understand the reality of when the father cannot support his family, and the mother

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cannot feed the child. We need to understand it. You know, MARCUS MOSIAH GARVEY has said and let me quote what he said about poverty:

"Poverty is a hellish state to be in. It has no virtue, it is a crime. To be poor is to be hungry without possible hope of food, to be sick without hope of medicine; to be tired and sleepy without a place to lay one's head; to be naked without the hope of clothing; to be despised and comfortless. To be poor is to be a fit subject for crime and hell. That is the way of poverty. No one wants to be poor."

And Bob Marley said and this is what we need to work on, us parliamentarians on both sides. So that people do not sing with pride any longer, the words of this song of Bob Marley, "Cold ground was my bed last night and rock stone was my pillow too."

We have a responsibility.

Mr. KELLIER: Talking blues.

Mrs. SIMPSON MILLER: It's not about focusing on the negative.

No! It is about acknowledging people's reality.

Mr. BUCHANAN: Hear! Hear!
(Applause)

Mrs. SIMPSON MILLER: And I ask the Minister to take the people's reality into consideration. That glaring mistake is evident all throughout his fantasy Budget. It is a mistake he is unlikely to forget.

Minister, the Budget gives no hope. Prime Minister, you are going to have to come good, because the Budget has no heart. And the fact that two of us come from somewhere where your father had a heart and soul for the people he represented...

Mr. KELLIER: Yes. He was a good man!

Dr. DAVIES: Exactly right. You said so.

Mrs. SIMPSON MILLER: ...and he gave years of service to the masses of the people of this country. Prime Minister, with your father's spirit, and the two of us coming from same place, drinking the same kind of water, I say to you this evening, when you speak next week, come good! Come good, Prime Minister, come good. And I notice you not smiling with me this evening. (Laughter) And you need to look at me. Give me a smile.

(Laughter/applause)

(The Prime Minister laughs)

The PRIME MINISTER: Behave yourself.

Dr. DAVIES: Them give up on Audley. Them give up on Audley, according to you.

Mrs. SIMPSON MILLER: I am behaving, Prime Minister. All I am saying to you, I am making some suggestion, work with it!

Mrs. NEITA-HEADLEY: Work with it! Chat it!

(Applause/heckling)

Mrs. SIMPSON MILLER: Because if you don't work with it, Prime Minister, I am going chat it!

Opposition MEMBERS: Yes! (Applause)

Mrs. SIMPSON MILLER: It has excluded too many of our Jamaican family members. It has neglected those who are suffering, those I spoke about, our mothers and fathers this afternoon. It has given ease for those at the top, and put a squeeze on those at the bottom.

As parliamentarians, as leaders of the people, we must find a better way, because there is a better way. Yes, this is a time of

great challenge, but it is also a time of great opportunity. If we can inspire our people, if we can unite our people, if we can harness the abilities and talents of the Jamaican people, then we can overcome, and we will overcome these challenges.

(Applause)

But first, we must believe in the people. We must believe in our people. And we must believe in their capacity.

Mrs. NEITA-HEADLEY: That's right.

Mrs. SIMPSON MILLER: And we must hear them and we must really acknowledge them. And I believe in the Jamaican people, all the Jamaican people, I believe in their ability. (Applause)

We are the descendants of survivors, and I call upon the Jamaican family to be strong and be of good courage. The road has been hard and it has been long, your cries have gone ignored for almost four years now. Your realities have been exchanged for fantasies. But I say to you, it is well within us to surmount the challenges of our time. We are the people of little but we tallawah.

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: We are Jamaicans, we believe in our people and I believe in Jamaica. And as Jamaicans, the last four letters in the word Jamaican is i, c, a, n; and if each of us will start/begin with, "I can", we will start a wave across this country of "we can" and "we will". And if we can work together in unity, we will get it right. We will make it right. (Applause)

And I know that with the right leadership, we can revive this country to a sense of purpose, to attain new heights and achieve new goals. It will only be done when each

member of the family is honoured and respected, seen as equals and included.

Mr. Speaker, I am confident, I am positive that with the rising sun will come a new day, when we can once again build with our people a platform for hope, for growth, for development and for prosperity.

Mrs. NEITA-HEADLEY: Hear, hear!

Mrs SIMPSON MILLER: It can be done, Mr. Speaker, and we can do it together. And I appeal to all members, on both sides, let us work for the betterment of the people.

Minister, when you come next week, please come and chat de ting dem good.

Mrs. NEITA-HEADLEY: Chat dem good.

Mrs. SIMPSON MILLER: And ensure - and I will listen to you, but ensure you bring the people at the centre of the budget.

(Applause by Opposition Members)

And if you don't do it, I expect my parishioner to come with something, something that will deal with the plight and the suffering of the masses of the Jamaican people.

(Applause by Opposition Members)

May God bless the people of Jamaica.

May God bless Jamaica, land we love.

Thank you, Mr. Speaker.

(Applause by Opposition members)

(Standing Ovation by Opposition Members)

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business. I therefore move that the House do adjourn.

(*Sotto voce* comments by Opposition)

Mr. HOLNESS: You want the editorial?

Opposition MEMBERS: Yes!

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(Laughter)

Mr. HOLNESS: Of course, of course. Mr. Speaker, the Leader of the Opposition has a very unique style of delivery and.... (Laughter by Members) ...she has not disappointed in that style. Clearly, she has spoken, she has spoken with passion, she has spoken with passion and we on this side observe that and we will respond with equal passion and with the substance as well.

(Laughter/Applause by Opposition Members)

Mr. HOLNESS: (Laughing) Mr. Speaker, I therefore move that we adjourn until the 10th of May when the Prime Minister will respond, and the 11th as well, when the Minister of Finance will close.

The SPEAKER: (Gavels) Members, the motion before the House is that this Honourable House do adjourn until Tuesday, May 10 at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable stands adjourned.

The House adjourned at approximately 5:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, May 10, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:16 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

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

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

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OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Mrs. Sharon Hay-Webster.

The House resumed its sitting at 2:16 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome all persons sitting in the Gallery. I would just make special welcome to the wife of the Prime Minister and his children; also his brothers and their wives. (Applause) That's as far as my eyes can see. But welcome also to other members of the staff of the Prime Minister's office and also from his constituency.

Welcome to Senators sitting in the Speaker's Gallery and former Members of Parliament. And welcome also to the Cabinet Secretary, the Permanent Secretary, consultants sitting in the Chamber.

Please, I just ask, just check on your cell phone to make sure it is on vibrate or off so we

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do not disturb the sitting of Parliament. But do enjoy the sitting of Parliament.

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

And once again, even though you are – while you are sitting in the Gallery you are not allowed to participate in any way during the presentation of the Prime Minister.

(MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central, entered and took his seat.)

(DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North, entered and took his seat.)

ANNOUNCEMENTS

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

- **Ministry Paper No. 32**
Cabinet Agenda issues for April 13 to 18, 2011
- **Ministry Paper No. 33**
Cabinet Agenda issues for April 26, 2011
- **Ministry Paper No. 34**
Public Sector Master Rationalisation Plan
(Recommendations for the restructuring of Ministries, Departments and Agencies)
- **Ministry Paper No. 35**
Annual Report and Audited Financial Statements of the National Export-Import Bank of Jamaica Limited for the year ended March 31, 2010

- **Ministry Paper No. 36**
A New and Innovative Approach for improving access to financing for Small and Medium-Sized Enterprises
- Police Civilian Oversight Authority Annual Report for the period April 1, 2009 to March 31, 2010
- Statistical Institute of Jamaica 2010/2011
Statistical Reports
(Replacement of CDs that were previously tabled)
- Certified Appropriation Accounts for the following ministries and departments:
 - a) Ministry of Tourism, 2009/2010
 - b) Ministry of National Security 2009/2010
 - c) Ministry of Mining and Energy 2009/2010
 - d) Accountant General's Department 2009/2010 Accountant General's Department 2008/2009
 - e) Customs Department 2008/2009

(DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, entered and took his seat.)

Rev. THWAITES: Mr. Speaker...

The SPEAKER: Yes, Reverend

Thwaites.

Rev. THWAITES: Mr. Speaker, could you say where the document on the financing of small businesses is to be found?

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern, entered and took his seat.)

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

The SPEAKER: Reverend Thwaites, it will be circulated as soon as the presentation of the Prime Minister has begun.

Rev. THWAITES: Thank you.

NOTICES OF MOTIONS GIVEN ORALLY

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Reverend Thwaites first. Reverend Thwaites.

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

BE IT RESOLVED that the manufacturers and importers of all non-biodegradable products be obliged to bear the cost of their disposal;

AND BE IT FURTHER RESOLVED that Government discourage the proliferation of non-biodegradable packaging and encourage recyclable packaging.

May it please you.

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

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, I wish to state that I have no intention of either getting into the gutter, into the mud or in any tracing match with Professor Miller. Therefore, based on his public pronouncements and

statement, I would ask that Private Member's Motion No. 44 be treated with the utmost urgency, be brought forward and be dealt with at the earliest possible date.

So, Mr. Speaker, can you ascertain from the Leader of the House how early this resolution that was brought by me can be dealt with and disposed of. My integrity is important. Therefore, I would like this to be dealt with at a very early date and be treated with the utmost urgency.

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

The SPEAKER: Okay, Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, I am asking a question.

The SPEAKER: I will speak with the Leader and the Leader of Opposition Business...

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

Mr. WARMINGTON: Mr. Speaker, I would like the Leader of the House to state... based on...

The SPEAKER: No, no...

Mr. WARMINGTON: Mr. Speaker, I have the right to ask for a motion tabled by me to be addressed.

The SPEAKER: No, but...

Mr. WARMINGTON: So, Mr. Speaker, I am asking for the Leader of the House to give an indication to the House at what time or how early we can deal with motion No. 44.

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The SPEAKER: First of all, Mr. Warmington, it's an inappropriate stage. It should be dealt with at Motions Relating to the Sittings of the House, but since you have raised it, I am sure the Leader of the House will have discussion with the Leader of Opposition Business and get back to you as to the earliest time it can be dealt with.

Mr. WARMINGTON: Mr. Speaker, the people of South West St. Catherine would like to hear today.

(DR. KENNETH WYKEHAM McNEILL, (PNP), Westmoreland, Western, entered and took his seat.)

The SPEAKER: No. they cannot hear today.

Mr. WARMINGTON: He doesn't have to consult with the Leader of Opposition Business to state when it has to be. The Leader of Opposition Business doesn't set the schedule or the date for which these can be dealt with.

I am asking in the name of the people of South West St. Catherine when are we, or how early can we bring forward Resolution No. 44.

The SPEAKER: No. It needs some time for discussion to take place, Mr. Warmington. So as soon as possible the Leader of the House and the Leader of Opposition Business, I will discuss with them and you will be informed at the earliest possible time it can be dealt with.

Mr. WARMINGTON: I thank you very much. But can we be told tomorrow? It doesn't take a long time to...

The SPEAKER: If we see you tomorrow we will do so.

Mr. WARMINGTON: Can the House be told tomorrow how early we can take Resolution 44.

The SPEAKER: If possible, Mr. Warmington.

Mr. WARMINGTON: It is possible, Mr. Speaker, it is possible.

The SPEAKER: Very well.

Mr. WARMINGTON: It doesn't take that long to determine.

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Only as a preamble, Mr. Speaker, in the name of the people of Central Kingston (Laughter/Applause) may I associate myself fulsomely with the sentiments of the Member for South West St. Catherine, with whom I find a new and very happy allegiance of viewpoint.

The SPEAKER: And you have about 10 motions before his.

Rev. THWAITES: I think it's 19, sir.

The SPEAKER: Very well.

Mr. Thwaites, Member of Parliament for Central Kingston gave notice that at the expiration of 21 days he would ask the Minister of Transport and Works the following question:

Question: What were the amounts allocated and spent in Central Kingston for the first phase of the JDIP?

Mr. Thwaites, Member of Parliament for Central Kingston gave notice that at the expiration of 21 days he would ask the Minister of Health the following question:

Question: What is the schedule for introducing the regulations to the Registration (Births and Deaths) Act to provide for the mandatory registration of fathers?

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The SPEAKER: Thank you, Reverend Thwaites.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, the Prime Minister will address the House in the Budget Debate.

The SPEAKER: Prime Minister.
(Applause)

BUDGET DEBATES (contd)

The PRIME MINISTER: Mr. Speaker, let me first of all acknowledge the tremendous work and dedication which is rendered to this country by some people that I work closely with: The Cabinet Secretary, that distinguished public servant, AMBASSADOR DOUGLAS SAUNDERS. I want to pay tribute to him for the sterling leadership that he continues to give to the Cabinet Office, and to the members of the staff of that office.

I want to pay tribute as well to my Permanent Secretary. She is the youngest of all Permanent Secretaries but she's worth more than her years, and I want to thank her and the staff (applause) of the Office of the Prime Minister; and to thank all the Permanent Secretaries throughout the service and heads of agencies, especially those who report directly to me.

And to pay tribute as well to all the Public Sector workers, so often vilified. They are not perfect servants all of them, but the vast majority of them are persons who are committed to the service of this country and I want to recognize the contribution that they continue to make.

And can I also recognize the work that is done on a voluntary basis by so many

Jamaicans who serve on Boards in many, many areas. I know that in some cases what they do voluntarily for government takes up more of their time than their own private business activity, and I want to recognize them and the work that they do.

I want to pay tribute as well and to express appreciation to my special advisor and my personal staff who work so closely with me and manage to endure the times when I get cross, which is more often than I would want to admit publicly.

To thank as well my Councillors and the Executive, the Management team and the staff of the constituency office at West Kingston.

My Cabinet colleagues who share with me the burden that I carry. And last but obviously not least I want to express my thanks to my family for the support that they continue to give.

Mr. Speaker, this debate has been conducted in the manner to which we have long grown accustomed. You know, one side seeks to showcase what has been achieved, the other side seeks to demonstrate how little, if any, has been achieved. The format is very much like the schools debating competition where arguments are presented and rebutted, laced with the appropriate passion and sound bites; the judges deliberate and a winner is declared.

It is the tradition too that we repair after this to some place, some after-budget cocktail to bask in our own perceived success in the debate. You know, Mr. Speaker, I question whether the interests of the people are best served by this approach. I question whether this format so often defined by point scoring and finger pointing allows for the frank dispassionate discussion that needs to take

place about the condition of our country, where we are, where we want to go, and how we propose to get there.

Not that this debate has been acrimonious. It has not been. But how useful has it been in enabling the people to better understand the issues that confront us and how they are being dealt with. And if the people don't understand the issues, who are we to blame but ourselves?

Next year will mark our fiftieth year of Independence. It will be a time to celebrate. For notwithstanding our failure to realize the dreams of Independence, we have made progress under successive administrations. You know, we are sometimes too harsh on ourselves. But, it will also be a time for reflection. And in that reflection, we dare not deny, Mr. Speaker, that we should have done better; we could have achieved more.

We are, ourselves, largely to blame for the fact that we have not reached the level of development of Singapore, a country less than the size of St. Thomas; a country that got its Independence the year after we did. We were both former colonies of Britain. And look at what they have done with their Independence.

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

In confronting that issue, we have recognized that fundamental changes have to be made to the way we govern ourselves and manage our business. Mr. Speaker, we have to take a game-changing approach. And this Budget reflects a significant part of that game-change.

(Applause)

Those of us who watch, even occasionally, the debate in the United States, surrounding

their Budget could not help but notice, Mr. Speaker, that the constant concern expressed by American voters is the need for Budget cuts, the need to reduce the deficit, the need to curb excessive borrowing. American voters have that concern because they know that spending more, borrowing more, creating bigger deficits means more taxes, and they don't want that. It means higher interest rates, a weaker currency, bad times for business, and they don't want that.

Here, in Jamaica, the conversation is starkly different. The constant demand is for us to spend more: to fix roads, to repair schools, to improve hospital services, pay higher wages and better pensions. And, you know, no one can deny that these are real, real, needs. These are not exaggerated demands that are being made. Our roads, Mr. Speaker, are in terrible shape. We are trying to catch up, but they are in terrible shape in virtually every parish of the island.

We need to build more schools, and we need to improve those that we have. Our hospitals need better equipment and more staff. Our civil servants deserve better pay. You know, a civil servant whose take home pay is \$40,000 or \$50,000 a month, and has to juggle that between rent, light bill, food, bus fare, and lunch money for the children, that civil servant goes through agony and embarrassment. We know that. Many retired civil servants have to live on even less than that. And the pension they get, has to take care of, not just their basic living expenses, it has to take care of expensive medicines for many of them.

So, Mr. Speaker, it is not due to lack of compassion that we don't do more, pay more, spend more. It is not, Mr. Speaker, that we don't care for the poor. To borrow the analogy

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offered by the Leader of the Opposition, *every family has to fit its expenses within the resources that it has*. It may have to borrow to make those ends meet, but every dollar that it borrows has to be paid back some time. And it starts paying interest on that loan the moment it takes out that loan. That is our reality. The suggestion that if we cared for the poor we would do more, that, Mr. Speaker, is the fantasy.

(Applause)

You know, we can't blame the people for not understanding that, if we ourselves either don't understand it, or we don't want the people to know that we understand it. It is within these tight parameters, Mr. Speaker, that the Budget has been framed and presented. But, it is more than that. It is an integral part of an effort to reform and transform Government's fiscal arrangements to create the conditions for investment and growth, without which we will not be able to do the more we need to do, or care for the poor the way we want to care.

Mr. MAIR: Hear, hear, change course!

The PRIME MINISTER: The management of Government's finances over many years - and I want to make this statement very boldly. The management of Government's finances over many years has been the biggest stumbling block to the growth and development of the country.

(Applause)

We have seen in the past, Mr. Speaker, where fiscal recklessness led to...

A MEMBER: Run with it.

The PRIME MINISTER: No... long before that.

(Laughter)

Mr. HOLNESS: Before run with it.

The PRIME MINISTER: Fiscal recklessness resulted in inflation of more than 100 per cent in one year alone.

(*Sotto voce* comments by some Members)

The PRIME MINISTER: Most of you were not in the House at that time. The efforts to correct that led to the collapse of major financial institutions, the devastation of businesses, and severe damage...

(*Sotto voce* comment by some Members)

Listen me... severe damage to the propensity of Jamaican people to invest in the real economy, something that we have not yet recovered from.

(Applause)

So, Mr. Speaker, for too long we have been unwilling to recognize that the Government was the problem. And I am not here - I am not lining up any particular side, because there has been fiscal indiscretion at various stages since Independence. And it takes you - it takes only one decision to create a fiscal problem. Sometimes it takes you a decade to correct it. So, whenever - the way in which we have proceeded, Mr. Speaker, is that whenever the fall-out came, whenever the ends could not meet, we borrowed to bridge the gap. Today, Forty-eight Cents of every dollar that we spend goes to service and re-pay that debt - Forty-eight Cents; another Twenty-nine Cents is used to pay wages and pensions; Twenty-three Cents is all we have left to do all the other things that Government is required to do: providing medicines and equipment for our hospitals, vehicles for the police to keep us safe, textbooks and school lunches for our students, money to repair our roads, and the much needed assistance that we give to the PATH beneficiaries. Making the necessary

correction, Mr. Speaker, changing course - because that is what has to be done...

MEMBERS: Yes.

The PRIME MINISTER: ... has not been easy. And, it has been made more difficult, but more urgent by the impact of the global recession that has made tough decisions, not just necessary, but inescapable.

A MEMBER: Yes.

The PRIME MINISTER: And it has fallen to our lot - our lot, to confront those difficulties, those challenges, and take those tough decisions.

Since the start of the recession, Mr. Speaker, we have lost US\$2.7 Billion in export earnings - US\$2.7 Billion, since the beginning of 2008. We have lost, during that period, Sixteen-and-a-half Billion Jamaican Dollars in bauxite revenue. I am not talking about bauxite earnings to the country; I am talking about the revenue that would come into the Government's coffers, so that we could do more; so that we wouldn't have had to borrow so much. And during that period as well we have lost \$5.7 Billion in GCT collections because people spend more, produce less - spend less, produce less, and therefore the tax collections are less.

Mr. Speaker, this is not fantasy. It is our reality.

A MEMBER: Hear, hear!

The PRIME MINISTER: It is the burden that we carry when we sit at the bargaining table with public sector workers who demand wage increases. It is the burden we carry when we try to pacify citizens who are protesting against bad roads, or lack of water. It is the burden we carry, Mr. Speaker, when we are called upon to roll back taxes. We must find a way to do it, even when the taxes that we are

collecting, reduced as they are, cannot cover the things that we are already doing.

And you know, it is no comfort - I know it is no comfort to the Minister of Finance who bears so much of the burden. It is no comfort to the public sector worker who is struggling to make ends meet; it is no comfort to anyone, that we are not the only country confronted with this reality. But, let us look at what happened in some other countries, because - and I am not necessarily using that as a template. Every country has its own circumstances, and every country has to devise its own solutions. But, when Canada was faced with a similar reality, it cut Government spending by 20 per cent. It laid off 40,000 public sector workers.

And having done that - this is before the recession - having done that, the Canadian economy is doing well now. During the recession the Canadian economy was growing, albeit not as fast as it grew before, but because of the tough decisions that they had made, their economy was able to weather that storm.

The United States is now facing this reality, and much of the debate in Congress has been about that. They are grappling with a fiscal deficit of ten per cent. Ours is 6.2...?

Mr. SHAW: Six point one right now.

The PRIME MINISTER: It is this reality, Mr. Speaker, that almost resulted in a shutdown of the Federal Government last month before the President and the Congress agreed on cutting their Budget by US\$38 Million, with a commitment to negotiate further cuts over the next four years.

The United Kingdom was more aggressive. Their fiscal deficit is 11.4 per cent, ours is six. Theirs is over 11 per cent. PRIME MINISTER CAMERON is cutting his Budget by 19 per cent

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over four years. Welfare benefits are being reduced. And, listen me, in England, 500,000 public sector workers are to be laid off. That is how they have chosen to deal with their reality.

How have we dealt with ours? If we take out Debt Service payments, we have reduced our Budget in real terms by 15 per cent over the last two years. Some see this as a lack of compassion for the poor. The expert says that we have not gone far enough. The decision should have been tougher. The cut should have been deeper. How much tougher could we have been, Mr. Speaker? Some countries chose to reduce wages to public sector workers. Some countries restricted public sector workers to a four-day week. Some even reduce pensions. We had not gone there. But insisting that Government must spend more on this, and spend more on that in order to do more for the poor will drag us there. Insisting that we must pay wage increases that we simply cannot afford, however reasonable those demands may be, that will drag us there.

Clamouring for a rollback of taxes when the revenues cannot cover what we are already spending, will drag us there. That is our reality. We didn't create it. The other side didn't create it. It is the reality that we face. Other countries are facing that same reality. We see what is happening in countries in the Middle East, made worse by the fact that - these are not countries where people were free, as they are in Jamaica, together at the intersection of Duke Street and Sutton Street. And therefore, when their eruption took place, what an eruption! And we have seen the effect that it has had. They are facing the reality that we are facing.

As I have said before, Mr. Speaker, we need a frank discussion. Criticize what the

Minister has presented, criticize what I am doing, criticize our programmes, but for God sake, let us honestly recognize the reality....

(Applause by Government Members)

And one of the reasons why we have to be careful, you see. If the Minister of Finance tomorrow would say well look, the pressure is building up so I tell you what, let's forget about the deficit, let's just spend the money to ease off the pressure. You know what would happen? The people who are benefitting from that recklessness would find that what they gain today would disappear in no time when the forces of devaluation and inflation respond in all their fury.

As I have said before, it's not easy for the people to understand these complexities and when they don't understand they form judgments and they get angry. There is a notion that governments can use its enormous power to do anything that it wants to do like rolling back gas taxes, like rolling back electricity costs.

We have already reduced the tax on gas at a cost of \$3.5 Billion a year. That's 3 ½ Billion that would otherwise have come, which will not come because of the decision we took to reduce the gas tax from 16% to 10%. We cannot go any further, Mr. Speaker.

You know, a friend of mine, a good friend, good, good friend of mine, and he is going to hear me make the reference and he is going to know that he's the one I am speaking about, but I am not going to call his name so he doesn't have to worry. A good friend of mine called me recently and made a suggestion, and he was absolutely serious. He suggested that the Government buy back JPSCo. so that we can reduce the electricity bill.

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(Laughter by both sides)

(*Sotto voce* comment by Dr. Davies)(Laughter)

The PRIME MINISTER: I would not know which part of my head to scratch to find out where we gwine find those hundreds of millions of US dollars to go and do that.

I know how hard it is for people who see their light bills going up every month, even when they try to conserve. The cost of oil, Mr. Speaker, accounts for more than 60% of what you see on your light bill. We have no control over the price of oil, which has increased by more than US\$20 a barrel since the start of this year.

Gas price in the US at the end of December - and Minister of Energy, if I go wrong tell me had to sit down quickly. Gas prices in the US at the end of December were less than \$3 a gallon. Up to yesterday, it had risen to \$3....

Mr. ROBERTSON: It's \$4.10.

The PRIME MINISTER: It's over \$4 now?

Mr. ROBERTSON: \$4.10 some places.

The PRIME MINISTER: 'Yu hear ya now'!

There is a limit, Mr. Speaker, to what governments can do, even the most powerful Government in the world. And we must not try to prevent the people of Jamaica from understanding that.

A recent caller on my Radio show - and again, you know, we are very serious, and I am not speaking disrespectfully of him, I don't know him, I mean, he called and he thought that this was a proposal, a genuine, good proposal. He said, that the way to create jobs is for the Government, not the private sector, for the Government to build factories.

(*Sotto voce* comment by Mr. Mair)

The PRIME MINISTER: No, not necessarily.

Government to build factories. So, it's almost as if, it's almost as if we haven't lost enough money with all of those factories that we built before and instead of allowing the private sector to operate them, we go in there to operate them ourselves. Ask the Minister of Agriculture....no, ask the Minister of Finance, ask him how many billions of dollars we have had to assume as part of the public debt because we were busy running sugar factories, demonstrating that we are better than Tate and Lyle.

The Opposition spokesman on Finance was not to be outdone. He has proposed that we used TEF, NHT and JDIP funds to create jobs for the poor. You know, we have been there and done that before, Mr. Speaker, and we still had not learnt! (Applause)

We still have not learnt that the Government cannot be the employer of either first or last resort. The Government already employs over 100,000 people. Some argue that that is too much. It is certainly arguable that if we employed less people we would be able to pay them better wages.

This budget, Mr. Speaker, is consistent with a clearly defined coherent strategy to fix the things that are wrong with government, things that have humbugged investment and growth and made government itself a major impediment to the country's development.

What are the core elements of this strategy? To eliminate the fiscal deficit and to build up surpluses to cushion ourselves through external shocks and natural disasters.

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Every time we have a natural disaster, we scream out to every country to come and help us. You know what I found interesting? When Chile had its earthquake - was it last year - that created more devastation than they have had - I can't remember, 50, 60 years, when I heard the outgoing President of Chile, a friend of mine, MICHELLE BACHELET, say on BBC when she was interviewed, had on her hat and she was out there amidst the rubble, that we don't need any foreign assistance, we can take care of ourselves. That's a proud country and our hope, our dream, it's not going to happen overnight, our hope, our dream is that we can eliminate the deficit and build up some surpluses so that whether it is earthquake or hurricane, when disaster comes we can say to the people, help is on its way right away because we don't have to wait for anybody. (Applause)

The core elements of the strategy, Mr. Speaker, are:

- to reduce Government borrowing, so that more resources are available for those who want to invest and to do business and create jobs;
- to reduce our debt to GDP ratio and the cost of servicing that debt in order that more of the taxes we collect can be spent in critical areas such as education, security and justice and health and infrastructure;

Core elements of the strategy, Mr. Speaker.

- to reform our tax structure and to spread the tax burden more equitably to encourage people to invest, to do business and to create jobs

You are going to hear those words from me several times before I sit, invest, do business.

The only way to create jobs on a sustainable basis is for people to invest. And I am going to explain some of the things that we are going to be doing this year and a continuation of things that we have done last year, to try to assist in that effort –

- to transform the bureaucracy into an efficient service-delivery oriented institution that encourages and facilitates the doing of business and the creating of jobs;
- to provide a framework, Mr. Speaker, of transparency and accountability so that people will have confidence in what the Government is doing and how it is managing their money;
- and finally to enable Jamaica to be globally competitive in areas that will attract investment, create jobs and provide prosperity for our people.

You know, we can't be globally competitive in everything, we don't have to be. If you look at the vast spectrum of goods and services that are growth areas throughout the world, we only need to be globally competitive in a tiny little piece of it, and we would have to import labour. We'll have to get there.

All of these core elements are aligned to the overarching goal of Vision 20/30, of making Jamaica the place of choice to live, work, raise their families and do business. We cannot achieve this, Mr. Speaker, by following the pathways of the past. We need to change the game, and we have started that game change, and this budget and the results we have seen so far reflect that game change. But we have a lot of work to do, and a far way to go to achieve those outcomes.

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

Mr. HOLNESS: Mr. Speaker, I now move for the suspension of Standing Orders to ask for an extension of time, sufficient for the Prime Minister to complete his presentation.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow for the extension of time, sufficient time to allow the Prime Minister to complete his presentation.

Put to the House and agreed to.

The SPEAKER: Prime Minister.

The PRIME MINISTER: I Thank you, Mr. Speaker, and I thank the Members of the House.

Let us spend a little time, it's worth the time, let us look at some benchmarks.

When a country's budget, when a country's budget accounts for more than 50% of that country's GDP, that is a country that is going nowhere, either fast or slowly. That is a country whose progress is being held back by its own government. Let us look for a moment at some - at the figures for some fast growing economies, and I could list 30, I am going to list what I have here, 12. This is the ratio of their budget to their GDP. Argentina, 25%, Brazil, 26%, Chile, 18%, China, 21%, Colombia, 27%, Dom Rep., 19% India, one of the fastest growing economies now, 27%, Indonesia, 19%, Japan, 14%. I'm sure that will go up a little bit now when the restoration work kicks off. Malaysia, 26%, Peru, 17%, Singapore, 17%.

The predicament of the United States right now is that their percentage has risen from where it normally was, round about 20/ 21% to almost 40% , today. Within the last couple of days, that is part of the crisis that they are now

grappling with. In 2007, Mr. Speaker, Jamaica's figure was 56%. This budget reflects a decline from that 56% to 43%, (Applause)still too high, still too high, but headed in the right direction. That, Mr. Speaker, is the kind of game change that we are talking about.

Jobs are created and economic growth occurs when people invest, when they do business, when they produce goods and produce services that have value and for which there is a demand. It may be a big investment such as the 900-room expansion of Fiesta in Hanover that is about to start up. Or it may be the US\$136,000,000 investment that COMPLANT is making in our sugar factories and in our sugar industry. It may not be as big as that, it may be a medium-sized investment, such as Digicel's \$10 Million headquarters that is being built Downtown, or such as Grace Kennedy's Pepper Mash facility that is established in St. Elizabeth.

And you know, it can be neither of those. It can be, Mr. Speaker, a man who wants to set up a welding shop, or a HEART graduate who wants to set up her own salon and each of them will employ two or three other people. That's investment, that's job creation.

But investment requires capital. Investors, Mr. Speaker, come in two types, those who have money to invest and those who have to borrow money to invest. That is why banks exist. Banks are not just there for people...

Mr. SHAW: Sixty Million.

The PRIME MINISTER: Sixty Million?

Mr. SHAW: Yes.

The PRIME MINISTER: The Minister is correcting me, I'm understating these figures. Digicel is Sixty Million not Ten.

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... banks are not there, Mr. Speaker, just as places where you put your savings for safekeeping. The bank has to lend that money to somebody in order to earn the interest to pay you and to pay themselves and to have something leftover for their shareholders. So when that welder that wants to set up his welding shop, or that HEART graduate that did well at HEART, learnt her thing and she do the hair and the nails and everything in her little community and she feel she can now go out on her own because she has clients, when either of them go into a bank to seek a loan, they're not doing the bank a favour, they're offering the bank business that the bank needs. Whether it is a \$250,000 that they want to borrow or maybe \$1 Million to buy some equipment and fix up the place, that's business that the bank should be embracing. Come. But for years by and large the bank felt no necessity to entertain them.

Mr. MAIR: They're shuffling paper.

The PRIME MINISTER: For years banks would say, why should I take the risk and lend you my depositor's money, when the government is willing to pay me high interest rates?

A MEMBER: Yes, zero rate.

The PRIME MINISTER: No risk?

Dr. DAVIES: The course changing. That's breaching.

The PRIME MINISTER: I don't have to worry, I need we JDX to come out at 12% even with JDX. You know, don't distract me.

(Laughter)

Dr. DAVIES: Security.

The PRIME MINISTER: Don't distract me, or else I'll ask you why when we were doing - why when we were doing FINSAC ... (Laughter) ... why - no it's a serious question -

why when we were doing FINSAC, those persons who had taken their money and went after the fifty-odd per cent interest rate, why didn't it occur to us that we should have said to them look, we're going to cover some of what you claim you're entitled to, right, but you cannot expect government to cover you at fifty-odd per cent, so let us negotiate and do something? You know a big part of the debt that we are servicing now would not have been created? But you and I, we gwine play some dominoes and we go have a discussion about the matter.

A MEMBER: Omar's fault.

The PRIME MINISTER: It's important to document and to understand these things for history, right?

A MEMBER: Him should appear before the Enquiry. (Laughter/applause)

A MEMBER: That's a good one.

The PRIME MINISTER: Listen nuh, don't disturb my presentation yu si.

(Cross talks)

The PRIME MINISTER: No, but seriously, I don't know, I am sure every single one of us in this House has - because normally when they don't get through, when that HEART trainee or that welder man don't get through, when everybody turn him down he ends up at some MP's office. And I've listened to cases so many times, I mean they go into the banks with a good idea and they leave dejected and rejected because dat de system is not for them.

Five years ago, Mr. Speaker - make a note of these things, because I want - amidst all the political rhetoric that we know take place out there, we have to get some real facts, some reality. Five years ago, 64% of the money in the bank was borrowed by Government, 64%.

So 36% was what was left for everybody else. Whether it is the factory that want to borrow money to buy equipment, or the man that wants to buy a car, or the family that needs to borrow money for their children's education, or the young couple that's getting married and have to borrow a little money to start off life, 36% was what was left to cover all of that. That game, Mr. Speaker, has changed. (Applause) Today it is not 64% anymore, that figure is down to 39%. (Applause) For years if you were an investor that had money, rather than investing it in something that would produce goods and services and create jobs, yu better off investing it in Government Paper. That was the best game in town, safer, provided a better return, more certain profit than any kind of business that you could enter upon; and you didn't have the headache of having to get up every morning and run down to your factory or run down to your office or drive up and down if you are a businessman who, yu nuh, sells things and so on.

(Inaudible comment by a Member)

The PRIME MINISTER: No, a not bringing lawyers into this. (Laughter)

If you were a different kind of investor, if you were an investor who didn't have money, but had a good idea and you wanted to invest, the high interest rate would drive you away. Today, as the House already knows, interest rates are at the lowest they have been in 40 years. (Applause)

Mr. Speaker, when we say we are changing the game we mean it. Is 40 years we haven't seen interest rate this low. And I gather from what the Opposition spokesman on finance said, that he was suggesting that it was kind a world conditions. That's not so yu nuh. You

look at interest rates in Brazil right now, interest rates are up here, because their economy is overheating. The last time I checked I think the interest on Government Paper in Brazil was something like 15%.

Mr. VAZ: Check man a yawd over dey soh.

The PRIME MINISTER: For most of the last 40... (Laughs)

(Inaudible comments from Members)

The PRIME MINISTER: Mr. Speaker, for most of the last 40 years, we've had to keep our eyes on the exchange rate. We would see it wobble and we would rush to buy it up before it wobbled out of our reach. Our reserves would dip and the market would get jittery. Our reserves are now at the highest level ever. That is a game change, Mr. Speaker. (Applause)

A MEMBER: That is it! Reality.

The PRIME MINISTER: Inflation for the last fiscal year stood at 7.8%. For the last six months, it has been at a rate annualised of 6.2%. When, Mr. Speaker, in the last 40 years - the Opposition spokesman on finance and I have had arguments before when I spoke about the need to achieve not just macroeconomic stability, but macroeconomic harmony. And he kept harassing me, because he said that he does not understand what I'm talking about. When in the last 40 years have we seen in Jamaica low inflation, low interest rate, a stable exchange rate, high foreign reserve all existing at the same time? (Applause)

Mr. MAIR: Built by Labour.

The PRIME MINISTER: In the past if you had one you have to give up another one. When have you seen those four ducks lined up the way they are lined up right now?

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(Cross talks)

The PRIME MINISTER: Let us be clear, let us be clear, Mr. Speaker, we're not out of the woods. The game has changed but the runs have to be put on the board. The last thing, dividend from this game change are yet to be reaped. And you know, I too get impatient sometimes. I mean, my colleagues will tell you that I keep saying, but yu nuh, we're doing the right thing, why we're not seeing as much of the results as we expect to see?

Dr. DAVIES: Yes.

The PRIME MINISTER: The low interest rates have not yet translated into a rush for loans and job creating investments. We monitor it very closely. We are seeing a pickup now over the last month - two months - but it is still not at the velocity that all of us want to see and it is still not at the pace that I think the sacrifices and the tough decisions we've had to make, justified. But it takes time, Mr. Speaker, for people to find their bearings and respond to the game change, especially coming out of a culture where Government Paper was the best game in town.

As somebody said to me, investment don't operate that way. It may stop sudden like a fighter plane, but it starts off like a train. They watch, they want to make sure that what we're saying is not just a little fly by night policy, they want to see - and in addition to that, it's a funny thing with us yu nuh, I think it may be part of the legacy of FINSAC, we want to jump out, but we want si somebody else jump out before we jump out.

Dr. DAVIES: Experience, experience!

(Cross talks)

The PRIME MINISTER: So it takes time. It takes time, Mr. Speaker, for ideas to be transformed into bankable projects. And in

addition to that, there is still concern about the global environment and the effect it will continue to have on the demand for goods and services. The effects of the FINSAC debt, as I said, still linger in the minds business people. Some of them are afraid to borrow...

A MEMBER: Hear, hear!

The PRIME MINISTER: ... afraid to take risk again. But we are creating the conditions, Mr. Speaker, that will make our entrepreneurs excited about investing once again. We have changed the game. (Applause)

The strategy, Mr. Speaker, is geared to encourage investments of all types and sizes. We want to see the big investments so they can have a big impact with a multiplier effect stimulating a whole heap of other investments. There are investments to be undertaken in manufacturing, in logistics, in telecommunication, in shipping, in tourism, in energy, in agriculture. And the respective ministers - 'cause they know I don't steal the asunder - the respective ministers will speak to those in the sectoral debate.

Dr. DAVIES: Multimodal.

The PRIME MINISTER: Next month... Yes, some multimodal investments too.

Next month, at the invitation of the IDB I will addressing a prestigious forum in Washington, on Caribbean investment and development, involving a number of major investors with either existing or potential interest in the Caribbean. As I said, Mr. Speaker, it's a prestigious conference. It includes, among its participants, the VICE PRESIDENT OF THE UNITED STATES, MR. JOE BIDEN. And at that conference, I intend to make the case that Jamaica is in a game changing mode. That Jamaica is ready and anxious for business.

The Minister of Industry and Investment - and I know he needs more resources to do it. We were able to do a flight adjustment but I still - I know that we haven't put him where he needs to go. But he knows that I want to see JAMPRO adopt the kind of marketing posture that the Jamaica Tourist Board does for tourism. To go into the market to go find the investors. To go and whet their appetite for investment in Jamaica, because we must remember that we are not the only fish in this pond.

There was a time - I've said it in this House before - there was a time when we could go out to Norman Manley Airport and wait for the investors to arrive, because they didn't have many places they could go. If you go into the Caribbean they'd want to come to Jamaica. If you're not going to the Caribbean you'd go - well where else? That's not the case today. Investors will just as easily look at investing in Cambodia, Vietnam, you look at Vietnam and see the amount of investment taking place there today. So the menu of options open to an investor is wide, and therefore we can't wait for them to find us, we have to go and find them and that is the strategy that we intend to pursue. (Applause)

In October, Mr. Speaker, with the assistance of the IDB, I made a special request. When I was in New York at the UN Conference - at the UN General Assembly last year - I had a meeting with the President of the IDB, ALBERTO MORENO, and I asked him to help me to put together a major investor conference in Jamaica. And the IDB has been so supportive of Jamaica that he has agreed. They're sponsoring most of the cost. The conference is to take place in October, and we are hoping to pull together for that conference

major, major investment - potential investors for Jamaica. (Applause)

We want to showcase the investment opportunities that we have to offer. We want to demonstrate to them that Jamaica is in a game-changing investment-ready mode. And you know, I am going to invite the Leader of the Opposition - and I am sorry I am saying this, I should have spoken to you before. I am going to invite the Leader of the Opposition to join me at that Conference, because I want us to demonstrate to the world that when it comes to attracting investment to Jamaica and creating jobs, the Government and the Opposition are at one... (Applause) ...with one interest... in Jamaica.

Government MEMBER: Invite Omar, also.

The PRIME MINISTER: Equally...

Mr. VAZ: No, man, him nah go come.

The PRIME MINISTER: Equally important, Mr. Speaker, are the small and medium-sized investments. They require less capital, and yet they create more jobs. And you know what is important about those small and medium-sized businesses, they penetrate every town and every village of Jamaica, and they create more jobs for the dollar. I mean, a company can invest Fifty Million Dollars US, (US\$50M) in Jamaica and create less than a hundred jobs. You give a small or medium-sized businessman Five Million Dollars, (\$5M), and he will probably create more than a hundred jobs. So that it's an area of focus.

Micro-enterprises are another important source of economic activity, because they provide largely own-account employment for thousands of persons. These, Mr. Speaker, are at the greatest disadvantage in securing loans

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through the commercial banking system, for various reasons, including inadequate collateral. I am not beating up on the banks here, because the banks are under requirement by the Bank of Jamaica, and there is a tight limit as to how much of your portfolio can be unsecured and so on. So it's not the banks' fault. But many of these small, micro-enterprise people they don't have enough collateral, they lack formal training or experience in business.

We have sought, Mr. Speaker, to bridge that gap by way of special programmes offered through the DBJ. We established - not last year, I think it was in 2009 - we established a special Micro-Finance Lending Window, and last year, for last year alone - and listen this, because you know, too many of you are bombarded by people who say we are not doing anything for small people and small-business people. Last year we disbursed loans totalling Two Hundred and Twenty-eight Million Dollars, (\$228M) to 4,215 micro-enterprise operators, 4,215. (Applause) These are small loans. I mean, it represents an average loan of Fifty-four Thousand Dollars, (\$54,000), but you are talking about micro-enterprise people. And you give a microenterprise person a Fifty Thousand Dollars, (\$50,000), and if they are serious about it watch how they turn it over.

And next thing now, they may want to come in and borrow a Hundred and Fifty Thousand Dollars, (\$150,000), because you have given them the start.

The DBJ provided a further Nine Hundred and Forty-seven Million Dollars, (\$947M) in loans to 207 small and medium-sized businesses, Three Hundred and Fifty-one

Million, (\$351M) of which went to small farmers through the PC Banks.

This year, Mr. Speaker - because we are going to continue this programme - this year the DBJ will be providing additional loan financing of Two point Three Billion Dollars, (\$2.3B), with a significant portion being earmarked for micro, small and medium-sized businesses, part of the changing of the game.

This year, Mr. Speaker, the DBJ is introducing an innovative programme - and I want you to pay close attention to this one, because I was excited about it when they brought it to me. The DBJ is introducing an innovative programme to enhance the operations of the microfinance sector. The DBJ has signed a contract with a service provider to undertake first, as a pilot project, a project called "Mobile Money", as a means of providing access to financial services to micro-enterprise operators, enabling them to conduct their financial transactions with their cellphones. Pay your bills and order your stuff, and do all of that. You are going to be able to lodge money to your phone. And you don't have to worry if your phone is stolen because you need a password before you can get into your phone bank book. I am sorry the Member for Central Westmoreland is not here because...

Mr. SHAW: He would have to lodge to two phones.

The PRIME MINISTER: He would have to get about four phones. (Laughter) And he would now be able to wire money to himself. (Laughter)

But what it will do, what it will do, Mr. Speaker, it will reduce transaction cost with the microfinance institutions, enabling them to further reduce interest rates to the microfinance

sector. We are only awaiting - before we kick this off, we have to get the approval of the Bank of Jamaica, because you are providing banking services. And our submission is with the Bank, and we are awaiting their consideration and hopefully their approval.

Now, let me get to something now that is another thing that is very exciting. I think everybody in this House knows that the ICT Business Process Outsourcing Sector is one in which Jamaica is making significant strides. We have established our competitiveness. I mean, if you look at what Patrick Casserly was able to do in Montego Bay...

Mr. PAULWELL: And in Kingston.

The PRIME MINISTER: You can - pardon me?

Mr. PAULWELL: In Kingston.

The PRIME MINISTER: Yes, yes, yes - you see the potential that we have. And when I speak to him - I recently had a visit from Xerox, who is here - who are already here. And Xerox said to me, if you can find me 20,000 square feet of space, I can employ another 900 people right away, because Jamaicans are just good at this business.

But what is also interesting about the business, Mr. Speaker, is that it comes in all sizes. It can come in huge operation, as well as it can come in some small operation. I was struck - I mean, I saw it and asked them to pull out a copy for me. I saw this story in the Observer Wednesday, April 20. It is about a young lady, her name, DEBRA FRASER, in Montego Bay, who set up her own little Call Centre. She has 15 stations, she employs seven (7) workers. She has secured a contract with the largest pizza chain in Canada, that has 700 outlets all over Canada. And she and her seven (7) workers handle all of their orders. So when

you are in Toronto or Vancouver, and you dial up this pizza number, you are talking to Debra and her seven (7) workers in Montego Bay who take the orders, relay those orders to the store, and in half-an-hour your pizza is delivered. That is creativeness. That is... (Applause)

I did not know, myself, I did not know, myself, because I had always thought that Call Center operations as them huge something that employ hundreds of workers. And then when I saw this I said to DBJ, but why we don't look at this? And you know what they told me, they say we looking at that long time. And I say, well, tell me what you are looking at, because I have a speech to give shortly.

What I have here, Mr. Speaker, because this is something that we are good at, it is labour-intensive, it can create a significant number of jobs in the short and medium-term, we want to facilitate more enterprising Jamaicans to establish business in this sector. And as I said, it can be small operators, it can be large.

The DBJ will this year be providing a special line of credit of One point Seven Billion Dollars, (\$1.7B), to enable more Jamaicans to capitalize on the opportunities that are available in that office outsourcing ICT... (Applause)

Now, Mr. Speaker, apart from the difficulty in obtaining loan financing, a major impediment to small and medium-sized businesses is their equity deficiency. We know that. We know that. I mean, I was in business one time and I didn't have no capital. I had a little collateral, and you go in and you borrow money. And when you borrow money you realize that for the first couple of years you can't even pay yourself out of the business, because you have borrowed so heavily that

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everything the business generates has to go to the bank. When you have little or no capital and you have to borrow all the capital you need, you start out so heavily leveraged that it becomes a burden on the business, wearing it down before it even takes off.

The idea of Venture Capital Financing has been mooted for a long time but has never had the benefit of a serious sustained effort.

Mr. Speaker, I asked the Group CEO of Grace Kennedy, Don Wehby - I had asked him to look at it when he was a member of the Cabinet, and after he left the Cabinet I asked him to continue working on it. I asked him to head up a team to explore ways in which we could give life to this idea of Venture Capital Financing - and my Permanent Secretary is telling me that she is authorizing me to say that I am tabling it today. I am tabling today the Report of that team which recommends first the establishment of a regulatory mechanism to create a proper framework for Venture Capital Financing.

What is envisaged is not a single venture capital company that would hold equity in business, I want to make that clear. What Government will do is that we will set up the legal framework. That legal framework will involve regulation - I mean like an FSC - it will involve certain fiscal arrangement, because you will have to set it up in such a way that it will attract investors. But we are putting in place the framework. And what we want to see emerge from that is several venture-capital funds. So an insurance company may want to set up a venture capital fund. A group of investors may get together and want to set up a venture capital fund. We are having discussions with the Stock Exchange, because we see a linkage there. What we want is to - in the same way that, you

know, insurance companies have so many different products, the only one that I haven't heard them announce yet is Life After Death. (Laughter) But they have all sorts of products and they give them all sort of names.

What we have in mind is that funds will now be mobilized for Venture Capital Financing. They will be managed by professionals - this is not Government trying to do that, we are simply setting up the framework. Businesses that require start-up capital or capital to expand, will then be able to offer shares in their business in return for the capital investment that they need.

It provides several advantages, Mr. Speaker:

- Businesses will be able to secure capital without being burdened by debt;
- the Venture Capital Fund will, through its shareholding and directorship, bring added capability in overseeing the affairs of the business –

which is something that many small businesses suffer from.

- And it will offer valuable linkages with other businesses in which that joint venture - that Venture Capital Fund might also have investments.

But let me say a couple of things, Mr. Speaker, because it's important. It will require a culture shift among some of our small medium-sized businesses. Many of us are inclined to treat our businesses as sole proprietorships even when we register them as registered companies. We are often unwilling to recognize that we and the company are two separate entities. Many of us practise this business where we commingle our personal expenses and the business' expenses. So we

walk with one checkbook, the company checkbook, and it pays the company's bills, but it pays some other bills as well. We don't keep proper accounts, we don't do proper audits.

If a company is going to be eligible for financing for joint - I keep saying joint - for Venture Capital Financing, it is going to have to meet due diligence tests, and companies are going to have to be conducted in a business-like way in order to qualify. As I said before, it's not the Government that will be providing these venture funds. Although - let me say this, the DBJ has not ruled out providing some funds as an investment to get the process going. And they are right now seeking to mobilize some private investors to create the first Venture Capital Fund in which the DBJ would invest as a means of encouraging it to go on.

One of the rules that they said that is likely to be imposed is to require the company that is the subject of venture capital funding, to give an undertaking to list on the Junior Stock Exchange within two to four years. Because you want to get that sort of networking of investors and marry them with companies that if they get some capital injection, can expand and grow and create jobs.

Mr. Speaker, I said before we are not yet out of the woods. We have not recovered from the ravages of the global recession. Our export earnings are less than half of what they were in 2008. People used to be employed in those exports, you know. I mean when you see our exports cut in half between 2008 and 2010, then we shouldn't, ah mean, when people say, well, you know, so many people thrown out of work. Now, let me ask you something. When we were exporting what we exported in 2008, didn't we have people employed in the

factories that were making those things for export?

Mr. SAMUDA: Yes.

The PRIME MINISTER: Then if the employer finds that he no longer has any buyers or his buyers are not buying as much as they wanted before, and he says, look, sorry I have to lay you off because ah don't have the orders for the goods anymore. How does that become an indictment of a government that don't care? Ah trying to see if I can understand it. And when that worker who used to work in the export business is not earning money anymore because they're laid off, so they can't buy as much as they used to buy, maybe can even go back to the supermarket because they don't have no money, and the supermarket sees that business not so good and they have to lay off two of the shop assistants; and the lady in that community that used to look after the hair and braid the hair and fix up the fingernail with about 15 different colours on it, but can't do it anymore because the person whose fingernails she used to fix up not working again. So she in turn now has to lay off the little assistant that she had when she used to have plenty clients. That's how a global recession affects a country. So it is bad.

It's not as bad as the Leader of the Opposition suggested last week when she said that over 100,000 persons have lost their jobs. You know, when I heard that I said, but hold on, how comes they didn't tell me about that? So I went, I pulled the figures from STATIN which indicate that last year - the last survey was done in October. They did four surveys for each year and then they take the average. The average employment for last year was 1,095,000.

A MEMBER: Yes.

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The PRIME MINISTER: In 2007 it was 1,153,000. Now, by my arithmetic when you subtract last year from 2007, you get 58,000 jobs. Not over 100.

(Inaudible comments by Members)

The PRIME MINISTER: But then what is the difference of 42,000 between friends? Eh? (Laughter) (Applause)

No, but we acknowledge...

(Inaudible comments by Government Members)

The PRIME MINISTER: No, but we acknowledge...No, ah don't want to it be said that we are making game of the matter because it's a serious matter. Right? Serious matter.

The unemployment rate during the period has risen from 9.8% to 12.4%. We cannot ignore that, Mr. Speaker, and we cannot treat it lightly because it represents real hardships for those who lost their jobs. And for their families including children, some of whom may not be eating a proper balanced diet because the mother or the father or maybe both have lost their jobs. But again - and I don't offer this as comfort but I think everything must be put in perspective - we are not alone.

The number of employed persons, persons in jobs in Jamaica fell, between 2007 and now, fell by 5%. The number of employed persons in the United States between then and now, fell by 5%. Our total number of unemployed persons between then and now rose by 25%. In America, theirs rose by 109%. Now, America is trying to solve the problem, and we are trying to solve the problem, too. That is why we changing the game. (Applause)

Getting people back to work is not going to come about by putting more spending in the budget to finance employment programmes. It

will happen when businesses start up or expand; when investors feel that the conditions are right for them to invest in real things rather than in government paper. And we are changing the game, Mr. Speaker, to make that happen.

I want to say a word about the poverty, the question of poverty. We are equally concerned about the number of people falling below the poverty line.

The Opposition spokesman on Finance can be forgiven, can be forgiven for his lapse of memory. *The Survey of Living Conditions* for 2009 was published in November at a public ceremony at the Conference Centre. And I don't know why I had - maybe I'm suffering from a lapse of memory...I don't know why I had a recollection that you were there. But we published it in November of...

Dr. DAVIES: Of when?

The PRIME MINISTER: Eh?

Dr. DAVIES: Of when?

The PRIME MINISTER: November last year. That was for... remember 2008 and 2009 came fairly close together. And it showed the poverty level at 16.5% or roughly 445,000. Again, I appeal to the Leader of the Opposition to resist the temptation to be hyperbolic. It is not true, as she said last Thursday...

(Inaudible comments by Mrs. Simpson Miller)

The PRIME MINISTER: ...that over 600,000 people are now below the poverty line.

(Inaudible comments by Mrs. Simpson Miller)

The PRIME MINISTER: The figures do not say that. Right? You know what the Leader of the Opposition...

Mrs. SIMPSON MILLER: I was told...

(Dr. Davies stops Mrs. Simpson Miller)

The PRIME MINISTER: ...You need to go and deal with some of those people you have who giving you bad information because I know...(Laughter)...I know you don't do those things. Right?

Government MEMBER: Support not supporting you, man.

The PRIME MINISTER: Mama P, flog them! They are not to mislead you.

Government MEMBER: Get rid ah Lambert!

(Inaudible comments by both sides)

The PRIME MINISTER: Mr. Speaker, Mr. Speaker, the increase in the poverty level is directly attributable to the decline in the economy, the loss of jobs and the significant falloff in remittances which occurred in 2009. We have seen a significant recovery in 2010, not back to where it was in 2008 and 2007, but it was bad in 2009. And we feel - the data that we have suggests that there is a sharp correlation between the level of remittances and the level of poverty. A lot of those remittances that come here are directed to people who live round-about the poverty line, either a little above it or a little below it. And when you see remittances go down you going to have an effect on that.

The impact of these factors has been mitigated, as the Minister of Finance pointed out, by the provision of increased benefits through the PATH programme. And we must not...Welfare is not the answer to poverty. Let me make it clear. But we must not underestimate what we have been able to do to try to mitigate the impact. (Applause) Since we took office we have increased expenditure on the PATH programme by 138%. (Applause) It was \$1.7 Billion when we came

to office. This year we are spending, through the budget, \$4 Billion on the PATH programme. And even after you discount for inflation, it still represents a real increase of some 60% in the real value of what is being provided.

But again, Mr. Speaker, we're not alone. In the United States over six million people have fallen beyond their poverty line since the start of the recession. This is our area of focus. This is what we have to concentrate on. Increased welfare provisions can do only so much to ease poverty. But getting the economy back on track, getting it back on a path of growth, doing everything possible to facilitate and accelerate that growth is what will rescue our people from poverty on a sustainable basis. (Applause)

Not surprisingly... It's not surprising, Mr. Speaker, that the Opposition has made heavy weather of the fact - and I say not surprising, because if I were over there I would have put forward the same argument. That's what opposition is about. But they have made heavy weather of the fact that the economy has suffered three years of negative growth, with a cumulative decline of some 5%.

Let me just give you some break-out of that: 2.2% of that is due to the fallout of the bauxite/alumina industry. Remember that bauxite/alumina accounted before the decline, accounted for more than 50% of our total exports. So of the 5% we have sunk since the recession, 2.2% of that is attributable to bauxite. The rest is largely attributable to manufacturing which during that period lost 0.85%; construction 1.3%; transportation 1.2%. There was positive growth over that period in tourism and agriculture but it was not sufficient to counter the effect of the fall-out there. It is a

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worrying outcome, Mr. Speaker, although not unexpected, given the impact of the recession. But if I can be forgiven, and I ask forgiveness before I even commit the offence. It's not the first time we have experienced three consecutive years of negative growth.

The Opposition spokesman on Finance could not possibly have forgotten that this happened in 1996, 1997 and 1998 when the economy suffered a cumulative decline of 4.1%. At that time there was no global recession, there was no oil crisis.

A Government MEMBER: Bauxite was doing good!

The PRIME MINISTER: As a matter of fact, during those years, oil prices never went over \$20. And it was during a time when the world was experiencing an unprecedented level of economic growth.

But, Mr. Speaker, I am happy - I say we not out of the woods yet. I've said that before. But I'm happy that I am able to confirm that Jamaica is now officially out of the recession, as in the January to March quarter, the economy registered modest, but positive growth of 1%. (Applause) A detailed analysis of the out-turn and the projections for the future will be presented by the PIOJ at a press briefing that is scheduled for Wednesday of next week.

Mr. Speaker, the Opposition has taken issue with the level of increase in the minimum wage. Again, let's put it in perspective. When we took office the minimum wage was \$3,200 per week. We have increased it in two jumps to \$4,500. We have stressed - and it is something I've heard the Leader of the Opposition herself say, I've heard the Minister of Labour say it - we have stressed

that this is a minimum. And those employers who value the services of their employees and can afford to, should pay more.

But let me say something about this minimum wage because it is something...I remember when I was a Member of the Cabinet in the 1980s, we agonized over it, and some people wondered...One submission, which was not normally more than three or four pages, and sometimes Cabinet would sit on that one submission for two, three hours. We can set the minimum wage at any level we want, especially if we are not the ones who have to pay it. I mean, we could go to Cabinet tomorrow and agree and we come to Parliament with a resolution and say let's make the minimum wage \$8,000 a week, let's make it \$6,000 a week.

A MEMBER: And face redundancy.

The PRIME MINISTER: We must remind ourselves, Mr. Speaker, that not all employers are rich people. The teacher, the policeman, the telephone operator, the higgler, very often the nurse, has to employ somebody to look after the little children. And if we set the minimum wage at a level that they cannot afford, forcing them to lay off those minimum wage people that they employ, probably forcing them to lay off themselves because they are going to have to stay home now to look after the children, what good is that? How does that help the minimum wage worker? What good is a minimum wage if because of the minimum wage you lose your minimum wage job? We have had to weigh these things very carefully.

The significant increase in the national debt is an issue that the Opposition has raised, and justifiably so. There is hardly anyone over the

last 15 years that has expressed more concern about our increasing debt burden than I have. We have had to undertake - under this administration, we have had to undertake significant borrowings to help us through the financial crisis and to make up for the falloff in foreign exchange earnings and capital flows. I think it has been noted during the debate that the debt to GDP ratio at the end of March was 128%. I am not seeking to undervalue the significance of the point that the Member raised because 128% is, but it is important to point out that it is well within the ceiling of 139% which is set out in the Standby Agreement with the IMF.

The programme that we have, calls for it to be reduced to 100% by 2016. We are satisfied that we are on the right trajectory to achieve that, and if we focus our efforts seriously on investment and growth we can get to that target even before that target date.

I have to say a little bit, Mr. Speaker, about tax reform. I am not going to get into a lot of details for reasons that I will explain. The Minister of Finance in his opening presentation outlined briefly the approach being taken towards tax reform which is to commence this year. The Leader of the Opposition is correct. Considerable work was done by a committee headed by MR. JOSEPH MATALON from as far back as 2003. For reasons that do not need to detain us, the critical components were not implemented.

Since coming to office we commissioned a review of these proposals by a group of consultants that were provided to us by the IDB. Mr. Matalon remained engaged throughout that process. We have discussed the proposal with a wide group of stakeholders

both at the partnership for transformation and at the sector levels.

I think it is true to say that there has been substantial agreements on the proposals, but it is also true to say that some elements have not found favour with some groups. The underlying approach is to reduce taxes as a means of stimulating investment and economic activity. It cannot be simply to reduce taxes to provide relief. It has to be reduced in such away to provide relief but also to create a more attractive climate for investment. (Applause)

A key element is to encourage more export-oriented business. (Applause) I cannot emphasize this too much. Let me make a statement that I don't think that all of us appreciate. We have had slogans 'export or die' various things. The reason why exports, Mr. Speaker, are so vital to our future is because Jamaica's economy is too small to give us the space to grow at the rate and to the extent that we need grow. We need a bigger market, it has to be the export market, and that bigger market is not going to be served, fulfilled by CARICOM. You know one of my Cabinet Members, we were discussing some CARICOM matters once, I won't call his name because I don't want it reported in the Caribbean press. We were discussing CARICOM and CSME and a Cabinet colleague said to me, but we are the single market, we, Jamaica. If you look at where the flow of goods go, when you talk about the CSME you talk about Jamaica. (Applause) But exports are critical because that is your third market, after your domestic, after your CARICOM that is your third market and that market is vast. And if we don't find a way, to break into that market with an aggressiveness,

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with the right products at the right price with the right quality we are not going to be able to grow as fast as we need to go. That is where our hopes lie in export.

We are talking about tax reform and I want to share with my colleagues, Mr. Speaker, an anecdote. I can't remember, it may have been a year ago, a year and half ago, I was speaking with the President of Panama, President Martinelli. Now any of us who have been to Panama must be struck by what you see when you go there. When you are flying into Panama, you wonder if it is Manhattan when you see the skyscrapers. And I remember when I was Minister of Construction, Ted Warmington told me, if you want to know if a country's economy is doing well, when the plane is about to touch down, look and see if you see tower cranes. If you see tower cranes busy that economy is doing well.

Panama's economy has grown over the last eight (8) years - listen to this figure and salivate, Minister of Finance. Panama's economy has grown over the last eight years by 71%. So I ask President Martinelli, I said tell me something, I am so impressed by what I see in Panama. What is it that is accounting for so much investment taking place in Panama? You know what he said to me? He said simple, 'we reduced taxes'. He didn't give me any other explanation he said, 'we reduced taxes', that was the answer that was his explanation. Well, it is easier for some people than for others. If we are to reduce taxes, Mr. Speaker, if we are to reduce taxes there has to be a trade off. The plethora of waivers and incentives will have to be drastically reduced in order for taxes to come down. You cannot have a high amount of waivers and incentives and low taxes. There has to be an adjustment. The mere fact that so

many waivers and incentives have to be granted is clear evidence that something is structurally wrong with our tax system. (Applause) We cannot delay a major tax overhaul until there is unanimous agreement on every aspect.

The measures announced by the Minister relating to Estate duties, Motor Vehicle duties, measures to facilitate loan refinancing and the freeing up of the trade in securities are just one part of the process that is being rolled out at this time. Other elements will be readied for implementation during this financial year. Some will require more time to allow for appropriate adjustment that will be implemented over the next two to three years. But it represents, Mr. Speaker, a bold game changing effort to create a simpler, healthier and friendlier tax environment to support the thrust towards investment and growth.

Tomorrow when he closes the debate, the Minister of Finance will table a Green Paper on the tax reform proposal as a means of forming and engaging in discussion among the public on this critical issue.

I come now, Mr. Speaker, to an issue which I gather has caused a fair amount of anxiety and some expectations. I have tabled today, a Ministry Paper setting out the final decision as approved by Cabinet, relating to the Public Sector Master Rationalization Programme.

You will recall, Mr. Speaker, that the recommendations of the Public Sector Transformation Unit were represented to the House in July. They were examined and reported on by the Public Administration and Appropriations Committee. The details outlined in the Ministry Paper reflect Cabinet's final decision having considered these

recommendations and comments from a wide range of stakeholders. It embodies significant restructuring and realignment of government functions, departments and agencies aimed at improving efficiency and cost effectiveness. It is among the seven pillars essential for growth identified in the growth inducement strategy which has been developed by the PIOJ.

But, Mr. Speaker, it involve more than just a rearrangement of functions and departments. It includes measures to improve the Governance structures and practices within Government, ministries and departments and agencies, enhance management accountability functions, calibrate functions and responsibilities with the required authority and resources, utilize information technology to interconnect ministries and departments and agencies for effective coordination in the carrying out of functions and the delivery of services, and it involves as well, institutionalizing appropriate monitoring and evaluation systems.

The rationalization programme is to be implemented on a phased basis over the next five years. It is projected that it will result in savings of between \$40 and \$50 billion over that five year period. These savings will come primarily from staff reductions and the disposal of assets arising from the privatization and outsourcing of certain functions. Even greater benefit is expected from improved efficiency and productivity.

Mr. Speaker, we made it clear from the outset, that the primary objective of this exercise was to improve the efficiency of Government, not to cut staff, and that the impact on staffing would ultimately be determined by the final decisions on how

ministries, departments and agencies were to be restructured.

As part of a reform matrix agreed with the IMF and the World Bank and the IDB, a census of public sector employees was carried out in order to verify because questions were raised as to how many people are employed to Government, a census was carried out to verify accuracy of the number of persons reportedly employed by the various Government agencies and ministries and so on. The census revealed that the total number of persons employed to government is 118,163. It is projected that with the rationalization programme over this five year period, that number will be reduced to between 108,000 and a 109,000.

I want to explain. Some of this reduction will come from natural attrition. The Opposition spokesman on Finance in his comments on the rapidly increasing cost of public sector pension, an issue to which I will return, questioned the availability of accurate data as to the number of persons due to retire over the medium term. The data which has now been provided by the census has revealed the following.

There are 5,137 persons who are now at the age of 60 or above the age of 60 and therefore are due, or one may say in some incentives overdue for retirement.

There are 10,520 persons between the ages of 55 and 60 who are eligible but not yet due for retirement and there is another 12,800 persons between the ages of 50 and 55 who can retire without loss of pension benefits.

There is some indication, Mr. Speaker that some workers may opt for early retirement. But let me hasten to point out, that retirement will not fully account for the targeted reduction in

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staffing. Where persons retire from positions that can be eliminated in the rationalization exercise, those positions will not be filled. And I want to just make the point that the instruction that I am giving are that we are to wring that employment process because I know in the past, before you can even know the vacancy exists so that you can say well lock up that one and don't fill it, it is well filled. So it is something that we are going to have to manage very carefully.

As I said, where persons retire from positions that are no longer considered necessary in the rationalization programme those positions will not be filled.

However, some of those who will retire will have to be replaced especially in vital areas such as education, health services, security, particularly in those sectors where we're short of staff.

Some employees will be reassigned to other ministries and departments which may be below their required staff levels. Let me give an example of - just, just one example. The Commissioner of Police says to me, look we been doing the civilianization programme where we're getting civilians to perform jobs that don't require police officers, but we still have a far way to go. We still have a lot of trained policemen who are desk bound, they're writing up books, they keeping all sorts of records. And he says, I would love to be able to put those policemen out there on patrol, doing community policing, walking the communities and replace them with civilians. And therefore, that's an opportunity where, if you're reducing staff or if you're merging a department or if a particular section of government is to be closed down because the functions are to be outsourced, we're gonna to have to see now

can these persons fit in over here where we have a need, and if that person can take over that job then it means we can have more policemen on the road. It's that kind of approach that we will have to take.

In implementing these changes close consultation will maintained with public sector unions to minimize, as far as possible, the effects of the dislocation to the affected employees where this cannot be avoided. Under previous memoranda of understanding between the government and the public sector unions, some ten thousand employees underwent retraining programmes to improve their skills to give them greater job flexibility. A significant number of the functions normally carried out by MDAs, Ministries, Departments and Agencies, are to be outsourced or privatized and we will be making every effort to assist displaced workers to seize the opportunity, where possible, to provide these services. The former Government Printing Office provides a good example of how workers can assume ownership and control of an entity to provide the very same services for which they were previously employed.

We're going to have to reckon, Mr. Speaker, with the compensation cost of this exercise in terms of the retiring benefits and compensation to those who are eligible for retirement. The Minister of Finance is to have discussions with the IMF as to how these costs can be accommodated in the current agreement.

Let me say one word, and I had planned in the interest of time not to do it, but I have been guided by my technical officials that it is so important that it must be stated. An issue that has to be addressed has to do with leave entitlement. Public sector workers are entitled

to different leave packages. If you were employed before 2002, you're entitled to thirty-five working days of leave. Working days mean Monday to Friday. That's seven weeks of leave, and that's vacation. Apart from that you are entitled to fourteen days of sick leave and fourteen days departmental leave. The system was changed in 2002. So those who were employed since 2002 are entitled to fourteen days' Vacation Leave, fourteen days Sick Leave and ten days Departmental Leave. The mere fact that you have people working in the same service and you have this disparity or dichotomy, it says something that needs to be addressed. It's not fair.

Discussions are being held with the Public Sector Monitoring Committee, which includes the public sector unions aimed at standardizing leave arrangements across the service. But a related matter that has to be addressed, Mr. Speaker, is the accumulation of vacation leave.

Vacation leave is intended to provide workers with the opportunity for rest and relaxation, so that they can maintain themselves in a good physical and mental condition. The census data shows that public sector workers have accumulated an average, for each public sector worker, of forty days' vacation leave. In one case, at least one case - I don't know if it's more than one, but I certainly know that in one case that worker has accumulated three hundred and sixty days...

A MEMBER: A year.

The PRIME MINISTER: ...vacation leave. What is frightening, Mr. Speaker, what is frightening, if the government were called on to pay these workers for their vacation leave it would cost us \$23.1 Billion; \$23.1 Billion, if you were to say, well, take some money in lieu of leave. Leave management is one of the

issues to be discussed with the Public Sector Monitoring Committee. And we're going to have to limit accumulation of leave. If you're entitled to two weeks or three weeks or whatever it is, you must take your leave. Take your leave, go refresh yourself and come back to work, fit and ready to go again.

(The Speaker leaves the Chair - Mrs. Dalrymple-Philibert presides)

And the way in which it works is that when somebody reaches retirement age now or approaching retirement age that's when you now say, well, I have one year's leave and we call pre-retirement leave. There's really no such thing as pre-retirement leave. It is the leave that you have accumulated that you now must go on leave to work out before your pension starts to be paid. And during that time, since you are on leave and you're entitled to it you collect your salary. It creates horrendous problems for government's accounting. Horrendous!

And we're talking - in fairness, the discussions that we've had with the public sector unions have been constructive, and certainly in the meetings that I have had with the consultative group - monitoring group. I've learnt a lot in terms of how some of these things came about, how to approach them, how not to approach them from the President of the Civil Service Association, MR. WAYNE JONES. And I hope I don't put him in trouble but I have a lot of regard for his own understanding of the issues and the extent to which he has provided, in my view, valuable guidance as to how to approach it.

The rationalization programme will proceed in tandem with the ongoing public sector modernization programme being led by the Cabinet Office. The medium-term action

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plan to fulfil the mandate set out in Vision 20/30 was approved by Cabinet in November of 2009. Its focus is on increasing productivity, the incorporation of performance monitoring and evaluation system, decentralization, and human resource management.

I want to place on record, Madam Speaker, because I could never finish this without doing so. I want to place on record our appreciation, and I believe I speak for the entire government. I think I speak for the whole Parliament, our appreciation for the valuable work carried out by the PSTU under the leadership of that distinguished public servant, MRS. PATRICIA SINCLAIR MCCALLA.

(Applause by Government Members)

She was my Permanent Secretary, and I weighed the issue very carefully as to whether it was more important for her to remain as Permanent Secretary, or to take on this mammoth task. And I felt that in the interest of the country this was more important. It was not an easy task and time was made to be of the essence, and I want her to know that we owe her a debt of gratitude to her, and ask through her to the rest of the team that she leads.

We're also indebted to the consultative monitoring group led by MR. PETER MOSES, who has once again stepped forward to give his time and energy to the service of his country.

(Applause by Government Members)

That group did more than monitor the development of the programme. It was intimately involved in the design, in the fine-tuning, in the delivery of the programme and I pay tribute to all of its members. We are grateful, too, to members of the private sector who provided technical assistance at no cost to the government.

The PSTU will remain in place to monitor the implementation of the programme; and the consultative monitoring group, at my request, has kindly agreed that they will also continue to provide oversight and guidance. And once again I thank them for that generous demonstration of spirit and support for this effort.

I come to an issue that was raised by the Opposition Spokesman on Finance. He referred to the public sector pension crisis. That's what he said, that's what he called it. He said we have a public sector pension crisis. He was not being hyperbolic. We have a crisis. We do not have a segregated pension fund from which we pay our workers when they retire. Pensions are paid directly from the budget. Mek a note of these figures again. When we came to office in 2007, the cost of paying government pensions was \$12 Billion. This year, it has ballooned to \$22 Billion in that short space of time. When we do a trajectory as to where it is going to go in another five years, and in ten years, and in fifteen years - I'm not exaggerating and it's not a question of being an alarmist - It would destroy the budget. You couldn't sustain it.

We're not the only ones having this problem, let's be quite blunt about it. America is fighting it.

A MEMBER: Baby boomers!

The PRIME MINISTER: Britain is wrestling with the same problem. France is facing the same problem. I haven't followed what is happening in Canada, but most countries are having this problem because people are living longer. So whereas - I mean, twenty, forty years ago maybe somebody when they retire at sixty would spend on an average maybe no more than eight or ten years on

pension. Now we have some pensioners who are approaching a hundred because people are living longer. And therefore, you have people on pension for longer periods, but you have people coming on the pension roll every year. But they not leaving the pension roll as fast as used to be the case, so that the expenses -

(Laughter)

What did I say?

(Laughter)

Government MEMBER: They not leaving as fast as.

The PRIME MINISTER: But that's true.

Government MEMBER: Like you're projecting their death.

The PRIME MINISTER: I'm paying tribute to the excellent work of our doctors and nurses and health care professionals.

(Laughter)

(Applause by Government Members)

The PRIME MINISTER: Listen to this figure again, because I tell you the honest truth I didn't get a chance when I - when these numbers sort of came up in some material that was sent to me I didn't get a chance to sit down with the Minister of Finance.

The PSOJ recently commissioned a study that suggests that the cost of pensions for those who have already retired, just those who are on the government pensions now, for the rest of their lifetime - and, you know, they made certain assumptions - the cost of pensions for those who are already on pensions for the rest of their lifetime is \$225 Billion. So whether it is, you know, five years more, ten years more, fifteen, twenty years more the cost of keeping the pension going for that body of people is \$225 Billion. And, of course, each year that

figure is going to increase as more people come on the pension roll.

As I said, Madam Speaker, many countries are facing a similar crisis. Ours is made more severe because our pension payments are front loaded. I haven't been able to find anywhere else that this happens but this is the situation in Jamaica. Retiring public sector workers have the option to take a portion of their pension in lump sum payable immediately after they retire. And most of them, the vast majority of them, exercise that option. So, for example, remember I mentioned earlier that we have five thousand one hundred and thirty seven people who are now sixty or over, if all of those were to exercise option to take the lump sum payment, and I suspect that they will, it will cost the government for the lump sum payment \$4.8 Billion. And then after that \$1.2 Billion per year to pay them the commuted amount after the lump sum has been paid. You see the kind of - the Opposition Spokesman is right. It is a crisis. It is a crisis and we have to manage this one.

Now, as I said people are living longer, people are retiring at higher salaries, and because of that the cost will continue to escalate.

We had a team of World Bank consultants who did a review of our public sector pension arrangement - I think it may have started even before our time. Not surprisingly, they have recommended that the current system be replaced by a Contributory Pension Scheme to which both the Government and the individual employee would make contributions.

There are significant issues that will need to be addressed. What are the legacy costs for those currently employed and already entitled

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to pension, and how will those legacy costs be treated? It must be noted that pension entitlement for public officers is protected in the Constitution. I mean we can't do anything that we like no matter how big a problem it is. There is a Constitutional protection for public sector pensions.

Where would... the joint pension contributions once we go that way - and I believe that we have to, but once we get into a contributory scheme, where would the joint pension contributions be placed, and who would manage those funds? How would the pension benefits be determined? Actuarially, or by defined benefit? There are certain other issues that will have to be considered, such as raising the retirement age from sixty, to say... sixty-five. Life expectancy is increasing and persons are functioning effectively, well beyond the age of sixty. You know, if the retirement age of sixty were applied to the Parliament...

(Laughter)

Mr. SHAW: Ahh...don't look at me.

The PRIME MINISTER: ...many of us would have to go. And even the youthful Member for Central Manchester, would be able to look forward to no more than two terms. And the only person in this House who probably, would have any longevity would be the Member for East Central St. Catherine and the Member for South East St. Ann.

(*Sotto voce* comment)

Maybe we better put a little money in the Budget to build a little nursing home across the other side.

(Laughter)

Mr. Speaker...

(*Sotto voce* comment/laughter)

The PRIME MINISTER: And you didn't call me up? Madam Speaker, I am sorry. Maybe we should make arrangement that whenever the Speaker is leaving his Chair, the House has to be interrupted to make note of it.

Now that the study has been completed, we intend to finalize the proposal for reform and present a Green Paper that will be discussed with the stakeholders and tabled in Parliament later this year. And I am asking the Minister of Finance, the matter is so urgent, let's make sure that we put some grease on this one to try and see if we can get that Paper developed and brought to Parliament as quickly as possible. The matter has to be addressed urgently. The initial cost of reforming the system is likely to be significant with the benefits flowing in later years, but the longer we delay, the greater the crisis that the problem will become. And I welcome, at least...

...at least the inclination from the Opposition Spokesman on Finance, as this is something on which Government and Opposition can work together and collaborate, because it is a problem that is going to be with us for a long time and we have to start dealing with it.

I want to come, Madam Speaker, to the question of the reform issues that I have brought to the attention of the House before and to report very quickly. The game change that we need if we are to set ourselves firmly on a path of growth and development is not confined just to the management of our financial affairs, but involves more broadly how we manage ourselves as a nation and as a people. We recognized this before we came to office and we set out in our Manifesto a reform agenda to address issues of transparency and

accountability, corruption, the protection of individual rights and other matters relating to good governance.

I reaffirmed our commitment to that agenda in an address to the nation almost a year ago. We have not met all the timelines that are outlined at that time. We have made, and we continue to make good progress. The two major reasons for the delay - and I share them with the House - where delays have occurred is the time that was necessarily taken for consultation with critical players as well as the work overload that exists within the Office of the Chief Parliamentary Counsel. It is a serious problem. I think we have - maybe six or seven legally trained drafters there, and they just can't handle the load. Every Ministry has a priority that it wants to take precedence over the next Ministry. And, of course, part of the privilege of being Prime Minister is that when my office calls they say now, this one has to be treated urgently, then they have to drop everything else that they are doing. And it is not fair to them, not fair to them.

In terms of that, Mr. Speaker, I approached both the USAID and the Canadian Government and they have both, graciously, provided technical drafting assistance to help us with some of the matters. And I express my thanks to them.

(Applause)

And these are not foreign drafters; these are persons, some of whom have retired, for example, from the Chief Parliamentary Counsel's Office, that they have made arrangement to place at our disposal.

One initiative that was instituted early in this administration was the appointment of Opposition Members to chair Standing Select Committees of the House, similar to what has

long obtained with the Public Accounts Committee. I haven't been able to monitor as closely as I would have wanted to, how the Committees are working. I hope they are achieving the purposes for which they were intended. I will run the risk of selectively singling out one. And I do so only because I have had to deal with reports from that Committee to a greater extent than others, but I would want to commend the work of the Public Administrations and Appropriation Committee, and its Chairman, the Member for Western Westmoreland. I'll say that because there was a matter - I cannot now remember which it was - I think it may have been this same rationalization - when I said to him, I need this matter dealt with quickly. And I really was amazed at the speed with which he convened his meetings. They did their work, they submitted their Report to Parliament and we were able to get on with that business.

(Applause)

I report, Madam Speaker, now, on the status of other elements. We have established the Independent Commission of Investigation to protect citizens from abuse by agents of the State, including the security forces. In the few months since he was appointed, the Independent Commissioner of Investigation has shown that he is a game-changer.

(Applause)

We have enacted the Protected Disclosures Act, commonly called the Whistle Blowers Act, to encourage and protect persons in reporting wrong-doing, both as a deterrent and as a means of facilitating corrective action.

(Applause)

The legislation to establish the Office of Special Prosecutor to investigate and prosecute corruption is in its final stage of deliberations

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in Parliament. Although I am disappointed that it was not passed in the last session of Parliament, the delay has been occasioned by constructive issues that were raised by Members on both sides, which we are working to resolve. And I believe that this will lead to an improvement in the quality of the legislation. I have asked the Leader of the House to schedule a resumption of the deliberations on this Bill immediately after the conclusion of this debate.

A free press, Madam Speaker, and the ability to publish facts without fear of being punished for libel and slander is a vital pillar of our democracy. I have said before that our libel laws, our slander laws, defamation laws, are capable of being used as a firewall for scoundrels, where they protect themselves behind this veil, this firewall, even when they are involved in wrong-doing.

The Report of the Joint Select Committee which considered the recommendations of the Committee that was chaired by MR. JUSTICE HUGH SMALL, which recommended changes to the laws as they relate to slander and libel, that Report has now been considered and adopted by both Houses of Parliament and the appropriate drafting instructions are now being prepared.

Fifthly, a key element in the dismantling of garrisons is holding political representatives, whether elected or declared to be seeking to be elected, holding them responsible for their actions which might encourage or facilitate garrisonization and political tribalism. We propose to do this by strengthening the code of political conduct and providing stringent civil and criminal sanctions for certain - not all - for certain breaches of the code. It was felt

necessary, Mr. Speaker... there you go again.

(The Speaker returned to the Chair at 4:30 p.m.)

(Laughter)

Welcome back, sir.

The SPEAKER: Sex change!

(Laughter)

The PRIME MINISTER: It was felt necessary before proceeding, to consult thoroughly with the Electoral Commission on the matter. And based on those consultations, Cabinet will now be asked to issue the necessary drafting instructions.

Mr. Speaker, we have completed the laborious revision of the procurement rules for the award of Government contracts, and a new handbook is now in operation. The next step in the reform programme is to provide for the imposition of criminal sanctions for certain breaches that involved conduct intended to undermine or corrupt the process and for the denial - listen to me carefully, because I know this one is going to evoke discussion - the denial of contracts to persons deemed not to be fit and proper. It is a critical element in the process of the dismantling of garrisons, and in the process of ensuring that political conduct is held to certain standards. Drafting instructions are now being prepared for that Bill to be brought to Parliament.

IMPEACHMENT PROVISIONS

The Bill to make provisions for the impeachment for public officials has been completed. It is to be submitted to the Legislation Committee for final review before being brought to Parliament.

You will recall, Mr. Speaker, that I Tabled in Parliament during the last legislative session,

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a Bill to impose term limit for the holding of the Office of Prime Minister. That Bill, I hope, is still - it was carried over, was it?

(Sotto voce comment)

The PRIME MINISTER: So, the matter is currently, and still remains before the House. The debate commenced last year, but it was not concluded. The Opposition has stated that it is opposed to the Bill. That's what the Opposition said.

Mr. VAZ: Which one; which one of the Opposition?

The PRIME MINISTER: The Opposition.

Mr. VAZ: Okay.

The PRIME MINISTER: President Raul Castro recently announced his intention...

MEMBERS: Comrade... Comrade Raul.

The PRIME MINISTER: ...to impose term limits, not only on his own Office as President, but on office of other people, Senators, and what not what, because he felt that they needed to change the game in Cuba. And the Opposition may wish to review its position on the matter when we resume the debate on the Bill during this legislative session.

Mr. VAZ: D.K. Duncan can deal with that... *(Inaudible)*

The PRIME MINISTER:

REGULATION OF POLITICAL PARTY FINANCING

Parliament has already given its approval to the recommendations of the Electoral Commission for legislation to be enacted to require the registration of political parties and the regulation of political party financing. The Bill to give effect to those recommendations will shortly be presented to Parliament. We still

await the recommendations of the Electoral Commission on the equally important aspect of campaign financing, but one will not delay the other. We are proceeding with what has been agreed at the Electoral Commission. That Bill is to come to Parliament while we await the recommendation for legislation in relation to campaign financing.

Mr. VAZ: What!

Dr. DAVIES: That is the Olint amendment.

Mr. VAZ: Okay. Ask Bobby 'bout it, Bobby know 'bout it.

The PRIME MINISTER: Mr. Speaker, critical public institutions, such as the Electoral Commission, the Contractor General, the Public Defender, the Political Ombudsman, and I am sure the Member for Western St. Mary, who is not here... the important institution of Local Government Authorities, they exist in law, but they are not specifically recognized or protected in the Constitution.

We have completed the drafting of a Bill to rectify that and it will be tabled in Parliament shortly.

Let me refer to the last agenda, reform agenda item and I want - I believe this is one where the Leader of the Opposition and I will have to meet, because I think we make more headway rather than when we.....

Mr. VAZ: Private meeting. Private meeting.

The PRIME MINISTER: Yea, we come from the same place.

It's an issue that the Opposition has asked about, you know, but we have to agree on how we are going to approach it.

We are committed to making provisions that would require appointments by Government to certain sensitive posts to be

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subject to scrutiny by Parliament, similar in some respects to confirmation hearings in the United States Congress. So, it may be chairmanship of a very important Board or it may be appointment to a particular position.

It, however, Mr. Speaker, requires agreement on clear guidelines as to how this scrutiny is to be exercised. And let me say quite bluntly, and I believe, I believe I can speak for the Leader of the Opposition on this one, because I have seen her reaction in the House. The outrageous tribal abusive behaviour we often practise in this Chamber, on both sides, will discourage many eminently suited persons from offering themselves, if they are going to be hauled and pulled through that sort of.... (Applause)

We must remember that many of these are not paid jobs, they are people offering voluntary service. And if they feel that they run the risk of their names and their reputations being tarnished because we are going after each other's throat - not so much their throat you know, but they get caught as the bully-beef in the sandwich, then a lot of people who can give good service to this country are going to be unprepared to offer themselves. And I am going to speak to the Leader of the Opposition to see if we can meet and get a team together, let us work out the guidelines, the dos and the don'ts and see how we can get it going.

Apart from these measures, Mr. Speaker, there is the long delayed issue of Constitutional Reform on which substantial agreement was reached from as far back as 1994.

In March we finally approved one significant element when we amended the Constitution to enact the Charter of Fundamental Rights and Freedom. (Applause) But there are several other elements that

require similar action. And I want to mention a number of them, I don't think it's an exhaustive list but I think it covers the main ones.

- The question of transforming Jamaica from a Monarchical State to a Republican State. (Applause)

I mean no disrespect, and it must not be interpreted that way. But I have long been of the view that if I am to have a Queen I want a Jamaican Queen, that's my - I make no apology for it, and quite frankly, you know and it is no disrespect...

I met, I met the Queen when I went to the Commonwealth Conference in Uganda as she does traditionally, she holds a special reception for newly elected Prime Ministers. I found her amazingly charming. And what I found amazing was that she has a memory I mean, I don't believe that this is something that someone would have briefed her on before. She was able, just in conversation, to tell me how many times she visited Jamaica and tell me some of the things that she - she is a charming lady.

I don't know if you may have seen a photograph when she visited the Jamaican Booth at the Chelsea Flower Show and we were in stitches. I hope I don't get in trouble. (Laughter) We said to her, that you know, we said that we had opened the Booth that morning and how it had been good and we had music, Jamaican music and so on and we served rum punch, and the Queen looked at me and said, you only serve it in the morning? (Laughter by all) I thought it was hilarious.

(Laughter)

And for a woman, at her age, to be, you know, to be so alert. But I just feel that I would not wish to see us celebrate 50 years of Independence without completing that part of -

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for want of a better word - our sovereignization. And it is something that I think we need to approach. (Applause)

- Then there is amending the composition of the Senate to include representatives of civil society;
- limiting the number of persons who can be appointed to ministerial positions;
- removing the position that allows Commonwealth citizens who are not citizens of Jamaica to sit in Parliament

And we perhaps have to go beyond what we had agreed then. Because what this had said, was that you have to be a Jamaican, you can't be just an Australian or Canadian, you have to be a Jamaican. What this did not do is address the question as to whether you can be anything else other than a Jamaican. And to the extent that that is an issue that has come up recently, we need to focus on it. I think I had made some comments here some time ago about it. I think - I don't need to go back over those views. We can go one of two ways. We can either say, that you have to be a Jamaican citizen and a Jamaican citizen only, and that seem to be the view that some people have.

Speaking with Jamaicans abroad - and there is a peculiar thing about our people, you know, no matter how long they are away they never really left home. Their heart is here, they send the money home, they build their house. The reaction I got from some of them was that we were now restricting their rights, because they do feel that when they come back home they ought to be on the same... So it's an issue that we can take up.

- making expressed provision for judicial review of the decisions of the DPP;

- determination regarding our final appellate court;

I am going to come back to that.

- the method of appointment of the Judicial and Police Service Commission to ensure their impartiality;
- the establishment of a Citizens Protection Bureau to be headed by the Public Defender
- the entrenchment in the Constitution of those positions I referred to above the Public Defender, Electoral Commission and so on.

The delay in proceeding with these agreed changes, Mr. Speaker, has been due to two things. A number of these changes will require approval by way of a referendum and it was felt that we should await agreement on all the matters that were under consideration before proceeding to a referendum. For example, on the question of the abolition of the monarchy, we did not reach agreement on how the President who would replace the Queen as Head of State was to be chosen. In addition, we had not agreed on what should replace the Privy Council as our final Appellate Court.

The other reason is that we still have not decided how the referendum ballot is to be designed, that is whether issues would be presented to the people as one package, that you either vote yes or vote no, or as individual questions or group questions where you could vote on them separately.

In the debate on the Charter of Rights, we agreed that a team comprising an equal number of members from both sides would have further discussions on the issue of the replacement of the Privy Council. It is required to report back to the Leader of the Opposition and myself by

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the end of June. And I urge the members of the team to pursue those discussions in earnest and with urgency. But I want to go further. I want to go further.

For more than 30 years, we have been deliberating on these changes to our Constitution that are designed to affirm the sovereignty of our people, to consolidate our independence, to strengthen the rights of our citizens and provide constitutional safeguards for good governance. Next year, we are celebrating our 50th anniversary of independence. It would be a misfortune if we were to do so with this important, unfinished business still in limbo. We would give added meaning and significance to those celebrations if we were to hold that referendum prior to August next year and have the new constitutional framework as part of that celebration. (Applause)

And I want to propose, I want to propose, subject to the concurrence of the Leader of the Opposition, that the team that we have assigned to resolve the issue of our final appellate court also consider the issue of the method of appointment of the Head of State.

We had already agreed, both sides, from 1994, we had agreed that the Head of State, the President, would have to be appointed - would have to get a two-thirds majority of both Houses of Parliament, we agreed on that. Where the disagreement arose is that we said it should be two-thirds of both Houses of Parliament voting separately as they do now, but the Opposition, which was the Government at that time, said, no, it should be voting jointly. So you wouldn't have the 60 from here plus the 21 from there, two-thirds of that 81. We said no. There is a safeguard that was built

in to ensure consensus and to ensure compromise. In search for that consensus, let us use that. It cannot be beyond us to sit down and see if we can resolve that, because if we resolve that, then the question as to how the President is to be appointed would have been resolved. And, therefore, I am suggesting that we ask that team to take up that question as well.

I turn now before - longer than I had thought, but I am going to wind up shortly.

(Inaudible comment by Mr. Vaz)

The PRIME MINISTER: Mind I don't let you in at Vale Royal again. (Laughter)
Mr. Speaker, another game changing success factor that has brought new hope to all Jamaicans, all Jamaicans, is the achievements we are making in reducing crime. (Applause)
The number of murders committed over the last 12 months is the lowest in any 12-month period since 2003. (Applause)
The crime figures for this year, since the start of this year, show a significant reduction in most major crimes. Murder, since January, down by 44%; (Applause)
Shootings, down by 36%; (Applause)
and break-ins, down by 13%. (Applause)

Something that must not be - we must take notice of. The number of persons arrested by the police since January of this year is up by 50%. The police is getting serious. (Applause)
And what is also significant and welcome, is the fact that fatal shootings by the police since January of this year is down by 37%. (Applause)

Crime-fighting operations are being driven by better intelligence, better investigations and a reinvigorated determination by the police and the security forces generally to put criminals

where they belong, behind bars. (Applause)

I want today, Mr. Speaker, to commend Police Commissioner, Owen Ellington. (Applause) I want to commend him for the leadership he has displayed, the management that he has brought to the Force, the effective strategies that he is deploying and the way in which he has been able to inspire and mobilize the men and women under his command to rise to this important task. (Applause)

You know, I was so pleased two Fridays ago when I attended the police graduation at the Police Academy. We were graduating 209 recruits. Would you believe, Mr. Speaker, that of that 209 that graduated two Fridays ago, 43 of them are university graduates and 11 of that 43 have Master's Degrees and they join the Force as Constables? They will have available to them the accelerated promotion provision. But when I spoke with some of them I was - we are improving the quality of the Force and that will certainly lend for better performance and greater effectiveness. (Applause)

I want to commend as well, the new Chief of Defence Staff, MAJOR GENERAL ANTHONY ANDERSON for his astute leadership; (Applause) And the indispensable support that the JDF is providing in the fight against crime.

A MEMBER: Hear, hear!

The PRIME MINISTER: Both the police force and the military, operate within financial constraints. They need more resources, they need better equipment. But I want to say to them that they are doing a mighty job in spite of these constraints, and the entire nation owes them a debt of gratitude. (Applause) And on behalf of the people of Jamaica I want to commend the men and women both the police force and the defence forces who put their lives

on the line every day to make us safe. (Applause)

I pay tribute as well, Mr. Speaker, to the Minister of National Security and his team for the effective support and policy direction that they provide in this fight against crime. (Applause) The battle is not over. Even though there is 44% reduction in murders the figure is still too high; and we must continue to give the security forces every possible support in their efforts. (Applause)

Reducing crime is a major priority of the Government. First and foremost, people must be made to feel safe and secure as they go about their lawful business and as they go to their beds at night. In addition, reducing crime is a condition precedent, is a prerequisite to the growth and development that we seek. It is a vital part of the environment that we must create if investors are to feel encouraged that Jamaica is a good place to invest in and to create jobs.

Much of the crime we are plagued with is driven by organized gangs. Last year we approved six (6) Anti-Crime Bills that have contributed to the success that the security forces have been able to achieve. We changed the game. (Applause) We have now completed the drafting of the Organized Crime Act, to enable the security forces to more effectively tackle and dismantle those gangs. It is going to be brought to Parliament shortly.

A MEMBER: Yes!

The PRIME MINISTER: A not putting any goat mouth on it, but I suspect that it is going to attract heat from some quarters in the same way that the six anti-crime Bills did.

A MEMBER: The Opposition did not support it.

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The PRIME MINISTER: But follow me, we're changing the game on crime too and that Bill is critical to the efforts we are making. (Applause)

Last year we - last year also we approved and brought into force, the regulations for plea bargaining, which are helping to secure the imprisonment of violent offenders who might otherwise have escaped conviction. We have also completed the drafting of the DNA Evidence Bill... (Applause) ... which will allow for the use of DNA samples in crime scene investigation and criminal prosecution. This is going to make a huge difference, huge, huge difference in securing the conviction of criminal offenders, because too much of our convictions have to rely on eyewitnesses. If you can grab that DNA and you have the legislative framework and put that before the Court - and as far as I'm told by the scientist the witnesses may say what they think they saw...

A MEMBER: Ninety-nine per cent.

The PRIME MINISTER: ... but the DNA not making a mistake. We have to bring that into being.

I want as well, Mr. Speaker, to thank the members of the public who are demonstrating increased confidence in the police and are providing valuable information... (Applause) ...and are cooperating with the police in order to rid their communities of criminal predators.

Mr. CHARLES: Yes.

The PRIME MINISTER: I come now to one last matter before I close and that has to do with the Housing Trust.

Questions were raised by the Opposition spokesman on finance about the figures that were published in the Public Bodies Estimate of Expenditure, as they relate to the

performance of the NHT last year. I've had the NHT review the figures and I now advise as follows:

For last year, under the NHT programme there were 3,056 housing starts; 2,239 housing completions and they issued a total of 7,071 mortgages.

Remember mortgages can go to people who are building on their own land, or people who are buying on the open market, or people who are expanding their house.

For 2011/2012, it is projected that the Housing Trust will this year, commence construction on 5,256 housing units. They expect to complete 4,409 and they expect to issue a total of 8,574 mortgages for this year. (Applause)

The NHT is celebrating its 35th anniversary this year. It continues to be a major success story, assisting thousands of families who would never otherwise have been able to own their home. (Applause) It has also been a good corporate citizen, contributing significant sum to support communities and national causes such as education, training, sports and so on. Independence Park is perhaps its most conspicuous edifice, but it has contributed in many other ways.

In commemorating its 35th anniversary, the Board of the NHT has decided to do something special for the nation.

Now bear in mind, Mr. Speaker, I've always insisted - and this is the policy direction I've given to the Board - I've always insisted that the funds of the Trust, whether they come from contributions, or they come from income earned when those contributions are invested, I've always insisted that, that money does not belong to government to direct as it sees fit.

That money belong to the workers. Whether employed or self-employed, the workers who made those contributions, or in whose names their employers made theirs. And therefore that money must be used for the benefit of those workers.

Mindful of that, we have identified resources that would not offend that policy directives. Contributors are entitled to have a refund - have their contributions refunded after seven years. Most of them submit their claims and they collect their refunds. However, a significant sum remains unclaimed for periods in excess of 10 years. And from experience, it is unlikely that those funds will be claimed.

The National Housing Trust proposes to establish a Foundation, through which a maximum of 50% of these funds will be channelled to support specific causes that are considered to be in the public interest. (Applause) Additional funds will accrue to the Foundation each year, as more unclaimed contributions mature beyond 10 years. (Applause) Presently, Mr. Speaker, there is a total of \$1.2 Billion that has remained unclaimed for more than 10 years. The Foundation will therefore have immediately available to it, \$600 Million. (Applause)

We've identified four target projects for this year. One, improving the condition of our Golden Age homes and infirmaries through physical upgrading and the provision of training for staff of these institutions, particularly in enabling them to properly care for residents with special needs. (Applause)

I've asked - I've appointed a team led by MONSIGNOR GREGORY RAMKISSOON, to examine golden age homes. Not to go investigate what happened, but what do we

need to get it right and to make sure that it stays right.

The Minister of State with responsibility for Local Government had ordered an audit of all the other infirmaries island wide and the Report is now in. And therefore we want the report of the golden age home team, plus what has been done by the audit, we want that to inform what it is that needs to be done to make sure that these people who are forced to rely on the State, because they have no family, or family has abandoned them, to make sure that we treat them as with the respect that our elderly deserves. (Applause) Some of them used to be constructively contributing citizens and just fell on bad times and we have to do better than we have done. (Applause)

The second area target area - for the Foundation is going to be to carry out similar improvement on our children's homes, including the provision of equipment, training and support services. (Applause) Thirdly, this year, included in the projects to be undertaken is improving the living quarters for our police personnel at the police stations at various parts of this branch. (Applause)

And fourthly - and I'm almost sure I will have the support, not just of the Minister of Youth and Sports and Culture, but I'm sure a gwine have the support of the Leader of the Opposition - we have people who have brought fame and glory to this country at the international level. We celebrated them when they were doing it, and many of them in the evening of their years.

The Trust wants to do that, this is now an annual thing, this one is not a one year project. From this fund they are going to allocate \$25 Million each year to provide assistance. They

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are proposing housing assistance, I'm going to suggest to them that they keep it flexible because you could have somebody who maybe has a house but needs medical assistance, so I'm going to ask them to keep it flexible.

We're not confining it to sports people, it could be cultural stars who gave us a name on the international scene. And I'm gonna ask the Trust as well if there's any year where the funds are not fully utilized, that whatever is not utilized must go forward for next year. (Applause) But the intention is to be able to provide some helping hand to those who've made - help to make us the powerful brand we are and help to make us as famous as Jamaica is, but who are confronted with challenges later in their years for which they need some assistance. (Applause)

Mr. Speaker, I have sought in this presentation to lay out the challenges that we face as a nation, and the urgency with which we must confront those challenges. You know I submit, and I do so without any - quite respectfully. We waste time if we curse the past, and we waste our energies if we focus on blaming each other, for quite frankly, there's enough blame to go around.

In reflecting on the last 50 years, we cannot afford to allow the mistakes and the missed opportunities of the past to disillusion us, or to destroy our confidence in ourselves. (Applause) Despite all the difficulties and challenges we face, we are a people capable of great things. (Applause) But you know, we must be prepared to begin changes. We must move into a game changing mode. (Applause) There is enough that we have seen so far as evidence that the game is indeed changing.

But, Mr. Speaker, we must not flinch. Ours is not a journey that can be accomplished

overnight. Rome was not built in a day, and neither will the prosperity that we seek be built in a day.

Time and again in the past we got it right. Time and again in the past we might have been headed in the right direction, but we gave up when the going seemed to be getting too tough, opting for a short-term relief rather than lasting prosperity. NORMAN MANLEY was right in his oft quoted admonition, we are not lacking in ideas. What we lack is the fixity of purpose.

I have had the privilege of leading this effort so far. That has been one of God's blessings to me. Whatever the future may ordain, let us all, and especially those to whom we must pass the baton, let us grasp and hold on to that fixity of purpose. (Applause)

We, ourselves, may not reap the full bounty of the efforts and sacrifices that we have had to make. But for those of us with children and grandchildren, and even those of us without, but who have the empathy for that generation and the generations that come behind us, we know that our satisfaction lies in knowing that we bequeathed to them a land with a quality of life and a horizon of opportunities that is better than the one that we found. (Applause)

Mr. Speaker, may God bless them, that new generation that depends on us so much. May God bless them, especially. And may God bless all the people of Jamaica. (Applause)

Dr. BAUGH: Very good, Prime Minister. Congratulations, sir. (Shakes the Prime Minister's hand)

Mr. LAWRENCE: Excellent!

Government MEMBERS: Very good! Very good!

(The Leader of the Opposition crosses the floor, and hugs the Prime Minister)

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Government MEMBERS: What! Aahh!
Aahh!

(Sotto voce comments/laughter/Applause)

Mr. HOLNESS: Mr. Speaker, the Leader of the Opposition in her presentation said she wanted to hear passion, she wanted to hear...

(Sotto voce comments)

Mr. HOLNESS: I am sure, Mr. Speaker, that you will agree with me that the Prime Minister delivered a Prime Ministerial speech with passion... (Applause) ...and vision.

Mr. Speaker, it is not proposed the do any further business.

The SPEAKER: Yes, Mr. Hylton.

Mr. HYLTON: Thank you, Speaker. I am not one to... (Inaudible) ...make light of his delivery. I do want to clarify one thing the Prime Minister said, which was that the Opposition was opposed to term limit.

That is not the position, the Opposition's position. The Opposition has said always, that the current structure of government did not allow for term limit, or the other matter that he did not raise, which was a fixed date for election, and that so long as the matter remains, the Opposition's position is that the structure must change first. So the Opposition has expressed no view, no view on opposition of term limits.

Mr. MAIR: Talk to the Chairman!

The SPEAKER: Okay.

Mr. HYLTON: Let that reflect - let the records reflect that, Mr. Speaker.

The SPEAKER: Thank you, Mr. Hylton.

Mr. HOLNESS: We note the Member's clarification, Mr. Speaker.

ADJOURNMENT

Mr. HOLNESS: It is not proposed to do any further business. I therefore move that the House do adjourn until tomorrow, the...

The SPEAKER: Eleventh.

Mr. HOLNESS: ...the 11th of May, when the Minister of Finance will close the Budget Debate.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Wednesday, the 11th of May, at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The Honourable House of Representatives was adjourned at 5:10 p.m. to reconvene on Wednesday, May 11, 2011, at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

WEDNESDAY, May 11, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:54 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

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

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OTHER MEMBERS

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

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

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

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:54 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would just like to welcome those members sitting with us: The Financial Secretary and Assistant. I have to welcome again the wife of the Minister of Finance; welcome to the sitting of the House. (Applause)

ANNOUNCEMENTS

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

- **Green Paper No. 1**
Tax Reform for Jamaica
- Report of the Regulations Committee of the House of Representatives on its deliberations on the Insurance (Actuaries) (General Insurance Companies) (Amendment) Regulations, 2011
- Report of the Regulations Committee of the House of Representatives on its deliberations on the Insurance (Amendment) Regulations, 2011

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- Tourism Product Development Company
- Annual Report and Audited Financial Statements for the year 2000/2010

Rev. THWAITES: Mr. Speaker...

The SPEAKER: Reverend Thwaites, as soon as the Minister speaks the tax reform will be presented.

Rev. THWAITES: Okay. Thank you very much, sir. Could that be told us so we don't have to ...

(HON. KARL GEORGE SAMUDA, CD, (JLP), St. Andrew, North Central, Minister of Industry, Commerce and Investment, entered and took his seat.)
(Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

The SPEAKER: Okay. Very well.

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

REPORTS FROM COMMITTEES

The SPEAKER: Mrs. Marisa Dalrymple-Philibert.

Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I beg to lay on the Table of the House copies of the Report of the Regulations Committee on its deliberations on the Insurance (Actuaries) (General Insurance Companies) (Amendment) Regulations, 2011 and the Insurance (Amendment) Regulations, 2011.

The SPEAKER: Thank you.

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

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern, entered and took his seat.)

NOTICES OF MOTIONS GIVEN ORALLY

The SPEAKER: Mrs. Marisa Dalrymple-Philibert.

Mrs. DALRYMPLE-PHILIBERT: I beg to give notice that at the next meeting of the House I will move:

BE IT RESOLVED that the Reports of the Regulations Committee on its deliberations on the Insurance (Actuaries) (General Insurance Companies) (Amendment) Regulations, 2011 and the Insurance (Amendment) Regulations, 2011 which were laid on the Table of the House on the 11th day of May, 2011 be adopted.

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

(MR. CLIVE ARTHUR MULLINGS, (JLP), St. James, West Central, entered and took his seat.)

The SPEAKER: Minister Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

I beg to give notice that at the next meeting of the House I will move:

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WHEREAS on the 5th day of April, 2011, this Honourable House of Representatives gave approval for the Sessional and Special Select Committees which were appointed in that session of Parliament to continue in this session with unchanged composition of membership except, where necessary, by further motion taken and approved by this Honourable House:

BE IT RESOLVED that with reference to the Public Accounts, Infrastructure and Physical Development, Economy and Production and the Constituency Development Fund Committees that the name EVERALD WARMINGTON which was deleted, be added thereto;

AND BE IT FURTHER RESOLVED that Mr. Everal Warmington be reappointed as chairman of the Constituency Development Fund Committee.

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 motions.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, there are questions ready for answer, but give the fact that we have started well after the appointed time and the importance of the presentation to come, that we propose to answer those questions.

The SPEAKER: Recommended.

Mr. HOLNESS: Yes.

The SPEAKER: Very well. So House Leader, could you say what questions are due so that at least the relevant MPs – what questions you...

Mr. HOLNESS: Mr. Speaker, there is a question from the Member from Central Kingston to the Minister of Transport and Works. The Minister should be here and that question is prepared for answer.

The SPEAKER: That's Question 1.

Mr. HOLNESS: Question 1. Question 2, the question directed from the Member from St. Ann South Eastern to the Minister of Education, that question is prepared for answer.

The SPEAKER: Question 7.

Mr. HOLNESS: Question 2. And Question 7 is also prepared for answer. That's the question asked by the Member from Central Kingston to the Minister of Education, and he would be prepared to answer the question as well.

The SPEAKER: Very well.

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

PUBLIC BUSINESS

Mrs. SIMPSON MILLER: Mr. Speaker, I rise to seek some clarification.

The Prime Minister when he spoke yesterday in his presentation, he indicated that I gave some numbers concerning jobs lost – or job losses, jobs lost recorded in the Planning Institute of Jamaica, March 4, 2011 document, “*A Growth Inducement Strategy for Jamaica in the short and medium term*”. And I would

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like for you to hand this to the Prime Minister.

(Document handed to Prime Minister)

And there is a table there. And I got my information from this document, which is a document that was presented by the Government of Jamaica; and this document indicated under a column listed “Jobs Lost”: eighty-six thousand six hundred persons. And this is from October 2008 to April 2010. This does not include...

Mr. HOLNESS: Mr. Speaker...

The SPEAKER: No, let her just...

Mr. HOLNESS: No, Mr. Speaker, I am just curious. Are we allowing a statement to be made?

Mrs. SIMPSON MILLER: I am not making a statement. I am seeking clarification. I need to explain what I need the clarification on.

The Prime Minister in his presentation, conclusion could be drawn from this Parliament and from the Jamaican people that I misled this Honourable House and the people of Jamaica. And so I am seeking clarification, that’s all I am doing. And I am not quarrelling, Speaker, I am just seeking clarification. And I just wanted to point out...

The SPEAKER: In other words, the document...

Mr. HOLNESS: I just want to point out – respectfully, Leader of the Opposition, may I just point out that the process for seeking clarification would be at Question Time and that the appropriate way would be to put those questions seeking clarification in writing and then the appropriate period of notice be given. May I suggest that, Mr. Speaker. (Applause)

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

The SPEAKER: I would just allow – the document you have passed it on to the Prime Minister and that’s basically to demonstrate that the figures – I think what the Leader of the Opposition is really just saying, that her figures came from a document.

Mr. M. PEART: A government document.

The SPEAKER: Yes. I think that’s what the Leader of the Opposition...

Mrs. SIMPSON MILLER: If you would just permit me, Prime Minister... And that this does not include the months of January to September 2008 nor May to December 2010, hence the addition of the twenty-one thousand persons losing jobs during that period.

Thank you.

The SPEAKER: Very well. Thank you. Prime Minister.

The PRIME MINISTER: Mr. Speaker, the matter would require clarification.

Statistics can be a dangerous thing. The only agency in Jamaica that has both the competence and the statutory authority to certify employment data is STATIN. STATIN does four (4) employment surveys each year in the months of January, April, July and October.

In looking at employment data they average them for the year, for good reasons, because employment has peaks and troughs. Employment will spike up during the sugar crop; it will spike up during the winter hotel

season when hotels employ more workers and, therefore, they provide an average for the year. And for the benefit of the press, I want to state those figures.

In 2007 the official figures of STATIN indicate that the number of persons employed was one million one hundred and fifty-two thousand six hundred. That was the average for 2007.

Mr. M. PEART: Average.

The PRIME MINISTER: Average.

Mr. M. PEART: Okay.

The PRIME MINISTER: So that includes sugar evened out and hotel workers evened out. For 2008 the average was one million one hundred and sixty-two thousand two hundred. So employment grew in 2008 by nine thousand six hundred. In 2009 the figure was one million one hundred twenty-five thousand five hundred. We lost thirty-six thousand seven hundred jobs in 2009. For 2010 the figure was one million ninety-four thousand nine hundred. We lost another thirty thousand six hundred. So that for 2009 and 2010, those two years, we lost a total of sixty-seven thousand three hundred jobs.

I said in my statement yesterday that when you compare the employment figures for 2007 when we took office and 2010, we had a net loss of fifty-eight thousand jobs. The figure is actually fifty-seven thousand seven hundred, but I wasn't choosing to be that specific, I rounded it off at fifty-eight thousand jobs. There is nowhere that you can - if you even exclude two thousand and - the additional employment that was created in 2008, the jobs that were lost in 2009 and 2010 total 67,300. Now, it is ill-advised to look at a peak in a

year, which may be in a particular quarter, and then to compare it with a completely different quarter in a different year.

(Sotto voce comments by Members)

The PRIME MINISTER: We have to be careful with statistics.

(Cross talk)

Mrs. SIMPSON MILLER: Mr. Speaker, I am glad that the Prime Minister indicated to us, and to the country that the only documents and figures we are to take seriously, are those coming from STATIN. And I am wondering whether the Government is going to withdraw this document, (displaying book) because all the figures in here then, is not something that we can count on, rely on, or be advised that this is true. And it is dangerous.

(Applause)

We are in a very dangerous situation.

Mr. KELLIER: Hear, hear!

(Applause/Sotto voce comments)

The SPEAKER: Very well, I think we can now move on. Thanks.

House Leader... Mrs. Marisa Dalrymple-Philibert.

Mrs. DALRYMPLE-PHILIBERT: 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.

Mr. VAZ: Lambert fat till im blind.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Deputy Speaker to take the motion, notice of which she gave earlier.

Put to the House and agreed to.

The SPEAKER: Mrs. Marisa Dalrymple-Philibert.

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Mrs. DALRYMPLE-PHILIBERT: Mr. Speaker, I now move that the motion be approved.

The SPEAKER: Members, you are aware of the motion before you.

Put to the House and agreed to.

The SPEAKER: Motion approved.
House Leader.

Mr. HOLNESS: Mr. Speaker, you will recall my earlier motion regarding the reinstatement of Member Warmington on various committees.

Mr. Speaker, I now move for the suspension of Standing Orders to enable me to take...

(*Sotto voce* comments by Opposition Members)

Mr. HOLNESS: You didn't hear the motion before? I will send you a copy of the motion... to take the motion, notice of which I gave earlier.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the House Leader to take the motion, notice of which was given earlier, the re-appointment of Mr. Warmington to the different Committees.

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, I now move for the adoption of the motion - the approval of the motion.

The SPEAKER: The approval of the motion.

Put to House and agreed to.

The SPEAKER: House Leader.

Mr. M. PEART: (Inaudible) ...how unno sound so weak?

Mr. HOLNESS: Mr. Speaker, we will now hear from the Minister of Finance who will close the Budget Debate.

The SPEAKER: Very well.

(Applause)

Minister Shaw.

BUDGET DEBATES (contd.)

Mr. SHAW: I thank you very much, Mr. Speaker. You have already acknowledged the presence of my dear wife in the House, and...

(Applause)

...and I won't tell you a remark that the Prime Minister made to me earlier, I will leave it alone for now. (Laughter)

Mr. Speaker, I also want to acknowledge a note that I received from the Opposition spokesman on Finance indicating that he would be unable to attend today's closing of the Budget Debate, primarily due to his involvement with arrangements for his father's funeral service tomorrow. And I would like to embrace this opportunity of extending to him, my own condolences on the passing of his father.

Mr. Speaker, two weeks ago, I invited this Honourable House and the nation to draw inspiration from the tremendous progress made during the single calendar year of 2010. I spoke of our success at side-stepping economic collapse when the global crisis hit us, halting our decade-and-a-half long fiscal slide and our success at stabilizing the ship of State. I invited you to consider what this meant about our innate ability as a people to face a crisis and to fight the good fight until we emerge triumphant.

In the face of this year's challenge, making the transition from stability to growth, Mr. Speaker, I invited everyone to reflect on the stuff of which we are made and to use this self-knowledge as a tool to spur us to further victory. I also reminded you of certain facts

about our economy, the sheer size of our debt obligations, for example. And I asked you not to be intimidated or be discouraged by them, however grave they appear, but rather to understand and to come to terms with these facts, and to use them as a means of plotting a realistic route to victory. It is not my intention to re-trace all of those steps today, except for clarification purposes, for I believe that the country is getting it - is getting to the heart of the issues.

The country gets it that Jamaica's problems are not skin deep, Mr. Speaker, and it is something we have to keep repeating, and that band aid solutions will meet neither the short, medium nor long-term needs of our deserving and worthy family members. It has to be, Mr. Speaker, as the Prime Minister said yesterday, a game-changing time for all of us.

(Applause)

The country, most definitely, gets it that we have run out of corners in which to hide, and that Jamaica's economy, despite the gains made, remains in need of deep structural reform.

A MEMBER: Hear, hear!

Mr. SHAW: The road will not be easy, but we can do it. But first, we must take the time to size-up and understand the dimensions of the challenges before us.

Mr. Speaker, the very worst is behind us now, and the challenge before us is twofold. We must maintain the fiscal discipline required to meet our goals, and we must ramp up growth and earning our way to a first-class standard of living. The way forward involves understanding and dialogue. And I wish to thank all the Members who contributed in this debate. Today, I will, as is customary, respond to some of the issues raised by the Leader of

the Opposition and the Opposition spokesman on finance and the Member from East Central St. Catherine.

Mr. Speaker, I'll begin by outlining the basis of Jamaica's current economic reality, followed by a response to the various comments made by the Opposition. I will end with an outline of the policy measures arising from the Budget and targeted to stimulate aggregate demand in the economy.

In terms of our economic reality, Mr. Speaker, the decline in the Jamaican economy over the past three years can be largely explained by the impact of global economic and weather-related events. The specific impact on mining, construction and agriculture, has already been presented, not only in my speech but even more fulsomely by the Honourable Prime Minister himself.

But, Mr. Speaker, we must remind ourselves what has been a constraint to growth over the years, and not just three years ago. Jamaica has had an extremely high level of external and domestic debt. Indeed, this debt burden has been a feature of the economy for the past twenty years. Actually, the debt nearly doubled during the period of 1996, and 2003 to 2004. This was the direct result of Government's response during Jamaica's financial meltdown. This has, in addition to diverting resources from growth-enhancing activities, encourage shorter term speculative investments, given the increased macroeconomic risk. The country's high debt... correct, \$2½ Billion... the country's high debt levels has also had considerable negative effects on the economy by causing upward movements in domestic interest rates, crowding over that private investment as well as public investment in social infrastructure.

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And accordingly, critical public sector investment which was necessary for increasing the effectiveness of private investment was inadequate.

Mr. Speaker, I want to quote from a May 2011 paper: Jamaica, the Macro Economic Policy Debt and the IMF, from the Washington-based Centre for Economic and Policy Research:

"Jamaica offers a stark example of the long-term costs an excessive debt burden can impose on a developing country, especially when the interests of creditors are prioritized over the needs of the country as a whole.

As demonstrated previously, Jamaica's debt burden has seriously constrained Government's fiscal policy over the last two decades. Public investment in the long-term productivity and development of the Jamaican economy..."

I want to repeat that, Mr. Speaker.

"Public investment in the long term productivity and development of the Jamaican economy has taken a backseat to debt servicing costs."

A MEMBER: True, true!

Mr. SHAW: And those of you who are reading it, it is not debt servicing, it is debt servicing costs.

(Sotto voce comment by Mr. M. Peart)

Mr. SHAW: Mr. Speaker, the reality... don't start you know, because I will deal with you early.

(Laughter/Applause)

The PRIME MINISTER: And the rest of you are to stay out of Manchester business.

(Laughter)

Mr. SHAW: What dem say, cockroach don't business in a fowl fight, right?

Mr. Speaker, the reality is that we are left with this legacy. We have not built the economy on a sound foundation. That is why we have had little or no growth, thereby leaving the economy so vulnerable to adverse shocks, either from natural disasters as well as high external commodity prices, as well as financial crises, which then lead to increase in poverty. This is why we have had to change gears in order to put muscle back into the economy to make it competitive again, and to allow for investments to move from stability to growth.

The period, however, of the past 20 years, not only reflected a doubling of the country's debt stock and record high interest rates, but it also reflected a virtual execution - this is during the 1990s now, Mr. Speaker. That period reflected a virtual execution of the entrepreneurial spirit in Jamaica.

A MEMBER: Hear, hear!

(Sotto voce comments by Members)

Mr. SHAW: And I quote from... those are my words - an execution of the entrepreneurial spirit...

A MEMBER: Kill it!

Mr. SHAW: And I quote from testimonials that have been made at the ongoing FINSAC enquiry, Mr. Speaker.

Mr. Elon Beckford, former Banker's Association of Jamaica President, and former Chairman of the Horizon Financial Services Group,

"It will take generations for us to fully understand what the destruction in the then 90's, of several enterprises built by the blood, sweat, and tears of

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hardworking, honest, and trustworthy, and creditable Jamaicans, have done to the psyche of our nation."

A MEMBER: Kill the entrepreneurial spirit.

(Cross talk)

Mr. SHAW: He continues.

"Lives were destroyed, many lives. We are producing a new generation of professionals who are frighteningly risk averse. The period weakened our entrepreneurial spirit, energy and passion."

Dr. Paul Chen Young
former Chairman, Eagle Group of Companies.
I quote:

"FINSAC's handling of the crisis was anti-entrepreneurial and lacking in any long-term vision."

Mr. D. SMITH: Socialist dem man.

Mr. SHAW: He went on.

"As a result, there will be less risk-taking and long-term investment in the productive sector.

Within a matter of months," he said, "the Jamaicanization programme of the financial sector was wiped out, and entrepreneurs who had successfully run financial institutions until the 1990s crisis, lost their businesses and were summarily discarded."

Government MEMBER: Shame!

Mr. SHAW: Many of these institutions of course, were then repatriated to foreign ownership. (*Sotto voce* comments)
Repatriated, Mr. Speaker, to foreign ownership.

Former owner of the famous Little Pub Hotel and Restaurant, KEITH FOOTE. He said:-

The rapidly rising interest rates had made it virtually impossible for me to keep up with the payments. I remember a time in the 1990s when interest rates rose to 90%, Foote told the Commission.

By that time, he had repaid \$15 Million of his original loan which was smaller than that, much smaller than that...

I think it was about \$5 Million.

But at a meeting in Kingston, arranged by the Jamaica Tourist Board to help him, he was told he still owed \$33 Million.

Real Estate realtor, LASCELLES POYSER

"I can easily empathize with my colleagues who have committed suicides", he said.

I was told there were persons in a similar position as mine with FINSAC and JRF, who have committed suicide or died of stress-related ailments, he told the Enquiry.

My sojourn with the financial institutions, FINSAC and its affiliates from the 1990s to date has been very demoralizing and devastating, and I am left with the prospect of facing imprisonment, because I have been and may be found to be in disobedience of court orders with which I simply cannot comply."

Mr. Speaker, there are many, many stories too numerous to tell. There is one story that I was told of just recently, when a lady went to

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Century National Bank to get her little savings, to make a withdrawal, she wanted to get medication and they said, bank lock! Bank lock! The lady collapsed and within two weeks, she was dead, because her life savings was now threatened. Later we were to know that we had to have a massive bail-out plan and small savers were able to get back their money, but not that lady, she died.

Mr. D. SMITH: May her soul rest in peace.

Mr. SHAW: Mr. Speaker, there are many other stories like that of people losing their assets, losing their homes and losing their livelihood. Families were broken, migration was the order of the day, people sent their children away to escape the horror of that event.

Mr. D. SMITH: Socialist dem man.

Mr. SHAW: And, Mr. Speaker, I must say, I must say, one unfortunate thing...

Dr. BARTLETT: That Omar is still in here.

Mr. SHAW: ...in several unfortunate utterances made in this House as recently as a few weeks ago, the former Finance Minister bragged of how Mr. Parnell Charles came crawling on his knees

Government MEMBERS: Shame, shame man!

Government MEMBER: Disrespectful!

Mr. SHAW: begging him to save his bank.

Mr. Speaker, other references was, 'yu rub out yu knee on me carpet, begging fa yu bank'.

Government MEMBER: Out of order!

Mr. SHAW: I would never as Minister of Finance want to govern the country's

finances in such a way that people, business people should have to resort to such desperate measures.

(Applause)

Mr. KELLIER: On a Point of Order, Mr. Speaker.

The Minister is referring in his presentation to something that took place in the House for which the Member withdrew the comment and apologized. I think it is.....

(*Sotto voce* comments by Government Members)

Mr. KELLIER: The Member withdrew the comment and apologized, and I think it is disingenuous for him to raise it again in this manner.

(*Sotto voce* comments by Government Members)

Mr. SHAW: Mr. Speaker, let me, Mr. Speaker, let me indicate to you that on that occasion he might have withdrawn and apologized. I have heard the former Minister make those references on at least three or four occasions in this Honourable House, his *sotto voce* remarks.

Applause by Government Members)

Mr. SHAW: Mr. Speaker, it is an unfortunate period in our history which must never again be repeated.

(Applause by Government Members)

Government MEMBER: No, never!

Mr. SHAW: And, Mr. Speaker, while thousands suffered under this hostile business environment, others were laughing all the way to the bank.

Government MEMBERS: How? How?

Mr. SHAW: The recipients of **sweetheart deals** left, right and centre. Take the case of the investment by the then owners of Dehring,

Bunting & Golding in the construction of a hotel in Runaway Bay, which was leased by Super Clubs, Hedonism III. In the heart of the financial sector crisis, which destroyed so many thousands of businesses and people's lives, the then Government blamed the crisis on everything except themselves. They said it was mismanagement by the bankers; they said this mismanagement was because the bankers did not focus on core banking but went into agriculture and tourism amongst other investments.

Despite all of these allegations against the financial sector, on February 22, 1996, in the heart of the crisis, the Government of Jamaica through the National Investment Bank of Jamaica approved an equity investment in this hotel of US\$7 Million.

Government MEMBER: Whew!

Mr. SHAW: The NIBJ's Board of Directors approved the equity investment of US\$7 Million despite management's recommendation, that is, the management of NIBJ, their recommendation for the investment to be capped at US\$3.1 Million.

Further, Mr. Speaker, the management of the NIBJ said that "granting the request for US\$7 Million exceeded the entity's Investment Policy Guidelines". I have it in writing, it was a demand in a special report from the Development Bank of Jamaica on this.

The Board of Directors that made the decision was comprised of six members of which three were among the "Who is Who" of the PNP hierarchy.

Government MEMBERS: Hmm! Hmm!

Mr. SHAW: As of today, the total investment by the NIBJ/DBJ, which of course, they are together now, in the project, has risen

from US\$7 Million, Mr. Speaker, to \$18.1 million United States Dollars, of which I am now to advise this Honourable House that we are advised in writing, by the DBJ that when all costs and factors are taken into consideration the hotel is now on the auction block and I am going to tell you why but it's on the auction block now, it's said to be sold.

DBJ's most optimistic assessment is that they will lost \$12 Million to \$15 Million out of that \$18 Million investment.

Government MEMBERS: US?

Mr. SHAW: US Dollars. They will be losing it, US\$12 Million to US\$15 Million. And it will have to be written off. In other words, between \$1 Billion to \$1.3 Billion of poor people's money is likely to be written off in this investment.

Government MEMBER: Who benefit? Who benefit?

Mr. SHAW: The project, the project, of course, is the Runaway Bay Development Company Limited, sponsored by a company in which Mr. Peter Bunting and Mr. Mark Golding were two of the three Directors.

Government MEMBERS: What!

Mr. SHAW: And a related entity of Dehring, Bunting & Golding of which they were major shareholders. At the time of the NIBJ's investment of US\$7 Million, the promoters, that is the majority shareholders, total investment was US\$5 Million of which only US\$1 Million was in cash.

Government MEMBER: What!

Mr. SHAW: Between 2000 and 2004, the Runaway Bay Development Company Limited it restructured its debts resulting in NIBJ/DBJ miraculously becoming the major shareholder.

Government MEMBERS: What!

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Mr. SHAW: Injecting a further \$11 Million on top of the \$7 Million for a total injection of \$18 Million. But hear this. Mr. Speaker, of that \$18 Million total investment the only amount that was secured, secured was US\$3.8 Million. In other words, that **loanable** of security means the rest has the potential to be **gone with the wind**, and that is what we are seeing is happening now.

(*Sotto voce* comments by Government Members)

Mr. SHAW: On the other hand, Mr. Speaker, the promoters had an investment of US\$14 Million of which \$9 Million was secured, \$9 Million.

In 2006, the shareholders sold their shareholdings in the DBG to Scotia Bank. If this restructuring did not occur during 2000 to 2004 when the NIBJ injected this further US\$11 Million, it is a high probability that the Balance Sheet of the DBG would have been impaired. In other words, DBG get a bail-out.

Government MEMBERS: Yes, yes!

Mr. SHAW: They get a bail-out by NIBJ, it's a government company. Taxpayers money!

(*Sotto voce* comments by Govt. Members)

I want everybody to understand here. I want everybody to understand here. Private investment is private investment....

Government MEMBERS: Yes!

Mr. SHAW: but when you are using the taxpayers' money, one day you are going to have to account for it.

(Thunderous applause by Government Members)

Mr. SHAW: But, Mr. Speaker, Mr. Speaker, the plot thickens. NEVALCO Consultant Limited was the project managers. You remember that name?

Government MEMBER: Again!

Government MEMBERS: Yea man!

Mr. SHAW: You remember that name? The same persons who were the project managers for Sandals Whitehouse. (*Sotto voce* comments) Or was that *Scandal Whitehouse*? Where there was a US\$50 Million overrun. At Hedonism III the overrun was approximately US\$16 Million. The same complaints of Sandals Whitehouse by the operators have been made by the operators of Hedonism III. As we all know, MR. ALSTON STEWART, Campaign Director of the PNP is the man behind NEVALCO.

(Applause)

Mr. KELLIER: On a Point of Order, Mr. Speaker. The Minister in his exuberance is misleading the House for propaganda purposes.

(Disturbance by Government Members)

Mr. KELLIER: ALSTON STEWART, ALSTON STEWART is not the Campaign Director of the PNP.

A MEMBER: Again!

Mr. KELLIER: He is not the Campaign Director of the PNP. He must withdraw it.

(Disturbance by Government Members)

Mr. KELLIER: He said is, he must withdraw it! He is not, he must withdraw.

The SPEAKER: Yes, Mr. Shaw, at the moment, MR. ALSTON STEWART is not the Campaign Director. He is not the Campaign Director.

Mr. SHAW: Mr. Speaker, if he is no longer the Campaign Director, I am qualifying, Mr. Speaker, if he no longer has a major campaign role, then I withdraw that statement.

Mr. Speaker, Mr. Speaker, how hypocritical can we be. Members may

remember when the then Leader of the Opposition - this is key now when the then Leader of the Opposition was being ripped apart by the then Government because he did not charge any GCT to the operator of a hotel he then owned. Listen carefully! That was - what was the name of it again?

Government MEMBERS: **Enchanted Gardens.**

Mr. SHAW: **Enchanted Gardens.** He was ripped across the coals. Would you believe that Hedonism III started operations in 1999 under a management agreement and GCT was never charged?

Government MEMBER: What!

Mr. SHAW: In fact, the company RBDL was not registered for GCT - that's the same thing they were cussing off Enchanted Gardens about. Only since the change of Government the new Board of RBDL recognized that GCT should have been charged, and since has requested a waiver and settlement agreement, Mr. Speaker.

(Sotto voce comments)

Mr. SHAW: Mr. Speaker, I am forced to ask the question, where was the love for poor people when their sweetheart deal was being put together?

A MEMBER: Hypocrite!

Mr. SHAW: I have to ask the question, Mr. Speaker, because they don't even want us to ask the questions in an enquiry. Where was the empathy for the thousands of business people who were losing their assets at the very same time...

Mr. STERN: Yes sah!

Mr. SHAW: ...while over 40 financial institutions were being closed?

Government MEMBER: Come Bobby, come.

Mr. SHAW: Over 40,000 businesses were closed down, putting hundreds of thousands of people out of work.

(Cross talks)

Mr. SHAW: When I hear Members of the Opposition talking about this budget will benefit the rich, who did this **sweetheart deal** benefit? *(Applause)* It is time we stop the hypocrisy and start dealing honestly and truthfully with the people's business. *(Applause)*

Mr. PERALTO: This is reality.

Mr. SHAW: We need to discuss the budget, not with rhetoric, but with truth and vision. That is where I will now focus the remainder of my energy today.

Mr. Speaker, in terms of responses to the Opposition, let me start with the issue of the Net International Reserves that the former Minister starts to make heavy weather of.

A MEMBER: Who?

Mr. SHAW: I responded to a query in the Standing Finance Committee, that the US\$400 million raised earlier this year was not in the NIR. Mr. Speaker, the fact is I was misinformed. The US\$400 Million is in fact counted in the NIR, since it is being held on account at the Bank of Jamaica, and I regret that error, Mr. Speaker.

Mr. M. PEART: Glad fi hear dat.

Mr. SHAW: However, this does not negate the fact...

Mr. STERN: That doesn't compare.

Mr. SHAW: ...that the NIR is still at its highest level ever in Jamaica, at US\$2.6 Billion. *(Applause)* The Gross Reserves are similarly at their highest level ever. And while there will be a drawdown as debt become due later this month, the reserves have been quite

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robust for the last three years and are projected to remain robust through the medium term.

Mr. Speaker, as said by the Prime Minister yesterday, and I want to amplify it because it is a historic moment, for the first time in a long time the following conditions prevail: The NIR is at a record level, inflation is under control...

MEMBERS: Hear, hear!

Mr. SHAW: ...Bank of Jamaica interest rates are at their lowest level ever, a 40 year low. (Applause)

A MEMBER: Yes, yes!

Mr. SHAW: And the exchange rate is stable and revaluing. (Applause)

A MEMBER: Yes.

Mr. SHAW: And as the Prime Minister announced yesterday, the economy is beginning to grow. We are seeing our way out of the recession. (Applause) In terms of economic growth it is disingenuous of the Opposition spokesman to downplay the magnitude of the global economic crisis, and the impact it has had on countries like Jamaica.

A MEMBER: Dey never use to talk.

Mr. SHAW: Countries in the region that enjoyed the economic growth at an average of - upwards of 5% per year saw economic decline as a result of this recession.

In oil rich Trinidad and Tobago, that average over 8% annual growth in the decade prior to the global crisis from 1997 to 2006, and which is even now benefiting from current high oil prices, recorded a decline in 2009, of minus 3.5% and again in 2010 of minus 0.6%.

IMF data show that for the last 16 years, countries in the region grew at an average annual rate of over 6%; Trinidad and Tobago 6% annual average growth; Dominican

Republic 4.5%; Jamaica with no global crisis, hobbled along at ½% per year, ½%. Incidentally in 2003 when Jamaica grew at 3.5%, the one year have seemingly significant growth, Trinidad and Tobago grew in that year at 14.4%.

A MEMBER: What teen?

Mr. SHAW: Belize grew at 9.3% and Antigua grew at 4.3%. These figures are totally unacceptable.

And, **Mr. Speaker**, the Opposition spokesman and the Leader of the Opposition can bring any bar chart and graph to this House, it simply cannot obliterate the fact that for the past 16 years this economy has only grown by ½% as I said, and in the entire tenure of the previous Finance Minister, it grew by less than 1% per year. What is that to talk about?

(Cross talks)

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

Mr. HOLNESS: **Mr. Speaker**, I'd like to move for the suspension of the Standing Orders to enable me to ask you, **Mr. Speaker**, for an extension of time sufficient for the Minister to complete his presentation.

The SPEAKER: Members, the motion before the House is for the suspension of the Standing Order to allow the Minister to complete his presentation.

Put to the House and agreed to.

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

I turn briefly to poverty because the Prime Minister had dealt with it adequately yesterday. **Mr. Speaker**, I must acknowledge that the poverty head count has increased to 16.5% up from 12.5% in 2008, the highest since 2004. And this is due to global recession

as stated in *the Survey of Living Conditions*. The Survey found that 89.1% of the country was aware of the impact of the global recession on the country's economy.

Man in country know, him used to collect him remittance money. And if is \$200.00 him used to get, Mr. Speaker, it cut either to 100 or in some cases he got nothing at all. So people understand when things not so wonderful in other countries like the great United States and Canada and so on, it impacts on us. Let's understand, and let us agree, that poverty is a blight up on a people, and a scourge that must be drastically reduced if not eliminated, but it must not be the subject of political gimmickry. (Applause)

The \$310 Million downward revision as an example in the JSIF budget in the last Supplementary Estimates, is not a result of a cut, Mr. Speaker, but as a result of delayed spending on contracts that could not be completed - completely executed within the last financial year. The factors included - and this a report from JSIF - increased security operations within inner city communities, the take up of bids and tenders within inner city communities was not as strong as it ought to have been; Tropical Storm Nicole and extended period of rainfall in October and November of last year. It is important to note that the revision had no effect on JSIF's ability to fund. JSIF's funds were already committed to the projects identified. It is the expenditure that was not realised as a result of the factors that I've mentioned, Mr. Speaker. And so that is why the budget of the new fiscal year represents the topping up, and we are anticipating that JSIF will be able to catch up with its expenditure programme. In fact, all of this information was reaffirmed at a sitting of

the Public Administration and Appropriations Committee at the time of the review of the Second Supplementary Estimates.

Mr. Speaker, impatient of debate is the fact that we continue to increase expenditure, as noted by the Honourable Prime Minister, on programmes such as PATH, the School Feeding programme, access to Free Healthcare and Education.

I turn briefly to the stock of debt, because the Opposition spokesman on finance noted the increase in that Debt Stock, which he said puzzled him. He asked what was the additional debt used for? Puzzled him. Of the \$597 Billion increase in the debt between September 2007 and March 2011, US\$400 Million or \$34 Billion is transitory, representing the pre-funding of a bond repayment. And importantly we know, that it replaces a high cost instrument that was at 11¾% and replacing it with an instrument at 7.95% interest rate.

(Inaudible comment by Mr. M. Peart)

Mr. SHAW: You don't understand those things you know, so maybe you should keep quiet.

A Hundred and Seventeen Billion Dollars or 19.6%, represents the effect of exchange rate movement and consumer price indexation significantly relating to the structure of the debt stock inherited in 2007. Forty-four point Eight Billion Dollars represents external guarantees secured to finance projects, including the Airport Reform, Falmouth Cruise Ship Pier and Jamaica Water.

Mr. Speaker, FINSAC cost the Government over \$140 Billion, and we continue to fund interest in the 2010/2011 budget and also in the present budget that we are debating. This had to do with the securities

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to the BOJ for the capitalization of interest on the Bank's holdings of former FINSAC bonds. Thirty-eight Billion Dollars represent drawdown on loans which were contracted before September 2007. Fifty-three Billion Dollars represents new external project loans, some \$260 Billion represents net new loans contracted for budget financing, \$44 Billion represent deferred financing and debt related to Air Jamaica, the Sugar Company of Jamaica among others, and the list goes on and on. Mr. Speaker, a big part of this increase is the legacy of debt that was bequeathed to us by the previous Administration. (Applause)

MEMBERS: Yes.

Mr. PICKERSGILL: Mr. Speaker...

MEMBERS: What? What? What?

Mr. PICKERSGILL: Listen and you'll hear.

Opposition MEMBER: On a point of order. On a point of Order.

Mr. PICKERSGILL: ...what I don't understand...

MEMBERS: That's not a point of order! That's not a point of order!

Mr. SHAW: Sidung!

The SPEAKER: The point of order...

Mr. PICKERSGILL: Don't think yu gwine get me to sidung.

The SPEAKER: No, the point of order, what's the point of order?

Mr. PICKERSGILL: Point of clarification.

The SPEAKER: No man.

MEMBERS: Noo!

Mr. PICKERSGILL: Mr. Speaker, and I'm not...

MEMBERS: Noo!

Mr. PICKERSGILL: FINSAC

Committee Commission is still meeting.

The SPEAKER: No, the point...

Mr. PICKERSGILL: Is it fair to be commenting on FINSAC's transaction while the Commission is meeting? The rule in this House has been you are not supposed to do that.

The SPEAKER: No, no...

Mr. PICKERSGILL: The Commission is still meeting.

The SPEAKER: No, but Mr. Pickersgill, the point of order is not a good one. He's merely giving figures that the FINSAC has cost, not what is going on at FINSAC.

Mr. PICKERSGILL: I beg your pardon?

The SPEAKER: What he has done is to give you the cost, which in fact the former Finance Minister has revealed, he's merely repeating the figure.

Mr. PICKERSGILL: He mentioned other instances - specific instances - of injured people in FINSAC.

(Sotto voce remarks)

Mr. PERALTO: As announced in the newspaper. Testified and announced in the newspaper.

The SPEAKER: Mr. Pickersgill, the position is that there's nothing you can say here that he has said, which could in any way influence the FINSAC Commission.

Mr. PICKERSGILL: Mr. Speaker, I do not agree with - not the last part that he mentioned about how the debt has been compiled...

The SPEAKER: Yes.

Mr. PICKERSGILL: ...that's fair comment, but before, when he dealt with FINSAC, it was too specific.

The SPEAKER: No, no, no, no! I so happen, Mr. Pickersgill, to have his script. I

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looked at it, he was merely quoting things that were said at FINSAC.

MEMBERS: That's right!

The SPEAKER: Have a look at it, have a look at it.

Mr. PICKERSGILL: Could you refer me to the specific...

The SPEAKER: No, you have it, you have it.

(Sotto voce remarks)

Mr. PERALTO: Sidung man!

The SPEAKER: If you look at page 3, he merely quoted, he merely quoted page 3.

(Sotto voce remarks)

Mr. SHAW: Mr. Speaker...

The SPEAKER: Everything remains as quotation. You can look at it later, Mr. Pickersgill.

Mr. PICKERSGILL: Huh?

The SPEAKER: Quotation.

(Sotto voce remarks)

The SPEAKER: Okay. Yes, Mr. Shaw.

A MEMBER: Deal wid him now yaw.

Mr. SHAW: Mr. Speaker, Mr. Speaker, please I beg of you, don't allow any other interventions like that.

(Laughter/heckling)

Mr. SHAW: It is entirely, it is entirely, it is entirely inappropriate, Mr. Speaker.

Mr. M. PEART: Yu have rule fi di Speaker now.

Mr. SHAW: Mr. Speaker, let me say it to you, that in relation to those quotes that I quoted, all of those were published in the public media.

Mr. PERALTO: Yes!

Mr. SHAW: And also, it is a public enquiry, and if the Member would like to get

the transcript - some of them - I have them here in my possession that he can get a look at them. If he were to study them...

Mr. PICKERSGILL: That is rubbish!

Mr. SHAW: ...he would keep quiet for the rest of the evening.

The SPEAKER: No, no, but Mr. Pickersgill...

Mr. PICKERSGILL: Don't believe you can bully anybody over here with your shouting.

The SPEAKER: No, Mr. Pickersgill, if he goes out of line I will stop him.

(Sotto voce comments)

Mr. PICKERSGILL: You are the judge of that. As far as I'm concerned he is definitely out of line and you must stop this rubbish!

(Sotto voce comments)

Mr. SHAW: Mr. Speaker, let me say this to you in this Honourable House, this is a budget debate.

Mr. ROBERTSON: Yes! Tek heed!

Mr. SHAW: The FINSAC bonds that we have to be servicing as a result of the \$140 billion debt...

Mr. PERALTO: That's correct.

Mr. SHAW: ...is a part of this budget. (Applause)

Mr. E. SMITH: Talk yu talk!

Mr. SHAW: Mr. Speaker, no more such asinine interventions from the Member! No more! (Applause)

Government MEMBERS: No more! No more!

(Heckling)

Mr. PICKERSGILL: Anybody more sinine than you!

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(Heckling)

Government MEMBERS: Sidung! Si dung!

The SPEAKER: No, no! Mr. Shaw and Mr. Pickersgill, the term is inappropriate. Please, both of you...

Mr. PICKERSGILL: Well, yu better talk to him first. Who is he referring to as asinine?

Government MEMBERS: You! You!
(Heckling)

The SPEAKER: No, the term is inappropriate. Mr. Shaw and Mr. Pickersgill, you both withdraw it. The term 'asinine' is inappropriate parliamentary language. Yes, both of you must withdraw the term 'asinine'. It's not appropriate.

Mr. SHAW: Mr. Speaker...

(Cross talk)

The SPEAKER: Mr. Shaw...

Mr. SHAW: Mr. Speaker...

The SPEAKER: Just withdraw the term, and Mr. Pickersgill.

Mr. SHAW: Mr. Speaker, you know how agreeable I am. (Laughter) It might not have been asinine, I withdraw it. But it was entirely mischievous and inappropriate.

(Laughter)

Government MEMBERS: Yes, it was!

The SPEAKER: All right, Mr. Pickersgill, you will also withdraw the response.

(Heckling)

No, he will withdraw it.

Mr. PICKERSGILL: Mr. Speaker, the sarcasm is deafening.

The SPEAKER: Just withdraw it.

Mr. PICKERSGILL: So I am not going to be sarcastic. I would not normally refer to him as asinine, and for that, I withdraw.

Government MEMBERS: Aahh! Aahh!
(Applause) Turn off yu mike! Get off the mike! No more interventions!

(Applause/*Sotto voce* comments)

Mr. SHAW: Mr. Speaker, in relation to debt relating to Air Jamaica and the Sugar Company of Jamaica, the previous finance Minister was of the philosophy that he was a better manager than members of the Private Sector, resulting in the Government, through the Minister, taking on the direct operations of Air Jamaica and the Sugar Company of Jamaica. The Governor of the Bank of Jamaica was made the Chairman of the Sugar Company of Jamaica at the time. This approach had a significant negative impact on the country's stock of debt. Air Jamaica was privatized in 2004, losses - it was taken over in 2004 by the Government. Losses in '03 totalled Fifty-three Million U.S. (US\$53M). By '05 losses jumped to US One Hundred and Twenty-one Million Dollars, (US\$121M), peaking at US Two Hundred and Nine Million Dollars, (US\$209M) in 2008. Total losses accumulated after Government acquired the airline amounted to U.S. Five Hundred and Fifty Million Dollars, (US\$550M).

It is the same story for the Sugar Company of Jamaica, acquired in 1998. Operating losses of the SCJ stood at One point Two Billion, (\$1.2B) at that time. By 2007/ 2008, after Government took full control, the losses more than doubled to Three point Six Billion Dollars, (\$3.6B). This is the kind of management that has led to an increase in the debt stock. This is our reality, Mr. Speaker.

In addition to the debt just outlined, a further Twenty-five Billion Dollars, (\$25B), representing Air Jamaica, SCJ and CAP debt,

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will be brought to book in this financial year in this Budget, Mr. Speaker.

And in regard to CAP, the Clarendon Alumina Production, total debt incurred is now U.S. Four Hundred and Forty Million Dollars, (US\$440M), which includes a US One Eighty-five Million (US\$185M) subsidy for the Forward Sale Agreement with Glencore. The liability could cost us over a Hundred Million Dollars (\$100M) more, until the end of the contract period. That is why the government is pursuing the divestment of CAP, Mr. Speaker.

The PRIME MINISTER: Thank you.

Mr. SHAW: The Opposition spokesman has made allegations against the Jamaica Development Infrastructure Programme, which are patently unfair. The Minister of Transport and Works has already addressed the issue of transparency, and is committed to ensuring the highest standard of work on the projects islandwide.

But, Mr. Speaker...

Mr. M. PEART: Rubbish! Rubbish!

Mr. SHAW: ...come to Christiana and you will see high quality of work taking place there.

(Sotto voce comments)

Mr. SHAW: Mr. Speaker, what we have to do is to resolve that projects are not overrun, as happened in the past with NROCC and the North Coast Highway. That's what we have to ensure. (Applause)

Mr. PICKERSGILL: Mr. Speaker, I rise again...

Government MEMBER: On what point?

(Sotto voce comments)

The SPEAKER: Yes. What's the point of order?

Mr. PICKERSGILL: ...on a point of order.

(Sotto voce comments from Government Members)

Mr. PICKERSGILL: Mr. Speaker...

The SPEAKER: This is the overrun.

Government MEMBER: You overrun your objections!

Mr. PICKERSGILL: Yes. There is nothing as yet to establish any overruns.

Mr. SHAW: You will soon hear from me. (Laughter)

Mr. PICKERSGILL: What is before us, Mr. Minister - Mr. Speaker, is the fact that the contractors have made some claims, which is in the ordinary run of business. Now, to me, it is unprincipled if not vulgar, for while the negotiation is going on - because it has passed the first stage, Mr. Speaker, of amicable settlement, and there was no settlement. It reached the second stage of conciliation, there was no settlement. It is now about to go to arbitration.

What have we had so far? A statement from that Minister that we have...

(Government Members heckling)

The SPEAKER: No, Mr. Pickersgill. Mr. Shaw, Mr. Shaw - all right, Mr. Pickersgill. Perhaps if it was put better, Mr. Shaw, the likely overrun.

Mr. PICKERSGILL: But, you see, Mr. Speaker...

The SPEAKER: Or the possible overrun. But...

Mr. PICKERSGILL: ...the damage - listen, the headline was Ten Billion, (\$10B)

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debt. No such thing! There is no such thing!

(Sotto voce comments)

The SPEAKER: The allegation...

Mr. PICKERSGILL: And it is back here.

Mr. SHAW: What you talking about?

The SPEAKER: No, the allegation is that there is a significant overrun.

Mr. SHAW: I am demanding that amount.

Mr. PICKERSGILL: Listen, that is more prejudicial than probative, and you know that. Why would he - why we are allowing them to get away with that?

The SPEAKER: No, no, but...

Mr. PICKERSGILL: The arbitration is about to take place. If two Ministers in the Cabinet, the relevant Minister and the Minister of Finance are making these comments, how will it help NROCC? How will it help them in the arbitration? (Applause) They are not to do it. This is nonsense. No, highly irresponsible!

(Cross talk)

Mr. E. SMITH: Look what you said in the Budget Debate! 'Bout you a come clap now!

(Laughter)

Mr. SHAW: Mr. Speaker, I beg of you, Mr. Speaker, I beg of you. We are debating the public's business.

Dr. BARTLETT: That's right. Exactly.

Mr. SHAW: This is not private business.

Government MEMBERS: No!

Mr. SHAW: As Minister of Finance, I am the one who has received the correspondence with the Ten Billion Dollar, (\$10B) bill.

Mr. PICKERSGILL: Which Ten Billion

Dollar, (\$10B)? You cannot receive anything about any Ten Billion Dollar, (\$10B). That's nonsense!

Mr. SHAW: Mr. Speaker, you cannot allow this Member to continue to interrupt my speech like this! You need to rule!

Government MEMBERS: Sit down! Sit down!

Mr. PICKERSGILL: Interrupt? Interrupt what? Rule what? No Ten Billion Dollar, (\$10B) has reached you!

Mr. SHAW: You need to rule or have him removed from the House! That's what you need to do!

Mr. PICKERSGILL: Remove? Remove what?

Government MEMBERS: Si dung!

Mr. PICKERSGILL: Ten like you can't do dat!

(Heckling)

Come wid yu nonsense! No such thing as rinsing! Those are clean!

The SPEAKER: No, but Mr. Pickersgill...

Mr. PICKERSGILL: Claims that are being negotiated, and he is here running up his mouth as if something is settled, and come and talk 'bout run up.

The SPEAKER: Mr. Pickersgill, if he fails - if at any time you put in a question, or you provide that the allegation of a Ten Billion Dollar, (\$10B) bill was misleading the House, you can bring it to my attention, and he has...

(Sotto voce comments)

Mr. PICKERSGILL: You know, Mr. Speaker, on this particular matter in your absence...

The SPEAKER: Yes.

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Mr. PICKERSGILL: ...a ruling took place that I considered wrong. Because that Minister over there...

Government MEMBERS: No! No! No!

The SPEAKER: No. Not 'that Minister'! No, no, no. The Minister of Transport and Works. Not that Minister.

Mr. HOLNESS: Mr. Speaker...

Mr. PICKERSGILL: All right, the Minister of Transport and Works. (Heckling)

Mr. HOLNESS: No, no, no! But, Mr. Speaker, I have to intervene at this point. The Minister of Finance is making his presentation.

The SPEAKER: Yes!

Dr. BARTLETT: He cannot be interrupted!

Mr. VAZ: And the Opposition Leader just talked about the behaviour in the House!

Mr. HOLNESS: We should not be diverting into other matters. Mr. Speaker, I urge you keep the debate on track.

The SPEAKER: Yes.

(Cross talk)

Mr. PICKERSGILL: But I am not diverting! Will you give me your ear, Mr. Speaker? I am saying when he made the comment - the Minister of Transport and Works, we - our Leader got up and asked, give us the - tell us the document. He had no document.

Government MEMBER: Sit down!

Mr. PICKERSGILL: And you know what *May's* says about this. Let me read it.

"A Minister of the Crown may not read to quote from a dispatch or other State paper, not before the House, unless he is prepared to lay it upon the Table. Similarly, it has been accepted

that a document which has been cited by a Minister ought not to be laid upon the Table of the House..."

The SPEAKER: No, but, Mr. Pickersgill...

Mr. PICKERSGILL:

"...if it can be done without injury to the public interest".

The SPEAKER: Mr. Pickersgill! Please!

Mr. PICKERSGILL: Injury is being done to the public interest!

The SPEAKER: No, no! But, Mr. Pickersgill, if the Minister of Finance in any way has misled the House, you have an opportunity to bring those charges at a later time.

Mr. SHAW: That's right.

Mr. PICKERSGILL: But I am saying...

(*Sotto voce* comments)

The SPEAKER: No, but he has a right now.

Mr. PICKERSGILL: To what?

The SPEAKER: And unless you can demonstrate that he is misleading the House at this time, I can't stop him.

Mr. PICKERSGILL: But, Mr. Speaker, can he tell you honestly, that any debt of Ten Billion Dollars, (\$10B) is before him?

The SPEAKER: No, but he never used that...

Mr. PICKERSGILL: What?

The SPEAKER: He is not using that here.

Mr. PICKERSGILL: What he said? What has been communicated to the public?

The SPEAKER: No! What he is saying in his presentation is the overrun, and he gets these bills. So please allow him, Mr. Pickersgill.

Mr. PICKERSGILL: Overrun?

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Mr. SHAW: Yes.

The SPEAKER: That's what he is saying.
(Cross talk)

Mr. PICKERSGILL: Mr. Speaker, what I have here with a claim now made by the contractors, Pihl...

Mr. SHAW: I have not read that yet, Mr. Speaker!

Mr. PICKERSGILL: ...for Ten point Three Billion, (\$10.3B)...

Mr. E. SMITH: No, no, no!
(Cross talk)

Mr. HOLNESS: Mr. Speaker...

Mr. PICKERSGILL: ...cost the Government a whopping...

Mr. SHAW: That's why....must give him my speech!

Mr. HOLNESS: Mr. Speaker, you have allowed significant latitude.

Mr. PICKERSGILL: He never gave me any copy.

Mr. HOLNESS: And I implore you, Mr. Speaker, please, rule and have the debate continue.

The SPEAKER: Mr. Pickersgill!

Mr. PICKERSGILL: No such bill!
There is no such bill!

The SPEAKER: But then he would be misleading the House!

Mr. PICKERSGILL: The House has - it has already been misled, and he is continuing to further mislead the House! Tell me nonsense!

(Cross talk)

The SPEAKER: Mr. Pickersgill, at a later date you can ask that he withdraw it, if he is misleading the House.

Mr. SHAW: Mr. Speaker, the case of the highway...

Mr. E. SMITH: Talk Audley! Talk!

Mr. SHAW: ...Ocho Rios to Port Antonio, is a classic case of fiscal recklessness, which we are bringing to an end. A project which started out at a projected cost of Five point Eight Six Billion Jamaican Dollars, (J\$5.86B), being the proceeds of a Euro Eighty Million Dollar, (€80M) grant, through the generosity of the European Union and the Commission - that was the original estimate, Five point Eight Six Billion, (\$5.86B) or Sixty-one Million Jamaican Dollars, (J\$61M) per kilometer. So far it has already cost the Government of Jamaica, Mr. Speaker, in additional funds above the Five point Eight Six Billion Dollars, (\$5.86B) - we have had to pay out additional up to Seven point Three Billion Dollars, (\$7.3B). So the cost now, Mr. Speaker, per kilometer, has moved from originally projected at Sixty-one Million Dollars, (\$61M), to Seventy-six Million Dollars, (\$76M) that we have already paid out, Mr. Speaker.

(*Sotto voce* comments)

Mr. SHAW: Now, Mr. Speaker, with a claim, written claim, now made by the contractors for Ten point Three Billion Dollars, (\$10.3B), additional, Mr. Speaker, this could cost the Government a whopping Seventeen point Six Billion Dollars, (\$17.6B), or One Hundred and Eighty-three Million Dollars, (\$183M) per kilometer.

Mr. PICKERSGILL: And, Mr. Speaker, that's what I am complaining about, 'could cost'.

Mr. SHAW: Representing...

Mr. PICKERSGILL: Listen, Mr. Speaker, let me tell you this.

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The SPEAKER: No, but, Mr. Pickersgill...

Mr. PICKERSGILL: A claim does not represent a settlement!

Mr. SHAW: Can I continue, Mr. Speaker?

Mr. PICKERSGILL: It does not represent a settlement!

(Cross talk)

The SPEAKER: Mr. Pickersgill...

Mr. PICKERSGILL: And that is irresponsible!

Mr. HOLNESS: Mr. Speaker, Mr. Speaker...

The SPEAKER: No. How can it be? He is making a...

Mr. PICKERSGILL: How you mean no? 'Will cost the Government', said he!

The SPEAKER: No. But...

Mr. HOLNESS: Mr. Speaker, Mr. Speaker...

Mr. PICKERSGILL: No such evidence!
(Cross talk)

Mr. HOLNESS: Mr. Speaker, the only person...

Mr. PICKERSGILL: Right now, Mr. Speaker, the two Parties...

Mr. HOLNESS: Mr. Speaker, the Member is out of order!

Mr. PICKERSGILL: ...are not even a billion dollars apart, and he is coming with nonsense!

(Cross talk)

Mr. HOLNESS: Mr. Speaker, I urge you to rule he is out of order!

Mrs. NEITA-HEADLEY: No, he is not!

The SPEAKER: Mr. Pickersgill!

Mr. PICKERSGILL: You said to me you haven't reached there. He has now reached there, and I am saying it!

The SPEAKER: No. But the Member has a right to say what the claim is.

Mr. HOLNESS: No, no! But, Mr. Speaker, it is only the Minister of Finance who could make that claim either.

The SPEAKER: The Member has a right to say what the claim is.

Mr. HOLNESS: Mr. Speaker, the Member is out of order!

Mr. PICKERSGILL: That's not what he is conveying, he is going further.

The SPEAKER: No, but he is saying that is the claim.

Mr. HOLNESS: Mr. Speaker!

Mr. PICKERSGILL: There is no Seventeen Billion claim before the Member, no Seventeen Billion before him!

The SPEAKER: Please, please sit.

Mr. PICKERSGILL: Rubbish!

Mr. HOLNESS: Mr. Speaker...

Mr. PICKERSGILL: Chat nonsense!

The SPEAKER: No, Mr. Pickersgill. Minister of Finance.

Mr. HOLNESS: Mr. Speaker, before the Minister of Finance speaks, if the Member insists on interrupting, I would suggest, Mr. Speaker, that you take the appropriate actions against the Member. (Applause)

Mr. PICKERSGILL: What is that?

Mr. HOLNESS: Because the Member has risen on no point of order, but merely to disrupt.

Mr. PICKERSGILL: Okay, all right. Yeah, take the appropriate action. What is it, to send me out?

Government MEMBERS: Yes!

Mr. PICKERSGILL: You think I am afraid of that?

Mr. SHAW: You are out of order! Sit down!

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Mr. PICKERSGILL: Shut yu mouth!
'Bout out of order! Feisty!

(Heckling)

The SPEAKER: Okay, Mr. Pickersgill.
Please.

A Government MEMBER: Don't abuse
him!

Mr. SHAW: You know, I can understand
why there is so much heat, you know, I can
understand why. Because the Minister of
Transport and Works advised this Honourable
House that when we took over in 2007 on this
project, the money was 85 per cent expended,
but the work was only 15 per cent completed.

Government MEMBERS: Oohh!

Mr. PICKERSGILL: And that is
rubbish! Rubbish! That's another thing, that is
rubbish! Nonsense!

The PRIME MINISTER: Mr. Speaker,
Mr. Speaker, on a point of order.

(Heckling)

Mr. Speaker, on a point...

Mr. PICKERSGILL: No such thing!
Eighty-five per cent and - rubbish!

The PRIME MINISTER: Mr. Speaker,
on a point of order.

(Cross talk)

Mr. PICKERSGILL: Don't let him come
with that! And that's an indictment on
everybody, that statement.

The PRIME MINISTER: The Member
is violating the Standing Orders with a
contempt that is not ordinary. And I am
appealing to you to take control of the House!

Government MEMBERS: Yes! Yes!

The SPEAKER: Yes, Mr. Pickersgill,
please.

Mr. PICKERSGILL: Yes, Mr.
Pickersgill! What about him? What about
him?

Government MEMBERS: Sit down! Sit
down!

(Heckling)

Mr. PICKERSGILL: I get up on
important points!

A Government MEMBER: Remove
him! Remove him!

The SPEAKER: Please, Mr. Pickersgill,
I want no more interruption, no more
interruptions!

(Applause)

Government MEMBERS: No more! No
more! It's a disgrace!

Mr. PICKERSGILL: Send me out! I
am not guaranteeing that...

(Heckling continues)

A MEMBER: Come out. Come out. Is a
disgrace.

Mr. PICKERSGILL: You can send me
out. I'm not guaranteeing that.

(Cross talks)

Mr. KELLIER: Mr. Speaker, you made
a ruling a while ago but I'm not very clear on
what the ruling means. Are you saying, Mr.
Speaker, that no one has a right to...

The SPEAKER: No, no, no!

Mr. KELLIER: ...to raise a point or
order?

The SPEAKER: Mr. Kellier, Mr.
Kellier:

Mr. KELLIER: Yes.

The SPEAKER: On every single issue
that Mr. Pickersgill has brought up...

Mr. KELLIER: No, I'm not referring to
him...

The SPEAKER: ...it is not on a point of
order.

Mr. KELLIER: No, you made a ruling.
That's why I'm asking for clarification of that
ruling.

(Interruptions)

The SPEAKER: No, no, no, obviously no.

Mr. KELLIER: Okay.

The SPEAKER: Yes.

Mr. VAZ: You should ask him to leave and then we can get on.

A MEMBER: No!

Mr. SHAW: Mr. Speaker, Mr. Speaker...

Mr. M. PEART: Him not goin' anywhere.

Mr. VAZ: Touch him again. Lick him again...

Mr. SHAW: Mr. Speaker, the Minister of Transport and Works is in the House. I am the Minister of Finance. The matter to which I refer has been formally brought to my attention in writing ...

Mr. M. PEART: Run dem with dat.

Mr. SHAW: ...by the Ministry of Transport and Works. And so, Mr. Speaker, I repeat...

A MEMBER: A corruption dat!

Mr. VAZ: Repeat it. Repeat it.

Mr. SHAW: I repeat, Mr. Speaker

Mr. PICKERSGILL: Table the Report...

Mr. SHAW: ...Mr. Speaker, with a claim, with a claim now made by the contractors of \$10.3 Billion dollars. That is in addition to the \$7.3 Billion that has already been paid out. This could cost the Government a whopping \$17.6 Billion or \$183 Million per kilometer, representing a cost overrun of over 120% per cent, Mr. Speaker.

Mr. PICKERSGILL: And you allowed him!

Mr. SHAW: Mr. Speaker...

Mr. PICKERSGILL: That is rubbish!

Mr. SHAW: Mr. Speaker, it is this...

Mr. PICKERSGILL: Total rubbish!

Mr. SHAW: Mr. Speaker, Mr. Speaker, I tell you what the rubbish is. It is this kind of scandalous fiscal irresponsibility that over the years has caused our debt to balloon and has become an albatross around the necks of every Jamaican taxpayer. (Applause)

Mr. VAZ: Not even.... yuh can' manage. Not even... yuh can' manage.

Mr. PICKERSGILL: That's rubbish. That's rubbish!

Mr. SHAW: And now I'm being told, Mr. Speaker, that a piece of the road has collapsed. The most expensive road in Jamaica, and it start to collapse already.

(Inaudible comments by Opposition Members)

Mr. SHAW: Mr. Speaker, I now turn to the silence of the Opposition on fiscal responsibility.

Mr. PICKERSGILL: There is a clause in the contract that will take care of the collapse. Rubbish! Chatting nonsense!

Mr. E. SMITH: Listen, man, stop it!

Mr. PICKERSGILL: Don't tell me anything 'bout stop.

Mr. E. SMITH: I will stop it then.

Mr. ROBERTSON: Him can' stop. (Cross talk)

Mr. CHARLES: Can' start!

Government MEMBER: The chickens coming back home to roost.

A MEMBER: You're a disaster!

Mr. SHAW: Mr. Speaker, a primary plank of the consensus that I call, '*Going from Stabilization to Growth*', is our fiscal management programme. A programme in which for the first time in the history of this country, a Minister of Finance signed a binding commitment to Parliament and the

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people to practise prudent financial management of the country's affairs.

(Applause)

On April 28, I presented to this Parliament a profound document under the fiscal management programme. To my amazement, nothing has been said by any of the Opposition Members. Is it that the former Finance Minister does not, or has refused to recognize that fiscal policy and the budget are now in transparent and responsibility mode? Not one Member found it necessary to speak of the fiscal policy paper which contains the macro-economic framework to be pursued over the medium term; the fiscal responsibility statement of intent and commitment signed by the Minister of Finance; the fiscal management strategy providing the projected finances of the Government over the medium-term; and strategies with respect to revenue and expenditure measures designed to ensure achievement of the fiscal and debt target.

The fiscal policy paper, Mr. Speaker, commits the Finance Minister to a new paradigm of fiscal responsibility.

(Applause)

The country must take note of the Opposition's glaring failure to comment on this new path. The silence is deafening, which may just imply that the PNP administration is still on their track of fiscal looseness and profligacy. Is this why the former Minister of Finance suggested that we can raid the TEF and the NHT without - in his words - this is a direct quotation: *'without expanding the deficit'*? If he read these documents he would recognize that there is now an overall fiscal balance surplus or deficit that takes into account public bodies as well as Central Government. Had he read the policy paper he

would have not uttered such ignorance from this Parliament, when he spoke, Mr. Speaker.

Mr. Speaker, the Opposition is on the wrong track. That is a track that takes us back to irresponsible expenditure and high interest rates. The Opposition spokesman on Finance should heed the wise words of the famous Ska and Rock Steady group, the Skatalites:

*"If you want to be on the right track
you gotta move along with me".*

(Laughter) *"You will never, never be
on the right track until you move
along with me".* (Applause)

Mr. Speaker, this is the first time in 20 years that the country's budgetary process is under such scrutiny. We are scrutinized by at least three multilaterals: the IMF, the World Bank, the IDB. This is a self-imposed scrutiny which is on-going. Caribbean Development Bank as well. The European Union as well. I challenge the Opposition to question the integrity of the numbers. No longer can we hide things off the budget, such as deferred financing... (Applause) ...issuing of promissory notes... (Applause) ...and hiding expenditure in selected public entities. (Applause)

Mr. Speaker, this is a defining moment. This is a new paradigm. We disclose all our expenditure. And yes, to the Member from Central Kingston, all of our arrears are tabled and known by the public and by our multi lateral partners. We have tabled a complete budget showing Central Government expenditure as well as all major Public Bodies expenditure. Jamaica has never experienced open government as is now being practised. The Opposition is in the chair of the Public Appropriations Committee to look at the Budget as it happens. (Applause)

Mr. VAZ: An' dem still doan' know what's happening.

Mr. SHAW: I would suggest that the previous Minister does not understand some of the mechanics of the new system

Mr. VAZ: That's exactly right.

Mr. SHAW: Is that why there has been no comment? Are the issue of certain liabilities not being included in this year's Budget, Mr. Speaker? We still operate a cash Budget. We need to stop tricking the Jamaican people in this respect. The budgetary process is the same it has been for decades. We are indeed trying to move to an accrual system. But I will not stop saying it. Let us start to be honest and lift the level of the debate. The budgetary process is not one of those areas which we need to debate on. Finally, I'm begging the Press to try, the Press, ah begging members of the news media to try and inform themselves of the many changes. We need to ensure that these changes become a part of the future norms and become proper cultural practices in terms of governance. (Applause)

The Budget deficit is not a subject to any reasonable questioning. Surely, the Opposition can find something else to debate. Let ideas and change contend. And, Mr. Speaker, let me say this about the deficit.

The former Minister tried to cast cold water on the fact that we targeted a deficit of 6½% and we have achieved a deficit of 6.1%. The problem with the excursion that the Opposition wants to go on....When I listened to the Member from St. Catherine, and I started to top up her shopping list, when ah reached \$50 Billion ah stopped counting. Because if we were to accept her \$50 Billion, Mr. Speaker, and add it to the deficit, it would move the deficit from 4.6% targeted for this

fiscal year to 8.6% . Do you know what would happen with interest rates? Do you know what would happen with the instability of the exchange rate? Do you know what would happen with the inflation rate, Mr. Speaker? And do you know what would potentially happen to the Net International Reserves? All of the gains that we have achieved would be wiped away in one fell swoop.

(Cross talks)

Mr. VAZ: Nuh lick her, nuh lick her. She nuh hav' nuh time.

Government MEMBER: Is Lambert Brown write her speech.

Mr. SHAW: I want to speak briefly about the revenue measures which I tabled because a fair amount of politics has entered into it, and people are also communicating inaccurate information.

Mr. CHARLES: The rich a nuh people!

Mr. SHAW: The Opposition has argued that the revenue measures favour the rich. That is the favourite argument. Is it hard for them to understand that the only basis for wealth creation is to stimulate investment, Mr. Speaker?

While the Opposition's continued focus is to treat the symptoms only, we not only address the symptoms, we go further and prescribe preventative measures. (Applause) The Opposition must understand that the only basis for wealth creation and uplifting the poor in our society, is to stimulate investment. It is not in government give-aways.

When will they realize that the socialist distributionist policies of the past have no place in the world of today? *You cannot reap what you have not sown. You cannot distribute what you have not created. You cannot*

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forever borrow to give away because when you do this you are borrowing your way to greater poverty. (Applause)

And, Mr. Speaker, I am pleading with the Opposition, do not try to divide and conquer in the public arena in the quest for power by setting the poor against the rich. (Applause) By setting the poor against the entrepreneurial class who would dare to invest.

A Government MEMBER: Did that in the Seventies.

Mr. SHAW: We had done that in the 1970s and we are still feeling the effects of those unfortunate statements. Let us focus on the issue of how to combine labour and capital. (Applause) Both need each other to ensure growth in the future, Mr. Speaker. (Applause) Let us focus our energy on sound economic policies, even if we disagree on how to grow the economy. And this is where I am very disappointed in this debate by the Opposition. To date, I have not heard one new idea as to what policies we need to change to ensure growth. After 18 years, the Opposition is proposing the same policies which have brought the economy to the current crisis that we are in.

A Government MEMBER: Bankrupt, bankrupt!

Mr. SHAW: New ideas and new vision is what we need in criticism. (Applause) We must move away from the debate of distribution to a debate of wealth creation. (Applause) We will never have enough resources to distribute to the various demands. This is basic economics, the law of scarcity. That's what it is.

Therefore, Mr. Speaker, while we continue to increase the social safety net measures, most of the revenue measures

presented are geared towards reducing the cost of assets and freeing up idle assets, thereby increasing their market mobility and hence enabling their efficient use in production. (Applause)

Mr. Speaker, take for example, in the motor vehicle policy, the purchase of a brand new Toyota Corolla. A 2011 Corolla with a landing C.I.F value of US\$13,000 or J\$1.15 Million, attracting the customs duty, SCT and GCT aggregate of 130%, will now attract duties of 62%, and the purchaser will experience a 32.7% reduction in the overall price of the Corolla.

Therefore, Mr. Speaker, in this new duty regime, the overall price of the Corolla will move from \$2.65 Million down to \$1.78 Million. (Applause) Mr. Speaker, a saving of \$870,000.

Mr. VAZ: An' dem nuh wan' de man dem get it.

Mr. SHAW: What about the taxi operator who can now look to purchasing a new vehicle in order to run his business or for the household? Is that person a rich person, Mr. Speaker? (Applause)

Government MEMBERS: No!

Mr. SHAW: But it's a new car so he can go to the bank...

Mr. GALLIMORE: And get low interest.

Mr. SHAW: ...and get a low interest loan and drive him new car pon the road. I don't know what this argument about a policy for the rich.

The Automotive Dealers Association has endorsed the new tax regime, and stated that the recent changes are expected to increase Government revenue because the market will be stimulated by price reductions leading to an

increase in sales. Already we are even told that the used car sales has increased by 15%. The incentive to under-declare CIF values at Customs will be removed; corruption will come down, Mr. Speaker. The tendency to abuse concessions will be eliminated or reduced. Discretionary waivers will be made redundant by tax reduction. (Applause) The transaction speed will be improved because of the elimination of most of the concession process due to the CET being changed to 20%.

And, Mr. Speaker, in the case of estate duties, the Leader of the Opposition was wrong in her calculation...

MEMBERS: Lambert again man, Lambert!

Mr. SHAW: And her Opposition Spokesman on national security said on a television programme that poor people don't benefit from lowering estate taxes. Where you ever hear such nonsense in all your life? Referring to the Opposition Leader's comparison of an estate valued at \$40 Million and another at \$6 Million the tax break on the \$6 Million property amounts, Madam Leader of the Opposition, with respect, to \$235,000.00 and not \$19,000 as you stated. Suggest that you do the math again. The reality is that thousands of people of modest income could not afford to pay the 7½ % upfront debt taxes to free up those titles. Now they will only pay 1.5% instead of 7½%. (Applause) It is also ignorant of the Opposition spokesman on national security, who said that estate duties are not for the poor. What of elderly persons who have property but cannot afford the transfer costs? This is a major boost to freeing up idle assets, Mr. Speaker. (Applause)

We have been talking about tax reform for over a decade; we have had recommendations born of reports such as the Matalon Tax Review Policy Committee and numerous reports from both the IDB and the IMF. Today, I am tabling a **Green Paper** - I have tabled a **Green Paper** on tax reform for Jamaica, as the Prime Minister announced yesterday. The **Green Paper** provides a synopsis of the central pillars of the medium term tax policy framework which we are seeking to pilot. It gives an overview of the general and specific reform proposals namely, but not limited to changes in the GCT rate and the income tax rate. The feedback from the public, especially the Opposition, is important in arriving at consensus on the measures that can be implemented in this financial year and over the medium term.

The aim, Mr. Speaker, is to simplify, broaden the base, improve compliance and infuse a greater level of equity than what currently exists. The extent to which the aforementioned aims can be accomplished will determine the impact on growth and competitiveness. The cards are on the table. Please read the document, please let us weigh the options. In all of this, we have to be mindful of the impact on the most vulnerable segment of the population and ensure that items that comprise the basic food baskets of these groups are not threatened.

It is my hope that this tax reform initiative will be one of those issues that is truly nonpartisan and that all groups private sector, international development partners, non-governmental organizations, academia, civil servants among others, will share their views but put the national interest above self-interest.

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A MEMBER: Absolutely.

Mr. SHAW: Mr. Speaker, as I approach the winding up of this presentation, for purposes of repetition which is important, these revenue measures are part of the modest, but important initiative for growth inducement. As outlined in my presentation, the Government's broad strategic priorities for this fiscal year and through the medium term are economic growth, job creation and competitiveness underpinned by crime reduction, tax reform and public sector transformation.

It has been proven that infrastructural development is one of the most effective short to medium-term catalyst for rapid expansion, economic expansion, and against this background the Jamaica Development Infrastructure Programme should augur well for economic growth. The programme is expected to provide a boost to the current state of weak aggregate demand through its positive impact on consumption. In total, that is, between Central Government and Public Sector bodies we are committed to spend over \$140 Billion in infrastructure projects across this land. (Applause) And in relation to the new tax measures, the reduction in transfer tax and deceased estates has the potential to increase investment activities through capital availability and wealth effects. The revision of the stamp duty on the refinancing and transfer of existing mortgages, as well as the abolition of transfer tax and stamp duty on the transfer of corporate bonds will serve to increase competitiveness in the financial sector (Applause) ...and will lead to lower interest rates.

The revisions made to the import duty structure on motor vehicles will lower the cost of automobiles and will provide an opportunity for retooling within the transport industry with newer and more efficient vehicles leading to lower maintenance and repair costs.

The provision of credit from external sources through the EX-IM Bank, Jamaica Mortgage Bank, Students Loan Bureau, the Development Bank of Jamaica at concessionary rates will serve to increase the domestic loan pool, provide more funding at cheaper rates for the export sector, the housing sector and the advancement of education and training, and engender further rate reduction in the wider economy. In particular, the initiation of specialized loan products for exporters and the agro business sector should stimulate additional activities within these industries.

When the Member from St. Catherine complained that \$30 Million was cut out of the youth programme, Mr. Speaker, she neglected to recognize that in the Career Advancement Programme the Ministry of Education is now training many, many more young people under that Career Advancement Programme and there is \$700 Million allocated for that in this fiscal year. (Applause)

In summary, Mr. Speaker, the policy measures from the budget are targeted to stimulate aggregate demand in the economy while contributing to the process of fostering sustainable growth in the medium term. The incentives and tax reforms will positively impact investment decisions and lead to greater production and wealth creation.

And so, Mr. Speaker, I end where I began two weeks ago with a call to action. We have no choice but to make 2011 Jamaica's come back year. (Applause) The conditions for growth may not be perfect, but we cannot remain in suspended animation until they are. We must seize this moment created from stability and make a run for the tape. And we must start seeing possibilities again, Mr. Speaker. There are events that took place last year that had they been suggested to us last January we would have dismissed as being impossible, but somehow the tough got going and we manage to make lemonade out of our lemon and we did it with crime and we did it with interest rates, two issues... (Applause) ...two issues which we had almost come to accept as being intractable. And we can do it with growth and development, Mr. Speaker.

As we prepare for the future, let us begin with some honest evaluation. For a long time we managed like the juggler to keep all the balls in the air, for a long time we allowed high margins and quick returns to seduce us into believing that Jamaica was growing. But the truth is, we were running a made-off economy. And as every schemer eventually finds out, you can't duck reality forever. Eventually payday comes and it did for us, we sidestep the faults, but we certainly have the debt stock and an undeveloped economy to show for it. Last year was a turning point. Last year we banded together and took our first step down from that carousel to nowhere we had been riding for a decade. The debt exchange gave us some breathing room and the IMF and our multilateral partners came to our rescue at a critical juncture. All in all, we did well, and we managed to achieve 40 year low interest rates, single digit inflation,

historic high gross reserves, and a stable Jamaican dollar. (Applause) All occurring at the same time, even as the economy began to grow in the last quarter.

Mr. Speaker, the conditions may not be perfect as I said, but we have made considerable progress in creating a more pro-development and investment climate. Cost of fund is decreasing, crime is in retreat and the third side of the triangle, competitive energy cost is being worked on, even as we almost resolve to conserve on energy. It is time for us to take that educated leap of faith and get the country growing again. (Applause)

Mr. Speaker, we need to nurture a spirit of optimism. Optimism is a habit. Take my word for it, Mr. Speaker, all my life, as a parent, as a businessman, who had to feed his family, as an investment marketer at JAMPRO in the 1980s that exciting era of investments and job creation...

(Sotto voce comments by Members)

Mr. SHAW: ...wasn't fantasy. The economy grew by 7% per year for five years that was not a fantasy, that was reality, that was reality.

(Sotto voce comments by Members)

Mr. GALLIMORE: Stone lick yuh, why you squealing so much?

Mr. SHAW: The Opposition only knows from zero to three per cent growth.

(Cross talk)

Mr. SHAW: Mr. Speaker, all of my life, I have found optimism; I have found optimism, Mr. Speaker, to be an indispensable quality to possess an essential instrument in our tool kit. Without a sense of optimism, Mr. Speaker, I could never have held fast to the belief that Jamaicans had a right to single digit interest rates, (Applause) and to have the

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audacity to pursue them. Yes, even in the face negativity and ridicule. Optimism will inspire us to believe we can be prosperous again, (Applause) and that we can work with missionary zeal to achieve that desired prosperity. (Applause)

Mr. Speaker, optimism is what makes our economic management team envision a Jamaica with developed country status, with champion growth rates, high-end jobs, a high per capita income and a rosy future. Not twenty years from now, not for our grandchildren to enjoy alone, not in America for migration, but right here in Jamaica before we grow old. (Applause)

It is my prayer that you will catch the vision too, and that it will drive you to work 26 hour days to make it happen. (Applause)

Mr. Speaker, I say this boldly we must dream big again. (Applause) Mr. Speaker, with big dreams and hard work we can turn this ship of state around. (Applause) Ahead of schedule and in fine style, we owe it to ourselves to make that effort. All of us have a role to play, but as always I throw out my biggest appeal to our sector leaders. Whether you lead a private firm or public entity, a non-profit organization, church or community-based organization, establish a subcommittee, challenge your team to bring storm ways to fasttrack Jamaica's way out of debt and into prosperity. (Applause)

Along the way I ask you to remember that not all the answers to a better life are to be found in accounting journals and public expenditure. Some of our most valuable line items are not in the budget; they are to be found within our hearts. Line items like decency... (Applause) ...neighbourliness and setting a good example for our young people.

(Applause) Mr. Speaker, these are the things that do not cost money or require additional fiscal space, yet they are qualities that give dignity and meaning and richness to our lives and to our national character. (Applause)

Mr. Speaker, since that terrible tragedy that brought a premature end to the lives of three students in my constituency from bordering South Trelawny, I have been thinking non-stop about how we can build layers of dignity in our lives, especially for our children. Mr. Speaker, tapes were found on the ill-fated bus—you know the name of the bus was 'Not Nice'. The name of the bus was 'Not Nice' and the name of the driver was 'Hot Head'. Hot Head...

Mr. VAZ: Like Bobby.

Mr. SHAW: ...driving a bus called Not Nice!

Mr. VAZ: Hot head like Bobby.

Mr. SHAW: But what was worse was the tape - the tapes that the Ministry of Transport and Works obtained from that bus. Mr. Speaker, it contained material that is totally inappropriate for the ears of our school children. Totally inappropriate. I urge you to be part of lifting our standards and to develop a plan of action in your community to achieve it. Economic progress will mean nothing if we leave our values behind.

(Applause by Government Members)

Mr. Speaker, it has been a good debate. A year of work awaits us all with the help of the Almighty we can make this banner year for Jamaica.

Government MEMBER: Hear, hear!

Mr. SHAW: If we ask His Help, He will not fail us. But let me leave you with the wisdom from an old Quaker saying, "when you pray, move your feet". And the Gideon

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Society that leaves a Bible in every hotel room tells us, "Leave no unguarded place".

Mr. Speaker, let us pray that God will give us the wisdom...

Government MEMBER: True!

Mr. SHAW: ...to work unceasingly together to put Jamaica on the right track....

Government MEMBER: Hear, hear!

Mr. SHAW: ...whether we rise or we fall, as leaders we will be called blessed and we will be called game changers.

Government MEMBERS: Game changers, game changers.

Mr. SHAW: Mr. Speaker.

Government MEMBERS: Game changers, game changers! Game changers, game changers!

Mr. VAZ: Wipe yuh brow, wipe off yuh brow, **man a yaad!**

(Cheering by Government Members)

Mr. SHAW: Mr. Speaker, we must together, we must together be devoted to the well-being of future generations rather than be prisoners to the political opportunism of the next election.

(Applause by Government Members)

As we approach our Fiftieth Anniversary as a nation, let us go forth with confidence to build a new Jamaica.

May God bless you and may God bless Jamaica.

(Cheering by Government Members)

Government MEMBER: Very good, very good Audley!

(Cross talk)

Mr. VAZ: Wipe off yuhself, wipe off yuhself.

Government MEMBER: Big one, big one, Audley!

Mr. SHAW: Mr. Speaker, I now move that the Bill be read a second time.

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

Put to the House and agreed to.

Bill entitled,

"AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March 2012, and to appropriate the sums granted in this session of Parliament",

read a second time.

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

COMMITTEE STAGE

Clauses 1, 2, and 3 put to the Committee and agreed to.

The Schedule put to the Committee and agreed to.

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

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

Put to the Committee and agreed to.

(Applause)

THE RESUMPTION

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

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

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

Put to the House and agreed to.

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Bill entitled,

“AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March 2012, and to appropriate the sums granted in this session of Parliament”,

read a third time and passed.

(Applause by Government Members)

Government MEMBERS: Game changers, game changers!

Mr. HOLNESS: Mr. Speaker, I would like to now move for the recommittal of the item Questions and Answers to Questions.

The SPEAKER: Members, the motion before you is for the suspension of Standing Orders to allow for the recommittal of the item Question and Answers to Questions.

Put to the House and agreed to.

The SPEAKER: House Leader.

QUESTIONS AND QUESTIONS TO ANSWERS

(Recommitted)

Mr. HOLNESS: Mr. Speaker, it is not the usual practice to take questions after we have closed - or take other matters after we have closed the Budget debate. But in discussion between myself and the Leader of Opposition Business, we have agreed that the question posed by the Member from Central Kingston, which deals with some housekeeping matters relating to the Sectoral debate that those questions should be answered and certain actions taken there from.

So, Mr. Speaker, I would invite the Member from Central Kingston to...

The SPEAKER: Question what?

Mr. HOLNESS: Question Number Seven.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Will the Leader of the House please respond to the questions in my name and numbered Seven on the Question Paper?

Mr. HOLNESS: Mr. Speaker, Question Number Seven. The first question -

The SPEAKER: You have the written answers?

Mr. HOLNESS: They will be circulated.

Mrs. HAY-WEBSTER: No, he has to have them.

Mr. HOLNESS: They will be circulated. (Hands the document to Orderly to circulate).

Sorry about that, Mr. Speaker.

Question 1: Will the House Leader concur that the present format of the Sectoral debate is dilatory and ineffectual in advancing public policy?

Answer: I share the concern that there is a growing disinterest and frustration with the Sectoral debate. The debate has not gained the attention of the public or the commitment of Members. The Sectoral debate can be used as a platform to advance policy, to provide information to the public, and increase Member participation.

However, with the present volume of legislative work of the Parliament, it is not possible to dedicate exclusive extended focus of parliamentary time on the Sectoral presentations. The House will therefore have to agree to a new structure that

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will see more efficient and effective use of its time to achieve both the legislative agenda and the policy debate agenda.

Though we have tried to impose tacitly agreed time limits on presentations, Members continue to pursue presentations past their optimal time span.

Furthermore, debates are disjointed as there is very little coordination in the timing of Government presentations and Opposition responses.

Scheduling is a major challenge as Members are not bounded to participate and often drop out without notice which disrupts the schedule. Constant requests for change of time has posed great difficulty in maintaining a meaningful Sectoral debate.

Question 2: Will the House Leader and Government agree to a changed format dividing debate into three sector resolutions dealing with:

- (a) equitable growth in the economy;
- (b) uplifting human and social conditions; and
- (c) strengthening infrastructure.

Each debate to be completed in no more than four sittings of Parliament.

Question 3: And further, will the House Leader accept that each

contributor to the debates be allocated thirty minutes in the case of a Cabinet Minister and fifteen minutes for all Members.

Answers: My response to both (2) and (3), Mr. Speaker. We agree that the format needs to be changed and a resolution will be brought to the House to be referred to the Standing Orders Committee for that Committee to meet forthwith, discuss and report to the House on the following areas:

- (1) who should speak in the Sectoral debate;
- (2) time limits for speech;
- (3) coordination of the debate; and
- (4) to make a determination on the number and nature of the resolutions that will be debated.

Question 4: Finally, will the House Leader agree that Members be encouraged to direct their presentations towards practical and affordable improvements in their constituencies or portfolio subjects rather than indulging in recriminations and self congratulation.

Answer: I think the short answer to that is yes.

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, will the House Leader acknowledge that the Standing

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Orders Committee has not distinguished itself for alacrity of outcome during the life of this Parliament. And that the proposal that he encompasses in his answers to questions (2) and (3) is likely to prove dilatory and, in fact, have the net effect not of improving the Sectoral debate as the questions direct, but rather to, in fact, postponing it indefinitely?

The SPEAKER: Before the House Leader speaks, Reverend Thwaites, I spoke to the Clerk of Parliament and since we'll have it - the likelihood is we may have - we'll have the Standing Orders Committee next week Tuesday, okay, to deal with this matter.

Mr. HOLNESS: Mr. Speaker, the use of the word dilatory suggests that there is some motive to delay.

Dr. DUNCAN: Procrastinate.

Mr. HOLNESS: But there is no motive to delay, Mr. Speaker. And... or to procrastinate.

(Inaudible comment by Mrs. Hay-Webster)

Mr. M. PEART: Just drag your feet.

(Inaudible comment by Mrs. Hay-Webster)

Mr. HOLNESS: The intention, Mr. Speaker, is to move apace with reforming the Sectoral debate.

The SPEAKER: Sure.

Mr. HOLNESS: And I'm proposing, Mr. Speaker, I have a resolution, which I will recommit Notices of Motions. But just to say, Mr. Speaker that I believe it is within the power of this House to do what is necessary in a timely fashion to make the Sectoral debates meaningful and I'm going to see to it that it is done.

The SPEAKER: And to that effect I said, we can have a meeting next week Tuesday, so we confirm and give suggestions - it can only

be suggestions, as to how we pursue with the Sectoral debate.

Mr. MULLINGS: Mr. Speaker, just an inquiry. If the Standing Orders Committee is going to meet might Members be invited to make submissions to that committee...

Mrs. HAY-WEBSTER: Yes.

Mr. MULLINGS: ...in terms of going forward? So that will help us considerably, I humbly suggest.

The SPEAKER: The only difficulty we have with that, Mr. Mullings, is that when the Standing Orders Committee meets we have to refer it back to the House. So it is not appropriate to ask Members to come to make presentations and make it a debate.

Mr. HOLNESS: Mr. Speaker, just for clarity, Members can attend any Committee meeting.

The SPEAKER: That is correct.

Mr. HOLNESS: They can't vote.

The SPEAKER: They can't vote but they can make suggestions.

Mr. HOLNESS: Well, I'm advised that the Members can't contribute. You know, for this purpose, for this purpose if Members are sufficiently moved, I don't think that the Standing Orders Committee would refuse any submissions from a Member, in writing, to be considered.

Mr. PICKERSGILL: No, verbal submissions?

Mr. HOLNESS: No, you wouldn't be able to.

The SPEAKER: House Leader, there's no... I'm suggesting...

Mr. HOLNESS: For speed, if Members are sufficiently moved, I believe that written submissions would accelerate the process.

The SPEAKER: No but, but —

Mr. HOLNESS: And I think we could agree on that Mr. Speaker.

The SPEAKER: And there is no doubt that the Members of the Standing Orders Committee are known, and if there are suggestions from other Members it could be passed on to the Members. And the position is basically is that I understand that there may be no sitting of Parliament next week Tuesday. So we'll meet at the Parliament time at 2:00 o'clock.

Mr. HOLNESS: So Mr. Speaker, if there are no -

Dr. DUNCAN: No, just a quick. Could we expand it to include - well, first I'd like say we should suggest a deadline. A deadline is in there.

Secondly, to possibly include a view of the Parliamentary agenda for the entire year to see how, not just the Sectoral debate, to see how some Members can make contributions at other times other than in what might come out as the Sectoral debate in and of itself. Because, for example, I think, the Leader of the Opposition made some proposal about Parliament putting aside a special sitting to discuss crime and I think -

Mrs. HAY-WEBSTER: I made that suggestion too.

Dr. DUNCAN: You made that too.

Mrs. HAY-WEBSTER: Yes, it is still outstanding.

Dr. DUNCAN: And I think there was one about education. You know, there are a number of ideas that have come forward about special sittings that we could - that the Standing Orders Committee could look at the totally of the parliamentary year.

Mr. HOLNESS: Very useful comments by the Member, Mr. Speaker.

The truth is that it is very difficult to plan the Agenda. It has been very difficult for the past two sittings. We have had a hectic period of time, in terms of new legislation coming at short notice, which disrupts the long term planning. I believe we are entering a period now of stability, where we can plan.

A MEMBER: No growth.

(Sotto voce comments)

Mr. HOLNESS: I am speaking with respect to the legislative agenda.

(Cross talk)

Mr. HOLNESS: The Minister of Finance and the Prime Minister indicated to you that we have come out of the recession and growth has started. Mr. Speaker, just to... so that we can move on quickly, Mr. Speaker. Yes, we should probably consider, and report on whether or not special sittings could be done to clear, particularly the motions that have accumulated.

The SPEAKER: Could we - Reverend Thwaites, you...

(Mr. Kellier indicated)

The SPEAKER: ...sorry, Mr. Kellier.

Mr. KELLIER: Just to... since the Resolution is going to come, Mr. Speaker, I just want to propose a very slight amendment, because it says here that...

The SPEAKER: Which motion is this...?

Mr. KELLIER: On Question 3. Will the House Leader accept that each contributor to such debates be allocated 30 minutes in the case of a Cabinet Minister, and 15 minutes for all other Members? I am suggesting that the Opposition spokespersons be given the same 30 minutes as the Cabinet Minister, and not 15.

(Sotto voce comments by Members)

Mr. HOLNESS: Mr. Speaker, the Member asked a question - the Member from

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Central Kingston asked a question, and he proposed. I deliberately did not answer because I believe that the Standing Orders Committee would discuss it and come to...

(Sotto voce comments)

The SPEAKER: Tuesday.

Mr. HOLNESS: Tuesday. So, Mr. Speaker, if there are no further questions, may I then ask for the... oh, sorry.

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, may I? I would respectfully like to agree with the Member for St James that in this instance, having regard to the fact that the Sectoral Debate is a prime opportunity for Members without portfolio to speak, that certainly, their views on how it might be improved would be welcomed. And I do think it is within the province of the Standing Orders Committee, Chaired by you, Mr. Speaker, to relax its rules to the extent that those who are minded to come can do so and express themselves. That's one.

Secondly, in respect of my friend from South St. James, the Resolution or the questions, as stated on the Order Paper, specifically read that the 30 minutes should be allocated in the case of a Cabinet Minister or Opposition Spokesperson.

Dr. BARTLETT: You are making a recommendation to be discussed at committee level.

Rev. THWAITES: I am so sorry, Mr. Speaker. I wanted to clarify these things but apparently small things provide annoyance for vexed spirits.

Mr. HOLNESS: Mr. Speaker, may I now move for the recommitment of the item, Notices of Motions Given Orally.

(Sotto voce comments by Members)

Mr. HOLNESS: That's the only question, Mr. Speaker.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Order to allow for the recommitment of the item Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN

ORALLY

(Recommitted)

Mr. HOLNESS: Mr. Speaker, you would also have to go back to Public Business after the motion.

The SPEAKER: Yes.

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

BE IT RESOLVED that the Standing Orders Committee of the House of Representatives, conduct a full review of the annual Sectoral Debate with a view to making recommendations on:

- (1) the format of the debate,
- (2) whether or not all Members should participate in the debate,
- (3) the number and type of Resolutions to be debated,
- (4) time for speaking.

And I have added a fifth.

- (5) consider special sittings for motions that have accumulated.

AND BE IT FURTHER RESOLVED that the Committee completes its deliberations and report to this Honourable House no later than June 30, 2011.

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 the motion.

PUBLIC BUSINESS

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

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

Put to the House and agreed to.

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, I now move that the motion be approved.

The SPEAKER: Members, the motion before you is as indicated by the House Leader.

Put to the House and agreed to.

The SPEAKER: Motion approved.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do...

(Sotto voce comments)

Mr. HOLNESS: Mr. Speaker it is not proposed to do any further business. I, therefore, move that the House do adjourn until the 24th May, 2011. That's the day after Labour Day.

The SPEAKER: Members, the motion before you is that this House be adjourned until May 24th - Tuesday May 24th at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House accordingly adjourned at 5:02 p. m. to Tuesday May 24, 2011 at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, May 24, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:33 p.m.

PRESENT

THE SPEAKER

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

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

MEMBERS OF THE CABINET

THE HONOURABLES:

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

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

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

MINISTERS OF STATE

THE HONOURABLES:

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

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

Minister of State in the Ministry of Agriculture.

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald
Thwaites.

The House resumed its sitting at 2:33 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its
sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, well first let
me welcome everyone. I know that some
Members are absent because they worked too
hard on Labour Day, yesterday. But I am sure
that those who are here also worked on Labour
Day.

I would just like to welcome, Members, to
the sitting of the House from the Bishop
Gibson High School, forty five students and
three teachers; (applause) from the Fern Court
High School forty students and two teachers;
(applause) and from the University of the
West Indies, twelve students and one lecturer.
(Applause)

Please enjoy the sitting of the House this
afternoon. I would just like to ask that you
check on your cell phones to make sure that

they are either on vibrate or on off, so you
don't disturb the sitting of the House. But,
please, do relax and enjoy the afternoon's
proceedings.

I would also like to welcome other
persons sitting in the Gallery and hope you
have a good afternoon sitting with us in this
afternoon's session.

(HON. RUDYARD CONRAD SPENCER,
(JLP), Clarendon, South Eastern,
Minister of Health and the Environment,
entered and took his seat.)

ANNOUNCEMENTS

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

- **Ministry Paper No. 37**
Cabinet agenda issues for May 2,
2011
- **Contractor General's Report**
A Special Investigation into the
allegations regarding the proposal for
the financing, development,
ownership and operation of FSRU
LNG Re-gasification Terminal and
Natural Gas Transportation System
(Available on the Parliament's web site)

The SPEAKER: Reverend Thwaites,
before you get up (Laughter) before you get
up, may I just say – Mrs. Cooke, will you let
me see that - you have it there? Believe me,
Reverend Thwaites, the Report is over 600
pages. It will be available to you on a
diskette... It's on the website. A diskette was
sent by the Contractor General.

But I think, Members, you will understand
why I ask that it be put on a diskette and then
on to the website. And those Members who
would like a hard copy we will provide. It is

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actually in the library, so in a sense you could check with the library. But if a copy is needed -one is sent to me and I am willing to loan my copy to anyone who would like a hard copy. But I think, Members, you will appreciate why the Parliament would consider it a bit burdensome to do eighty copies of the 600.

(Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

Dr. DAVIES: Are you violating the Standing Orders?

The SPEAKER: No, no! I think we will ask for the suspension to allow no violation.

Dr. DAVIES: What about the executive summary?

Mr. PICKERSGILL: How long is the executive summary?

The SPEAKER: The executive summary may be about 200 pages.

(*Sotto voce* comment)

The SPEAKER: I am not lying. Mrs. Cooke, could you check for me how long is the executive summary. It's about 200 pages. How long is the...

Dr. DAVIES: Executive summary?

Mr. VAZ: There is a summary of the summary.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, just as we have got on diskette the Annual Report of the Tourist Board and of JAMVAC, could we each have a diskette of that Report?

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

Dr. DAVIES: And tell us how long the executive summary is.

The SPEAKER: Okay, Reverend Thwaites, please, we can get back to this in a short while. Mrs. Cooke, could you just finish the Announcements and then we can...

ANNOUNCEMENTS

(Continued)

- Report of the Regulations Committee of the House of Representatives on its deliberations on the Urban Development Corporation (Belmont, Roaring River and Malvern Park) (Designation) Order, 2011
- Jamaica Vacations Limited (JAMVAC)
Annual Report and Audited Financial Statements for the year ended March 31, 2001
- Jamaica Tourist Board
Annual Report and Audited Financial Statement for the financial year ending April 2007 to March 2008
- Certified Appropriation Accounts: Court Management Services, 2009/2010 Forestry Department, 2008/2009

(Compact discs provided for the last two Reports.)

(HON. MRS. SHAHINE ELIZABETH ROBINSON, (JLP), St. Ann, North Eastern, Minister of State in the Office of the Prime Minister, entered and took her seat.)

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(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

The SPEAKER: Reverend Thwaites, the Contractor General's Report will be posted on the web site. If you require a copy - a disk by itself, we would ask him for a copy. We can get a copy for you.

The question as to the executive summary, it's 117 pages.

Dr. DAVIES: Save thirty pages there. We'll get diskette and access it.

The SPEAKER: Very well.

Mr. ARSCOTT: Will every Member be given a diskette?

The SPEAKER: No!

Mr. ARSCOTT: Can I request a diskette?

The SPEAKER: Yes. Persons who would like a copy of the disc, please, just speak to Mrs. Cooke.

In truth, Members, we have discussed this before. So often we provide sixty copies and many of them are not utilised. So Members who would like a hard copy or disc have a word, please, with Mrs. Cooke.

REPORTS FROM COMMITTEES

Mrs. DALRYMPLE PHILIBERT: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Regulations Committee of the House of Representatives on its deliberations on the Urban Development Corporation (Belmont, Roaring River, Malvern Park) (Designation) Order, 2011.

Mr. MONTAGUE: 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 Sectoral Debate.

The SPEAKER: Members, just for information: the copies of the Report of the Standing Orders Committee will be circulated shortly.

NOTICES OF MOTIONS GIVEN

ORALLY

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

BE IT RESOLVED that the Standing Orders Committee of the House of Representatives be empowered to meet and review recommendations previously made to facilitate the efficient drafting of proposed amendments.

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

The SPEAKER: Thank you.

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

BE IT RESOLVED that the Report of the Regulations Committee of the House of Representatives on its deliberations on the **Urban Development Corporation Order, 2011** which was laid on the Table of the House on the 24th day of May, 2011 be adopted.

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

THE HONOURABLE HOUSE OF REPRESENTATIVES

The SPEAKER: Thank you. Mr. Montague.

Mr. MONTAGUE: 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 to the Review of the Sectoral Debate which was laid on the Table of the House on the 24th of May, 2011 be adopted.

The SPEAKER: Thank you, Mr. Montague.

**QUESTIONS AND ANSWERS TO
QUESTIONS**

The SPEAKER: Mr. Gallimore.

Mr. GALLIMORE: Mr. Speaker, two questions will be taken today, Questions No. 1 and 2, both posed by the Member from Central Kingston.

The SPEAKER: Reverend Thwaites, Question 1.

Rev. THWAITES: Mr. Speaker, will the Honourable Minister of Transport and Works respond to the question noted at No. 1 in my name on the Question Paper.

The SPEAKER: Minister Henry.

Mr. HENRY: My apologies, Mr. Speaker. I just got off a plane and my bag with the questions... I have just asked them to e mail it up.

The SPEAKER: Can we stand it down and do Question 2?

Mr. HENRY: I will do it as soon as it arrives. Coming straight off the plane...

The SPEAKER: I understand, Minister Henry. Can we do Question 2. Reverend Thwaites.

Rev. THWAITES: Quite understand, Mr. Speaker.

Mr. Speaker, will the Honourable Minister of Labour and Social Security respond to Question No. 2 on the Question Paper.

The SPEAKER: Minister Charles.

Mr. CHARLES: Mr. Speaker...

The SPEAKER: Before you begin. Reverend Thwaites, do you have a copy of the answer?

Rev. THWAITES: Yes, I have a copy.

The SPEAKER: Okay. Go ahead, Minister Charles.

Mr. CHARLES: I propose to answer question by Mr. Ronald Thwaites.

Question: What is the status of the Bill to protect disabled Jamaicans?

Answer: Mr. Speaker, the promulgation of legislation to protect the rights of the disabled community in Jamaica has been in progress for some time. The previous administration caused a national policy for persons with disability to be tabled in both Houses of Parliament in the year 2000. The policy was subject to debate in the Senate in January 2001 and in the House of Representatives in November 2005. Thereafter, on December 19, 2005 vide Cabinet Decision 32 2005, approval was given for the drafting of a disability Act to give effect to the principles outlined in the policy.

Mr. Speaker, it must be understood that this law that is being contemplated represents a revolutionary and new way of dealing with matters relating to the disabled in this jurisdiction. The purpose of the law, when enacted, will be to promote, protect and facilitate the full and equal employment of all fundamental rights and freedoms for persons with disability in the areas of education and training, employment, political office and public life, health care, housing and public transportation.

It will be legislatively established the Jamaica Council for Persons with Disabilities and it will deal with other incidental matters to make a great difference in the life of the disabled so that they in turn can make a more meaningful contribution to the Jamaican society.

As such, Mr. Speaker, the process to have the Bill drafted is being approached carefully, seeking the full participation of members of the disabled community, as well as the numerous government ministries, agencies and departments, which will of necessity be required to play a vital role in the implementation of the new law's provisions. The National Advisory Board on Disabilities along with the requisite staff within the Ministry have been conducting consultations with these stakeholders to ensure that all the policies envisioned are adequately addressed in the draft legislation.

Mr. Speaker, drafting instructions were issued to the Office of the Parliamentary Counsel in the year 2006, and the Ministry has

since received 10 drafts of the Bill from the drafters, the most recent being in March 2011. The newest draft Bill embodies for the most part, the pivotal provisions set out in the policy. Currently, the final touches are being put on the draft by the Parliamentary Counsel's Office and the Ministry expects to receive a settled draft by the end of May 2011.

The process thereafter is that the Bill will be submitted to the Legislation Committee of Cabinet for a clause by clause deliberations, then after the Attorney General's Chamber will review the draft. Thereafter the Bill will be submitted to Cabinet seeking permission for it to be tabled in this Honourable House for debate.

Mr. Speaker, we are optimistic that the process will be concluded by December 2011 to allow the Bill to be subject to the scrutiny of Parliament within the current legislative year.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, will the Minister please state what percentage of Jamaican citizens is it estimated will be covered by the protections to be offered by the legislation covering disabled Jamaicans?

Mr. CHARLES: Mr. Speaker, the detail as is being questioned will be set out in the Bill when it is laid in the Parliament. I don't have the Bill before me to read all of them, but I can assure you, you will have time to amend, to suggest, if so be.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I would like to suggest to the Minister that we are talking about approximately 10% of our population. Maybe he will wish to respond when he rises again. And secondly, could the Minister indicate - is he familiar with the

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reasons for such delay? We have heard about the stages, but what can account for a matter that's debated as far as policy is concerned and settled between 2000 and 2005, and take six years thereafter to be proposed for legislation? Is there some obstruction in the process that the House should know about?

Mr. CHARLES: I don't consider that a question....

(Laughter by both sides)

...but as a comment, as a comment it has been there from 2000 when you were there. We inherited it in 2007, and within a few months, we started to move it as fast as we can and promise that you will have it this year, in time that you can make contributions to that very important Bill. And let me congratulate you for asking the question, it has put me to speed it up.

(Laughter)

The SPEAKER: Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the premise of my question was that, when money is short, we must do those things which do not cost the Government money, but can improve the lives of people, especially vulnerable people as expeditiously as possible. And whether it is this administration or the previous Parliament or whenever, this is not a good sign for our attention to that kind of concern.

My final question is, would the Minister agree with me that in earnest of the Bill which he and I hope will come in December of this year, life spare, would be a gesture, would be to construct a ramp into this building at the earliest possible opportunity. And will the Minister, in answering that question, recognize that there are persons who come towards

Committees to testify before Committees here, who are confined to wheelchairs or otherwise handicapped and who can't find their way here, and cannot exercise their democratic rights because of the extraordinarily poor architecture of Gordon House, would he help us to remedy that as quickly as possible. We don't need legislation for that, we need political will.

Mr. CHARLES: Mr. Speaker, it was my intention to bring that to your attention when we get there, and I think that is a criticism that should be sent to the Speaker, who is in charge of the House. And so, there are much more to that Bill than just a step to come into Gordon House. And I promise you that, if we just hold that, we will look at it. But, Mr. Speaker, the question is one that I think I'll join the Member in asking you to see if you can rectify before the Bill comes here.

The SPEAKER: In truth, Mr. Charles, you know we have been looking at a new Parliament.

Mr. CHARLES: Mr. Speaker, I would challenge all parliamentarians inside here, and I'll make the first contribution if all sixty Members....

The SPEAKER: No, no!

Mr. CHARLES:will contribute. I'll make a contribution. Make an assessment what it cost and then I'll make a contribution and all Members here make a contribution.

The SPEAKER: Is that in the new Parliament, Mr. Charles?

Mr. CHARLES: This one, this very one until we get to the new one. Ronald Thwaites and I will start off with two contributions and all other Members, so that the disabled can come here and enjoy themselves freely and easily.

The SPEAKER: Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Mr. Speaker, I'd like to find out from the Minister the level of collaboration with the Ministry of Education primarily as it relates not just to access to educational institutions, but perhaps more fundamentally, that disabled don't - the category of disabled does not only include those who are physically disabled. What are the proposals - does the Bill contain proposals in terms of the wider definition of the disabled, that is, those who are hearing and seeing impaired, that's one, and two, the question of the inclusion of the education system in your Bill?

Mr. CHARLES: The question you have asked I am to advise you that we have inter-ministerial committees looking at the Bill, other sectors looking at the Bill. In the Bill that is coming will set out all of these things, including what you have asked and what we think Parliament needs to add to it, so a full period of discussion will come.

I will tell you further. We could supply - interested Members or those who are shadowing the portfolio could get a copy and they could look at it if they want to look at it before it comes to Parliament, right. But I assure you that this is a Bill that is in the national interest and all Members will be able to make their contribution, and we will not pass that until that has been done.

The SPEAKER: Mr. Fagan.

Mr. FAGAN: Mr. Speaker, I have heard the Minister in respect to - including all the respective agencies, but a critical agency or organization in this matter has to do with Local Government, they are the ones who deal with approval of plans and so on. Is there any

collaboration with the Local Authorities in respect to this Bill?

Mr. CHARLES: The new Bill when it is brought here will set out the Government's position as to the way forward, whether it is building, roads, other traffic signs and this sort of thing will be set out in the Bill. It will then become law and so all of us will have to follow that. It is not that KSAC can do one thing and Parish Council can do one thing, a law for all of us to follow. So your question - I would ask you to hold it until you see what is in there. If it's not there, we'll amend it to accommodate.

The SPEAKER: Mr. Kellier.

Mr. KELLIER: Thank you, Mr. Speaker.

Minister, the Bill is not yet before us so we really can't go into details because it is not yet here. But just to ask, in putting it together, the various clauses - you say the purpose of the law would be "*to promote, protect and facilitate the full and equal enjoyment of all fundamental rights and freedoms by persons with disability in the area of education, training and employment,*" that's the one that I am concerned about.

In light of the Government's proposed rationalization and the contraction of the civil service, there are a number of disabled persons that are currently employed within the system. Would you be considering putting in a clause within this new law to ensure that persons with disabilities that are competent are retained in times when we will be doing this kind of rationalization, so the jobs of the disabled will have some form of protection?

Mr. CHARLES: Mr. Speaker, this Bill that is coming here will be for the protection of the disabled, their rights to all of these available things, jobs, status, health,

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education. And we are making it legal so that they don't have to scramble for it, the law sets out what they can get, should get and how we are going to do it.

So, again I ask Members to just hold until you read the Bill to see....You have started it for years and we are putting more in it. So when the combination of what you did and what we are doing now comes before us, we will rationalize that as one presentation on behalf of the disabled.

The SPEAKER: Very well. Reverend Thwaites. Reverend Thwaites.

(Laughter)

The SPEAKER: Question 1. Question 1.

Rev. THWAITES: Would the Minister of Transport and Works be kind enough to answer question No. 1 on the Question Paper?

Mr. HENRY: Thank you very much, Mr. Speaker, and I thank my colleague for allowing me to get hold of these questions to answer them.

Question 1: Is the JUTC still losing money and how much during the financial year 2010/2011?

Answer: The Jamaica Urban Transport Company operates in the best interest of the people of Jamaica, therefore the JUTC subsidizes the travel cost of children, the elderly - and I notice my office put in here the **disabled**, I like to use **physically challenged**. And I'd like to correct that throughout - The losses experienced by the JUTC are for the most part the cost to ensure that children, the elderly and physically

challenged are able to travel in comfort and dignity. This cannot be achieved if the JUTC charges the economic costs to all its passengers.

The unaudited shortfall for the period 2010/11 is \$554 Million. However, it must be noted that there have been much improvements which have taken place in the company so that the subvention from the Ministry of Finance to cover those persons I spoke of, have been greatly reduced from \$707.6 Million received in budget year 2008/2009, \$707.6 Million received for budget year 2009/10, \$600 Million received in budget year 2010/11 and a voted amount of only \$450 Million for 2011/12.

As a connection to the earlier question answered by my Colleague, I would take the liberty to advise that we have just brought in three new specifically equipped vehicles for the physically challenged, perfectly assigned, perfectly equipped to hold the wheelchairs strapped down and move them, and that we have rehabilitated and retrofitted two older vehicles that we have five now in place. And under the rehabilitation exercise we will retrofit another five vehicles to move them into the rural/urban areas also. And indeed, one of the things that I am looking at with taxis is that sometimes when we define what is a taxi. Taxis can be made with ramps for people who are physically challenged to go into them. And this is being

looked at as part of the strategy.

Question: What steps are envisaged to incorporate the hundreds of route taxis and unlicensed taxis into an ordered multimodal metropolitan system?

Answer: The Transport Authority is employing a three-pronged approach in respect of incorporating route taxis, unlicensed taxis into the plans for the implementation of a multimodal transportation system. The three-pronged approach includes, route rationalization programme. The Transport Authority is conducting an extensive review of all routes with a view to rationalizing route descriptions in terminal points for public passenger vehicles across the island. The aim of the route rationalization process is to issue licenses that include all the streets to be traversed along a designated route, as well as the terminal facility to be used by all public passenger vehicles including route taxis. The Route Rationalization Programme has been fully implemented in all parishes except St. James, Trelawny and Westmoreland. In these areas there are numerous concerns with respective

location in the capacity of these terminal facilities that need to be resolved before full implementation. Hence the goal of issuing routes specific licence is 79% complete with full implementation schedule for the period 2012/13.

But may I add with continuous review. Because we have to look at the new import policy for vehicles where you are now allowed to import vehicles with special preference if you are getting a vehicle below seven and ten seats, and if you are looking at 29 to 30 seats because I want to rationalize the transport system to only three elements of vehicles on the road.

Given the foregoing, once the multimodal terminal system is implemented the Transport Authority can provide connectivity for these modes; that includes a final study being in respect of the metropolitan region connected to Portmore which is being done by Transurb of Belgium. Availability of route taxis licences, island wide. The Transport Authority has in recent times opened all established route taxis routes across the island, thereby providing unlicensed route the operators the opportunity to legitimize their operations.

Establishment of outreach programme in satellite offices. The Transport Authority in a bid to facilitate greater access for customers and improving monitoring enforcement activities will be implementing an outreach programme during the 2011/12 fiscal year with

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particular focus on areas with high proportions of illegal operators. These areas have also been identified for the establishment of satellite offices in addition to the four existing regional offices.

Question 3: What is the law and policy re tints on all vehicles especially public transport vehicles?

Answer: The Road Traffic Act is silent on the tinting of motor vehicle windows except where the Transport Authority Act Section 15(b) was inserted in 2005 for the prohibition against installation of curtains in public passenger vehicles. The new draft Road Traffic Regulations recommends the following:

3A. A person shall not operate on a road, a motor vehicle unless;

- a) the visible light transmission through the windscreen and windows of the front door are at least 70% and any other window is 35% when measured with a photo-optic tint meter and,
- b) any film or tinting material applied to the windscreen or partition is free from bubbles, tears or scratches and is non reflective.

4) the requirements of Sub-paragraph (a) or paragraph 3 shall not apply to ambulance.

Question 4: Are there any plans or proposal to introduce a vehicle racing circuit in Kingston?

Answer: The mandate of the Ministry does not coincide with the concept of establishing vehicle racing circuits. The mission of the Ministry of Transport and Works states “the provision of a safe and sustainable transport systems for the movement of people and goods”.

In this regard the Ministry stands ready to regulate any commercial endeavor for safety. There has been, however, an interest shown by the Jamaica Race Drivers Club to have certain areas in the Down Town region repaired the standard for motor racing. A site visit and an estimated costing was done. However, two of these roads were already slated for rehabilitation under the JDIP programme. We await the development of that.

Question: Does the Ministry of Transport and Works have a policy regarding the installation of noisy exhaust systems on motor vehicles?

Answer: Yes, the Ministry’s policy is consistent with the Road

Traffic Act Regulation (No. 162). These regulations provide that no person shall use, permit or cause

to be used on a road any motor vehicle which causes any excessive noise either directly or indirectly as a result of any construction or design effect, lack of repair or default adjustment in the motor vehicle or any part or accessory of such motor vehicle. The faulty packaging or adjustment of the load, of such motor vehicle or trailer. Further, the revived regulations provides that, “a person shall not drive a motor vehicle if the vehicle causes a sound that exceeds the noise limit as stipulated as set out in the Jamaica noise standards” The clause further details the stipulated noise standards for the different types of motor vehicles.

Might I add, Mr. Speaker, as you are aware we are still using the 1935 Road Traffic Act laws, which is being revised as we speak, and which will form part of the legislation of this year in making amendments to that.

Thank you very much, Mr. Speaker.

The SPEAKER: Thank you Mr. Henry. Reverend Thwaites.

Rev. THWAITES: Thank you, Mr. Speaker.

Mr. Speaker, will the Minister confirm then that the Jamaica Urban Transit Company is being operated according to the budget that will allow for a subsidy from Central Government of no more than \$450 Million in the upcoming financial year?

Mr. HENRY: Yes, Mr. Speaker, that is correct, and each of the years mentioned were

the figures set by the Ministry of Finance and we kept within those figures.

Rev. THWAITES: Mr. Speaker, apart from the acknowledged justifiable subsidies to children, elderly and physically challenged, will the Minister state what is the policy of Government in terms of a more general subsidy if any, to the commuting public using the Jamaica Urban Transit Company?

Mr. HENRY: For not wanting to over exaggerate the multimodal approach, as we introduce train service, as we look at moving to light rail, as we seek to really identify the real cost per kilometer for travel, we would expect issues that would arise in relation to the transport and the cost of transport. But basically, we will seek to ensure that we keep within this thing and improve the service and look at a non-competitive element of travel.

Rev. THWAITES: Will the Minister agree with me that it is fundamentally inequitable for people who, for example, pay taxes and pay for transportation in Mandeville or Clarendon to subsidize through their taxation the commuting public of Kingston and the metropolitan area?

Mr. HENRY: That is precisely the kind of challenge I hinted to when I said in my budget presentation that I will be rolling out the Rural/Urban Transport Plan.

If we look at the western region of Jamaica you would find that where the Montego Bay metro exists they serve four parishes and therefore they are faced with the same challenges as the Urban Transport Corporation for pampered children of the Kingston area. And therefore, their cost of getting to school is greater. But one can understand the impact it will have on the

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system because we have to now seek to find out if for instance, after we establish the costs and we reduce the \$400 a day say in Clarendon for a child to get to school and we bring it down to \$200 it still is not comparable with the \$80 that is being paid in Kingston.

Equally, we are looking at a new system of issuing cards for children going to school because in many instances in other metropolitan areas of the world, you issue those cards on the basis of the distance the child lives from the school therefore; you give a card of a different value. We have not yet exercised that here. But we are working with the Ministry of Education to look at the rationalization of the Kingston Area, try to tie it through the Ministry of Education and hopefully by extension into the rural area. I don't know how far my colleague wants me to go, but we once had a school bus service for rural areas. That was allowed to falter, die, whatever happened; where people brought in buses under a subsidy, they were assigned to run a school route we have some of them now knocking around in some areas of the country.

And therefore, if we talk of moving school children on a school service we have to look on it differently because as I said, our schools are not zoned. You have children getting – paying the \$80.00 who maybe live in Halfway Tree just to travel to school just on North Street. Whereas those in St. Catherine same subsidy to travel a longer distance. So it is an area that I am seeking to try and rationalize, which some degree of understanding because equally as you do this, you are replacing the taxis which have done the bus service in the past, and therefore see how you can integrate them with a fair understanding of what it means for travelling and transport.

Rev THWAITES: Mr. Speaker, in reference to Question 2, is the Minister's answer correctly understood to indicate that all those operators who now, in his words, are route taxis or unlicensed taxis at present will be able to be incorporated into the multimodal system that is presently being worked out?

A MEMBER: Yes Ronnie, yes Ronnie!

Mr. HENRY: As the matter grows more complex in rationalizing the transport system, let me try and see if I can. I said in my budget presentation, I would define what is a taxi? A taxi should not be a vehicle that you go down to the shop, pay ten per cent down, apply for a route it did not come in with seat belts in the back; it wasn't made to carry more than five passengers and you trying to make it an economically viable investment. So in rationalization of what is a taxi, what is a route taxi, you will describe clearly just as you do for the JUTC buses, what is required to service areas on the basis of that area's geographic and social needs. So you will not be *carte blanche* across-the-board but overall implement it.

In terms of the persons who are illegally operating, yes, the approach is to try and make them legal which is the important aspect of it. If you are saying do I have statistics to say we should have 2000 route licences when only 500 can exist economically, I would have to tell you, no, you know my position on the statistics of this country overall, okay. So in that rationalization though, we hope to achieve the integrated position where one will recognize we are not chasing the same passage, we are integrating the movement.

As I have said the helper who lives downtown that comes to work in Barbican, that person could take a bus up to Barbican

than take a taxi because they work at houses well stretched from Azmart up in the hills which is where they need to arrive fresh. And therefore that combination of money will be able to let them travel more in comfort. And hopefully with the rail service, we can now move transport to a time. Because in Jamaica the absence of the rail service has not introduced us travelling on the basis of when we need to get there. Because the taxis just run everywhere, route taxis run everywhere some only operate in the morning, some only operate in the evening, some operate on the basis of their immediate economic needs.

Rev. THWAITES: Mr. Speaker, can the Member indicate or confirm that this Route Rationalization Programme which he says has been fully implemented in all parishes except St. James, Trelawny, and Westmoreland, can he confirm that it is operational and efficient in the metropolitan area?

Mr. HENRY: In fact, when I got the officer's full report on this I didn't want to say it's fully implemented at this time. There are far too many social issues that impact on transport and, therefore, equally it has to relate to when we finally pass the new Road Traffic Act. I would like to say to you that this Report is the report coming from the implementation approach, but I would not say to you to accept every figure that I have given you here as being the real figures based on the social issues that we have to address.

Rev. THWAITES: Mr. Speaker, I'd thank the Minister for that qualification.

In respect of Question 3, and the issue of tints on vehicles, will the Minister state whether it is going to be the policy, or is the policy of his Ministry to so encourage and advise the security forces and the traffic

inspectors to have the level of tints which now obscure vision for the police, for the inspectors themselves and indeed to the vulnerability of the travelling public the - those who are within and what is taking place within the majority of vehicles that operate in Jamaica? It's a most dangerous situation. Does the Minister agree and will he take steps to ensure that the policy is implemented?

Mr. HENRY: That's the effort which we will make to make sure that it's implemented. Where the Ministry is coming down on in the side of a thirty-five per cent visibility - the seventy/thirty-five and we have discussed this with the Ministry of - the police and we have discussed it with all the areas. That's the figure we have arrived at. But here again, colleague, remember we're revising the Road Traffic Act. It's still in discussion and will come here for debate and that will be part of it overall. But the decision of the Ministry is to support the seventy per cent and any other window is only thirty-five per cent. We have samples of that, we can show you or share with you and we have shared that with the police and everyone. And we think in the light of energy and in the light of air conditioning, et cetera, in vehicles and the fact that you can still see people holding up cardboards when they're driving in buses where the sun shows in, we think that we should arrive at a figure which allows for the comfort of the passenger across the whole spectrum of the transport system; and that will impact on the JUTC and the buses they have of the different graded tints.

Rev. THWAITES: Mr. Speaker, will the Minister ensure then that the department under his Ministry's control, that is the Island Traffic Authority, will not issue a Certificate of

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Fitness to any vehicle which breaches these regulations?

Mr. HENRY: In so far as it falls within the ambit of the Ministry of Transport, we can only set the rules and regulations just like...

(Sotto voce comment by Rev. Thwaites)

Mr. HENRY: Yes, but that still has to be carried out. The charges, the tickets, everything has to come through the police. And you are aware that in those issues there are social implications how you implement them. As far as the Ministry is concerned this is the law, that's the law you should institute.

Rev. THWAITES: I wonder if the -

(The Speaker gavels)

The SPEAKER: Okay, that's the last question, Mr. Thwaites.

Rev. THWAITES: Really?

(Sotto voce comments by Members)

The SPEAKER: Last question. We have had enough.

Rev. THWAITES: There's a limit? You decide when we've had enough or when the issue is exhausted?

The SPEAKER: Yes, it's, it's -

Rev. THWAITES: Mr. Speaker is anything that I have asked irrelevant?

The SPEAKER: No, but it's the Speaker's discretion. We need to move on.

Rev. THWAITES: I see. And you will exercise your discretion to prevent me from exhausting the questions relating to the Minister's answers.

The SPEAKER: But please -

Rev. THWAITES: Just let me know, Mr. Speaker.

The SPEAKER: Yes, final question.

Rev. THWAITES: Thank you very much, sir. I will ask no more questions I will ask him in another place.

The SPEAKER: Dr. Davies.

Dr. DAVIES: Thank you very much,

Mr. Speaker. I have one question and I am willing to allow the Minister time to research them.

Minister, in the first paragraph of your response on the JUTC, you make reference to the travel cost of children, the elderly, and the disabled. Do you have the numbers - the total number carried disaggregated? I'd appreciate having them. I'd don't think you'd have it...

The second thing, Minister, when you speak of the subvention from the Ministry of Finance, and you give the figures for the different fiscal years, these are the cash transfers? I assume these are the cash transfers, but what is not built into these figures would be the subsidy in terms of the tax on gasoline as well as the assumption of the capital cost for the rolling stock.

Minister, I believe it would be useful if your technocrats did a total costing of the operations of the JUTC and then you back out the total subsidy, which is provided by the government. I think it is important that we have a full understanding of the real cost and then you subtract the government subsidy, including the cash subvention. So if that's not available could you have that prepared, Minister?

(Sotto voce comment by Government Member)

Dr. DAVIES: I'm on top of it.

(Laughter)

(Sotto voce comments)

Mr. HENRY: Obviously I wouldn't have those answers here. There are issues that I have been pursuing for three and a half years to establish the real cost and to establish the

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write-offs that were given for whether you deducted this tax relief, etcetera. And that's why I hinted in my earlier answer that I am trying to establish the real cost of transport. But the legitimacy of the issue if you would like to set it out even more clearly in a note to me, I'll seek that I give you the direct answers on it, especially now that you're walking in a very tall shadow.

(Inaudible comment by Dr. Davies)

(Laughter)

The SPEAKER: Okay.

(The Speaker gavels)

PUBLIC BUSINESS

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

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow the Deputy Speaker to take the motion, notice of which she gave earlier.

Put to the House and agreed to.

Mrs. DALRYMPLE PHILIBERT: Mr. Speaker, I now move for the motion to be approved.

The SPEAKER: Members, the motion before you.

Put to the House and agreed to.

The SPEAKER: Motion adopted.

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

The SPEAKER: Members, the motion before you is for the suspension of Standing Orders to allow the Acting Leader of the

House to take the motion, notice of which he gave earlier.

Put to the House and agreed to.

The SPEAKER: Mr. Gallimore.

Mr. GALLIMORE: Mr. Speaker, I now move for the motion to be approved.

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

Put to the House and agreed to.

The SPEAKER: House Leader.

Mr. GALLIMORE: Mr. Speaker, I beg for the suspension of Standing Orders to allow for us to take the Private Member's Motion listed as Number 34 from the Member from Central Kingston.

The SPEAKER: Members, the motion before you is for the suspension of Standing Orders to allow Private Member's Motion to be taken.

Put to the House and agreed to.

The SPEAKER: Reverend Thwaites, Motion thirty-four.

Government MEMBER: Telephone again.

Rev. THWAITES: Please, what is the motion that you directed me to? The one that I was told...

A MEMBER: Thirty-four.

Rev. THWAITES: ...was Number 27.

The SPEAKER: What is this, Reverend Thwaites?

Mr. GALLIMORE: Mr. Speaker, it is number thirty-four which has to do with the National Insurance Scheme. I had spoken to the Member prior to the beginning of the sitting of the House.

The SPEAKER: Is that the one you are ready for Reverend Thwaites? Thirty-four.

Rev. THWAITES: If the motion reads:

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BE IT RESOLVED that the National Insurance Scheme is underperforming and should be reformed and extended to provide a more adequate social security...”

The SPEAKER: That’s the one.

Rev. THWAITES: Mr. Speaker, I am ready.

The SPEAKER: Yes, that’s the one.

Rev. THWAITES: Yes, Mr. Speaker, thank you.

Mr. Speaker, I mean you all respect, but I do not think you have the right to curtail my questions in the way you did.

(Inaudible comments by Members)

The SPEAKER: No, Reverend Thwaites.

Rev. THWAITES: Will you quote the relevant Standing Order and will you further justify that there was anything improper or dilatory in my questioning?

Mr. Speaker, you must not do that.

(Inaudible comment by a Member)

The SPEAKER: No, Reverend Thwaites, the Speaker as the person in charge of the House has a duty to ensure that questions and answers to questions that we keep, in fact, within the appropriate time. And believe me at 3:15 in the afternoon, you know, that after 3:15 then we have to ask for extension of time.

Rev. THWAITES: Mr. Speaker, respectfully, sir, what you’re telling me is that your reaction to my questions had more to do with the time on the clock rather than the gravamen of the issues that I was discussing.

The SPEAKER: Yes, but Reverend Thwaites.

Rev. THWAITES: And that is unthinkable, Mr. Speaker, for you.

The SPEAKER: (Chuckles) But,

Reverend Thwaites, with due respect. Would you agree you were allowed a great deal of latitude?

Rev. THWAITES: Mr. Speaker, with respect, I asked five questions to which the Minister responded and I asked two follow-up questions on one, two follow-on the next, one on the third, and that is where you stopped me.

The SPEAKER: No, but with due respect, Reverend Thwaites, you will agree that you had exhausted as much as possible that that area.

Rev. THWAITES: No, sir, there were two questions that I got no chance to answer. You -

(Cross talk)

The SPEAKER: Well, maybe, you can criticize my judgment, but my judgment was that you had exhausted as much as possible.

Dr. DUNCAN: No, you were exhausted.

Rev. THWAITES: Well, indeed I am criticizing your judgment.

The SPEAKER: Let us continue, Reverend Thwaites.

Rev. THWAITES: Well, indeed, Mr. Speaker, I had hoped for a different reaction.

Mr. Speaker, the motion that I - that is being taken now by your kind leave, I was advised over the weekend that this would be taken today. The motion has been on the Order Paper in successive sittings of the House of Parliament for nigh on two years. I wish to bring this to the attention of the Speaker because I believe that this is an indication of the inordinate delays in dealing with these matters and the slight regard that this Parliament is showing for Private Member’s Motions on matters that are of significant interest to the population. And I urge that we

do not continue in this dilatory fashion.

Mr. Speaker, the motion has to do with the operation of the National Housing Trust - National Insurance Scheme. Mr. Speaker, we can quibble and differ as to the levels of unemployment in this country. What we can all acknowledge on the basis of our representation of our people, is that there are very high levels of joblessness and of inability persons to support themselves in the normal necessities of life. There is not one of us in our constituencies who do not face this particular crisis and, therefore, we are impelled at this time to look at the social security facilities that are available to such people.

Mr. Speaker, I draw particularly to those persons of mature age. Persons who probably have worked for a period of time, who have lost their jobs for one reason or another and who find it almost impossible to find another job in their fifties, in their sixties, let alone in the later stages of their life.

Mr. Speaker, I don't know about you, but I have noticed in Central Kingston the alarming increase of hunger and malnutrition among elderly people, and among young men in particular. Many times elderly people find themselves at the mercy of their children or some relative for the basic subsistence. And it is not always that the children are careless, but it is so that they themselves are finding difficulty, unprecedented difficulty in meeting their food bill; and what happen is that the elderly person receives less and less nutrition and has no safety net to rely upon. That is the objective reality of our situation in Jamaica.

(DR. DONALD GLADSTONE RHODD, (PNP), Portland, Eastern entered and took his seat.)

It is true also that young men, although not normally they would be covered by a national insurance scheme, Mr. Speaker, when they finish school their parents or their caregivers are prepared to tolerate them for but a short period and then they are sent out to look life. Sometimes the young women find themselves in a similar situation and as a result very often the cry is and the intemperance of behaviour follows because they do not have the wherewithal to honestly get food. Very often children are brought into this world because women feel that they have no choice but to behold themselves to some man in order to be able to sustain themselves and any children they may have already.

The need for a replete social security system is at the heart of a decent society. It is also at the kernel, Mr. Speaker, of the current system of political economy which is advised upon us by our international agencies who would rather have a taxation system, who would rather have system of economic - proposed economic development which, in fact, places heavy burdens upon precisely those persons who we are speaking about, and assumes that there is going to be proper, adequate transfers to those who are unable to sustain themselves. And, therefore, at this time in particular, Mr. Speaker, the issue of the adequacy of the National Insurance Scheme comes into sharp focus and it behooves the conscience as well as the economic viability of Jamaica's enterprise for us to look at it most carefully.

Rev. THWAITES: Mr. Speaker, the statistics tell us that we have a workforce of about 1.1 million people in Jamaica - the latest statistics. The National Insurance Scheme, an excellent Scheme in its concept, and in its

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operation, we pay tribute to those who had presided over it, to those who conceived it. But, Mr. Speaker, it only receives contributions and has, as registered contributors, 475,000, approximately, people. And therefore, you are already cutting in half, the size and the wherewithal of the Safety Net System.

We are not talking, Mr. Speaker... it is illusory to think that there will be some beneficiary from abroad or some Manner from Heaven that is going to be able to provide us this proper safety net. It s going to have to be done out of our own resources, inadequate and meager, though they sometimes are. And therefore, it is of great concern. And the first point I should like to make, sir, that it is an urgent necessity to devise a scheme whereby the remainder of the Jamaican workforce, or at least a much larger proportion of them, be enrolled in the National Insurance Scheme.

Mr. Speaker, contributing to the Social Safety Net is not an optional extra; it is a necessity of responsible citizenship. When you are registered to vote at 18, or soon thereafter, you ought to be registered in the National Insurance Scheme. When you apply for a Tax Registration Number, you ought to be registered in the National Insurance Scheme if you had not been before. Even if you have to file a paper to say that you are not earning at level a level that allows for contribution, you must be registered because if you are not, it is inevitable that, bar a few, you are going to be dependent upon some such scheme at a later stage in your life, and you shall not have been a contributor.

It is good to note that the compliance rate for the National Insurance Scheme, among those who are registered, is about 83 per cent,

and that some 98,000 or so, beneficiaries, are benefiting from the scheme.

Mr. Speaker, I am unable at this stage, to quote the current regular benefit that inure. What I do know from experience is that the benefits are, very often, the sole source of income for the beneficiaries, and that they are no longer able to supply persons with normal necessities of life. And therefore, there has to be regular and transparent review of the insurance system. It has to be increased if only because the additional contributions will allow some decency and parity of benefits indexed to the cost of living which it presently, regretfully, is not.

Mr. Speaker, we need to engage the formal economy informal economy, that suggested 40 percent of Jamaica's economy, in the formal NIS System. It is one which offers benefits. And I do not think that in recent years at any rate, we have been avid enough in going out and insisting that those who would benefit and will one day need from it, must be I don't want to say constrained - but enjoined, certainly, is the word, to make contributions at whatever level they can.

While the investments of the National Insurance Fund have largely been prudent over the years of its existence, the full exposition of its investment policy is not always evident from its Annual Report and needs to be fully transparent. The benefits, as I have said, require to be improved, in relation to the annual cost of living.

And, Mr. Speaker, I believe that there needs to be an increased level of contributions allowed under the National Insurance Scheme. I am aware of the increase that was mandated some months ago by this House, but it needs to go even further. There are those in the

society who can contribute more, and who ought to be encouraged to do so to build the Fund and create a higher investment pool.

Mr. Speaker, I have long held that the National Insurance Scheme ought to have, as a designated purpose, a transformation into a national health contributory fund. There is no need for me to make any comment about the current system of financing health care. It will be sufficient to say that, obviously, the contribution of individuals who benefit from it would be a welcome addition. Those who need the system, and who cannot afford it must never be constrained or denied. But there are many who can, by virtue of regular small contributions through an adjunctive system of national health contributions, adjunctive to the National Insurance Scheme, make a contribution towards their own health care, and provide a rudiment of National Health Insurance.

These are the targets. These are the aspirations to which I think a properly discussed and reformed system should aspire. It is towards these objectives that I raise the motion and invite the comments of the House.

May it please you.

The SPEAKER: Thank you very much, Reverend Thwaites. Mr. Montague.

Mr. MONTAGUE: Thank you, Mr. Speaker. Permission to speak from a seat other than my own.

The SPEAKER: Granted.

Mr. MONTAGUE: Thank you, sir.

Mr. Speaker, I have sat and I have heard the proposer of the motion. He raised some excellent points. And what I was listening for were some suggestion, not only increasing the rates but increasing the pool, so that we could

have more persons contributing. And, Mr. Speaker...

(Sotto voce comment by some Members)

Mr. MONTAGUE: Let me finish the point. Mr. Speaker, the gentleman went on to speak to increasing the rates, and what I was going at, is if we would have more persons in the pool that could make that contribution.

(Sotto voce comments)

Mr. MONTAGUE: Further, Mr. Speaker, the suggestions that were made, in terms of widening the beneficiary bracket to act more like a disability or unemployment insurance, I was a little taken aback when he went along that road. However, I am sure the Honourable Minister of Labour and Social Security, in reviewing the recommendations and suggestions, would have to take into account the actuarial studies that would have to be undertaken to deal with some of the recommendations the Member from Central Kingston is proposing.

Mr. Speaker, I am sure that the Member from Central Kingston will join with me in paying homage and tribute to Minister Newland when he started...

(Sotto voce comments from Members)

Mr. MONTAGUE: ...L. G. Newland, when he started this scheme. Further...

(Sotto voce comment from Members)

Mr. MONTAGUE: Mr. Speaker, can I be protected?

(Laughter)

Dr. DAVIES: From your own colleagues.

Mr. MONTAGUE: Mr. Speaker, I am sure the Member will agree the Member from Central Kingston will agree with me when I say that to take on some of these recommendations, the necessary studies would

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have to be done. And, I am sure that the Minister of Labour and Social Security would not be averse to that.

I am also, Mr. Speaker, encouraging the Member to speak to some of his constituents about their irresponsible behaviour. And I believe he should, as a Member of Parliament, engage the wider community, in terms of responsible parenthood and responsible behaviour as citizens of this country. Because the realities that he spoke to are there, but increasing the... and re-doing the NIS benefit programme to speak to responsible parenthood, I don't think that is the answer to that. People must take responsibility for their own actions. And to ask the Government to come in at the end of the equation, to pay for these irresponsible actions, I don't think it is wise. But, I would join with him in some of his excellent recommendations, and entreat the Honourable Minister of Labour and Social Security to undertake an actuarial review of the Scheme. And further, Mr. Speaker, I would also suggest that we refer this matter to a Select Committee of Parliament so that wider and deeper discussions can be had on the matter.

Thank you.

(Applause)

The SPEAKER: Dr. Davies.

Dr. DAVIES: Mr. Speaker, my contribution to this debate is going to be brief. It is an issue which I alluded to in speaking about the Government pension challenge for the in my Budget presentation. And it is an issue which there was a I used to attend some meetings chaired by the Prime Minister, in which this issue was being dealt with in a comprehensive sense, not just in terms of the National Insurance Scheme, but also the

National it's linkages to the National Health Fund.

So, some of the points which my colleague from Central Kingston has raised, those are issues which were being discussed. I do not know what has happened since I ceased attending those meetings. But I think the society has to accept the demographic reality. And my friend from Central Clarendon has his own data on population, but one thing which is beyond debate is that we have an aging population. And the percentage of the population which will be requiring some pension support is going to be increasing in the future. The present census is going to show the significance of that change over the last decade. So, it is an issue which requires, not just the attention of the Minister of Labour and Social Security but the attention of Parliament.

And, in that regard, Mr. Speaker, if you look at the contributions made with regard to the NIS, as opposed to the NHT, the NHT's basis of contribution is really the only rationale. It is a percentage of your income. For whatever reason and I think the reasons were well intentioned but misguided, in terms of placing a cap because the cap is really it doesn't protect those at the bottom. It protects those who can afford it. And therefore, we should examine, either the abolition of the cap or a systematic raising until it is abolished. That's one.

The second is the one which the Member alludes to, it is imperative that persons every worker, regardless of whether you are full time or not, regards... is made to understand that a contribution to the National Insurance Scheme is mandatory.

We praise, and rightly so, the foresight of Minister Newland - the late Minister Newland.

But, the reality is, that was the last revolutionary step taken, with regard to the NIF. We need to take the next one. When Minister Newland proposed it, it was controversial; we have moved beyond that. We have to take move to the next stage where every worker is required - It is not to his decision or her decision; every worker must be required to contribute some percentage of income toward this Scheme.

I say this, Mr. Speaker, not just because of the pension benefits, but the linkage of the National Health Fund. The reality is - and my colleague from Clarendon, South East, despite his valiant attempts, tells us that things are okay - there is need for significant additional resources in the health sector, particularly with regard to the purchase of pharmaceuticals. And this will not come from the Consolidated Fund. And in that regard we need, therefore, to expand the pool of resources, because right now, the National Health Fund is subsidizing persons who have never contributed through the NIF. Am I correct...Minister? Because the National Health Fund doesn't discriminate. So, there are persons who will benefit from the National Health fund who have never made a contribution through the NIF, and hence their percentage.

(*Sotto voce* comment by the Prime Minister)

Dr. DAVIES: No, they don't. Because a percentage of the - the percentage of that collected for the NIS is passed - goes to the NHF. We need all persons, all workers to be contributing. So...

(*Sotto voce* comment by the Prime Minister)

Dr. DAVIES: Well the SIN taxes go

straight to the NHF, but the bigger percentage of the contribution to NHF is the 20 per cent which comes is it one per cent which comes from the NIF. So, the NIS is the major contributor to the NHF. We need to broaden it such that all workers are simultaneously contributing to both schemes.

So, Mr. Speaker, the points raised by the Member in his introductory remarks are all valid. But, I believe that this issue is of such vital importance that they should not just be left to the Ministry of Labour and Social Security alone, I think a full Parliamentary Committee should examine the issues.

I make one final proposal. I have found the phrasing of the Resolution to be somewhat awkward:

"BE IT RESOLVED that since the National Insurance Scheme could perform at a much higher level..."

That would seem to raise questions about the operations of the National Insurance Scheme. I would think that we would capture the essence of the intention of the Resolution by saying:

"BE IT RESOLVED that the National Insurance Scheme be reformed and extended to provide a more adequate Social Security System for all Jamaican workers."

It would capture the intention, I believe, which was meant by the - the original intention of the Member from Central Kingston. And I would support that amendment to that Resolution.

Thank you very much, Mr. Speaker.

(Applause)

The SPEAKER: Thank you, Dr. Davies.
Mr. Mair.

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Mr. MAIR: Thank you, Mr. Speaker. I would like to thank the Member from Central Kingston, for his motion, which I think is very important.

We've been speaking for a long time about the National Insurance Scheme and in every budget debate we are hearing about how the Scheme is shrinking and how our population is aging and how critical it is for us to start looking into this matter before it is too late.

The Member from Central Kingston mentioned that we need to increase the rate and the size of the pool, as so did the Member from South St. Andrew, and that we need to bring more persons on board, by making it, infer, compulsory. But the question I always asked, why aren't persons in a voluntary manner not subscribing to the Scheme? And that is why I believe - I do agree with the Member's motion where he feels that the Scheme could perform at a much higher level. And what I gather, he means effectiveness, and in efficiency of the investments and its returns.

And I would like to suggest to the Members of the House, Mr. Speaker, that we look at what other countries have done, and we look at the possibility of the privatization of the National Insurance Scheme.

Mr. D. PEART: No we nah go deh soh.

Mr. MAIR: Countries like... Listen yu might learn something yuh nuh ...countries like Chile...

(Inaudible comments by Mr. D. Peart)

Mr. MAIR: ...they did that 20 years ago, and the biggest body of investment out of that country is their National Insurance Scheme. And right now they have over US\$20 Billion in investments externally - not internally - and

they've been able to diversify their investments in minimizing their risks from external shocks and internal shocks.

So I would like to invite the Members to look at this possibility. Let us look at what others have done, to see if we're going to look into this matter of restructuring and revamping our National Insurance Scheme, we look at all options. So when we take the decision and we make the change, we make sure it's the best change for the benefit of the people of Jamaica, so they can be assured that when they're going to retire, they will have a pension that is commensurate to what their income was, and at least a minimum that will give them at least a dignified - live in a dignified manner during their retiring years.

So I'd like to thank the Member for the motion, and I also support that this be - I think it should be sent to a Select Committee of Parliament.

Thank you, Mr. Speaker.

Mr. D. PEART: Pearnel, a yu a go be speaker tomorrow?

Mr. GALLIMORE: Mr. Speaker, I move that we suspend the debate, because there are others who want to make presentations on this matter.

The SPEAKER: Yes.

Reverend Thwaites, would you agree? I understand that there are other Members who would want to contribute to this debate, but would like to do it next week. Is that agreeable?

Rev. THWAITES: Certainly, Mr. Speaker.

The SPEAKER: Very well, much obliged, Reverend Thwaites.

Is it the wish of the House that the matter be suspended?

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Put to the House and agreed to.

Mr. GALLIMORE: Mr. Speaker, I beg the recommitment of the item listed as 'Announcements' on the Order Paper.

The SPEAKER: Members, the motion before you is for the recommitment of the item 'Announcements'.

Put to the House and agreed to.

ANNOUNCEMENTS**(Recommitted)**

The Clerk also laid on the Table of the House today, a Report of the Standing Orders Committee of the House of Representatives on its deliberations on the review of the Sectoral Debate.

PUBLIC BUSINESS

The SPEAKER: House Leader.

ADJOURNMENT

Mr. GALLIMORE: Mr. Speaker, it's not intended to do any further business today. I therefore move that the House be adjourned until the 31st at 2:00 p.m.

The SPEAKER: Members, the motion before you is that this Honourable House do adjourn until Tuesday, the 31st of May, at 2:00 p.m.

Put to the House and agreed to.

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

The House was adjourned accordingly at 3:55 p.m. until Tuesday, the 31st of May 2011, at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, May 31, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.22 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:22 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this afternoon we would like to welcome to the sitting of Parliament and sitting in the Gallery twenty-four students and two lecturers from the Trinity Moravian Skills Development Centre, welcome to the sitting of Parliament. (Applause) And also from the great constituency of North East St. Andrew, fifty students and three teachers from Queens' High School.

MEMBERS: Aye, aye! (Applause)

The SPEAKER: Welcome to the sitting of Parliament; and I do hope that you will enjoy the contributions in Parliament this afternoon.

But I ask of those students and teachers, please, just check and make sure that your cellphone is off or on vibrate so you don't disturb the sitting.

ANNOUNCEMENTS

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

- **Ministry Paper No. 38**

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Cabinet Agenda issues for March 16, 2011

- The Consumers Affairs Commission 2008/09 Annual Report and Audited Financial Statements
- Report on the Result of the Special Audit of the Fiscal Policy Paper

QUESTIONS AND ANSWERS TO QUESTIONS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, there are two questions prepared for answer today. Question No. 3 asked of the Minister of Finance by the Member from Eastern St. Andrew; and Question No. 4 asked of the Minister of Education. Both questions are ready for answer.

There are other questions, Mr. Speaker, that are due for answer today but I have asked, on behalf of the ministers, for an extension.

The SPEAKER: Deferral of the... Who would like to go first?

Mr. HOLNESS: Minister Shaw is prepared to go first.

The SPEAKER: This is Question 3. Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, through you I pose the questions standing in my name to the Honourable Minister of Finance.

The SPEAKER: Minister Shaw, could you circulate the copies.

Mr. HOLNESS: Copies are being circulated.

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

Mr. Speaker, as you are aware these questions were first tabled and directed to the Honourable Prime Minister and they have been appropriately redirected to me as

Minister of Finance. So where it says Prime Minister, please ignore that in the questions.

Question 1: Is the Finance Minister aware that a special liquidator has been appointed by the authorities in the Turks and Caicos Islands (TCI) to recover and make distribution of funds to certain defrauded investors in Olint/David Smith's Ponzi scheme?

Answer: Yes.

Question 2: If the answer to Part 1 is in the affirmative, is the Financial Services Commission, the FSC, of Jamaica formally cooperating with the specially appointed liquidator in the TCI?

Answer: The FSC has not received any formal communication from the liquidator. However, the FSC has received a number of complaints from persons who have invested moneys with Olint TCI. The FSC has forwarded the complaints to the TCI liquidators in order that the investors interest may be taken into account by the liquidator.

(MR. DERRICK FLAVIUS KELLIER, (PNP), St. James, Southern, entered and took his seat.)

Question 3: If the answer to Part 1 is in the negative, will the Finance Minister indicate what measures are being undertaken specifically to

secure the interest of defrauded investors?

Answer: Generally, in order to protect the interest of investors, the FSC continues to publish its watch list and to engage in its vigorous public education strategies geared at deterring persons from investing their moneys in fraudulent schemes.

The Government of Jamaica is also seeking to amend the financial statutes to enhance the powers of the regulators to detect, prevent and prosecute such schemes. In the interim, where it comes to the FSC's attention that a fraudulent scheme is in operation, it will investigate the scheme, issue public warnings and take prompt and decisive action in accordance with the statutory powers, including the issuance of cease and desist orders and referring matters to the Director of Public Prosecutions for prosecution.

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

Question 4: Is it the intention of the Government of Jamaica through its agencies to independently pursue civil action in the courts to recover the funds defrauded from

Jamaican investors in David Smith's Ponzi scheme?

Answer: The Cabinet took a decision in late 2007 that it would not bail out investors in unlawful financial operations. Prior to December 13, 2010, the competence of the Financial Services Commission to take any action against Olint Corporation was still under consideration by the court. The Honourable House would be aware, Mr. Speaker, that on that occasion the court did rule that the FSC was proper in issuing a cease and desist order against Olint. The TCI liquidators will attend to the interest of investors in Olint TCI.

Question 5: Is the Government of Jamaica pursuing any action, criminal or civil, against the various entities which acted as feeder funds to channel moneys to David Smith and his Ponzi schemes?

Answer: The FSC has investigated and continues to investigate Olint feeder funds. Where sufficient evidence has been garnered, regulatory action was taken and in some instances matters have been sent to the Director of Public Prosecutions for prosecution. The FSC also has placed the feeder funds on the FSC's watch list. The FSC has also collaborated with law

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enforcement both inside and outside of Jamaica, in relation to their action against such funds.

Based on recommendations arising from an IMF study entitled "Addressing Unlawful Financial Operations in Jamaica", key elements, Mr. Speaker, of the legal framework, in particular the Securities Act and the Financial Institutions Act, are being revisited with a view of combating more effectively unlawful financial operations.

(DR. THE HON. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture and Fisheries, entered and took his seat.)

It is to be noted, Mr. Speaker, that under our existing legislation the FSC can only prepare files for the DPP to carry out the necessary criminal prosecutions. Indeed, even in circumstances where a private investor makes a complaint to the police, somewhere along the line even the police, Mr. Speaker, are obliged to refer the matter to the DPP for prosecution.

Having said that, however, I am to indicate - and I will, Mr. Speaker, send a copy for yourself and a copy for the Opposition spokesman on finance - and let me indicate my congratulations to him on his appointment.

But let me send two copies of the Report that has been prepared by the International Monetary Fund, one for you one for the spokesman on finance. And contained in that Report, Mr. Speaker, while in our system the remit for prosecution will remain at the Office of the DPP, there are certain civil remedies that are being proposed in that document which, once we enshrine it in law, it can then be pursued. And I will just give examples of those civil proceedings.

One of them which would be a very good example is that of giving the FSC the ability upon sufficient evidence being garnered, to take control of the entity - to take temporary control and management of an entity that is suspected of operating a Ponzi scheme. That would be an immediate civil remedy. Secondly, the possibility of imposing monetary penalties on such an illegal operation; and thirdly, the possibility of seeking to give the FSC the power of disgorgement, that is to say upon taking temporary control being able to capture whatever funds remain and be able to distribute those funds, to give it back to the investors.

And fourthly, Mr. Speaker, as another one of the proposed remedies, that the FSC can now be a complainant to the Director of Public Prosecutions.

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

In the present system, the FSC, itself, cannot be a complainant. A complainant has to come to the FSC, and the FSC prepares the

file and then send it to the Office of the Director of Public Prosecutions.

So, Mr. Speaker, these are the answers to the questions.

The SPEAKER: Thank you, Minister Shaw. Dr. Phillips.

Dr. PHILLIPS: Thank you, Mr. Speaker.

Through you, Mr. Speaker. The Minister indicated that there has been no formal communication received from the liquidators in the Turks and Caicos Islands. Have the Jamaican authorities been in touch, by virtue of our decision, with the TCI authorities, with a view to securing the evidence that may assist in bringing a case in Jamaica?

Mr. SHAW: Mr. Speaker...

Dr. PHILLIPS: Or for that matter, might I add, with the U.S. authorities?

Mr. VAZ: Now you talking.

Mr. SHAW: Mr. Speaker, let me indicate the lack of necessity for me to repeat the encumbrances in our present system. So, as of now, we are cooperating with external authorities. While we have not been in touch with the liquidator, in terms of them making contact with us, we have, as I said, been giving information to them. However, we have also been in contact with the Financial Services Authority of the Turks and Caicos Islands. And the FSC of Jamaica and the TCI, have actually recently signed a Memorandum of Understanding, for the exchange of information, which would facilitate better communication in matters of this nature.

I am also to indicate, Mr. Speaker, that in relation to the United States authorities, as you know, they do have investigations that are underway at this time. And I am aware that they have sought the cooperation of the FSC,

and that is being provided. And that would include the question of the Feeder Funds, as well.

Dr. PHILLIPS: Under the Proceeds of Crime Act, it would be the case that some formal charges would need to be laid, I believe, in order for asset-recovery proceedings to take place. Is there any way at all that properties that - well, put it this way - can you indicate whether or not the Financial Services Commission believes that following the advice which it sought - I believe it was '07, December - and given that persons have now come forward in various jurisdictions, that the case has been reopened, with a view to securing successful prosecution of the main fund operated by David Smith?

It is perhaps a poor reflection on Jamaica that convictions have been successfully brought in Turks and Caicos, and the U.S., that the fund was denied access to St. Kitts and Grenada, and other countries. And yet the place where it emerged originally has not brought any case against the persons. And that in particular, Jamaicans who were seduced, wrongly or rightly, are going to be last in line to recover any of those funds that may be recovered from Smith and his operators. Do you believe that there is an adequate case that has been prepared? Or has the case been reopened by FSC, with a view to recovering funds from assets in Smith's possession?

Mr. SHAW: Mr. Speaker, I am to indicate that the FSC, based on all of the new information that it has garnered, both in respect of its communication with the TCI and with the U.S. authorities, the FSC indeed, is not ruling out such a possibility. But, as it now appears, Mr. Speaker, I am to indicate to you

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that there is the need for the FSC to create a new file, and to send it to the DPP again. That's all I can say at this stage.

And another issue relates to problems that we are having with witnesses who are not apparently prepared to come forward.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, the Minister mentioned, in answer to the Member's questions, the Proceeds of Crime Act. Will the Minister say if he is satisfied with the operation of the Proceeds of Crime Act? And would he further undertake to give to this Honourable House in time, a listing of the revenue and other property that has been collected under this Act since its inception?

Mr. SHAW: Mr. Speaker, let me indicate that we have not been fully satisfied with the proceedings of prosecution, and the seizure of property under the Proceeds of Crime Act. It has recently led to a decision by the Government to change the leadership of the Financial Investigation Division. That is now headed by a member of the Jamaica Constabulary Force, with appropriate competence and training in the question of forensic investigations, financial investigations, among other things - and money laundering, as well. I undertake that we could get an update in terms of the specifics that you have asked for.

The SPEAKER: House Leader, Question 4 - Miss Hanna.

Miss HANNA: Thank you, Mr. Speaker.

I would like to ask the Minister of Education the questions standing in my name.

Mr. SHAW: Mr. Speaker, may I crave your indulgence?

The SPEAKER: Sure, sure. Minister Shaw.

Mr. SHAW: Mr. Speaker, with your permission, I would just like to crave your indulgence. It was my intention to take amendments to the FAA Act and the Public Bodies Management Act, which will not be done today again.

I did ask MRS. RALDA GREY from my Ministry, to attend with me at Parliament today, because tomorrow, after twenty-six (26) years of service to the Ministry of Finance - the last six (6) years being the Deputy Financial Secretary - and we all know her, she has been the Budget person - she is retiring from duties. And we want to thank her for her services, and at the same time, to welcome MRS. LORIS JARRETT, who will be the Acting Deputy Financial Secretary for that area. (Applause)

The SPEAKER: Thank you, Minister Shaw.

And may I just wish you the very best in retirement. I know you have been a fixture of the Parliament, but we will miss you.

Mr. VAZ: Based on the time, she is happy to go.

The SPEAKER: Minister Holness.

Mr. HOLNESS: Thank you, Mr. Speaker.

Before I go into the answers, Mr. Speaker, I will give a brief context.

The Government of Jamaica secured a loan from the Inter-American Development Bank, to Finance Youth Development Programmes. And these programmes are being executed by the Ministry of Education, though the NYS, and the Ministry of Youth, Sports and Culture, through the National Centre for Youth Development.

Question 1: Who is LPD Hall and Associates?

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Answer: LPD Hall & Associates is a business partnership designed to address development needs in the Caribbean. Their three founding partners, Peter Hall, Susan Hall and David Hall, are former educators who transitioned into different spheres of executive experience in Jamaica and the Caribbean.

Dr. DAVIES: They are alive? Transitioned.

(Laughter)

Answer: (cont'd) The partnership which commenced in July, 2008, includes extensive experience in the identification, design, implementation and management of development projects. The partnership embodies twenty (20) years' experience with international donors and lenders, including the World Bank, CIDA and USAID. The company operates in Jamaica, Barbados and Canada.

Question 2: Why have they been awarded a contract of U.S. Four Hundred and Nine Thousand, (US\$409,000), plus Jamaican One point Three Eight One Million Dollars, (J\$1.381M)?

Now, Mr. Speaker, why have they been awarded a contract? The answer obviously must be that they were adjudged as being qualified.

Dr. DAVIES: Perhaps it's a JDIP contract.

Mr. HOLNESS: Certainly not. Based - this is a direct contract with the Government of Jamaica. Quite different.

(*Sotto voce* comments)

Answer: Based on the evaluation, LPD has been deemed to be the most capable to undertake the consultancy, and as an international firm, is eligible for payment in U.S. currency, based on the procurement guidelines, and of course, which is what the Four Hundred and Nine Thousand US, (US\$409,000), represents. But they are also eligible to be paid in Jamaican dollars for reimbursable local expenses. And that explains why they have two different payments, one in Jamaican currency, one in U.S. currency.

Question 3: Was this contract open to tender?

Answer: The contract was tendered. And the process is outlined - and I am going to outline the process for clarity.

- Advertisements inviting firms to submit expressions of interest were published in the *Jamaica Gleaner* and the *Jamaica Observer* newspapers on Sunday, February 14, and the 21st, 2010.
- The advertisement was also submitted to the U.N. Development Business for publication on February 12, 2010. So it was advertised internationally as well.

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- The closing date for submission of the expression of interest was March 8, 2010.
 - Seven (7) firms, including LPD Hall & Associates, responded to the advertisement. And the seven firms are:
 - i) Allview Business Planning and Development and Consulting Services;
 - ii) Trevor Hamilton & Associates;
 - iii) Canadian Society for International Health;
 - iv) LPD Hall & Associates;
 - v) Development Partners and Management International Ltd;
 - vi) C.R. Hylton & Company;
 - vii) Illuminarte Communications Ltd.
 - A Technical Committee comprising the following six (6) persons evaluated the proposals:
 - i) The Technical Coordinator of the NYS and the Youth Development Programme;
 - ii) The Technical Coordinator of the National Centre for Youth Development;
 - iii) The Director of Community Development, NYS;
 - iv) The Executive Director of the Jamaica Foundation for Lifelong Learning;
 - v) The Manager, Youth at Risk, HEART/NTA; and
 - vi) A Procurement Specialist from the Youth Development Programme.
 - Each of the committee members evaluated the proposals separately, after which the scores for each firm were averaged, to arrive at an overall score.
 - The following four (4) firms were short-listed, based on the minimum score of sixty-five points, and they were subsequently invited to submit technical and financial proposals, in keeping with the terms of reference. And the four (4) firms that were short-listed were:
 - i) Trevor Hamilton & Associates;
 - ii) Canadian Society for International Health;
 - iii) LPD Hall & Associates; and
 - iv) Illuminarte Communications Ltd.
- Question Seven** - well, not seven, but –
- Two of the four firms, namely, Illuminarte and LPD Hall & Associates, submitted proposals which were evaluated in accordance with the criteria. LPD Hall & Associates came out on top, in terms of percentage scores. So of the four short-listed, only two went on to submit proposals that were evaluated.
- Answer:** The Evaluation Report was prepared and submitted to the Sector Committee and the National Contracts Commission which endorsed the Ministry's recommendation that the contract be awarded to LPD Hall & Associates in the stated amount. All the reports were sent to IDB who is the loan agency, and they

issued a non-objection to the award of the contract to LPD Hall & Associates. Cabinet having considered the matter, approved the award of the contract to LPD Hall & Associates. So all in all, Mr. Speaker, we followed the contracting procedure and guidelines correctly.

Question: What are the terms of reference and the scope of their work?

Answer: Mr. Speaker, the project under sub-component 1(1) which would be alignment with employers' needs and demands is to ensure that the National Youth Service and the Career Advancement Programme are demand driven. To that end, the programme will finance the development of a system for corporate outreach. This will include a labour market study, development of a relational database which will help us to do a tracer study, Mr. Speaker, of students leaving NYS and the Career Advancement Programme. We will be doing studies for the potential of developing a cost-sharing mechanism, that is, how we will fund the training of young persons, and for opportunities for incorporating the private sector in the provision of training. The company, Mr. Speaker, will also develop a programme for the supervision of mentoring and they will also develop a marketing strategy for NYS and the career advancement programme.

Technical assistance for the development of a system of corporate outreach aiming at increasing the private sector participation in the NYS core programmes, will be provided by the selected consulting firm. The primary goal is to develop strong relationships with public and private sector firms across a wide variety of areas.

Mr. Speaker, we outlined quite extensively the scope of work and the outputs. I won't go through all of them. The Member who asked the question, Mr. Speaker, has a copy of my answers. She could ask questions if she would want to get further clarification. But in terms of output, which is what I believe most people would be interested in, at the end of this consultancy, the firm should deliver a commitment from at least 250 new private sector placements with paid internships in at least 20 different firms in a minimum of eight (8) parishes.

So at the end of the consultancy, Mr. Speaker, the Government should have developed a long-term relationship with the private sector to allow us to develop internships for the beginning of an apprenticeship programme, a corporate outreach strategy and an implementation plan, a public relations marketing strategy and an implementation plan, a database of corporate contacts on a national basis to form part of our outreach strategy and to begin the establishment of a national apprenticeship programme.

Another important output, Mr. Speaker, is that NYS and Career Advancement staff should be trained in corporate outreach and

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marketing strategies. They will provide a series of workshops for staff, to familiarize them with strategies for developing such outreach and of course, Mr. Speaker, documents will be developed that will assist us in monitoring how we build relationships with corporate Jamaica, to develop a national apprenticeship programme. Those are the answers.

The SPEAKER: Miss Hanna.

Miss HANNA: Thank you, Mr. Speaker.

Minister, thank you for your answers. I saw where in the *Economic and Living Survey* that close to 4,000 persons were trained under the NYS for last year. Is that correct?

Mr. HOLNESS: I haven't looked at the figure in the *Economic and Social Survey*, but it concurs with the figures that I have been given directly.

Miss HANNA: I also see where some 7,200 plus persons under CAP were being asked to be trained under the NYS programme. Would those figures concur with what you have?

Mr. HOLNESS: I'm not understanding the question you're asking. Could you...? (Inaudible)

Miss HANNA: NYS also trains - it is said that - also trains persons under their Career Advancement Placement programme that you now have within the schools, and some 7,200 persons were slated to have been trained under the NYS. Do those figures concur with what you have?

Mr. HOLNESS: Just to clarify. The NYS worked in collaboration with the Career Advancement Programme, so the NYS assists in the development of what we call the character development aspect of the Career Advancement Programme. So there are

approximately 9,000 students under the CAP programme presently.

Miss HANNA: The concern I have Minister, is this. I see where there are a number of programmes for young people splintered across ministries. The NCYD which is really the agency in the Ministry of Youth, which I see here, which is working in collaboration with this programme, has about \$86 Million for the complete budget here. You are spending \$35 Million for consultancy to look at outputs which really and truly the NCYD also does.

I'm asking you this question because I know there was a Foundation in place under the NYS which was looking at private sector/public sector partnerships before. And I want to know what has happened to that particular Foundation first.

Mr. HOLNESS: Well, my understanding is that the Foundation was proposed, that it had not yet started and that it would be a private initiative, though directly linked to the NYS. But you should note, Member, that the study is being undertaken jointly by the NYS and the NCYD, that both agencies are working together because it will provide output and information that will be used by both agencies.

Miss HANNA: I'm not, I'm not... Let me just ask one more question before...I'm concerned, Minister, because the Ministry of Youth, Sports and Culture is conducting a census to look at some of these similar issues.

Operation Phoenix - The output that you have here, Minister, is to look at corporate outreach strategy, to look at a commitment of network of mentors. And the reason why I am going to it, **Operation Phoenix** which is under the NYCD, their total budget is not even close to four million. You're spending \$35

Million for a consultancy project to produce essentially a database to create 250 new private sector jobs and to go through the outputs that I see here. And I'm concerned. Because I know a Foundation was in place and it was enacted, because they actually got contributions from some private sector entities. So that is what I really want you to be able to address.

Mr. HOLNESS: Just to be clear. This loan was negotiated for almost three - well, more than three years now. It was negotiated to establish stronger links between the private sector and the work of the NYS and the NCYD to ensure that young persons leaving school could find an avenue into the world of work through some form of mentorship and apprenticeship. The policy position has not changed. This consultancy will do the groundwork to make direct contact with all the private sector companies to establish a programme of mentorship, to establish a minimum level of internship, to establish a database, so that we can now begin the process of having what we call a national apprenticeship programme. The national apprenticeship programme is not just for the Ministry of Youth or the Ministry of Education.

This is a national programme that will make sure that once we train students, either under the NYS Programme or under the Career Advancement Programme, we can find placement for them generally in an apprenticeship programme.

Miss HANNA: Well, Minister, my final statement. While that is commendable and I think all young people, certainly under the age of 30, would like to be placed in a job certainly after high school or university or

apprenticeship, very similar to what the private sector organization of Jamaica is doing with the YUTE programme which is actually a very, very effective programme. But in going back to - and if we are serious about Public Sector Transformation, and serious about utilizing resources effectively and efficiently - we have to be able to understand where the splinters are.

Operation Phoenix, under the Ministry, which has the Youth Information Centres which uses SDC persons for mentorship, for placement, *et cetera*, does very similar work. And under the current financial year, they have less than Four Million Dollars... Hold on, Minister... for Recurrent Expenditure. It seems unbalanced that you bring in a consultancy firm for \$35 Million, close to \$37 Million, to look at programmes and policies to streamline when there are several ministries that are actually doing similar programmes and projects under the current system. Thank you.

Mr. HOLNESS: I would have accepted the point if the point were, that this consultancy would be doing the work of the NYS or the NCYD. That is not the case. Jamaica does not have an established apprenticeship programme. We don't. This consultancy will establish the Foundation for us to launch the national apprenticeship programme. So we have done the training. We have settled on how we are going to train the at-risk youth, the out-of-school youth. There is the NYS and there is the Career Advancement Programme. The next question is: what do they do after? This consultancy will now put in place the basis, the groundwork to answer that question, the transitioning from training into the world of

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work. And that's quite different from what the Youth Ministry does, and certainly what the Ministry of Education is now doing.

The SPEAKER: Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Minister, I must say that I find your response unsatisfactory from the point of view that if you are speaking about corporate outreach, if you are speaking about corporate outreach, that was the essence of what the National Youth Service did. They had several Memoranda of Understanding. My question is, what is the difference between placements under the National Youth Service and placements under HEART which had an apprenticeship programme, and why are we spending \$35 Million to discover what we know already?

Mr. HOLNESS: Member, I'm loathe to answer you in the way in which I'm going to answer you. But this loan started under your watch as Minister...

(Inaudible comments by Mrs. Henry-Wilson)

No, no, no, hold on! Hold on, hold on! So it is you who should answer that question as to why is this loan that was negotiated at that time. We haven't changed anything significant on the loan. So let me just answer that question. It started under the previous Administration to do the exact same thing that it is doing now. All that we have done in terms of changing...

Mrs. NEITA-HEADLEY: Unacceptable.

Mr. HOLNESS: ...all that we have done...

Government MEMBER: You are unacceptable.

Mr. HOLNESS: Now, if you ask a question I give you the answer and you don't like it. (Cross talks) Now, all that we have done differently...

The SPEAKER: Could we stop the cross talk, please.

(Inaudible comments by a Member)

The SPEAKER: Stop the cross talk.

Mr. HOLNESS: Like you, Member, this Administration realizes that whilst we have trained young persons...Previously the NYS used to train 6,000. There are almost 30,000 at-risk youths leaving the school system every year. Okay? What we have said is that we are going to expand the training provision. So we haven't phased out NYS. NYS is now focusing...No, we haven't. NYS is now focusing on a different cohort, whereas the Career Advancement Programme is focusing on students directly leaving school up to age 20. That's the Career Advancement Programme. The NYS is focusing on students at an older age range. Once we have provided the training, then we now have to provide a system of apprenticeship and a system of mentoring.

This consultancy is designed to touch in a universal way corporate Jamaica, industry in general, to make sure that what we are doing in training matches their needs. So that they can provide internship, and apprenticeship, and mentorship in an institutional way for young people. So, we're not doing anything differently, we're just doing it better.

(Applause)

Mrs. HENRY-WILSON: Mr. Minister, with the greatest of respect, we already had a foundation there and we also had the Memoranda of Understanding and therefore it

was to be built on as distinct from setting up a whole new mechanism. So in that instance then, what does HEART do in terms of its apprenticeship, which is supposed to be a component? And can we have some document that clarifies what is the NYS *versus* CAP *versus* what HEART is going to be doing because I think that is where we're getting the confusion.

Mr. HOLNESS: All right, just to be clear, and Member as I said I don't like to answer questions to say you started it, but once you raised that issue I had to make it absolutely clear. (Laughter)

(Cross talk)

But to answer your question - to answer your question, the HEART has a limited apprenticeship programme in the form of SL-TOPs where high school students with certain of level of CXC qualification are taken directly into firms which offset that against their HEART contribution. The numbers fluctuate from anywhere between a thousand five hundred to two thousand students at any one time. But as I said the magnitude of the problem is in the order of thirty thousand new students being added to that pool every year. So Government policy has to be thinking in a universal way. How do we broaden programme access to capture all these students, which is why we going the way we're going with the introduction of CAP.

Mr. CHARLES: Hear, hear!

Mr. HOLNESS: So HEART programme continues but certainly it is not sufficient. What this consultancy is designed to do is to answer the questions, how do we get all corporate Jamaica involved, how do we work out a system where the cost of this can be

borne both by the trainee and the private sector, and how do we set up a system of mentorship for people using corporate Jamaica? What I hear the Member saying, the former Minister of Education, is that you had set up a foundation.

Mrs. HENRY-WILSON: Right.

Mr. HOLNESS: Now, the point is that even with the foundation you would still need to have this consultancy to do the groundwork if it were your intention to have the foundation carry it through. I must say that when I was briefed on the foundation it didn't seem as if it had started or that it had any great deal of support. I will take a second look to see where they had actually reached with the foundation and whether or not it can be incorporated in the existing policy.

The SPEAKER: Dr. Rhodd.

Dr. RHODD: Just a question, Mr. Speaker, to the Minister, in respect to a particular Memorandum of Understanding, which was signed. And the Minister should be very familiar with it because he represented the Opposition then in respect to the JASPEP consultancies and programme. You will recall, Minister, that we signed three Memorandums of Understanding and one spoke specifically to improving police route relationships, working with young people, and them transitioning into the working world working with a number of organizations. The other one spoke to entrepreneurship where we worked with the private sector organizations, small business associations and this facilitated, again, young people transitioning into the working world through mentorship, which you just spoke about, and also apprenticeship. Where do these fall in the new dispensation?

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Because I, also, have some difficulty with spending all that money for a consultancy instead of building on already...

Opposition MEMBER: What we already have.

Dr. RHODD: ...what we have started.

Mr. HOLNESS: I think we could easily answer the question.

Opposition MEMBER: Continuity, continuity.

Mr. HOLNESS: I think we could easily answer the question.

Dr. RHODD: So Thirty-five Million, I think, could be better spent in terms on already existing programmes.

(Applause)

Opposition MEMBER: Hear, hear!

Mr. HOLNESS: Member, there is a certain sense of misunderstanding in the pronouncements of the Members of the Opposition. It is clear that whilst the Opposition's policy was to set up the foundation, the Opposition also went ahead to negotiate this very loan to do exactly what it is we're going to do now. So then to come now to say that we should not negotiate this loan is hypocritical.

(Cross talk)

The SPEAKER: Okay, I'm allowing two more questions. One from Ms. Hanna and one from Mr. Hylton. No more after that.

Miss HANNA: Minister, Minister!

(Cross talk)

The SPEAKER: Yes, Miss Hanna.

Ms. HANNA: Minister, may I ask that in looking at the outputs from the consultancy, because if you really looking at bang for buck if you realize that the one, two, three, four, five, six, seven, eight outputs that are being asked to be delivered by the consultancy, one

of which is a PR and Marketing Strategy and Implementation plan, please, perhaps—and to provide at least two hundred and fifty new private sector placements. If you're looking at thirty thousand at-risk persons coming out of school with a consultancy to look at two hundred and fifty private sector placements something is not adding up. You actually need to increase the placement and look at the consultancy. I still think that Thirty-five Million is very exorbitant for providing this. Thank you.

Mr. HOLNESS: Member, I'll agree with you that two hundred and fifty is extremely small, but remember that the consultancy isn't going to the actual work of the government. The consultancy is going to provide you with the database, the structure, and the strategies. But as a part of demonstrating that the structure, strategies, and the database work, they have to show us in some good faith that is to produce some actual placements. So I will agree with you that that is low, but remember it is not the consultants who will do the work eventually.

The SPEAKER: Mr. Hylton.

Mr. HYLTON: Minister, on the CAP component, you would recall that the CAP that the experiment started – among the schools that it started was the Edith Dalton James High School in my constituency. At the time, I was there at the launch as you would recall, and nowhere in the information that I had was there a fee attached to the training. I learned, subsequently, that a fee has been imposed. As a result a number of students that I thought would have matriculated - would have completed the exercise actually fell out of the programme. And I just wanted to know what is the fee base in the CAP programme

and is that a permanent part - or is that a part of the experimentation in the CAP programme?

Mr. HOLNESS: No, there is no fee attached to the Career Advancement Programme. And I'm glad you have raised that issue because if there is that then I will have to investigate and take action. But there is no fee attached.

The SPEAKER: Thank you, Minister. Dr. Davies.

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

Mr. Speaker, I beg to give notice that at the expiration of twenty-one (21) days, I'll ask the Minister of Transport and Works the following questions:

1. Will the Minister provide a full listing of projects by parish executed during fiscal year 2010/11 under the JDIP?
2. Will the Minister provide information on the amounts expended on each of the projects listed in answer to Question 1?
3. Will the Minister provide the names of the contracting firms employed in execution of the projects in the answer to Question 1?
4. Will the Minister provide a similar listing for the projects scheduled for implementation under the JDIP for the fiscal year 2011/12 providing data on expected expenditure on each project as well as the contractors who will implement these projects?

Mr. Speaker, I beg to give notice that at the expiration of twenty-one (21) days I'll ask the Minister of Finance and the Public Service the following questions:

1. Will the Minister provide information on the two health insurance policies provided under the contract with the present Governor of the Bank of Jamaica?
2. Will the Minister indicate whether such provisions represent an increase of expenditure compared to the contract of the previous Governor?
3. Will the Minister indicate whether a cap has been formally placed on the support for education of children in the contract with the present Governor?
4. If the answer to Question 3 is in the affirmative, will the Minister indicate the figure?
5. Will the Minister provide a revised comparison of the contracts of the previous and present Governors?

Mr. Speaker, I beg to give notice that at the expiration of twenty-one (21) days I'll ask the Minister of Finance and the Public Service the following questions:

1. Does the Minister recall a refinancing proposal and a loan guarantee, which was piloted through Parliament, on his behalf on July 27, 2010, by the Prime Minister?
2. Does the Minister recall that the House was asked to approve the refinancing of a €204.386 Million note, through the issuance of a new bond by NROCC?
3. Does the Minister recall that this refinancing was to have been funded by an NROCC interim note, which would then be liquidated by a long-term bond issue?

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4. Will the Minister indicate whether the refinancing has taken place?
5. If the answer to Question 4 is in the negative, will the Minister provide reasons why the refinancing has not taken place?
6. Will the Minister indicate whether the overall plan has been abandoned?
7. Will the Minister indicate whether the cross-currency derivative held with Citibank remains in place?
8. Will the Minister indicate the additional cost to date of servicing the cross-currency derivative as compared to the original BANDES loan to DBJ?

The SPEAKER: Thank you, Dr. Davies. Motions that may be - Yes, Sorry.

Mr. VAZ: Buck, not even you can quarrel.

Rev. THWAITES: Mr. Speaker, may I enquire regarding the answer to Question Number Five?

The SPEAKER: No, we - I think you were not listening, Reverend Thwaites, when the -

Rev. THWAITES: I was listening very carefully, sir.

The SPEAKER: No, you were not. The Leader of the House requested permission for those questions to be delayed by one week.

Rev. THWAITES: One week?

The SPEAKER: Yes, one week. Yes.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, we have today the Special Prosecutor Bill which will be the main focus of our attention. The Minister of Finance already indicated that he will not be taking the two matters standing in

his name. There are Private Member's Motions which we will continue either tomorrow or at another time. So we will be focusing exclusively now, Mr. Speaker, on the Special Prosecutor. So we will resolve at Committee Stage. But before I do that, Mr. Speaker, I'll ask your indulgence for the House to note the passing of former Minister of National Security, former Commissioner of Police, former Minister of Government, former Senator, former Head of the RPD, COLONEL TREVOR MACMILLAN. If Members would want to speak in his honour, I ask that you accommodate that shortly.

The SPEAKER: Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I think that we, on this side, would certainly want to share with the country, his colleagues in the Senate, his former colleagues in the Government, our sense of sadness at the passing of COLONEL TREVOR MACMILLAN. I think it is clear from the public response that his loss is felt by all of us.

Perhaps, the most significant thing about COLONEL MACMILLAN and the most important part of his legacy is that he set a tradition of public service particularly in the field of security. It has already been mentioned here that he was the first head of the Revenue Protection Division. He served as a Colonel in the Jamaica Defence Force, he served as Commissioner of Police, and he served as Minister of National Security. And what is significant about this, Mr. Speaker, is that it spanned political administrations drawn from both major parties.

He served in both major services of our security forces, the Jamaica Defence Force and the Jamaica Constabulary Force. And he was able to the end, I think, to maintain a

certain ease of relationship with all those with whom he served, even those with whom he disagreed at various points in time. I think the tradition of public service is an important bequest to posterity because it is an example of the kind of service that is going to be required of all Jamaicans, if this country is indeed to prosper.

We wish him well. We would offer our condolences to his family and friends, and to his former colleagues in the various services and we would ask through you, Mr. Speaker, that the sentiments of the House be conveyed to his family.

The SPEAKER: Thank you, Dr. Phillips. Mr. Smith.

Mr. D. SMITH: Thank you, sir.

Mr. Speaker, I had a lot to do with the late Colonel when he was Commissioner of Police, and at the time I was Opposition spokesman on National Security. That relationship was extremely cordial, and I got excellent cooperation from COLONEL TREVOR MCMILLAN. We also worked together on the Committee in relation to the National Committee on Crime and Violence, which was one of the outstanding committees established to come up with a solution to our crime problem.

Subsequent to that, Mr. Speaker, Trevor and myself also had excellent working relationship during the period when I was Minister of National Security...

A MEMBER: Brief.

Mr. D. SMITH: Brief period, thank you... and had to consult with Trevor with his particular expertise, both as a former Commissioner and a Senior Officer in the Jamaica Defence Force. So, it was really

interesting that when I had to leave office that Trevor succeeded me.

But, we also continued our working relationship because he would, from time to time consult - because we were also in the Cabinet at the same time. At the time I was, for a brief period, Minister of Mining...

(Sotto voce comment by Members)

Mr. D. SMITH: ...and Trevor was in the Cabinet at the same time as Minister of National Security.

During these extended periods that I had to relate to Colonel, I found him to be, what they call, quite straightforward. And notwithstanding, he was a member then of the Jamaica Labour Party, he tried his utmost to operate quite independently. I found that Trevor was, what you see was what you get, straight up.

Mr. VAZ: Quite like me.

Mr. D. SMITH: What you see was what you get. He wasn't anything else that - what you would call a hypocrite. A very interesting feature of Trevor was that he had an excellent sense of humour. I don't know how many persons had to relate to him that way, but he was quick to respond to any jokes, and also to offer one himself.

I know he was sick, but I must say, Mr. Speaker, that I was jolted when I heard of his passing a couple of days ago. So, I would like to record my condolences to his wife and family, and his many colleagues, who are both in the army and otherwise.

Thank you very much, Mr. Speaker.

The SPEAKER: Prime Minister.

The PRIME MINISTER: Mr. Speaker, the remarks that have already been made have addressed Colonel McMillan's service in a

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number of capacities: as a military officer, and the service he gave to the Jamaica Defence Force, his service to the public sector through the RPD, to the private sector, through his company, SAMS Security; the work that he did in helping to identify issues relating to crime in our society, and to prescribe ways in which those could be tackled; and his service as a Member of the Senate, and as Minister of National Security.

He was, above everything else, a patriotic and committed Jamaican. He confessed to me on many occasions that he didn't fully understand the politics but he was so committed in serving his country, in finding ways to overcome the challenges that we faced.

I really am shocked. He took ill some weeks ago. He was hospitalized for some time; he returned home, and we were encouraged at the improvement that he had shown. Indeed, on Monday he was up, he was in good spirits. For him to have left us in the way he did came as a shock to his family, and to all of us. And I want to join with the other Members of the House in expressing our condolences to his wife Peaches, his children, the other members of his family, and to say farewell to a man who served his country, served his country with all his heart and served his country well.

The SPEAKER: Thank you, Prime Minister.

The PRIME MINISTER: The thanksgiving service for Colonel McMillan will be held on Saturday at Up Park Camp at the Briggs Chapel. I think it is at 11:00 O'clock.

(*Sotto voce* comment)

The PRIME MINISTER: On this Saturday, yes. I am not absolutely sure of the time but I know it is this Saturday at Up Park Camp.

The SPEAKER: Thank you, Prime Minister.

I certainly would like to add my condolence to the family too. He was a Member of the constituency and someone I usually see. He and his wife would walk on my roads regularly. And I am sure that his friends and neighbours, and family will miss him.

We will ask the Clerk to send the usual card of condolence expressing our sympathy, *et cetera*, in due course.

The business before us is the Special Prosecutor - Corruption Prevention (Special Prosecutor) Act. When we - we are going to now go to Committee.

Mr. M. PEART: Mr. Speaker...

The SPEAKER: You want to take it now or...?

Mr. M. PEART: I want to comment on the...

The SPEAKER: You want to do it when we get to Committee?

Mr. M. PEART: Before we get there.

The SPEAKER: Okay, yes.

Mr. M. PEART: Mr. Speaker, so far, we have been - we have got to Clause 17, and we have had two pages of...

The SPEAKER: Clause what?

Mr. M. PEART: Seventeen.

The SPEAKER: Yes, we had completed 16, I think.

Mr. M. PEART: Yes, and have just been presented with this list of amendments. Now, this is not a very simple document, and we

seem to be stumbling along, Mr. Speaker. I think we might lose our way if we proceed this way, and end up with something that doesn't look at the end, any way similar to what was started. I think we should have some kind of timeout, to have a small Committee having a look at this, because we have already had, as I said, so many amendments, and there are numerous more to come. And we don't want to lose the essence of what this is intending.

The SPEAKER: Wouldn't you like to struggle along before we get to the small committee?

Mr. M. PEART: That's what I am saying, we are struggling, we are struggling.

Mr. HOLNESS: Mr. Speaker, the procedures that you are well acquainted with, is that the Bill has already gone to a Select Committee of the House to review. It has been there for over one year, and it is now before the House. We have gone through the stages and we are now at the stage of the Committee - full Committee of the House to review.

We already passed that point raised by the Member about the difficulties of the Bill. It is indeed, a large piece of legislation, in terms of the number of sections and clauses. But nevertheless, Mr. Speaker, I believe it is within our competence to review the Bill and we have been making good ground, though slowly, but good ground. And I believe that we should proceed accordingly, Mr. Speaker.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I would like to indicate that I understand the importance of this proposed legislation, and I support its general intent. But, despite the many phases through which it has gone, that could never be a justification for hurrying on such an important piece of legislation which

goes to the heart of the rights of all public servants, including your good self and all of us. The amendments have been complex so far, and we have just been handed a compendium of them. I have not had any chance to go through these and to see how they fit in the new spirit...

Mr. HOLNESS: On a point of order, Mr. Speaker, just to assist the Member. The documents circulated are not new amendments. These are the amendments that the House...

(Sotto voce comment by Members)

Mr. HOLNESS: It's a summary of the amendments that we have already agreed on. So, this is to assist the discussion. There are no new amendments being circulated for Members to consider.

The SPEAKER: Yes.

Mr. HOLNESS: These are what we have agreed on already.

Rev. THWAITES: Mr. Speaker, the Minister misses my point. It's not just a question that we - this is a formulation that we happened to have hammered out at the last session. It is very important at all times, and especially in a situation like this, to see how these amendments fit within the compost of the Bill itself, and to see a sequence, and to see an order - desired order. We have to see the synergy between what we originally asked for, what is set out here. It is going to require time to do this. Similarly, there are another, perhaps, 17/19 clauses of the Bill.

The SPEAKER: The other question though, Reverend Thwaites, why don't we go through, and then as we go through clause by clause, we can see the difficulties and then it may be that what you are - you and the Leader of Opposition Business are promoting, at the

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end of the day, there might be many problems which... you know, there might be...

Mr. HOLNESS: Mr. Speaker, may I suggest that we be very careful how we seek to re-write the procedures for passing legislation for this Bill. Now, the suggestion is being made that we form some small committee to review...

Mr. BUNTING: The drafting sub-committees.

The SPEAKER: No, no, no!

Mr. HOLNESS: We couldn't accept that, Mr. Speaker.

The SPEAKER: No, no!

Mr. HOLNESS: Bear in mind, Mr. Speaker, bear in mind, that before we had the Budget Debate, we were proceeding. We stopped now for eight weeks, probably more. The question must be asked, what were Parliamentarians, particularly the Opposition doing with the eight weeks that the legislation was...?

Dr. DAVIES: Studying it.

Mr. HOLNESS: Well, if you were studying the Bill for the eight (8) weeks, we should be ready now. We are ready to go.

Dr. DAVIES: You are?

Rev. THWAITES: May I remind the House Leader of the circumstances in which we stopped our consideration of this. It was because we were finding so many difficulties in the draft that it was felt that it needed a considerable review, that is why we stopped. Now, my understanding was...

Mr. HOLNESS: To refresh, Mr. Speaker... if the Member would yield... to refresh the Member's memory...

Rev. THWAITES: I can't even finish the point. Really, it is remarkable, the avidness of the House Leader on this matter. I have never

seen it before. I expected that, having regard to the concerns that were expressed for the first 17 sections, and which were clearly indicated for the remainder, that there was going to be some re-consideration of some of those concerns, and that we would have seen some measure of re-consideration, some re-draft. That is not the case. We have exactly what we left.

And I don't think that the difficulties that we laboured under, excruciatingly, last time are going to be in any way mitigated. They would be, however, were we to take the time to try and reconcile these in a way that haplessly was not done at the Select Committee. And may I also bring to your attention, Mr. Speaker, that my information is that in the other House, a number of amendments were cogently put forward, but were ignored, and the Bill passed.

The SPEAKER: No, Reverend Thwaites, what I found on the last occasion the full House was looking at each of the sections, there were, really, some good, good suggestions. And I am just wondering if we shouldn't just continue on that process.

Rev. THWAITES: You know, Mr. Speaker, I really wonder whether you think that the purpose of the Committee of the full House is to do a drafting exercise?

The SPEAKER: Well, it helped. It really raised a number of good issues.

The PRIME MINISTER: Mr. Speaker, the Members of the Opposition are being palpably unfair. We had hoped to pass the legislation prior to the prorogation of Parliament. We did not, because we didn't complete the consideration. We moved very slowly, but I think we moved constructively. The concerns that the Opposition has, in

relation to the Bill, must relate to specific provisions of the Bill that are contained in specific clauses of the Bill. And as we have got to each of the 16 or 17 clauses, that we have dealt with so far, we have sought to address that.

A number of amendments were proposed. A number of ideas were brought forward in the Senate. We went to great pains to incorporate, if not all of them, well over 90% of them in the amendments that we presented. We have had several weeks since we last dealt with the Bill to examine those amendments to see to what extent they address our concerns, to note whatever concerns are still outstanding. I have to appeal to the Opposition. When the Leader of Opposition Business, for example, gets up and suggests that the Bill, we are proceeding in a disjointed way, it must be put on the table. And I don't mean to beat upon him, Mr. Speaker. But it must be put on the table that the committee that dealt with this Bill for over a year met 11 times. The Leader of Opposition Business was a member of the committee. He attended not even one single meeting, not even one....

Mr. D. SMITH: No interest!

The PRIME MINISTER: ...out of the 11. And the attendance of other Opposition Members on the committee was dismal. If we are serious about this business - this is a serious piece of legislation. There are various matters that have been in the news recently which make this particular legislation even more important. And therefore if we have to move slowly, if we have to pause at particularly clauses to address the concerns and to determine what amendments, let us proceed. But there seems to be a suggestion, let us send it back somewhere, almost as if the

importance that ought to be attached to it and the urgency with which it ought to be dealt with is not a matter that is shared, not a view that is shared by all of us. I would like, if possible, I would like us to try and complete it today.

Dr. DAVIES: No!

The PRIME MINISTER: But if we can't because we need to spend time to make sure that we get it right, let us spend the time. But for God's sake, Mr. Speaker, let us not procrastinate anymore.

The SPEAKER: Okay, the House will now resolve itself into a committee of the whole House to continue deliberation on this Bill.

COMMITTEE STAGE

The CHAIRMAN: Members, my understanding is that today and tomorrow we are going to try and complete this Bill.

(*Sotto voce* remarks by Mrs. Maxine Henry-Wilson and Dr. Davies)

The CHAIRMAN: Well if we can complete today. But my understanding is that we have at least another two and a half hours this evening and maybe most of tomorrow. Okay.

Dr. DAVIES: Mr. Chairman....

The CHAIRMAN: Yes.

Dr. DAVIES: ...are the legal authorities here?

Mrs. HENRY-WILSON: No!

Dr. DAVIES: The Parliamentary Counsel, are they here?

The CHAIRMAN: They are on their way I understand.

Dr. DAVIES: Because, Mr. Chairman, the last time around or the last times around....

The CHAIRMAN: Yes!

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Dr. DAVIES: I am not certain that the manner in which we proceeded whereby we were chopping out clauses....

The CHAIRMAN: Member, there is no doubt that some of the clauses, we will have some challenges, but when we go through each clause we will see the challenges and then at the end of it we will try to coordinate. Okay.

Dr. DAVIES: I don't know.

The CHAIRMAN: You will recall....

Dr. DAVIES: Yes, I do recall. (Laughter)

Opposition MEMBER: We recall.

The CHAIRMAN: Members will recall that we were - in the original Bill Clause 17 is now Clause 15.

Dr. DAVIES: You recall that?

The CHAIRMAN: Do you recall, Members?

Dr. DAVIES: No, I recall cutting out 'bout five clauses.

The CHAIRMAN: Clause 17.

The PRIME MINISTER: We had dealt with 17?

The CHAIRMAN: Yes, but it is now the new Clause 15. That's the last one we did. So we are to move to Clause 18, which would be the new Clause 16. Is that agreed? In other words, we are moving to Clause 18, which will be the new Clause 16. So I put now Clause 18 in the original Bill.

Rev. THWAITES: Say it again.

The PRIME MINISTER: Are you on Clause 18?

The CHAIRMAN: Yes, Clause 18.

The PRIME MINISTER: Just to point out the amendment that had previously been circulated, the insertion of the word 'knowingly' because Clause 18 deals with a situation where a person deals in property that

was acquired through some corrupt activity. And we want to make it clear that it must be done wilfully knowing that....

The CHAIRMAN: So knowingly comes after "any other person knowingly" before subsections (a) and (b). So is 'knowingly'.

Dr. DAVIES: Let me hear what is being proposed.

The CHAIRMAN: No, we add the term knowledge, which is 'knowingly' after the third line of 'any other person knowingly enter into'. So you are going to add that one word 'knowingly' at the end of the third line of 'any other person'.

Rev. THWAITES: How will it read now?

The CHAIRMAN: It reads exactly as it is except....

The PRIME MINISTER: It reads: "A person shall not whether within or outside Jamaica, whether directly or indirectly, whether on behalf of himself or on behalf of any other person knowingly

- (a) enter into or caused to be entered into any dealing in relation to or;
- (b) otherwise use or caused to be used or hold, receive or conceal any property or any part thereof which was the subject matter of an offence under this part."

We want to protect people who act innocently.

The CHAIRMAN: So knowledge has to be proven.

Dr. DAVIES: And the property must be in Jamaica?

The CHAIRMAN: The person being accused must - the prosecution must demonstrate that he knew.

The PRIME MINISTER: No, it would only apply....

Dr. PHILLIPS: Property can be anywhere.

The PRIME MINISTER: Yes.

Dr. PHILLIPS: Property can be anywhere. You just have to use different means to get to it if it was outside.

The CHAIRMAN: But the accused person has to know.

Dr. PHILLIPS: Yes.

Rev. THWAITES: How does this affect a third party who acquires value without notice?

The PRIME MINISTER: But you wouldn't have known.

Dr. PHILLIPS: No, if the third party didn't know that it was an....

Rev. THWAITES: So someone....

The CHAIRMAN: This relates only to the principal offender.

Rev. THWAITES: No, it doesn't say that.

The CHAIRMAN: Yes, a person.

Dr. PHILLIPS: The critical ingredient, Mr. Chairman, my understanding is that the...

Rev. THWAITES: The critical ingredient is *mens rea*.

Dr. PHILLIPS: . . .that the person has to be a witting accomplice.

Rev. THWAITES: What I am trying to enquire....

Dr. PHILLIPS: A third party - well if it is in any way in the scheme of say proceeds of crime. If you were an innocent or unwitting accomplice, you invested in a property say along with someone else, your interest would be protected.

Rev. THWAITES: What I am concerned with, Chairman, is what level of obligation is on a person to enquire into the bona fides of the property that they are dealing with which may be the subject of an offence. You and I

practise in the courts, we know how delicate and how sensitive and how arbitrary sometimes this can be.

The PRIME MINISTER: I don't know, Mr. Chairman that the Bill imposes any obligation on the person to enquire. In the same way that, as I understand it, if you come by property which happens to be stolen, it is a defence which is normally accepted by the courts if you demonstrate that you did not know that it was stolen, which is why we are making the particular effort to put in that word 'knowingly' to make it very, very clear. But we must enjoin within the criminal offences somebody who facilitates the commission of a corrupt act by dealing with, transacting, concealing, disposing of and converting into cash and so on the stolen property or the property that was acquired by corrupt means. We are not creating any new principle in law. As far as I know this is something that is clearly stated and understood in law.

The CHAIRMAN: The only thing I can say, Rev. Thwaites, if you put a question sign for the moment beside it, I am sure it can be recommitted later on if you think that there are....

Rev. THWAITES: Chairman, think of the ingredients for an offence of an unlawful possession of property. Think of the obligations that are placed on further by other legislation in the question of dealing with a financial transaction. A lawyer receives money from his client, a bank negotiates a cheque, what are the obligations to ensure - what would satisfy the test of knowingly entering into a transaction? This thing is very subtle. Undoubtedly there has to be an offence that prevents people from simply passing off illegal property offensive under this Act to

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third parties who can then disappear into the woodwork. But it is precisely the care and exquisiteness of definition that I am concerned about.

The PRIME MINISTER: Mr. Chairman, the Member is a lawyer. The Member is familiar with the provisions in law that address this thing. Would he propose an appropriate wording if he feels that this does not adequately address the matter? I mean that's our job here, we are lawmakers. Huh!

The CHAIRMAN: In other words, Rev. Thwaites, knowingly really imposes a heavy burden on the prosecution to ensure that the accused person enters into this transaction with his eyes open. I mean, to say that he didn't know and the jury or the Judge believes him he is off.

Dr. PHILLIPS: You know, Chairman, the proceeds of crime legislation, in fact, has a similar set of provisions and in that legislation the rights of third parties, "innocent third parties" is explicitly protected. So I think, I mean I don't know that you need an explicit protection here, although Counsel can examine and advise. But I believe that the principle as set out, if you can demonstrate that you had no knowledge, or put it the other way, they would have to - the prosecution would have to demonstrate that you have knowledge.

The CHAIRMAN: The prosecution would have to demonstrate that you have knowledge. And you can easily rebut it by showing that there is no way you could have knowledge. It is like in receiving stolen property. If you can - the prosecution would have to demonstrate that you knew the property was stolen and you could, in fact, demonstrate that there is no way you could

have known that the property was stolen. So either way if you are innocent you should get off.

(Sotto voce remarks by Rev. Thwaites)

The CHAIRMAN: No, Rev. Thwaites, you know many times when....

Rev. THWAITES: Chairman, you know, that's not how it goes.

The CHAIRMAN: But, Rev. Thwaites, there is no doubt - I have seen in court where people have, you know, a bag of money and the police charged them with receiving stolen property. And the first thing I said having money in your possession is not a basis to say you have received stolen property. Because just the fact that you have cash in your possession is not a presumption that the money is stolen. Fine. So unless the prosecution can demonstrate more that you had knowledge that this money was stolen there cannot or should not be a conviction. So can we approve this section then?

Mr. M. PEART: With the amendment?

The CHAIRMAN: With the amendment.

The PRIME MINISTER: Since the Member for East Central St. Andrew made reference to it, let us just look at what is set out in POCA and determine whether the expression that we have put in this draft is adequate or whether we need to expand it.

It says here:

"Subject to subsection (4) a person commits an offence if that person -

- (a) engages in a transaction that involves criminal property;
- (b) conceals, disguises, disposes of or brings into Jamaica any such property; or
- (c) converses, transfers or removes such property from Jamaica,"

And then it goes on to say:

“and the person knows or has reasonable grounds to believe at the time he does any act referred to in paragraphs (a), (b) and (c) that the property is criminal property.”

Now if we need to spell it out in that extensive way then that's something we can consider. My own view is that knowingly is something that has been well established in law. But I mean if we need to spell it out some more in this way. But let it be very clear that we are going to have to try to plug all of these holes and to cover all of the bases, because catching thieves is not an easy thing. Thieves that are not smart end up in jail very quickly. It is the ones that are difficult to get in jail that we are trying to see if we can catch and therefore we have to be very clear in terms of the provisions that we make.

Dr. PHILLIPS: I think we'll have to leave this...

The PRIME MINISTER: Yes.

Dr. PHILLIPS: ...with Parliamentary Counsel to advise on the very point that you ...

The PRIME MINISTER: And I would suggest that we reserve it...

Dr. PHILLIPS: Yes.

The PRIME MINISTER: ...and return to it based on consultations with them.

The CHAIRMAN: Okay, so we are going to reserve section 18 of the original Bill, okay which is - would be the new 16.

I now put section 19.

Dr. GUY: Chairman?

The CHAIRMAN: Yes, Dr. Guy.

Dr. GUY: I just have one concern here. I feel that the - subsection (2) - 19(2)...

The PRIME MINISTER: Of 19?

Dr. GUY: Yes.

... it is my view that in light of 19(1)(b), in terms of threat of - or intimidation against any person, I feel in my view, that the fines are a bit too low. One should seek to put remedies in place that will deter, especially when you consider the members of the prosecution, the judiciary or jury. It's just my view, Prime Minister.

The PRIME MINISTER: Without having the benefit of advice here. From having dealt with a number of other pieces of legislation, I gather that there is a certain consistency in fines that have to be maintained. Otherwise you could have a situation where you know, in one law you have a fine of \$2 Million with an imprisonment of up to 10 years and in another law same fine, but imprisonment of less. So...

Dr. GUY: But having regard to that, we could still seek the advice...

The CHAIRMAN: You don't think that this is enough deterrent...

Mrs. HENRY-WILSON: No, Mr. Chairman, I think the issue is sentencing policy. At what level can you have fines in a Resident Magistrates Court.

The PRIME MINISTER: Yes.

Dr. GUY: Yes.

Mrs. HENRY-WILSON: And then you'd have an inconsistency between 19(2) and 18(2)(a). So I think you have to make sure that they are in tandem with each other, I think that's the real issue.

Dr. GUY: No, but I see the point the Member is...

(Inaudible comment by Mrs. Henry-Wilson)

Dr. GUY: No I understand, but a mean, I think we need to get some guidance on that as well.

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The CHAIRMAN: Let's face it, in the Circuit Court it is the legislature put in a limit of five years, because the Circuit Court, as you know, can, you know, sentence at large. But the fine, as you see, Dr. Guy, in the - 18...

Mrs. HENRY-WILSON: Unlimited.

The CHAIRMAN: In the Circuit Court, if it goes to the Circuit Court the fine is unlimited - can be unlimited and the imprisonment is five years. Fine. But your concern is the Magistrates Court. In the Magistrates...

Mrs. HENRY-WILSON: One Million.

The PRIME MINISTER: Well the RM Court as I understand it, can go up to \$5 Million.

Mrs. HENRY-WILSON: Okay.

The PRIME MINISTER: Isn't that so? And therefore if the House feels that the fine ought to be steeper, that's something that could...

The CHAIRMAN: No, but I would say, Prime Minister, that if the prosecution thinks that it should be greater, they take it to the Circuit Court.

Dr. PHILLIPS: But the - well certainly you can do that if you want, but my question really concerns these actions are prohibited in other legislation as well. Is there any...

The PRIME MINISTER: Parity.

Dr. PHILLIPS: ...correspondence - parity....

The PRIME MINISTER: Yea.

Dr. PHILLIPS: ...between this and other legislation? I mean, I'm not suggesting that we should be - that, that means we should reduce these penalties, but we need to ensure that there is some parity.

The CHAIRMAN: There's no doubt, Dr. Phillips, that the older legislation, the fines are quite minimal, they need to be revised.

Dr. PHILLIPS: And this is a very serious and in fact increasingly frequent occurrence...

The CHAIRMAN: Fine.

Dr. PHILLIPS: ...ought to be severely penalised.

Dr. GUY: Which is why I raised it, Chairman.

The CHAIRMAN: Is there a suggestion then, Dr. Guy?

The PRIME MINISTER: In the case of POCA before an RM Court, fine not exceeding \$3 Million, or to imprisonment not exceeding five (5) years.

(Inaudible comment by Mrs. Henry-Wilson)

The PRIME MINISTER: Pardon me?

Mrs. HENRY-WILSON: Sorry. What offence is that? Because...

The PRIME MINISTER: This was similar offences. This was in what is in this Act, 19(2)...

Mrs. HENRY-WILSON: Physical force, threat or...

The PRIME MINISTER: Handling property that has been acquired in contravention of the Act.

Dr. PHILLIPS: No, you are referring to 16.

Mrs. HENRY-WILSON: I thought he was referring to 19.

Dr. PHILLIPS: He's looking at what is 19 in your legislation about threatening, intimidation, physical force and jurors are in 19.

The PRIME MINISTER: Well let me see if I can find that.

Dr. GUY: You see, Chairman, where it is not very common in Jamaica now, but you see other areas where there are threats against the judiciary and prosecutors. And I think that we should really put something here particularly for protection of those, if it can be done, by legislative means, to ensure that that particular practice does not take seat here.

The CHAIRMAN: Well, I don't know if you want it to be consistent. I mean, the Prime Minister has indicated that, you know, there are certain precedent of \$3 Million and five (5) years. You want to propose that, Dr. Guy?

Dr. GUY: Or five and five. Consistent with the five, Chairman, five and five.

Mrs. HENRY-WILSON: Mr. Chairman, the only thing is that we may have to go through all of that for all the other fines, because the whole section 19 to 24 speak to fines. So is it that we want to look at them in a comprehensive way rather than taking them one by one? Or else we may have to go through every single Act to find the comparable sentence.

The CHAIRMAN: It's a matter for the House, you know.

Yes, Mr. Hylton.

Mr. HYLTON: I think the clause - I think there's a certain symmetry and a recognition that, in the one proceeding before the Resident Magistrate, is a summary proceeding, and therefore the range of defences available would be constrained, if not eliminated.

In the Circuit Court, if you want to get a stiffer sentence, then you have to bring it in the Circuit Court where you have other kinds of defences that are available. But I think the

clause recognise that the seriousness of the act itself, in going to the heart of undermining the system - the justice system - so that the penalties are different, for the act itself, and the threats to the justice system and undermining the system. So I think...

The CHAIRMAN: The position is that, Mrs. Maxine Henry-Wilson, to respond to your point, you see, it's easy for us to just put the same fine and...

Mr. HYLTON: Yes.

The CHAIRMAN: ...confinement across. But when there's a variation it sends a signal to the Judges, what the legislators think in terms of the difference in the gravity - the nature and gravity of the offence.

Mr. HYLTON: Correct.

The CHAIRMAN: So to the extent that you put a higher fine and a higher confinement, it is sending a signal to the Judges that you think that this particular offence is of a more serious gravity than the one with a lower fine and a lower sentence.

Dr. GUY: You couldn't have said it better, Chairman.

The CHAIRMAN: It is up to us the legislators, whether we believe that all offences under this Act is of the same nature, or whether we think that there are variation in the nature and gravity of them and you have different fine in terms of maximum. We must bear that in mind.

Mr. HYLTON: Yes.

(Inaudible comment by Mrs. Henry-Wilson)

Mr. HYLTON: I'll go with this as is, Chairman. I would proceed as is.

Mr. M. PEART: I think we should be guided by Parliamentary Counsel right across the board, and recommend some.

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The CHAIRMAN: Yes, it's always useful for us to have some variation which sends the signal that you consider some breaches to be more serious than others.

The PRIME MINISTER: Correct.

Mr. HYLTON: Correct.

The CHAIRMAN: But where we are now, are you proposing then we remain...

The PRIME MINISTER: What perhaps we could do - and we could perhaps do it very quickly - is to ask the Chief Parliamentary Counsel - not for today but for -since I doubt that we are gonna conclude for today - to just put on a schedule all of the offences and the penalties, and then perhaps to guide us in terms of where we may make changes. Bearing in mind that there's a relativity that has to be recognised.

The CHAIRMAN: Okay, so could we then defer then the section then - section 19 again? For we defer 18 and 19 to look at that overall.

(Inaudible comment by Mr. M. Peart)

The CHAIRMAN: We are deferring 18 and 19, which will be the new 16 and 17.

Mr. HOLNESS: Just to be clear, Mr. Chairman, the deferral is...

The CHAIRMAN: Is in relation to the penalties.

Mr. HOLNESS: ...to review towards a higher penalty?

The CHAIRMAN: Review the penalties, right.

Mrs. HENRY-WILSON: Just 18 and 19 alone?

The CHAIRMAN: Okay we now put section 20 - Clause 20 - sorry.

Rev. THWAITES: Chairman?

The CHAIRMAN: There are some

proposed amendments by the way.

Rev. THWAITES: To?

The CHAIRMAN: To Clause 20.

Rev. THWAITES: Let's hear them first.

The CHAIRMAN: The proposal is to delete subsection (1) and substitute therefor the following:

Rev. THWAITES: The entire subsection (1)?

The CHAIRMAN: It was circulated you know.

MEMBERS: No, we don't have it.

Rev. THWAITES: When?

Dr. PHILLIPS: Okay, all right it was in the proposed amendments.

The CHAIRMAN: Can I read the proposed subsections then so you can correct it as you go along?

Proposed new Clause 20 should read as follows:

A person commits an offence if he -

- (a) with intent obtained from the government or any public body, a contract for performing any work, providing any service, doing anything, or supplying any article, material or substance (hereinafter referred to as a "public sector contractor"), offers any advantage to any person who has made a tender for the public sector contract as an inducement or reward for that person's withdrawal of that tender; or
- (b) solicits or accepts any advantage as an inducement or a reward for his withdrawing a tender made by him for a public sector contract; and
- (c) submits a tender for a public sector contract that is arrived at by prior

arrangement with another person, who has made a tender for the same contract. So that would be the new...

The PRIME MINISTER: Might I just point out...

The CHAIRMAN: ...the new clause...

Dr. DAVIES: How am I supposed to know that?

The CHAIRMAN: It is now Clause 20 in the original Bill, but ultimately the new clause 18.

The PRIME MINISTER: Might I just point out, Mr. Chairman, two things are being done here. Firstly, we are tidying up the wording by inserting the words 'as an inducement or rewards', to make it clearer. But the addition of (c) - because (a) and (b) are already in the Bill - subject only to that improved wording. Sub paragraph (c) ...

The CHAIRMAN: (C) is an addition.

The PRIME MINISTER: ...is an addition that was prompted by a comment that was made in the Senate by Senator Mark Golding, who pointed out that we needed also to identify what he called 'bid rigging', where people get together prior to a bid and collude in order to defeat the competitive process, and hence the addition of (c).

The CHAIRMAN: Members, are you clear? Remember subsection (2) remains as is. If you'd like me to read it again I will.

Dr. GUY: Chairman, I have one concern here.

The CHAIRMAN: Yes.

Dr. GUY: Earlier on in the Bill we decided that we will not - and I understand what is being said here - that we will not extend the scope of this legislation into the private sector. Albeit, it's a government

contract that is being the subject of the bidding.

Dr. GUY: But, would it not be in (c), an arrangement between two private sector entities?

Rev. THWAITES: Yes. Exactly the point I wanted to make.

The PRIME MINISTER: Well, if they are bidding on a public sector contract, then it is not a private sector something, it is public sector.

Rev. THWAITES: But, does this wording, Chairman, preclude two competitors for a tender process combining, in order to make an acceptable bid?

The CHAIRMAN: No. Then that is just a bid.

Rev. THWAITES: Yes. But one is withdrawing and receiving an advantage which could be construed as an inducement to the other.

The PRIME MINISTER: Well...

Rev. THWAITES: A very innocent and normal process, consistent with business practices, particularly when you have to fit certain grades in order to qualify for certain things. We are veering, if we are not careful, in creating - baptizing that as an offence.

Mr. HYLTON: That is not particularly so. Mr. Chairman...

Miss HANNA: If two people come together and decide that one has strength in certain areas and weaknesses in other areas...

The PRIME MINISTER: If two companies get together and decide that they are going to submit a bid as a...

Miss HANNA: A joint bid.

Mr. HYLTON: A joint bid.

The PRIME MINISTER: ...combine...

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Rev. THWAITES: One withdraws.

The PRIME MINISTER: ...I don't know that they would have run afoul of this. I don't know that any inducement could be alleged or proven there.

What this is intended to do is to make sure that you don't get somebody to back out of a bid on the basis that, man, let me go ahead and I will cut you 10 per cent of my profit, as the case may be.

Dr. PHILLIPS: I know the intent. There is in fact – there is a practice that from time to time has been identified, where people agree to bid at higher amounts than they believe they would get, so that the lower one will get it. And that is done by prior agreement. But I am not certain that (c), as worded, necessarily captures the purpose.

Mr. BUNTING: You see, I think if we could introduce some words that speak to collusion, collusion among the various bidders, in order to facilitate a particular one being awarded the tender. That's really the spirit of what it's trying to get to.

The PRIME MINISTER: Yes.

Mr. BUNTING: And, if we could maybe just make this a little more explicit by perhaps adding a sentence...

The CHAIRMAN: Or in the preface. All right, Miss Hanna, then Dr. Davies.

Miss HANNA: Mr. Chairman, my concern is that it needs to be a little bit broader. I believe the intent is to identify when a public official perhaps says to a contractor, this is what we need it to look like, and this is what the bid needs to come in and look like. And there is perhaps collusion – I don't know if this is what Member Bunting was getting to – there is collusion with the

public official and the contractor for a particular rate, for them to understand what needs – what has to go into that particular tender, and what it needs to look like for them to actually win the tender, and if you can prove that collusion. I am not sure how it is that we would facilitate that.

The PRIME MINISTER: No, that is actually covered in a different section where it deals with the functions of public officers and infractions. This really was intended to avoid – as the term that was used by Senator Golding in the Senate, was bid rigging.

Bear in mind one important thing - and I don't know to what extent this addresses the concern that Mr. Thwaites has raised – the offence is only committed if somebody is induced to withdraw a bid that has already been made. So if two people who are looking at an advertisement for tenders are getting together and discussing whether we are going jointly or whether, I tell you what, you better go for the one in Seaforth, I am going to go for the one in Spanish Town, I don't know that that would be an offence. It is if somebody has already submitted a tender, and you are now seeking to get him to back out, and you are offering an inducement to do so, that's when the offence arises.

The CHAIRMAN: Dr. Davies.

The PRIME MINISTER: Talking about...

Dr. DAVIES: (B) – I am asking about what Member Bunting spoke about, the collusion, where - what happens if you don't withdraw, but you deliberately structure your bids? Is that a crime? And does this address it? Does this clause address it?

The PRIME MINISTER: What if you don't what?

The CHAIRMAN: If you structure the bid...

Dr. DAVIES: You need a minimum of three bids, and three guys get together, and they know that Delroy is going to – with the lowest bid, and you come in higher – the other two come in higher. So they...

The CHAIRMAN: I think what Dr. Davies is saying, Prime Minister, is it implies that they know what the tender should be.

Dr. DAVIES: Right. No, well, they also – not only that, but they know who will get it.

Mr. BUNTING: This is alleged to happen quite often, as a way of beating the competitive system. Notwithstanding whatever the engineer's estimate is, a group of contractors, let us say, agree there is a series of bids coming up, let's say six (6) contracts coming to tender, we agree between the three or four of us who is really going to get which ones, but we all bid on each one, but at prices which are too high, which are way out, you know. And therefore, the taxpayer loses the efficiency of a competitive tender because of prior agreement.

The PRIME MINISTER: Not entirely. Quite frankly, I don't know that the legislation can go that far.

Dr. DAVIES: It can't.

The PRIME MINISTER: I don't know that the legislation can prevent three guys who may be friends from sitting down and saying, look, there are eight packages, let us not cut each other's throat. You go for these two, and...

Mr. BUNTING: No, no!

The PRIME MINISTER: Hold on. Hold on! Hold on!

Mr. BUNTING: No, that's not the situation I am speaking from.

The PRIME MINISTER: What's that?

Mr. BUNTING: Where they agree which packages they each want, but all tender on all eight, but with some of the tenders designed not to succeed.

The PRIME MINISTER: Yeah, but – I know. But even when they doing that, they have no way of knowing that there is not another dozen contractors who they don't know, who are going to be tendering on those as well.

Mr. BUNTING: Except in the case of where the tenders are invited, where it's a selective tender and the tenders are invited, only three or only four are invited. If it's a public tender...

The CHAIRMAN: We need some...

The PRIME MINISTER: But the furthest you can go is create the opportunity, you know. And if within the creation of that opportunity people are doing their own business approach, I don't know that the law can interfere with that. I mean, recently, for example, we were at great pains, we extended the tender period for the new generating capacity, we still ended up with only JPS for tendering. I mean, you can go so far as to create the opportunity...

Mr. HYLTON: Mr. Chairman...

The PRIME MINISTER: ...and beyond that you can't go.

Mrs. HENRY-WILSON: The corruption would be...

The CHAIRMAN: One second, one second. Mr. Hylton, and then Mrs. Maxine Henry-Wilson.

Dr. GUY: Not Mr. Hylton, me. Chairman...

Mr. HYLTON: I think if the offence – Mr. Chairman, if the offence is about a

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submission of tender and then a withdrawal, and if it is limited in that way, that the act that I have spoken of is the actual submission, and then a procurement or an inducement for a withdrawal, I think that even so, I believe I would want to agree with Member Bunting that you want to have some qualification to the action to suggest that the action in some way is not beneficial to the government, but in fact it undermines the system. So something that touches on collusion, colluded for their benefit, I think we need to look at that rather than the simple act of withdrawal, because that can be for a range of different things which could be misconstrued.

The PRIME MINISTER: No, but it speaks here about an inducement or reward, that's what it says, you know. And, therefore, you take a contractor who doesn't know if the bank is going to come to seize his equipment, he can't even pay his bill, and another contractor says, I tell you what, I will give you a half a million dollars, and you just back out. And he probably is so desperately in need of that cash to keep the bank off his back, he may say, well, I will accept it and try for another one. That is what you want to preclude, because that person now feels that a contractor who might have tendered a fair price is out of the picture, and therefore, he can mark up his thing and he will get through. That's what it's seeking to avoid. But I think we have – again, we have to be careful that we don't – I mean, I am overstating it for simplicity – we don't make it a suspicion and perhaps an alleged crime if you see two contractors having a drink together, and next time you see the tender come in you see one is in and one is not in, or the both of them are in. I think we have to be careful that we don't over-reach, right.

The CHAIRMAN: Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: I just wondered whether the collusion there would be more evident if – or it would actually be a case of collusion if the public official reveals something to the contractor that allows him to make that decision, as distinct from the both of them independently, as a business transaction, making the decision. I think there is a distinction in those two cases.

The PRIME MINISTER: Yes!

Mrs. HENRY-WILSON: If a public official provides information which allows two contractors to make a decision which then leads to the kind of collusion that we are talking about, that is a different case from two companies, or two individuals making a decision either to bid above or not to bid, so as not to compete with each other, and that would seem to be the essence of collusion.

The PRIME MINISTER: Well, we covered that first instance in section 9, and we are actually going to reinforce it with amendments that will be coming to Parliament shortly, to the contract award procedures, which would make that even more specific, in terms of providing information that ought to be confidential. What we are seeking to do here is to try and address the shenanigans that go on among the...

Dr. PHILLIPS: Contractors.

The PRIME MINISTER: Yes, the bidders themselves. That's what we are trying to see if we can capture.

The CHAIRMAN: But, it seems to me...

Dr. PHILLIPS: But, (c)...

Dr. GUY: Chairman...

The CHAIRMAN: No, Dr. Phillips then Dr. Guy.

Dr. PHILLIPS: (C) is, I submit, unclear as it is. And the suggestion made by Mr. Bunting was that we should get to the idea of collusion between...

The CHAIRMAN: Between the contractors.

Dr. PHILLIPS: ...contractors, with a view to circumventing the normal operations of the tender process.

The CHAIRMAN: The competitive bidding.

Dr. PHILLIPS: Yes. The competitive bidding process. So, what I was asking if you could...

The PRIME MINISTER: Might I suggest...

Dr. PHILLIPS: Yes.

The PRIME MINISTER: Might I suggest that – I have just been passed a note by the Chief Parliamentary Counsel. If you look in the First Schedule, we have already used the term there, collusive practice. And he was suggesting one of two alternatives, to delete the words, “prior agreement”, and substitute the words, “engaging in a collusive practice”. Or, as an alternative, he is suggesting that we could simply substitute the words, “colluding with”.

Dr. PHILLIPS: I prefer that.

The PRIME MINISTER: You prefer the latter one.

Dr. PHILLIPS: Yes.

The CHAIRMAN: Instead of “prior agreement”, we put “colluding with”.

Mrs. HENRY-WILSON: What clause?

Dr. PHILLIPS: 20(c).

Dr. GUY: Can you read it for us?

Dr. PHILLIPS:

“Submits a tender for a public contract that is arrived at by colluding with”.

The CHAIRMAN: Instead of “prior agreement”.

Dr. PHILLIPS: Yes.

The CHAIRMAN: So the recommendation is to substitute “colluding” instead of “prior agreement”.

Mrs. HENRY-WILSON: With whom?

Dr. PHILLIPS: With another person.

Mr. BUNTING: Or persons.

The CHAIRMAN: But I would imagine colluding is fairly straightforward as a definition.

Dr. PHILLIPS: English word, or Jamaican word.

Mrs. HENRY-WILSON: Colluding has a negative connotation.

Mr. BUNTING: And in this case, the singular person would include, or persons, because in most cases it would be a group, three or four. So I assume, Mr. Chairman, the singular would include the plural in this.

The PRIME MINISTER: I think it implies that, but let me just double check.

Dr. GUY: Hold on dey. Is only we one have concerns? What happen to the rest of the Government?

The PRIME MINISTER: With another person or persons? Or we don’t need to say that.

Mr. BUNTING: The singular includes the plural in this case.

The PRIME MINISTER: Whenever we are trying to be so precise we end up with problems with the verb, and things like that.

The CHAIRMAN: Ehm, PM. Members, it’s being proposed instead of colluding, in collusion with.

The PRIME MINISTER: In collusion with. So take out by.

(Consultations)

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One or two.

The CHAIRMAN: One second again. Members, it's being suggested, it's being suggested, please...

The PRIME MINISTER: Might I...

The CHAIRMAN: Let's just get it right.

The PRIME MINISTER: The Chief Parliamentary Counsel is advising that since we have collusive practice defined in the First Schedule, to be consistent.

The CHAIRMAN: Oh, so it is:

"that is arrived at by collusive practice..."

(*Sotto voce* comments by Mr. Bunting)(Consultations)...

A MEMBER: By engaging in collusive practice.

(Inaudible comments by a Opposition Member)

(Consultations)

(Inaudible comments by a Member)

Mr. HOLNESS: Don't worry about that.

Rev. THWAITES: What is the scope of the improper purpose that we are trying to curb by this section, please?

(Inaudible comments by Dr. Phillips)

(Consultations)

The CHAIRMAN: Members, the proposal is that the amendment to the amendment which is 21(c), should read:

"Submits a tender for a public sector contract that is arrived at by engaging in a collusive practice with other persons who have made a tender for the same contract".

The PRIME MINISTER: With other persons or another person?

The CHAIRMAN: With another person?

(*Sotto voce* comments)

The CHAIRMAN: With another person.

The PRIME MINISTER: ...who has made a tender.

(*Sotto voce* comments)

The CHAIRMAN: Person. Person includes person.

Dr. GUY: Chairman, Chairman, you are saying basically the definition of collusive practice an arrangement between two or more persons designed to achieve an improper purpose. And you are saying that is engaged - arrived at by collusive practice with another person? It is repetitive. The other person is unnecessary. The use of the term, another person,...

(Cross talk)(Inaudible)

Mr. BUNTING: Based on the definition of 'collusive practice', we don't need to put 'with another person'.

Mr. HOLNESS: Collusive includes collaboration with one person.

(Consultations)

The PRIME MINISTER: I think if we are assured by the Chief Parliamentary Counsel that reference to another person includes as many persons as are so caught...I'm not trained to be a legal draftsman, I don't practise in the Court, if I'm assured that the Courts understand this very clearly, I would suggest that we don't challenge it.

Mrs. HENRY-WILSON: But collusion is always bad you know. So is collusion always bad?

The PRIME MINISTER: What's that?

Mrs. HENRY-WILSON: The connotation of collusion is something that is improper. So is collusion always improper?

A MEMBER: Yes.

Mrs. HENRY-WILSON: Is it?

A MEMBER: Yes.

Mrs. HENRY-WILSON: No.

Mr. BUNTING: Collusive practice as defined here.

Mr. HOLNESS: No, collusion is always bad. No?

A MEMBER: No.

Mr. BUNTING: It says...no, but in the...(Cross talk)... Mr. Chairman, in the First Schedule...(Cross talk)

The PRIME MINISTER:

“Any arrangement between two or more persons designed to achieve an improper purpose, including to...”

Mr. BUNTING: Yes.

The PRIME MINISTER: *“...including to influence improperly the action of another person”.*

Mr. BUNTING: Yes, it's in the First Schedule.

The PRIME MINISTER: Yes.

(Consultations) (Cross talk)

Mr. HOLNESS: General English. Collusive.

The CHAIRMAN: Now, the suggestion is that we want it to be very clear that it must be not any collusive practice but it must be with another person who has made a tender for the same contract. With another person who has made a tender for the contract.

A MEMBER: So why wouldn't he want to benefit then?

The CHAIRMAN: Because the competitive basis of the contract involves persons competing for the contract...

Mr. HOLNESS: Mr. Chairman, you wouldn't capture the point made by Member Bunting which is that you may have bidders colluding to say I will bid at 'X' price on this

contract and then someone goes and, not bid in this arena...

The CHAIRMAN: I see.

Mr. HOLNESS: ...but go and bid somewhere else. So that's collusion as well.

The CHAIRMAN: For another contract.

Mr. HOLNESS: For another contract.

The CHAIRMAN: And not this same contract.

(Inaudible comments by Members)

Mr. HOLNESS: As long as you can prove that this was collusively done.

The CHAIRMAN: It's not just for the same contract but any contract.

Mr. HOLNESS: Yes.

(Inaudible comments)

The CHAIRMAN: No, but I thought other persons, but, for other contracts.

(Consultations)

Mr. HOLNESS: No, but, Mr. Chairman, it's very important that we understand it. The process of the competitive bid is that the bids ought to be arrived at independently...

The CHAIRMAN: Absolutely.

Mr. HOLNESS: ...for fairness and transparency. Now if bidder 'A'...

Mr. BUNTING: And efficiency.

Mr. HOLNESS:... and 'B' say okay... and efficiency...say you don't bid on contract 'A' you go and bid on contract 'B', that's collusion as well. So you could just leave it at *“collusively arrived at”*.

The CHAIRMAN: So what is being suggested by the House Leader if we put *“that is arrived at by engaging in a collusive practice”*, full stop, it embraces everything.

Dr. GUY: I don't agree with that, Chairman.

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(Inaudible comments)

Dr. GUY: No.

Mr. BUNTING: Yes, I think that's actually the best, leaves it broadly that you don't have to anticipate every permutation and combination of...

A MEMBER: What was the collusive practice?

The CHAIRMAN: That's the point, Mr. Bunting. If you put a fullstop...

Mr. BUNTING: Yeah.

The CHAIRMAN: ...arrived at by engaging in a collusive practice...

Mr. BUNTING: I agree.

The CHAIRMAN: ...at their level...
(Inaudible)

Mr. BUNTING: I think that's the best.

The CHAIRMAN: And I think that the drafters agree with that.

(Consultations)

So, Members, if that is agreed...

(*Sotto voce* comments by Mr. Clarke))

Mr. BUNTING: Just a small drafting point, should we have an "or" after the semicolon at the end of (b)?

A MEMBER: No.

The CHAIRMAN: Yes, I think so.

Mr. BUNTING: Eh?

The CHAIRMAN: I think so, yeah. There's no doubt about that. So, Members, the proposal to Clause 20, the present Clause 20, we add an "or", after (b) and after the semicolon, and (c) would read: "...*submits a tender for public sector contract that is arrived at by engaging in a collusive practice*". Agreed? So I now put...

Dr. GUY: Not, oh. I disagree. We are talking about a contract. We are talking about competitiveness and transparency in a particular contract. We are not talking about

contracts generally. So if you do it like that, what you are going to do is that you are going to prevent - and nothing is wrong with a contractor, or a group - two of them deciding that (1) I'm going to bid on this one and you bid on the other one, as we have determined earlier one. Where it concerns the same contract, it is my view that that is where we ought to place the emphasis on.

The CHAIRMAN: No, but, Dr. Guy, that same contract could have been - you may have eliminated the competitive bid by saying you go and bid on other contracts. Which is what you are trying to avoid.

Mr. BUNTING: And the collusive practice could either be around one contract or a series of contracts or several contracts. So I think you have to leave it broad enough to capture either scenario.

The CHAIRMAN: So you see, Dr. Guy... Dr. Guy, the whole idea is that on this one contract, you don't want a collusive practice to eliminate other bidders on this one contract...

(Inaudible comments by Dr. Guy)

The CHAIRMAN: Mike, mike, mike!

Dr. GUY: There might be 15-20 persons who are bidding on that and two persons come together and decide that they are not going that particular route as a group. You can't eliminate everybody.

(Consultations)

Mr. BUNTING: If those persons got together for a legitimate purpose, it wouldn't be a collusive practice. It's only when they do it for an improper purpose. Now, don't ask me how you going prove that, whatever it is...

Rev. THWAITES: What evidence you going to bring?

Mr. BUNTING: Wiretap.

Rev. THWAITES: When does collusion for a proper business practice become cross-the-line and become for an improper purpose? What are the criteria in law, Chairman?

A MEMBER: You can't prove it, Chairman.

The CHAIRMAN: No, but the point though, Reverend Thwaites, is that on public sector contracts, we want it that independent bidders don't bid on them, rather than you colluding to say which one you get and which one the others get.

Rev. THWAITES: Tell you, the theory that we are concocting is so far from the practice.

(Cross talk)

Rev. THWAITES: Mind in your purism you don't end up with something that's useless, you know.

The CHAIRMAN: So, Dr. Guy, you are still..

(Inaudible comments by Dr. Guy)

The CHAIRMAN: No, what would be your proposal?

Dr. GUY: No, no, I'm saying my proposal would be arrived at by collusive activity with another person who has made a tender for the same contract.

The CHAIRMAN: House Leader, sorry, Dr. Guy is saying that he would like...

(Inaudible comments)

The CHAIRMAN: Yes, House Leader, Dr. Guy is objecting to putting the full stop at collusive practice. He thinks we should add: *"...engaging in a collusive practice in relation to the same contract"*. He's going back to the original proposal.

Dr. DAVIES: I believe you have an enforceable piece of legislation.

The PRIME MINISTER: As I understand it, Mr. Chairman. The intention was to make sure that when the Government says, I want to build a school and I'm inviting people to tender for this school, that if there is any collusion that would impair the Government's chance of getting competitive officers for building of the school, we want to criminalize that. The intention was not to - and that is why it is related to withdrawal of the tender - the intention was not to prevent contractors from talking to each other, and perhaps deciding well, you go for everything in Central Jamaica and I go for everything that I can go for in Western Jamaica. Those are business strategies that you have to allow to work out. And therefore it's tied to...If you were to say, for example, you offer somebody an inducement in order that the person doesn't... withdraw a tender on a different contract...I'm just trying to figure out how does that affect this particular contract, that is, the one before us. I mean, that's what we... Eh?

Mr. HOLNESS: No, but Prime Minister, the intention of protecting the competitive tender process is to ensure that the party offering the contract benefits from all possible contractors that could bid. If contractors are colluding to divide up by region, or by contract price, or by type of contract, then that limits the benefit of a competitive tender and should be looked at.

A MEMBER: In a new world.

Mr. HYLTON: Chairman, I...

Mr. HOLNESS: No, but then what you would find is, you know, contractors who are...

Mr. HYLTON: I think what is being lost here is...

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The CHAIRMAN: Yes, Mr. Hylton.

Mr. HYLTON: I'm agreeing that it should have the fullstop at collusive practices. I think the burden... what is being lost here is the evidentiary process because the Government or the Prosecutor would have to bring sufficient evidence to link it and show the kind of linkage that we cannot now see as having been particularities of what makes it particularly pernicious and having an adverse impact on the process. So we really have to leave some room for the Prosecutor to make the case and for the Defence to be able to join evidence. And so, I don't think we can see all of that.

The PRIME MINISTER: I want to add something to that. We live in a real world. Let me give you a hypothetical case. I'm a contractor, I'm new in the business. I'm associated, in touch with friends of a friend of another contractor far more established, big boy in the business. I cannot afford to buy the expensive equipment. I have an arrangement with him where he leases me the equipment and may get it a good price. But there's an understanding between us that, look, I am a bridge specialist so lisen' nuh, don't bother, don't mek I tender on a bridge and I see you tendering as well. You go tender for schools and so on. That may be an arrangement that they make. I don't know that we want to criminalize that, because without the assistance that he may be getting from that other contractor, he wouldn't be in the business in the first place. We have to be careful how far we go.

What we're saying is that on a specific contract you cannot offer an inducement to somebody to withdraw a tender to let you go through on that specific contract. But I think if

we try to say, well, look do not even have any discussion about whether you should tender on the one in Westmoreland when I am tendering on the one in St. Thomas; I think if you go that far, you going too far.

Mr. HOLNESS: No, but, but -

Dr. DAVIES: In summary, let me just understand -

Mr. HOLNESS: To be -

Dr. DAVIES: In summary - can I ask you, Prime Minister, in summary you want to stick to the original?

The PRIME MINISTER: What's that?

Dr. DAVIES: You want to stick to the original without the collusive activity?

The PRIME MINISTER: No, I don't mind the collusive, but related to the specific contract that is on offer by the Government, that is in relation to this contract.

Mr. BUNTING: Contract or series of contracts that is offered.

The PRIME MINISTER: Yes.

Dr. DAVIES: Well, now he doesn't want to go to series. I thought -

Mr. HOLNESS: You see - but the problem that we have is that you may have one big contractor, Prime Minister, who may decide to use his muscles as you have pointed out...

Dr. DAVIES: China Harbour.

Mr. HOLNESS: ...to, you know, say to the others you don't come and bid here. I'm bidding here, you go and bid somewhere else. That's the challenge you might face. (Chuckles)

The PRIME MINISTER: No, but he can only do that - he can only do that if he has some kind of relationship with that other contractor. If it's an independent contractor who is prepared to face him down and

compete with him that will not arise. And put it this way, one of the things that the legislation cannot do is build contractor capability. Part of the problem we have now is that for certain types of work, certain values of contract, we don't have enough contractors. And when you go to tender, even when it is open public, not selective tender, sometimes is the same four, five contractors who are bidding on that particular project either because they are the only ones that have the expertise or, you know, they're the only ones classified at that grade as the case may be.

Take the question of Grade One civil works contractor, the last time I checked I believe we had nine. Well, we had nine and then in the Contractor General's re-registration, I believe there was a significant reduction. If you end up with four contractors bidding on six, seven, eight projects you're going to have a problem. You're not going to have the competitiveness that you need. Because that is where they may very well say, look let's not waste no time, you tek those two; I tek these two. The other one tek another two and all of us will be happy.

(Inaudible comment by a Member)

The PRIME MINISTER: I wouldn't stop at whatever we signed off on whether it was collusive...

Dr. GUY: Practice.

The PRIME MINISTER: ...practice. Right.

Dr. GUY: With another person for the same contract.

The PRIME MINISTER: Who has made a tender for the same contract because remember, you know, what we saying is - what we're seeking to capture is where a

contractor has submitted a tender, and you're now seeking to corrupt the process by effecting the withdrawal of that tender. We have not even gone so far...

Mr. BUNTING: But that's a separate case. That's a separate case.

The PRIME MINISTER: ...and perhaps I shouldn't even mention it because it may kick-off another discussion. We haven't gone so far as to deal with the person who is planning to tender and who is being offered an inducement not to go ahead with the plan; because, again, I think you're going too far.

Mr. HOLNESS: But I think you would capture the collusive practice.

Mr. BUNTING: Yes, in fact, Prime Minister that scenario would be captured by (c).

Mr. HOLNESS: Right.

Mr. BUNTING: That scenario would be captured by (c), which comes back to why it's important to leave it as broad as possible. The withdrawal is dealt with in (b) and (a).

The PRIME MINISTER: Yeah, but it's confined to a person who has submitted.

Mr. BUNTING: No, no, no! Oh sorry, in (c)...

The PRIME MINISTER: Yes, yes!

Mr. BUNTING: ...because you start off with that thing.

The PRIME MINISTER: Right.

The CHAIRMAN: It won't include the potential bidders, Mr. Bunting.

The PRIME MINISTER: I don't know how you going to frame that one in a way that it doesn't...

Mr. BUNTING: I don't know - that would be like an offence for somebody who contemplated...

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The PRIME MINISTER: Yes.

Mr. BUNTING: ...in his own mind a crime, but never...

Dr. GUY: But never commit it.

Mr. HOLNESS: But then the way it is phrased we could very well stop at collusive because he submits a tender. So PM you're, you're - based on how this is phrased we could stop at collusive.

The CHAIRMAN: No, but you see...

Dr. GUY: No.

The CHAIRMAN: ...that's the problem, House Leader. You see Dr. Guy is saying it would be so wide that a lot of what has been discussed would be included and you don't want that, so you want that it in relation only to this particular contract.

Mr. BUNTING: Could we word it so broadly to say, engages in a collusive practice with respect to tendering for a public contract.

The CHAIRMAN: That's what basically is being suggested with these words.

Mr. BUNTING: Well, but with respect to - collusive practice with respect to tendering would cover the case where they would agree not to.

The PRIME MINISTER: It would cover contemplation as well as actual...

Mr. BUNTING: Exactly.

The PRIME MINISTER: ...submission.

The CHAIRMAN: That would be too wide. That would be too wide.

Mr. HOLNESS: Leave it a little because...

Mr. HYLTON: I think having regard to the concerns expressed -

The PRIME MINISTER: I'm just worried that when you have meetings that incorporate Master Builders Association they can't sit down beside each other. (Laughter)

Mr. HYLTON: Yes, yes. Yeah, I think you probably on balance you may want to narrow the scope and proceed. And you can always expand that, but the injustice will be lessened if it is more focused and I think the success of challenges would be reduced.

The CHAIRMAN: Okay, the suggestion is being put that we narrow what we had before. So we would put 20(c) as, submits a tender for public sector contract that is arrived at by engaging in a collusive practice with another person who has made a tender for the same contract.

Mr. BUNTING: We already said we don't need with another person because the definition of collusive practice already -

The CHAIRMAN: No, no, because of the same contract.

Mr. HOLNESS: For the same contract.

The CHAIRMAN: For the same contract. It's with another person not the persons at large.

Mr. BUNTING: But we still -

The CHAIRMAN: So the -
(Inaudible comment by Mr. Bunting)

The CHAIRMAN: So the restriction is with the person who has tendered for the same contract.

(Cross talk)

The CHAIRMAN: In other words, Mr. Bunting, collusive practice is at large but you restricting it to a person who has tendered for the same contract.

Mr. BUNTING: Well, you could just say then a collusive practice for the same contract. You wouldn't have to say with another person because the definition already...

The CHAIRMAN: Oh...

Mr. BUNTING: ...says "*any arrangement between two or more persons*"

The CHAIRMAN: ...so you we would say engaging in a collusive practice for the same contract.

Mr. BUNTING: Yes, for the same contract.

Mr. HOLNESS: Yes, for the same contract. Yeah, you wouldn't have to put that.

The CHAIRMAN: No, the drafters don't like it.

Mr. HOLNESS: No.

Mr. BUNTING: I think we could just put fullstop after collusive practice, you know, unless -

The CHAIRMAN: The drafters want it as "*with another person who has made a tender for the same contract*". The drafter's says it's just for the...

Okay so, Members, can we at least after one hour get through one clause?

I put the amendment to the amendment -

Mr. BUNTING: Just read it one final time for the section (c).

(*Sotto voce* comment by the Prime Minister)

Mr. BUNTING: No, I just want to understand.

The CHAIRMAN: No, I'm reading subsection (c),

"submits a tender for public sector contract that is arrived at by engaging in a collusive practice with another person who has made a tender for the same contract".

So that is the amendment to the amendment.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the amendment to Clause 20.

Put to the Committee and agreed to.

The CHAIRMAN: I now put the new Clause 18 as amended.

Put to the Committee and agreed to.

The CHAIRMAN: That's Clause 20, which is now the new Clause 18. I now put the original Clause 21.

The PRIME MINISTER: Ahh, no amendments being made.

The CHAIRMAN: No amendments being proposed.

I now put Clause 21 now renumbered Clause 19.

Dr. GUY: Chairman.

The CHAIRMAN: Yes.

Dr. GUY: Let's - Okay, is all right.

Dr. DAVIES: If this to be covered under this clause, this is the first time - wouldn't this be normal criminal activity? Why do we need to - why is it needed here?

Dr. GUY: You know, Chairman, I'm glad Member Davies brought it up again. I'm just thinking we had a case recently where some gold was missing. How do we know to what extent it was? Isn't that covered by other legislations as opposed to...?

The CHAIRMAN: I think in this case it's government property. The other one certainly, to the best of my knowledge, certainly wasn't government property.

Dr. GUY: But it was in the custody of the government.

(*Sotto voce* comment by a Member)

The CHAIRMAN: I accept that it could be covered in other legislations, but this is specifically related to this particular set of contractual dealings.

Mr. BUNTING: And this isn't in relation to the property itself, but in making false statements as to the property...

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The CHAIRMAN: Exactly.

Mr. BUNTING: ...or the account.

DR. DAVIES: Yeah, but (.inaudible)...

The CHAIRMAN: Okay, can I put the clause—

Dr. DAVIES: ...you're redundant.

The CHAIRMAN: You see, Members, remember all of these clauses where the penalties are being examined, we may have to recommit them if we have to change the penalties, okay - the offences and the penalties.

So I put Clause 21, which will be the new Clause 19.

Miss HANNA: Set the whole thing back, Mr. Chairman, the entire thing.

Put to the Committee and agreed to.

The CHAIRMAN: So that's Clause 21, the new Clause 19.

I now put Clause 22 which will be the new Clause 20.

Dr. DAVIES: Well, I'm trying to understand Clause 20.

The PRIME MINISTER: Clause 22, there is a significant amendment. We're proposing the deletion of sub-paragraph (1) and a renumbering of (2) and (3) as (1) and (2). Again, this is an amendment which was prompted by a concern expressed by Senator Mark Golding who felt that (1) as worded allowed for self-incrimination.

A MEMBER: Right.

The PRIME MINISTER: And we took the decision to take it out altogether.

The CHAIRMAN: So we have then, Members, the amendment, which is the removal of subsection or subclause (1), and there would be a renumbering to 22 or the new...

The PRIME MINISTER: There is a further - sorry, there is a further amendment in what is now subsection (3) - sorry, what is now subsection (2) which would now be subsection (1).

I need some help.

Dr. DAVIES: Whilst the Prime Minister is reflecting, was (1), which I'm being told is being omitted, a whistle blower type legislation - piece?

The PRIME MINISTER: What is that?

Dr. DAVIES: (1), yes, was that the intent?

Rev. THWAITES: Well, if one was a whistle blower, (2) is a peeping tom.

(Laughter)

Mr. BUNTING: No, no! One would have put an obligation on a person to report on himself.

Dr. DAVIES: Right.

The PRIME MINISTER: Yes.

Dr. DAVIES: No, but I thought it was a quid pro quo that is -

The PRIME MINISTER: It is seeking to allow for confessions. (Laughter)

Dr. DAVIES: Yeah, but without charges.

Rev. THWAITES: No!

The PRIME MINISTER: Ehh?

Dr. DAVIES: Without charges.

The PRIME MINISTER: Well, no they would be charged. We took that out.

Mrs. NEITA-HEADLEY: Piped dream, piped dream.

The PRIME MINISTER: In what appears as subsection three, but which would now become as subsection (1) we're seeking to delete the words "*person who contravenes*" in subsection (1) and (2). And substitute therefore the words "*public official who*

contravenes” in subsection (1), which is just consequential on the renumbering.

Rev. THWAITES: Chairman, Chairman.

The CHAIRMAN: Yes?

Rev. THWAITES: Look carefully at the new subsection (1). Read it with me, sir.

“A person performing any public function who knows or reasonably suspects - listen now, sir, put yourself in this position - or ought reasonably to have known or reasonably to have suspected...”

Mrs. NEITA-HEADLEY: No, no!

Opposition MEMBER: That is a bit reformatory.

Rev. THWAITES: Yes. *“that any person has committed, is committing, or wait now, sir, or about to commit...”*

Mrs. NEITA-HEADLEY: No, no!

Rev. THWAITES: ...*an offence under the Act*”. Yes. You have to disclose it. You have to report it, or you gone a jail. What are we doing? Look at the wealth of circumstances that a person, a Speaker of the House, a Member of Parliament might find themselves in and then a burden is placed upon them with criminal sanctions, if they do not reasonably suspect that somebody, in their knowledge, is about to commit something. Speaker - Chairman!

Mr. M. PEART: That’s one or five million?

The PRIME MINISTER: And you know if there is some defectiveness in it and we need to correct it then why don’t we approach it in a constructive manner? Rather than appear as if there is a burden on us that we mustn’t do anything at all.

Rev. THWAITES: No, Chairman, I’ll answer that.

The PRIME MINISTER: But that is the distinct impression that you’re conveying, Mr. Thwaites.

Rev. THWAITES: Well, you know... Chairman, the... may I encourage the Member not to be defensive, because I am pointing out the grave offensiveness to any notion of human rights, and individual liberties that is contained in this. And I am saying that the number of instances of this nature that we have found in this Bill, and we will find further as we go on, indicate a wrong spirit to the whole thing. It is an accusatory, rather than...

The PRIME MINISTER: Mr. Chairman, my information is that this was not drafted in this Act; this was lifted from the current Corruption Prevention Act. But, I take the point that the Member is making, and I would want to propose, let us delete the words or ought reasonably to have known, or reasonably to have suspected. But for crying out loud, let's not fight it down. Let's not fight it down.

(The Chairman left the Chair at at 4.56 p.m. and Deputy Speaker, Mrs. Dalrymple-Philibert presides)

Mrs. SIMPSON MILLER: Prime Minister, all of us on this side understand....

The PRIME MINISTER: No, not all. Not all.

Mrs. SIMPSON MILLER: All of us understand the importance of it.

The PRIME MINISTER: You and others do. You and others do, right.

Mrs. SIMPSON MILLER: And that’s why although I was in something urgent, I came.

The PRIME MINISTER: And the Member for Central Manchester, I recognize

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he has made valuable input into improving the legislation.

(Sotto voce comments by Members)

The PRIME MINISTER: And he had not intimated that what we are doing is some crazy, wild, reckless thing, but he has sought conscientiously to help us to improve the quality of the legislation.

A MEMBER: Many of us have as well.

Miss HANNA: Members on that side, Prime Minister.

(Cross talk)

The ACTING CHAIRMAN: Ought reasonably to have known or reasonably to have...

The PRIME MINISTER: Known, or reasonably to have suspected. See I had an arrow here on it you know, it's just that it slipped me when it was being presented.

The ACTING CHAIRMAN: Is that okay?

(Sotto voce comment by Members)

The ACTING CHAIRMAN: Very well. If that is agreed, we will delete those words.

Rev. THWAITES: How would it read, Chairman?

The ACTING CHAIRMAN: A person performing any public function or who knows...

The PRIME MINISTER: No... any public function who knows...

The ACTING CHAIRMAN: or reasonably suspects that any person has committed, is committing, or about to commit an offence under this Act.

Rev. THWAITES: No, I plead that... that about to commit... it goes too far.

(Sotto voce comments)

The PRIME MINISTER: How can it? I mean, I could...

(Cross talk)

The PRIME MINISTER: I could understand a concern about “*reasonably suspect*”, but if I overhear a conversation where people are planning to commit this offence, all the law is saying, report it. That's all. Don't wait for it to happen. Report it. Now, if we have a difficulty with the words “*reasonably suspect*...”

(Sotto voce comments by Members)

Mr. M. PEART: Who defines that?

The PRIME MINISTER: The Court normally does. Sometimes people have knowledge, but before a Court they will plead that,” *I didn't know; Yes, I heard it; yes, I saw it in writing, but I did not know*”. And the Court would then say, but you ought reasonably to have suspected, based on what you are admitting that you saw, and what you read. I mean, that's what is intended to be captured.

(Sotto voce comment)

The ACTING CHAIRMAN: So, are we...

The PRIME MINISTER: I am proposing, as I said before, the deletion of all the words after suspects in the second line - well, all the words in that section delineated by the commas... “*or ought reasonably to have known or reasonably to have suspected*”.

Dr. DAVIES: Yes, to be clear, Madam Chairperson, this clause is simply about knowledge. It's not suggesting...

The PRIME MINISTER: I am sorry?

Dr. DAVIES: It is just knowledge of...

(Sotto voce comment by Members)

Dr. DAVIES: Right, it's... but it has nothing to do with the person being himself or...

The PRIME MINISTER: Yes, this is the whistle blower part.

Dr. DAVIES: Okay. So, in this situation whistle blowing becomes a legal obligation.

Mr. HOLNESS: No, but that's what the Whistle Blower Act is about.

Dr. DAVIES: Not only whistle blowing provide... (Inaudible)

The PRIME MINISTER: No, this goes beyond whistle blower. This goes beyond Whistle Blower.

(*Sotto voce* comment)

The PRIME MINISTER: Remember, you know, this is dealing with public officials now, it is not anybody. And it is saying, if you work in a government agency, you know that this thing is going on, you see no evil, know no evil; what we are saying, you have a duty - you have a duty to report it.

Mr. HOLNESS: (Inaudible) ...a misfeasance.

Dr. DAVIES: I am in Parliament and I know... anyhow... (Laughs)

(*Sotto voce* comments by Members)

The PRIME MINISTER: Madam Chair...

The ACTING CHAIRMAN: Agreed that we moved on and we delete the words "*ought to...*" down to "*suspected*".

We move on now to 20... So, the amendment is...

"a person performing any public function who knows or reasonably suspects that any person has committed, is committing or about to commit an offence under this Act, or the common law offence of bribery shall disclose to the office as soon as reasonably practicable, and in the prescribed manner that knowledge or suspicion and the information on which it

is based or cause such knowledge or suspicion to be so disclosed".

The PRIME MINISTER: That's right, Madam Chair, can we...

The ACTING CHAIRMAN: Yes. And in...

The PRIME MINISTER: Put the amendment?

The ACTING CHAIRMAN: Yes. So, we put the amendment. Are we all agreed... the amendment to the amendment?

Put to the Committee and agreed to.

The ACTING CHAIRMAN: And we are deleting in Clause 3, now re-numbered as (2), and we are deleting "or (2)".

The PRIME MINISTER: That's right. Yes, that's right.

The ACTING CHAIRMAN: A public official - a person should be a public official... yes, it says, "*the amendment is, delete from subsection (2) as re-numbered the words 'person who contravenes' and substitute the words 'public official who contravenes'.* So, where you have "*a person*", it should be "*a public official*"; not "*a person*", but "*a public official*".

The PRIME MINISTER: Yes.

Dr. GUY: Madam Chair, could we, just for clarification - and it is just something that I realized and seek some guidance on. Could we commit 22 and just to ask a question. A person - that is the new (1) - 22 subsection (1), a person performing any public function, and looking at the definition "*public function (c), a Parliamentarian acting in such a capacity*", what happens to the Parliamentarian who may be aware of such, but not acting in a public capacity?

(*Sotto voce* comments by Members)

The PRIME MINISTER: I am sorry.

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Mr. HOLNESS: The Parliamentarian is not a public officer.

The PRIME MINISTER: Yes, but he is a public official.

Dr. GUY: No, no, no! Any person performing any public function. The definition of “*a public function*” under (c) is, “*a Parliamentarian acting in such a capacity*”. The question I am asking is that what happens to the Parliamentarian who is not acting in that capacity? Is he liable?

The PRIME MINISTER: Well, put it this way, he must go and argue that to the Court. For him to say, now, look, I am a Parliamentarian, but the knowledge I have didn't come into my head in my capacity as a Parliamentarian, well, he must go and argue that case.

Dr. GUY: That's a different matter, Prime Minister. What I am talking about is a Parliamentarian who is acting in a capacity in the public function. I am just asking the question, he is a Parliamentarian but he is not acting in that capacity, would that person who is seized with such information and not reporting it, would that person be liable?

A MEMBER: Of course.

The PRIME MINISTER: You are talking about performing a public function.

Dr. GUY: You see, 22 as stated - 22(1) in the amended is, “*a person performing any public function...*”

The PRIME MINISTER: Yes.

Dr. GUY: ...who knows, *et cetera, et cetera*? The definition of a public function also captures a Parliamentarian...

The PRIME MINISTER: Yes.

Dr. GUY: ...acting in such a capacity.

The PRIME MINISTER: Yes.

Dr. GUY: I am asking, if a Parliamentarian is seized with such information, fails to report, but he's not acting in any public capacity, is he liable if he fails to report it?

A MEMBER: Of course.

Mr. BUNTING: It seems to me Prime Minister, if I can assist you, that a Parliamentarian acting, for example, as a medical doctor in his private practice who came across this information would not be covered.

The PRIME MINISTER: He would not be performing a public function.

Mr. BUNTING: He would not be performing a public function. A Parliamentarian who is an attorney or businessman, so I...

The PRIME MINISTER: Would not be, no, no. If you look at the definition...

(Laughter)

Dr. DAVIES: Must report a horse being doped...

The PRIME MINISTER: If you look at the definition of public official, I believe it was intended more to capture those in the executive and those in the administration.

The ACTING CHAIRMAN: Well, particularly, Prime Minister, when you think of the attorneys because, for example, as a client privilege relationship, a man comes to you as an attorney to defend him for a criminal offence, what you have between yourself and that person is privileged information, that you have more duty.

The PRIME MINISTER: The point was made that you would not be performing a public function in that instance.

Dr. GUY: No, but Prime Minister...

Rev. THWAITES: Did you look at the definition?

Dr. GUY: I don't think the examples given capture what I am talking about. A Parliamentarian, say, on the Government side, who is a Government official, he is acting in a public function.

The PRIME MINISTER: Yes.

Dr. GUY: A Parliamentarian on this side....

The PRIME MINISTER: Not necessarily.

Dr. GUY: For example, there are some Backbenchers...

The PRIME MINISTER: You remember the Public Accounts Committee, in the course of examining that, you can come into information.

Dr. GUY: Fine, but what happens to the Parliamentarian who does not sit on any committee, who is not - what happens to him if he is seized with such information and fails to report it. That's the question that I...

The PRIME MINISTER: Well, he would only choose whether or not he wants to exercise discretion with the assurance of protection under Whistle Blower, but he wouldn't be caught by this because he is not performing a public function. But a Minister of Government, or perhaps a Director in a government department - and if you look at public function, and look at how that is defined, it includes the executive, administrative...

Dr. GUY: I understand, but as I said earlier on, I was just seeking some clarification to find out how that will be covered.

The PRIME MINISTER: Yes, yes!

Mr. HOLNESS: Just to understand what... Madam Chairman... This is an offence for not reporting. So, obviously, the investigator in doing his work, would find out that an officer knew of, and did not say, and therefore, the offence would arise. So, let's say a Member of Parliament would have come across the information, it is possible that the Prosecutor could say that you knew of this by virtue of handling the case or being aware of information and you did not report, and then this becomes an offence.

MEMBERS: Oh no, no, no!

(Sotto voce comments)

The PRIME MINISTER: Let me... it is confined to persons performing a public function, right. Let me just give you the thinking behind it. And it is something, I think, that we will appreciate. There is a fear, or a reluctance, or maybe a combination of both, on the part of persons within the public service - public sector, who sees things which ought to be brought to attention, there is a fear of bringing it to attention.

Now whistle blower provides some protection. What we wanted to do is to say to people you now have a shield, you now have a defence. You can say to somebody, look, if I do not - if you are accused you can say now, look, if I didn't report it I could be liable myself. One of the things we are doing in the contract award legislation that is coming to Parliament, hopefully shortly, is to put a contractor in a position where if you obtained your contract by corrupt means where you colluded in that corruption, then your contract is null and void even if you do a million dollars worth of work already you were not entitled to payment because you corrupted it.

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We are trying to shift the burden as much as possible to other quarters to try and get as much input into investigating and prosecuting these offences. So this provides some shield for persons to say but, look, I could be in trouble too so I have to protect myself. That's all I am doing. It's not that I have anything against you, I am protecting myself by complying with what the legal requirement is.

The Acting CHAIRMAN: I put the amendment therefore to 22.

Mr. BUNTING: No, if I could just ask one question. I am a bit puzzled why in the new clause (1) we say, "*a person performing any public function*" and then in (2) we say, "*a public official*". Why aren't we consistent?

The PRIME MINISTER: No, we had proposed an amendment to strike out person.

Mr. BUNTING: And replace it with public official?

The PRIME MINISTER: Public official, yes.

Mr. BUNTING: I am saying why don't we either use "*public official*" consistently or a person performing a public function consistently? In fact the definition of public official...

The PRIME MINISTER: No, but 1 is coming out, you know.

Mr. BUNTING: No, the new (1).

The PRIME MINISTER: Yes.

Mr. BUNTING: The new (1).

The PRIME MINISTER: Yes, we are going to put "*public official*" there.

Mr. BUNTING: Right, just to be consistent.

Dr. DAVIES: You want to use "*public official*".

The PRIME MINISTER: Yes. So where you are talking that we need to put it?

Mr. BUNTING: In (1). Rather than saying a person performing any public function, just say a "*public official*".

The Acting CHAIRMAN: P.M. in 20 (1), a public official twice.

The PRIME MINISTER: A public official but I think you still have to say performing a public function.

Mr. BUNTING: No, if you look at the definition of public official the definition of public official includes any person who performs a public function.

The PRIME MINISTER: I know, but I am a public official but not all the functions I perform are....

Dr. DAVIES: No, you are not a public official. By the definition here you are not a public official.

The PRIME MINISTER: By what definition?

Dr. DAVIES: Look on page 7.

The PRIME MINISTER: Thank you for telling me. "Any person holding an executive", as far as I know I hold one.

Dr. DAVIES: It says, 'but does not include a Parliamentary or person'.

Mr. BUNTING: Where you see that?

Dr. DAVIES: Page 8.

The PRIME MINISTER: That we had deleted.

Mr. BUNTING: No, no, that was deleted.

The PRIME MINISTER: We had deleted that.

Dr. DAVIES: Boy, I can't keep up with the deletion.

Mr. BUNTING: That was deleted.

Dr. DAVIES: So what they had in mind?

The PRIME MINISTER: The point I am making is that a person, a public official

who knows or reasonably suspects that a person has committed suppose....

Mr. BUNTING: You see, under the definition of public official on page 8 it includes any other person who performs a public function. So it would cover a person performing any public function.

The PRIME MINISTER: I know. But then you are going to put Dr. Guy in trouble because when he is in his surgery in St. Mary, and he comes into knowledge because the patient tell him something. He is a public official but he didn't come into that knowledge by virtue of performing a public function. I think that was what he wanted to insulate himself from and particularly where it involves lawyers. You would have to find away to ensure that lawyer/client privilege supersedes.

Mr. BUNTING: Well that was the intention of making the distinction?

The PRIME MINISTER: Eh?

Mr. BUNTING: That was the intention why they used two different - if that was the intention I don't have a problem. You can go ahead, Madam Chairman.

The Acting CHAIRMAN: I put the amendments to the amendments.

Put to the Committee and agreed to.

The PRIME MINISTER: And that is to insert the words public official.

The Acting CHAIRMAN: That is to insert the words 'public official', yes.

The PRIME MINISTER: Instead of the word 'person'.

The Deputy CHAIRMAN: So what we are putting to the Committee are the two amendments to Clause 22.

Put to the Committee and agreed to.

The PRIME MINISTER: Clause 23.

The Acting CHAIRMAN: No, we are putting now, Prime Minister, Clause 22 renumbered as Clause 20.

Put to the Committee and agreed to.

The Acting CHAIRMAN: So we are moving to Clause 23.

The PRIME MINISTER: Clause 23 a simple but important amendment. A person who takes any action harmful to any other person, we wanted to include the words '*or threatens to take*' so that we include not only the act itself but a threat to take the act.

The Acting CHAIRMAN: Or threatens to take.

The PRIME MINISTER: Yes.

The PRIME MINISTER: Yes.

The Acting CHAIRMAN: And this now becomes Clause 21.

The PRIME MINISTER: Again that was one of the proposals put forward in the Senate by Senator Mark Golding.

Rev. THWAITES: Is it intended, Chairman, that there should be any time limitation to this section.

The PRIME MINISTER: In terms of?

Rev. THWAITES: The threat can be made – the offence – if there is a threat of interference or an action of interference, more probably, 10 years after the event is just the same?

The PRIME MINISTER: Well what obtains in law now? I know that to threaten a person is an offence in law. Is there a time limit on that? I don't know. Is it statute barred? I don't know.

Rev. THWAITES: No, criminal conduct is not usually subject to limitations.

The PRIME MINISTER: I mean these are not new realities that the law faces. The law must deal with that.

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Rev. THWAITES: The difference is, Chairman, in this instance you are talking about something that is far more defused and indeed more vague than a threat to a person. If you are talking about interference with or any threat of harmful action to a person's employment or occupation, that's very wide.

And I am asking if it's the intention to allow that to be raised at any timeframe whatever?

The PRIME MINISTER: Well it's not confined. It is inclusive of. It says "a person who takes or threatens to take any action harmful to any other person". Now that action can be physical injury, you know, but it includes - in order to make it clear that it also includes jeopardizing the person's employment. Now I don't know what in law - can we get some guidance - in law how long after a threat is made or how long after harm is done.

(Sotto voce remarks by Mr. Pickersgill)

Rev. THWAITES: Given the circumstance, Chairman, that I have in mind, the answer is simple on that, there is no limitation to criminal act, criminal prosecution. But I have in mind someone who claims they have haven't got a promotion because you did make some threat or had some grievance, some feelings against them. At what stage does this materialize or is it something that hangs over everyone's head?

The PRIME MINISTER: I don't myself, Madam Chair - this is tantamount to interfering with a witness. I mean that's what it is. And I don't know that it is necessary to put some cut off period that if you don't make that report within a particular time, then you can't make it again. You may very well find that the way in which the events unfurled that

it may not have been possible or for whatever reason it may not have been made immediately after the offence was made. I am just trying to see if I can find out what mischief is - what is the mischief that we are seeking to safeguard ourselves against. There is provision in the law, for example, that if somebody acts maliciously and falsely that that in itself is punishment. So if the fear is that somebody may just conjure up something long after the time when it would normally have been reported. But....

The Acting CHAIRMAN: One, two, three, on the third line, just to point out that on your third line of that where it has on the ground that there is a second that, a typographical error We will remove that second 'that'.

Mr. PICKERSGILL: Remove the second that.

The Acting CHAIRMAN: It's going to be removed. On the third line where it has on the ground that then it has that again. It's a typographical error so we will remove that. So we will put the amendment now to this subsection. It would be "a person who takes or threatens to take any action harmful to any other person, including interference with the other person's lawful employment or occupation on the ground that the other person has made or may make a disclosure in accordance with section", it would be section 20, "commits an offence".

The amended Clause put and agreed to.

The Acting CHAIRMAN: And it's renumbered now. This clause is now renumbered 21.

I now put Clause 23 now renumbered as 21.

Dr. GUY: Madam Chair, thank you. A person who takes or threatens to harm any

other person, including interference with the person's lawful employment or occupation on the grounds, does it capture the threat or harm to someone connected to that individual? I know it is specific in respect of this, but how do we protect, or can we or are we depending on other bits of legislation elsewhere to do that? Because it could be a way to influence the outcome of that particular...

The PRIME MINISTER: The Member is quite right but again I think we have to be careful. We have to be careful that we don't provide in law something to sustain events that could very well be circumstantial. I wouldn't want somebody to say well, you know, the reason why my girl friend lost her job at some faraway place is because your friend is the boss man down there and you wanted to get there to hurt me. The law has to be careful it doesn't go to the point where it is so open to so much sort of conjecture and speculation.

Mr. HOLNESS: But, Prime Minister, as it is stated there a person who takes any action harmful to any other person....

Dr. GUY: No, no, but it is respect of that particular person's making a report, a disclosure.

Mr. PICKERSGILL: That word harmful is very wide.

The PRIME MINISTER: It is.

Mr. PICKERSGILL: Very wide.

The PRIME MINISTER: It is. Because there are so many possibilities, so many possibilities. One of the things that we need to do as well is that we need to bear in mind that ultimately this is something that has to be determined by the Judge. And we mustn't feel that we need to prescribe it so far beyond any kind of interpretation. I think we need to -

Judges exercise good sense and good judgement. Don't it, Mr. Pickersgill?

(Sotto voce remarks by Mr. Pickersgill)

Mr. HOLNESS: But as it is now, it incorporates your views that third parties are protected. So if the person takes any action, including threatening a third party to the person who made the report, that is included as well. Any harmful action.

Mr. M. PEART: You're protecting...
(Inaudible)

Mr. HOLNESS: That person would be protected, including threatening the job of the person.

The PRIME MINISTER: No, but it is tied to that other person, has made or may make a disclosure, so it's all tied. In other words, it's not some third party, no, it's tied to that other person.

Mr. PICKERSGILL: This doesn't include a manager commenting on an employee?

Mr. HOLNESS: No, it would have to be a report - a disclosure.

Mr. PICKERSGILL: A what?

Mr. HOLNESS: The person would have to be reporting a corrupt act.

The PRIME MINISTER: Put it this way, put it this way. If for example, you were to file a report, or provide an appraisal of an employee, which could mean that that employee loses the job, or doesn't get the promotion. That in and of itself would not be an offence, it would have to be determined that the report you file was malicious and was made out of spite because the person had made a report against you. So all of those things would have to be proven.

The Acting CHAIRMAN: I now put the clause as amended and renumbered 21.

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Put to the Committee and agreed to.

The Acting CHAIRMAN: We move now to Clause 24.

The PRIME MINISTER: Madam Chair, we had to do some reworking of 24, we have to delete subparagraphs (a), (b) and (c).

Dr. DAVIES: What?

The Acting CHAIRMAN: Yes.

The PRIME MINISTER: Twenty-four.

Dr. DAVIES: Yes, which subparagraph?

The PRIME MINISTER: Establishes off the book accounts, I'm told that is a term in accounting.

Mr. BUNTING: Yeah!

The PRIME MINISTER: We didn't like it.

Mr. BUNTING: Yeah. You'd have to define it somewhere else, so...

The PRIME MINISTER: We are purporting to replace, with, "it establishes accounts intended to conceal any transaction".

And then (b) makes an off the book, or inadequately identifies transaction, we want to substitute for that, conceals or inadequately identifies, or records any transaction.

And then in (c), where it says, records any expenditure which he knows to be nonexistent, I think the point was made - again I'm leaning heavily on the comments that Senator Mark Golding made.

Mr. BUNTING: Yeah, I think it was here, both expenditure as well as revenue.

The PRIME MINISTER: Yeah, both yea, yea!

Mr. BUNTING: So you see both sides that would have the same effect.

The PRIME MINISTER: So what we're substituting, records any expenditure or revenue, which he knows to be incorrect.

Mr. BUNTING: I would just ask, Madam Chair, in (b) if I could just be guided that if we were to put commas in that sentence, would it be conceals...

The PRIME MINISTER: You're looking at the amendment or you're looking at the original?

Mr. BUNTING: I'm looking at the amendment.

The PRIME MINISTER: Oh.

Mr. BUNTING: Clause 24 (1) (b) from the sheet - the booklet of amendments.

The PRIME MINISTER: Yes.

Mr. BUNTING: That's what I'm reading from.

The PRIME MINISTER: Yes.

Mr. BUNTING: If we were to put - I'm just trying to see whether inadequately identifies or records, so whether we would put a comma - conceals (comma) or inadequately identifies, (comma) or records any transaction, or the second comma would go after 'or records'.

The PRIME MINISTER: If it is just a punctuation question we can ask the CPC to take that on board.

Mr. BUNTING: It would affect the meaning of, than just punctuation.

The PRIME MINISTER: You are in paragraph (b)?

Mr. BUNTING: (b) - the new (b).

The PRIME MINISTER: And you're suggesting a comma after conceals.

Mr. BUNTING: Well the first thing I'm trying to understand is whether the inadequately, refers to the identifies or records.

The PRIME MINISTER: It refers to both.

Mr. BUNTING: It refers to both.

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The PRIME MINISTER: Yes.

Mr. BUNTING: So perhaps it might be helpful to put conceals...

The PRIME MINISTER: Yes.

Mr. BUNTING: ...or inadequately identifies or records, any transaction.

The PRIME MINISTER: Okay.

The Acting CHAIRMAN: I think that the - that's why you have no commas there, because they want the inadequately, to relate to both.

The PRIME MINISTER: The Deputy Chief Parliamentary Counsel has nodded in acceptance.

Mr. BUNTING: Yeah!

The PRIME MINISTER: Items (d) to B, or paragraphs (d) to (b) would remain as they are.

Mr. PICKERSGILL: (b) to where?

The PRIME MINISTER: (b) to (f).

Mr. PICKERSGILL: (b) to (f)?

The PRIME MINISTER: (d) to (f), sorry.

Mr. PICKERSGILL: Will remain?

The PRIME MINISTER: Will remain, yes.

The Acting CHAIRMAN: Yes, those remain, it's just (a), (b) and (c) that is deleted.

Mr. BUNTING: Just to be consistent. Since we have changed the nomenclature from off the book and then we come back down, we're referring to bookkeeping, why don't we just use records consistently and say, destroys any records?

The PRIME MINISTER: Where are you?

Mr. BUNTING: In (f).

The PRIME MINISTER: In (f)?

Mr. BUNTING: We've been using records consistently.

The PRIME MINISTER: Yes, yes, yes accepted, accepted.

Mr. BUNTING: But having taken off the book, let's just delete bookkeeping and refer to bookkeeping documents...

The PRIME MINISTER: Yes, yes!

Mr. BUNTING: ...and replace it with records.

The PRIME MINISTER: Yes, accepted.

The Acting CHAIRMAN: So can we now put the amendment to the amendments?

Mr. PICKERSGILL: Records and bookkeeping documents are not...

The Acting CHAIRMAN: Records?

Mr. BUNTING: Records are broader, records would include computer records *et cetera*.

The ACTING CHAIRMAN: Yes, she says yes, you can use it.

Mr. BUNTING: Digital records.

The ACTING CHAIRMAN: Yes, you can use records.

The PRIME MINISTER: Yes, yes, yes, yes!

The ACTING CHAIRMAN: Leave it as records? We can go back...

The PRIME MINISTER: For the purpose of facilitating engagement in corrupt conduct. I want it as wide as possible.

The ACTING CHAIRMAN: Destroys any record. So we are removing bookkeeping documents, okay. So we can put the amendment there, for the amendments.

Mr. KELLIER: Madam Chair, I'm not clear as to what the amendment is. What is the amendment you are referring to, which one?

The PRIME MINISTER: The amendment is (a), (b) and (c) as set out in the

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Schedule of amendments and then further, to amend (f)...

The DEPUTY CHAIRMAN: Book-keeping.

The PRIME MINISTER: ...by replacing bookkeeping documents with records.

The ACTING CHAIRMAN: With the word 'records'.

So I now put the amendment to the amendments. I'm now putting the amendment to the amendments at (a),(b) and (c) and in (f)....

Mr. KELLIER: Chairman, just one other thing. We have broken down the gamut of things that were there from (a) to (f) and we have removed three of them and we are down to the other three.

The PRIME MINISTER: I'm not hearing you.

Mr. KELLIER: Does that influence the fine?

The PRIME MINISTER: I'm not hearing.

Mr. KELLIER: The fact that we have compressed the amount - we have removed from (a) to (c) - (a), (b), (c) we have removed those.

The PRIME MINISTER: Yes!

Mr. KELLIER: Good. What I'm asking, having removed those, now that we are down to the fines, are we reducing the fines now from two to one?

The PRIME MINISTER: No we have replaced them you know.

Mr. BUNTING: No, there's an amendment - there's a booklet on the amendments that came long ago, you probably don't have that with you. So it's replacing 24 (1) (a), (b), and (c). They're not removed, they're replaced.

(Inaudible comment by Mr. Kellier)

The Acting CHAIRMAN: They're not removed, we've made an amendment to (a), (b) and (c), they've not been removed. They're (a) and (f), where we have instead of bookkeeping documents we have records.

Mr. KELLIER: Yes, I have that.

Mr. BUNTING: You're missing one intermediary document.

Mr. KELLIER: Oh, you have the other documents.

Mr. BUNTING: Yeah.

Mr. KELLIER: Okay.

Mr. BUNTING: Madam Chair, I'd suggest you first put the amendment to the amended 24 (1) (b) with just the two commas - the two bracketed commas - that would be the amendment to the amended 24 (1) (b). Put that first then the amendments...

The PRIME MINISTER: It's 24 (1) (a) and 24 (1) (b).

Mr. BUNTING: The new 24 (1) (b) we made a slight amendment to that amendment putting in the two commas?

The PRIME MINISTER: They're okay, yes.

Mr. BUNTING: So first we'd have to put the amendment to the amendment and then...

The PRIME MINISTER: It's a little comprehensive you know.

Mr. BUNTING: Okay, that doesn't require an amendment?

The PRIME MINISTER: Under the association.

Mr. BUNTING: Okay.

The ACTING CHAIRMAN: So therefore we're now going to put the amendment to the amendment in 24 (b).

Put to the Committee and agreed to.

The ACTING CHAIRMAN: And then the amendment to 24 (f) - (1) (f).

Put to the Committee and agreed to.

The ACTING CHAIRMAN: And then I now put the amendment to the section - the amendment to Clause 24 renumbered - I now put the amendment to Clause 24.

Put to the Committee and agreed to.

The ACTING CHAIRMAN: I now put the amendment to Clause 24 as amended and renumbered Clause 22.

Put to the Committee and agreed to.

The ACTING CHAIRMAN: Clause 25...

The PRIME MINISTER: Madam Chair, what happened to 25?

The ACTING CHAIRMAN: No amendment to 25 that's why I put...

Rev. THWAITES: Yes, yes 25, are you there now?

The ACTING CHAIRMAN: We're at 25 which is now - the only amendment is that it's going to be renumbered 23.

Rev. THWAITES: Twenty-five would become new 23 now?

The ACTING CHAIRMAN: Twenty-three.

Rev. THWAITES: Are there any amendment suggested?

The PRIME MINISTER: None - no big proposal.

The ACTING CHAIRMAN: There's no amendment to 25.

Rev. THWAITES: May I bring something to your attention and ask your definition?

"Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable to any neglect on the part of a director, manager, secretary, or other similar officer of the

body corporate or any person purporting to act in such a capacity".

Yes, it's that wording that I'm concerned about. A person purporting to act in capacity on behalf of a company, yes, which by definition would hardly be within the knowledge of the director, manager, secretary or otherwise, yes, the company is - incorporates and it becomes linked with the liability - the criminal liability - of that individual.

Again, I raise the question of the extremely wide net that is being crafted here and invite its reconsideration.

The PRIME MINISTER: I seek some guidance, I'm almost sure, Madam Chair, that this section wasn't designed specifically for this Bill, that this is a provision that appears in similar legislation.

(Inaudible comment by the Acting Chairman)

Rev. THWAITES: In many instances we're reminded that there may be a parity or a similarity with other legislation. With the greatest of respect, that doesn't negate the point being raised. Is it reasonable for this Parliament to enact a provision which says that - which binds a corporation under criminal liability, when someone purports to act, yes, in a capacity in which, by definition, they're not. And what is the extent of the jeopardy and the breakup on business and the share unfairness, that is implied and vulnerable here? That is what I'm asking.

The PRIME MINISTER: What it is in fact saying is that where this criminal act is committed by a body corporate, and it was done with the knowledge, sanction, approval, involvement of a particular officer in that

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enterprise, then both the enterprise and the individual officer can be held liable. And it will not be a defence for the corporate person to say - for the corporate body to say that that managing director wasn't acting on behalf of the company. Because nobody can - nobody is going to be able to accept, or nobody is going to be expected to know that when the managing director was acting, that he was acting in his own personal capacity.

Mr. PICKERSGILL: I can see that with a Managing Director, but...

The PRIME MINISTER: What's that?

Mr. PICKERSGILL: I can see that with a Managing Director.

The PRIME MINISTER: Well, whoever, whichever. If they are purporting to act in the name of the company, the company has to accept some liability for that. But we have done that with so many other pieces of legislation.

Rev. THWAITES: You see, Chairman, once again this...

The PRIME MINISTER: I am being referred to the Interpretation Act:

"Where an offence under any Act passed after the 1st of April, 1968, has been committed by a body corporate, the liability of whose members is limited, then notwithstanding, and without prejudice to the liability of that body, any person who at that time of such commission was a director, general manager, secretary or other similar officer of that body, or was purporting to act in any such capacity..."

It's not new law. It's not new law.

Mr. BUNTING: Yeah. But I think that goes another way though, Prime Minister. That is removing the protection of limited liability.

Mr. PICKERSGILL: Read the purporting part again.

The PRIME MINISTER: I am sorry. What?

Mr. PICKERSGILL: Could you read the purporting part.

The PRIME MINISTER: It says here: "Any person who at the time of such commission was a director, general manager, secretary, or other similar officer of that body, or was purporting to act in any such capacity, shall, subject to subsection (3)(b), liable to be prosecuted as if he had personally committed that offence."

Mr. BUNTING: Yeah, but from your reading, I think what that interpretation - that paragraph you just read, that section, is avoiding the protection or removing the protection of limited liability from the officers.

The PRIME MINISTER: Yes.

Mr. BUNTING: This clause here is in a sense working in the reverse. It is taking the actions of the officers and making the company or the corporate body liable for those actions. And where you may have somebody who was not authorized, you know, to act in that capacity, somebody who may have been a junior clerk in the company, would it be reasonable if they were not - if they didn't have such authority, to transfer their offence or their...

The PRIME MINISTER: How did we treat with it under POCA, for example? Because I know that in a number of pieces of legislation I have seen, certainly over the last - I would say over the last 20/25 years, that we have in a sense conjoined.

Mr. BUNTING: But, in most cases like in the tax legislation, I know in the GCT, for

example, directors can't hide behind the limited liability of the corporate body for offences committed under that Act, some of it can pass through to the directors and managers. But this is happening in reverse, and this is, I think, quite unusual. Can you think of another example?

Rev. THWAITES: No. (Inaudible comments)

Mr. BUNTING: Yeah. Yeah!

Mr. PICKERSGILL: In other words, there could be an absence of *mens rea* on all the other...

A MEMBER: But you are still liable.

The PRIME MINISTER: What is being pointed out is, this is in a case where an offence has already been proven. So the offence was proven to have been committed by a corporate entity, so the corporate entity has already been found guilty. But beyond that corporate entity, it is - what you are pursuing now is who in that corporate entity knew.

Rev. THWAITES: Oh!

Mr. BUNTING: Okay, okay, okay!

Mr. PICKERSGILL: Where is that made obvious?

The PRIME MINISTER: What's that?

Mr. PICKERSGILL: Where is that made - you are talking about 25?

The PRIME MINISTER: Twenty-five, yes.

Mr. PICKERSGILL: Where is it made obvious?

The PRIME MINISTER:

"Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director,

manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in such capacity, he..."

Not just the company, but that person -

"...as well as the body corporate, commits that offence and is liable to be proceeded against and punished accordingly."

You can't send a company to prison, you can fine a company. But if the offence was done by the - committed by the company...

Mr. PICKERSGILL: So a condition precedent is that it must have been proven.

The PRIME MINISTER: It must be proven, yes, yes!

Mr. HOLNESS: And it's the same thing in the Shipping Act.

The ACTING CHAIRMAN: Members, I now put section 25...

The PRIME MINISTER: And I am told it is identical to an offence in the Shipping Act. I am not sure what offence that is.

The ACTING CHAIRMAN: I not put section 25 renumbered as 23.

Put to the Committee and agreed to.

The ACTING CHAIRMAN: There is no amendment to 26, so we are moving on to 27.

Dr. GUY: No, Madam Chairman.

The PRIME MINISTER: I think we better seek some guidance from the Leader of the House here.

Dr. GUY: Twenty-six...

Mr. HOLNESS: Madam Chair...

Dr. GUY: No, no, I think we need to clear up this point first before you go, House Leader. There is some discrepancy...

Mr. HOLNESS: On 26?

Dr. GUY: Yes. The Memorandum of Objects and Reasons...

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Mr. HOLNESS: We were planning to stop now, but if it's...

Dr. GUY: This is a minor point...

Rev. THWAITES: It's a major point, but...

Dr. GUY: ...but it's also an important one.

Mr. HOLNESS: Where is it?

Dr. GUY: Twenty-six. Prime Minister, if you will indulge me.

The PRIME MINISTER: We were proposing to adjourn now, since we are at a convenient stage. We have finished Part II, 26 is the first section in Part III, and we were therefore proposing to adjourn now.

Mr. VAZ: Tomorrow!

The PRIME MINISTER: So we could raise it when we get to that section, we are just not there yet.

Dr. GUY: Self interest, but...

Mr. HOLNESS: Madam Chairman, I am going to ask that we suspend the work of the Committee now, and report progress.

The ACTING CHAIRMAN: The question is that we do suspend the meeting of the Committee and report progress to the House.

Put to the Committee and agreed to.

RESUMPTION

The DEPUTY SPEAKER: The question is that I do report progress to the House, that we have reached Clause 25, and that the discussions be suspended until the next sitting of the House.

Put to the House and agreed to.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today. I therefore move that the House adjourn until tomorrow, the 1st of June, when we will resume our business.

The DEPUTY SPEAKER: The question before the House is that we do adjourn this House until tomorrow, 1st of June, when the business of the House is reconstituted.

Put to the House and agreed to.

The DEPUTY SPEAKER: This House is now adjourned.

The Honourable House of Representatives was adjourned at 5:50 p.m., to reconvene on Wednesday, June 1, 2001, at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

WEDNESDAY, June 1, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:46 p.m.

PRESENT**THE SPEAKER**

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

Office of the Prime Minister.

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

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The House resumed its sitting at 2:46 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

ANNOUNCEMENTS

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

Report of the Public Administration and Appropriations Committee of the House of Representatives on the review of **Green Paper No. 2** of 2010 on “the Establishment of an Environmental Regulatory Authority”.

REPORT FROM COMMITTEES

The SPEAKER: Dr. McNeill.

Dr. McNEILL: Mr. Speaker, I beg to lay on Table of the House a copy of the Report of the Sessional Select Committee on Public Administration and Appropriations on its Review of Green Paper No. 2 of 2010 entitled “The Establishment of an Environmental Regulatory Authority”.

The SPEAKER: Yes, Rev. Thwaites.

Rev. THWAITES: ...the Report of the Standing Orders Committee was not laid before...

The SPEAKER: It was laid last week. It was. In fact it is to be debated this afternoon.

Rev. THWAITES: I await your call.

NOTICES OF MOTIONS GIVEN ORALLY

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

BE IT RESOLVED that the Report of the Sessional Select Committee on Public Administration and Appropriations on its review of **Green Paper No. 2** of 2010 entitled “The Establishment of an Environmental Regulatory Authority”, which was laid on the Table of the House on the 1st day of June, 2011, be adopted.

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

The SPEAKER: Thank you, Dr. McNeill.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, you will recall that at our last sitting I indicated for an extension of time from the Members.

(DR. THE HON. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture and Fisheries, entered and took his seat.)

The SPEAKER: Very well. Thank you, House Leader.

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

Mr. PEART: Mr. Speaker...

The SPEAKER: Yes.

Mr. M. PEART: ...during the meeting of the Standing Orders Committee I raised to you my concern with regard to Private Member’s Motion No. 14 on the Order Paper. This motion of censure was on the Order Paper in the previous session, it fell off the Order Paper, came back on at the beginning of this

session and we have not heard anything about when we are going to deal with this matter.

It is customary, Mr. Speaker, that this would be given some priority attention. And I am wondering if we are waiting to hear the result of the Manatt Enquiry before we deal with this matter. Or we'll just not....

(MRS. MAXINE ANTOINETTE HENRY-WILSON, (PNP), St. Andrew, South Eastern, entered and took her seat.)

Mr. D. SMITH: ...result of the Councillors. (Laughter)

Mr. JACKSON: This is not a trivial matter.

The SPEAKER: Mr. Peart, I think, yes - Thank you very much, Mr. Peart.

House Leader, at the Standing Orders Committee last week I did indicate that the Chairman of the Commission had written asking if the matter - in fact it wasn't - it's a request he had made, that the matter couldn't be delayed until after the Report was submitted, which he said in his letter would have been May the 16th. My understanding is that there has been a delay until June the 6th. So in the circumstances, House Leader, can we have an indication when we can start this Censure Motion or...

Mr. WARMINGTON: Mr. Speaker, before the House Leader speaks, I observe you say that there was a letter from the Chairman of the Manatt Commission asking for the House to delay its business to suit his timetable.

Rev. THWAITES: Yes.

Mr. WARMINGTON: I don't see how any outside agency can tell this House to delay its business or to alter its agenda to suit its purpose.

Rev. THWAITES: Absolutely.

Mr. WARMINGTON: What-ever the Commission has to do, has nothing to do with this House. And my observation - I have never listened to this Commission, anyhow, what have you, because I saw that as a circus that went on downtown. And why should we have a circus director or what have you direct the House business.

Mr. Speaker, you are in charge of the House...

The SPEAKER: No, no...

Mr. WARMINGTON: Let me finish. You are in charge of the House and I cannot for the life of me, or the people of South West St. Catherine see how anybody who operates in the way it - a Commission that operates in the way it did, created a circus and asking us to postpone our business and you entertain such request? Mr. Speaker, Mr. Speaker...

The SPEAKER: With due respect, Mr. Warmington and to Members of the House, the chairman of the Commission wrote, and as is customary - when the letter came to me as I indicated I referred the matter to the Member who put in the motion and also the House Leader, and indeed...

Rev. THWAITES: ...the man censured... he would be told too.

The SPEAKER: Well to be fair I referred it to the persons and asked - referred it to them and a date was to be set. But the 16th as I indicated was the date which was indicated that the Report should be in. The position, we don't need to get back to there.

You see, Mr. Warmington, normally, normally when matters are dealt with by commission or the court of law, this Parliament tries to avoid debate on those issues. When matters are before a commission

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or a court of law, we try not to debate it in this Parliament. That is the protocol, Mr. Warmington.

Mr. WARMINGTON: I respect protocol, Mr. Speaker, but... I respect the protocol but this is the highest court of the land.

The SPEAKER: Yes.

Mr. WARMINGTON: The final decision is with this House. And, Mr. Speaker, you should never entertain such thing or to speak to the point. You ought to have advised the person who wrote to you that he is infringing on your responsibility including this House...

The SPEAKER: No, no, no!

Mr. WARMINGTON: ...and never should anybody write to you and tell you how to conduct this House. You should advise them from the outset, never to do it again.

The SPEAKER: No, no! To be fair, Members...

Mr. M. PEART: Mr. Speaker, let us not get off on a tangent.

The SPEAKER: Sure.

Mr. M. PEART: It is the tradition, it is customary that if something is *sub judice*...

Rev. THWAITES: No!

Mr. WARMINGTON: This is the highest court.

The SPEAKER: Or before a commission.

Mr. M. PEART: ...it is not to be dealt with.

Now, what should have happened, Mr. Speaker, in the first place when this motion was put it should never have gone on to the Order Paper for that specific reason, because of *sub judice*.

Mr. JACKSON: The Commission was meeting.

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

Minister of State in the Office of the Prime Minister, entered and took her seat.)

Mr. M. PEART: It should not have. And I am saying that that is why we find ourselves now in a dilemma.

The SPEAKER: And then you will have Members such as those from South West St. Catherine saying that you can't stop a Member from bringing a motion.

Mr. HOLNESS: That's right.

Mr. M. PEART: No, but they will learn eventually the procedures of the Parliament. We have to follow the procedures of Parliament. We are not making it on the fly.

(Cross talk)

The SPEAKER: Let's just get a date when we can start this motion.

Mr. HOLNESS: Mr. Speaker...

Mr. M. PEART: My recommendation, Mr. Speaker, is that the motion be withdrawn; after the submission of the Report of the Commission then it can be put back on the Order Paper.

The SPEAKER: It is only for the Member to decide.

Mr. M. PEART: No, Mr. Speaker.

You have the authority to make that ruling.

Mr. HOLNESS: No!

Mr. PEART: I am telling you.

Rev. THWAITES: He has it.

Mr. M. PEART: Hold on. I am not asking you, man. When it comes on ... we are not making up the rule as we go along, you know. There are specific rules of the Parliament. The Speaker has the authority to do that.

Mr. WARMINGTON: To withdraw it?

Mr. M. PEART: Yes.

Mr. HOLNESS: Mr. Speaker...

Mr. WARMINGTON: No.

Mr. PERALTO: ...the motion. It's the same precedence.

Mr. HOLNESS: Mr. Speaker...

The SPEAKER: The House Leader is on his feet. Let's hear him.

Mr. HOLNESS: Mr. Speaker, the mere fact that you have agreed to the motion being on the Order Paper would, to me, suggest that you would have looked at the possibility of the matter being *sub judice* and you would have indeed ruled that it wasn't. So it is on the Order Paper by virtue of your ruling.

I would want to agree with the Member, only partially, that the Commission having heard the matter, separate and apart from its ruling, wouldn't need to say to the Parliament - because the concern that whilst they are deliberating we could be debating, at that point does not exist. So then it's not necessary for the Commission to ask the Parliament to delay on the matter. If it were during the point that they were taking evidence, then I would agree, but not after they have closed the Commission and about to make...

The SPEAKER: No, House Leader.

Mr. HOLNESS: I just want to be clear that the delay was never contemplated on the request; in other words, the delay in setting a date was not to facilitate the Commission. So I want to have the Member resting assured. It is our own scheduling difficulties as it relates to coming out of Sectoral Debate and now trying to...

The SPEAKER: The Budget Debate.

Mr. HOLNESS: The Budget Debate, trying to establish the Sectoral Debate, plus trying to finish this matter which we are going to discuss today, the Special Prosecutor.

The new Leader of Opposition Business is correct that the principle followed is that once a censure motion is brought it is given priority. So I would say to the Member that as soon - I don't want to set a date on my feet here until I have completed the Special Prosecutor, which is the priority debate as we speak. So after we have completed...

The SPEAKER: No, no! House Leader, may I just say today is the 1st of June, could we by the 7th of June, that's next Tuesday, have a date for the debate. I am not saying that it must start next Tuesday.

(HON. JAMES RUDOLPH EDWARD

ROBERTSON, (JLP), St. Thomas, Western, entered and took his seat.)

Mr. CHARLES: Don't set a date.

The SPEAKER: Next Tuesday we must have a definite date for the debate.

Mr. WARMINGTON: Hear, hear!

Mr. M. PEART: Or?

The SPEAKER: The Speaker will have to rule.

Mr. HOLNESS: Mr. Speaker, if it is your direction to the House Leader that I should...

Mr. WARMINGTON: He directs for the record.

Mr. HOLNESS: ...that I should at the next sitting come with a date then I am willing to accept the direction that the next sitting I will come with a date. But as of now I could not, Mr. Speaker, give you a date.

The SPEAKER: No, I am not saying today but at the next sitting, Tuesday, we must have a date on a priority motion, otherwise the Speaker will have to make a ruling.

Mr. JACKSON: Mr. Speaker, I take note of your point and I think you raised the point

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acknowledging the priority that must be given to the motion before us. We do not go much further if next week we are only going to come to get a date. I think it would be better placed...

The SPEAKER: As a priority.

Mr. JACKSON: ...it would be better placed, given the time that has elapsed, weeks and months have passed...

Mr. M. PEART: Years.

(Laughter)

Mr. JACKSON: ...that this matter should have been dealt with.

The other point of importance, Mr. Speaker, is that the convention of the House is that when someone's integrity is brought into question to sit in this House, you do not let it sit on the Table for any undue period of time. Notwithstanding, Mr. Speaker, the right of any Member to move a motion, the House seeks to protect each Member by allowing the motion to be debated and be disposed of at the earliest possible time.

Against that background, Mr. Speaker, I humbly submit that you at this sitting require that the House Leader come next week with a date within a prescribed time for the debate to take place, otherwise you leave it continually open-ended as to when it will take place. Notwithstanding the injury that has been caused by the prolonged delay of this motion being dealt with.

Mr. MONTAGUE: Mr. Speaker, if I may. I am extremely happy that the Member from South St. Catherine is urging you to hasten this debate about the integrity of a Member. But what about the integrity of the composition of this House? I hope that in the

same vein he urges you to take a decision on the position of the Member from South Central St. Catherine....

Mr. STERN: It has been on the agenda for a long time.

Mr. M. PEART: How that matter come into this?

Mr. MONTAGUE: And that has been on the agenda for a little while. Because I personally raised it, that we had a stranger here. She stood up in a debate here, Mr. Speaker...

The SPEAKER: You are going into extraneous matters.

Mr. MONTAGUE: Now, can you allow me, Mr. Speaker? Mr. Speaker, can you allow me? Can you allow me, Mr. Speaker?

(Cross talk)

Mr. MONTAGUE: The Member rose in a debate and attempted to quote from a document. I objected that she was a stranger here.

The SPEAKER: No, but please, please, let's not...

Mr. MONTAGUE: Mr. Speaker, can you allow me? Can you allow me, sir?

The SPEAKER: Yes.

Mr. MONTAGUE: So the integrity of this House, I believe, is much more important than the integrity of an individual Member. And that, Mr. Speaker, should occupy the priority of your mind.

The SPEAKER: Very well.

(Applause by Government Members.)

The SPEAKER: I don't think we need to go into a debate on this issue, you know.

Mr. MULLINGS: Mr. Speaker, Mr. Speaker, I do guard jealously my seat.

The SPEAKER: Sir.

Mr. MULLINGS: Mr. Speaker, there's great merit in what has been said by the Member from St. Mary and the Member from St. Catherine. It does appear that we are unwittingly playing fast and loose with our position in this House. I say so because the Member from St. Catherine is right. Once an issue arises concerning the integrity of a Member it must be dealt with...

The SPEAKER: Expeditiously.

Mr. MULLINGS: ...expeditiously, expeditiously. It's not as if they come every other day because the integrity of this House is uppermost, and must be. That's why I agree with the Member from St. Mary. And one is also cognizant of the need to allow for and the request from the Commission, one understands that because I suspect out of an abundance of caution, we didn't want to generate a public debate over a matter which they are deliberating. But the House Leader is right. That matter is now past. I hope we don't see it then, Mr. Speaker, that one is taking great issue with your discretion. I say that because I suspect that that discretion was given, taking into account the need to avoid a contretemps an issue on a matter that is controversial. But that has passed. And I suspect that we can deal with both matters as a matter now of urgency because it hangs as a cloud over both their heads and indeed over this entire House.

Thank you, Mr. Speaker. (Applause)

(Inaudible comments)

The SPEAKER: The position is that next Tuesday, House Leader, we need to get a date and an appropriate date, as expeditiously as possible, for the matter to be dealt with. Very well.

Mr. HOLNESS: Mr. Speaker, on both issues, but on the issues relating to the motion brought on the Member from East Central St. Andrew. The Member who brought the motion will, from my scheduling here, will be off the island for... a week?

Mr. MAIR: A week.

Mr. HOLNESS: For a week, so I want to alert Members that that may cause some further delay.

The SPEAKER: Well... what may...

Mr. HOLNESS: ...Government business, Parliamentary business.

The SPEAKER: No, what may be useful even though, House Leader, we start the motion and if there has to be a break of a week we finish it up when he returns

Opposition MEMBERS: No, no!

(Cross talk)

Mr. HOLNESS: I'm just alerting Members that there is this concern as well...

The SPEAKER: House Leader, could you just touch base with the Leader of Opposition Business so we get the earliest possible date for this to be dealt with.

(Inaudible comments by Mr. Holness)

The SPEAKER: Very well.

(Inaudible comments by a Member)

Mr. WARMINGTON: Mr. Speaker, the last time I was here, a little bit before, I asked of the Leader of the House as it relates to Item 44...

The SPEAKER: You mean 44 on the Order Paper?

Mr. WARMINGTON: On the Order Paper, the Private Members' Motion as to the legitimacy of the Chairman of the Electoral Commission, and I said then based on the pronouncement I urged it should be dealt with

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urgency to have this item disposed of at the earliest possible date. At that time, I was told that it would have been stated for the other sitting, that would have been the Tuesday after as to what date we would have had. Unfortunately, I was not in the House then and nothing was announced at that time. And I think the House met yesterday, nothing was announced at that time. And I think the House met yesterday, nothing had been announced. And I'd like to know whether or not a date as such had been set because...

The SPEAKER: Mr. Warmington, since then, the Standing Orders Committee met with a view to disposing of as many or all of these motions in the earliest possible time. And the Standing Orders Committee's Report is down to be debated under Public Business. And once it is debated, Mr. Warmington, the view is that the Leader of the House and Leader of Opposition Business could get together to ensure that all of these motions on the Order Paper could be set and debated as expeditiously as possible.

What is happening, Mr. Warmington, is that with so many motions on the Order Paper, the view of the Standing Orders Committee is that in Private Members' Motions, if we can suspend the Standing Orders of the House to allow the proposers to speak for 20 minutes and other Members speak for ten minutes with a closure of five or ten minutes, then we could get through as many of these motions as possible. So that will be debated shortly, Mr. Warmington.

(Inaudible comments by Rev. Thwaites while rising to speak)

Mr. WARMINGTON: Why are you always... me?

(Inaudible)

Rev. THWAITES: I want to speak on your behalf.

Mr. Speaker, I find myself in complete agreement with the gentleman from the Southern parts of St. Catherine. And I've brought to your attention something. Number 44 ought not to be dealt with in the normal way that you are saying we are going to deal with Private Members' Motion. The resolve speaks to the integrity of the Chairman of the Electoral Commission. Only in a limited way is that any different from a censure motion regarding the integrity of any of our Members. The Electoral Commission is an institution of great importance and repute. And therefore I am urging you not to deal with it in the general way that you have proposed...

(Inaudible comments by the Speaker)

...but rather to heed the suggestion of the Member bringing it that it be advanced in priority.

Mr. HOLNESS: Mr. Speaker, I'm very happy to hear the Member from Central Kingston make that statement because the overwhelming concern on my mind was to place a motion that would come after several of his motions, before him. So if the Member is willing to accept, and has made the point, that this motion - and I tend to agree with him - it speaks to the integrity of an institution that is closely related to Parliament.

Mrs. HENRY-WILSON: And of paramount importance.

Mr. HOLNESS: Yes, yes. And I would be willing, Mr. Speaker, providing that the Member agrees, to have an early date. In fact, a date very close to the censure motion that we just discussed.

Mr. WARMINGTON: Mr. Speaker, you mentioned the issue of the Standing Orders Committee, and that draws something else here. I was on vacation and I flew back here today to deal with two issues and unfortunately I got to the house and I took my bag and left without those two documents I want to deal with. But it relates, as you mentioned, to the Standing Orders Committee.

There are two issues - I don't know if they are included in the Report coming here - that you ought to look at, Mr. Speaker, because if the Standing Orders set out rules for this House, we ought to adhere to those rules. If we as a body do not wish to adhere to the rules that are set for the House, we should remove them, amend them or something, but not having them on the books and then we ignore them each time.

A Report came here before - after your Committee reviewed the Standing Orders, and it had to deal with Rules of the House, Section 32(12) and (11), where it says: '*a Member should not read his or her speech or presentation*'. And then it continually happens. And the Report that came back here, it stated then that it would be at the discretion of the Speaker.

Mr. Speaker, either we are going to abide by the rules or we eliminate them, remove them entirely. But this should not be a discretionary issue. We cannot have something there that we do not abide by. If you allow it to continue on the Order Paper or continue to be a part of the Standing Orders, I am prepared to get up each time that a Member rises to speak, even if it is the Prime Minister or the Leader of the Opposition and reads his or her speech, to draw your attention to it. And the last time I drew your attention

to it, you said, well, it has not been observed before so it should continue, which I believe was a wrong ruling.

Therefore I recommend to you that Section 32, subsection (11) and (12) be removed - to be included.

(Inaudible comments by Mrs. Henry-Wilson)

Mr. WARMINGTON: Because if it's going to be here, we cannot be flaunting the section of the Standing Orders that are here, you know, the section, continuously.

Madam, from St. Andrew, allow me to speak. If you have a problem you speak after. There is another issue here, Mr. Speaker, I am not disturbed...

Mr. M. PEART: Before you go, where are we on the Standing Order?...

Mr. HOLNESS: Mr. Speaker, may I ask you, may I ask you, Mr. Speaker...

The SPEAKER: Yes.

Mr. HOLNESS: ...and Member from St. Catherine...

Mr. WARMINGTON: Motions relating to the sitting of the House.

Mr. HOLNESS: Yes, but...

(Inaudible comments by Mr. M. Peart)

Mr. HOLNESS: Yes, but we will be discussing at Public Business the Report of the Standing Orders Committee...

The SPEAKER: The Report. At that point, you will take...

Mr. HOLNESS: ...and at that point, Member.

The SPEAKER: Let us take it at that point.

Mr. HOLNESS: ...I believe you would get far more support in proceeding.

The SPEAKER: In the Report of the Standing Orders Committee. I think, Mr.

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Warmington, if you reserve that until we discuss that matter.

Mr. WARMINGTON: These are the three issues. The other one I want to about...

(Inaudible comments by Mrs. Henry-Wilson)

The SPEAKER: No, no, they both relate to the Standing Orders.

(Inaudible comments)

The SPEAKER: Very well.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Thank you, Mr. Speaker. At Public Business, the main item would be Number Two under Government Business, continuing at Committee Stage, the Special Prosecutor Bill. The Prime Minister will be here shortly to take that. In the meantime...

Mr. WARMINGTON: It should also be withdrawn.

Mr. HOLNESS: In the meantime, Mr. Speaker, the Electoral Commission Report to Parliament on changes to be made for the publication of a new list of electors between nomination day and election day and that was laid on the 5th of April. I'll be taking that matter, Mr. Speaker.

The Minister of State in the Office of the Prime Minister will be taking the Standing Orders Committee Report. And providing, Mr. Speaker, if we have time, if the Prime Minister does not arrive after these two matters, then the Minister of Labour and Social Security wants to participate in the debate that was started last week on motion 34, brought by the Member from Central Kingston. So we will proceed in the order of

the...Are you ready for the Standing Orders Committee Debate?

Mr. MONTAGUE: Yes.

Mr. HOLNESS: You're ready. We will start, Mr. Speaker, with the Standing Orders Committee Debate.

STANDING ORDERS

The SPEAKER: Members, the Standing Orders Committee Report was laid last week, so it is now to be debated and Minister Montague will propose the adoption.

Mr. MONTAGUE: Thank you very much, Mr. Speaker. Your Committee, Mr. Speaker, met and interestingly we were visited by a number of other Members of Parliament who were not Members of the Committee. And the Committee, by special resolution, accommodated the Members because we felt that they had a contribution to make to advancing the issues that were to be dealt with.

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

The specific reason, Mr. Speaker, was that to review the Sectoral Debate because it was felt that the purpose of the Sectoral Debate was not being served in the current format. And what we recommended, Mr. Speaker, was that the Sectoral Debate be broken up into three or four schematic areas and the debate could be directed and would be more structured.

We also recommended that the three or four sections of the debate, Mr. Speaker, once the recommendations are made they could be referred to a sessional committee of

Parliament and then after consideration, they would be referred to the various ministries for action. It was also felt that there was no need within the Sectoral Debate to accommodate every Member of the House. And it was proposed that we should introduce a 'State of your Constituency' debate. And that should come, Mr. Speaker, just before the annual Budget call for the ministries. So that at the end of that debate the recommendations made and the proposals made could be collated and captured and therefore, action could be had from the various ministries and it would be more meaningful.

It was also recommended that the Sectoral Debate be given priority on the Agenda of the House and that also we should aim to start the Sectoral Debate somewhere around 2:30 and to end the day's proceedings at about 4:30 to allow the House to continue other matters that are before the House. Because normally what you have in the current format is that once you have the Sectoral Debate the House adjourns after the speaker and nothing happens. And therefore we are trying to fit the sectoral debate as well as with other matters before the House.

We also propose, Mr. Speaker, that now that you are breaking up the debate into three or four sections, that the proposer in each section be allowed 45 minutes to propose with an extension of 15 minutes and that the Opposition spokesperson be allowed 30 minutes with an extension of 15 minutes. And any other speaker on that motion within that section be allowed 45 minutes only without any extension.

We're also encouraging Members, Mr. Speaker, to make use of Ministry Papers, so

that you don't have to come and read everything that you have. But you lay some in Ministry Papers and to encourage the Opposition spokespersons to distribute their documents while they speak. We also recommend, Mr. Speaker, that the proposer would be allowed fifteen minutes to close that section of the debate and before the close if other Members would wish to speak on that theme, they would be allowed twenty minutes to speak.

(HON. RUDYARD CONRAD SPENCER, (JLP), Clarendon, South Eastern, Minister of Health and Environment, entered and took his seat.)

The Committee, Mr. Speaker, is also encouraging you to enforce these regulations, so that we can stick to the time that we are proposing. We're also recommending, Mr. Speaker, that the speakers in this debate make use of their speaking notes and don't come here and read for two hours or a hour and a half what happens in their constituency, how many funerals they go to, and all those things.

(Inaudible comment by a Member)

Mr. MONTAGUE: We ask that they speak from notes, Mr. Speaker. And in implementing the recommendations, we're suggesting that a suspension of Standing Orders be done in order to accommodate these recommendations until a comprehensive review of the Standing Orders is done, Mr. Speaker.

I believe, Mr. Speaker, if we adopt these recommendations that your Committee considered and have made, and are proposing, it will go a far way in making the Sectoral Debate more interesting, shorter, and more

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meaningful. And I believe that will also drive interest from the wider public into the proceeds of the Sectoral Debate.

I, therefore, Mr. Speaker, encourage other Members who may have an input on these recommendations to have it now and to give support to these recommendations.

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker.

The SPEAKER: Thank you, Mr. Montague.

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker.

The SPEAKER: Reverend Thwaites, Reverend Thwaites, Reverend Thwaites then you.

(Mr. Thwaites accedes to Mr. Warmington).

Mr. WARMINGTON: You can't tell me to allow.

(Cross talk)

Opposition MEMBER: A weh do him, man?

Mr. WARMINGTON: Reverend Thwaites says he yields to me. He said he yields to me. That's what the Member says.

Mrs. HENRY-WILSON: All right, okay. Okay!

Mr. WARMINGTON: You can't tell the Member what to say. The Member says he yields to me.

The SPEAKER: Mr. Warmington, let's not have a quarrel, continue. And the recommendation is that you don't speak for more than fifteen minutes.

Mr. WARMINGTON: I don't need that long.

Mr. PICKERSGILL: When last yuh see a white man yield to a black man?

Mr. WARMINGTON: I tried to raise an issue on the motion relating to the sitting of the House, and the Member from, I think, South East St. Andrew and for South Manchester said I was speaking inappropriately then because there was a Report coming here. But the Report from Standing Orders Committee deals only with Sectoral Debate. It has nothing to do with the issue that I raised and wish to raise. So are we going to amend the Report to include the recommendations coming from me? And I'm saying here that section 32 subsection (11) of the Standing Orders—

The SPEAKER: Mr. Warmington just for information. The Standing Orders Committee and Members can correct me, if I am - Members of the Standing Orders Committee we discussed this matter before and the position is that we take the view that those sections should remain. But that on special occasions, such as budget debates and on other occasions where specific scientific, or complex technological matters have to be presented in the Parliament, there could be a suspension of the Standing Orders to allow reading of speeches. So what we're saying, Mr. Warmington, is that those sections have been considered by the Standing Orders Committee before - it is some of the recommendations that have come before, but we're saying that in budget debates, certain specific debates on Bills that involve complex scientific technological matters where the presentation has to do with a paper that is put together by a Ministry that there could be a suspension of the Standing Orders to allow the reading of the text into the **Hansard Report**. So what you're saying - what we're saying,

Mr. Warmington, the Standing Orders Committee is of the view that those - 32(11) and (12) should remain as is.

Mr. WARMINGTON: Mr. Speaker, taking into consideration what you have said, section 32 (11) has become obsolete. It has never been observed in this House. It has never been observed in this House. You're saying in specific circumstances you will allow this to be done. What are the specific circumstances? Mr. Speaker, we have never adhered to this from I've been here - I came here 1980, I left I came back twenty years after, and this section has never observed.

Mr. M. PEART: That's where the problem is.

Mr. WARMINGTON: Therefore, we need to remove it - you're a dinosaur. We need to remove it entirely because it doesn't serve any purpose, that's what I'm saying. But not keeping something here as a part of the rules of the House when it's never been observed. If you allow it to stay here and state that in specific circumstances you'll allow it to be used to suspend Standing Orders, you're going to have a problem. Because it means that I will have the privilege to rise when every person speaks in this House and starts reading a speech to draw your attention to this.

(Inaudible comment by Mr. Pickersgill)

Mr. WARMINGTON: I drew your attention before - let me finish, Mr. Speaker. I drew your attention before and you made a ruling, but I'm recommending, Mr. Speaker, that the next time the Standing Orders Committee meets you think about it to remove this section.

The other section, Mr. Speaker, that is of concern to me is that every time that a committee is brought - that a recommendation

is laid here in the House. Each time that a committee has recommended, or something laid from a committee we always say "*notwithstanding section 36 subsection (3) of the Standing Orders*". Every time! Every occasion on which a committee is named, we say "*section 68 subsection (3), notwithstanding*", we always say "*notwithstanding*". Why notwithstanding? Subsection (3) says,

"Subject to the provisions of the Standing Orders No. 71, a Sessional Select Committee shall consist of not less than six (6) members, including the Chairman, none of whom shall be a Minister or Parliamentary Secretary".

And almost - on every committee of this House, every committee includes Ministers or Ministers of State.

Mr. M. PEART: I agree with you.

Mr. WARMINGTON: Ministers of State and Parliamentary Secretary. I didn't ask your advice or your comment.

Mr. PICKERSGILL: Come, continue and stop the...

Mr. WARMINGTON: Never! They are always included. So if we're going to ignore this and speak about notwithstanding, notwithstanding, then what is going to stand?

The SPEAKER: No...

Mr. WARMINGTON: Therefore, Mr. Speaker...

Mr. PICKERSGILL: Notwithstanding...

Mr. WARMINGTON: ...if the House wants Ministers and Ministers of State to serve on committees remove this section entirely.

The SPEAKER: Okay -

Mr. WARMINGTON: But not come in here every meeting, or every time you lay this in the House, notwithstanding,

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notwithstanding, notwithstanding. When are you going to stand?

(*Sotto voce* comment by Mr. Pickersgill)

Mr. WARMINGTON: Take it entirely.

The SPEAKER: So your recommendation is that we review, the Standing Orders Committee...

Mr. WARMINGTON: The next time your committee meets, Mr. Speaker -

The SPEAKER: ...to review those two sections.

Mr. WARMINGTON: Not review, take it out.

(Inaudible comment by Mr. Pickersgill)

The SPEAKER: You're recommending the deletion of -

Mr. WARMINGTON: Mr. Speaker....

The SPEAKER: Very well.

Mr. WARMINGTON: ...the next time your committee meets, take it out. They're obsolete.

The SPEAKER: You're recommending their deletion.

Mr. WARMINGTON: Mr. Speaker, they have never been observed or abide by or adhered to. So why keep them here? We cannot have rules for the House, for ourselves in this Parliament and each time, every sitting of the House, we flaunt these rules. And I'm, therefore, recommending you take it out entirely the next time the recommendation is sent back to this House.

The SPEAKER: The Standing Orders Committee will...

Mr. WARMINGTON: Take it out!

The SPEAKER: ...consider them.

Mr. WARMINGTON: Take it out!

The SPEAKER: We'll consider your recommendation, Mr. Warmington. Thank you.

Mr. WARMINGTON: Mr. Speaker, you know that these sections are relevant. When they were written years ago, in 1964, you had a lot of backbenches. So they were relying on the backbenchers. This time what do you have? Almost everybody here is a minister. Almost everybody is a minister. So if you rely on the backbenchers here.

Mr. MAIR: No, no, no! I'm not everybody.

Mr. WARMINGTON: So if you rely on the backbenchers here like Mr. Gregory - Mr. Mair, it means that he would never go to his constituency. He would be sitting in this House every day to sit on a committee. So this is the reason why we are abusing this and flaunting the rules. Therefore, if the Government or the House believes that the -

Mr. CHARLES: Yuh sey that already.

Mr. WARMINGTON: I didn't know you were hearing.

Mr. WARMINGTON: I didn't know you were hearing. If you believe that is irrelevant, take it out entirely.

The SPEAKER: Okay thank you, Mr. Warmington.

(Laughter)

Mr. PICKERSGILL: Pearnel, Warmy - man, sey him never know you were here.

The SPEAKER: Reverend Thwaites.

Mr. WARMINGTON: Yuh lucky I didn't take the documents today.

Rev. THWAITES: Mr. Speaker, I stand to support the Report of the Standing Orders Committee and thank the two previous eloquent speakers for their contributions.

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

Mr. Speaker, I want to draw to your attention that there are previous reforms to the Standing Orders agreed to by this House. And it is a matter of great distress, two things: one, that those reforms are taking so long to be codified. And, secondly that the - I see where your eyes turn and I think we deserve an answer on that. And secondly, Mr. Speaker, the enabling resolution that the House agreed to that we would by the suspension of Standing Orders adopt the standards of those changes, even before they were embodied in holy writ, have not been enjoined by your good self. And I'm really asking that you should be converted to righteousness in this regard, Mr. Speaker, and that we adopt those measures and also those connected here. Now, as advanced by the opener to this resolution. Mr. Speaker, that's very important.

I'd like to draw to your attention and that of the House Leader the resolution of the Committee that the Sectoral Debate take place in the first quarter of the Financial Year. The Financial Year begins in April - April, May, June. Today is the first of June. Therefore, if we're going to be faithful to our own resolve then the Sectoral Debate should be scheduled during this month. I beg for that to be carefully noted and followed.

In respect of the Sectoral Debate, itself, I would like to reiterate that the contributions are to relate to policy. And it will provide in its reformed stage a very important contribution by Members of this House to issues of national policy, and this should be a privilege or a right that is exercised very, very, carefully.

Mr. Speaker, as you know, I think the times that have been given to speakers are too

generous. I don't know who follows anybody's speech after fifteen or twenty minutes either in the public, or in the media, or in this House even. And, therefore, we should by regulation school ourselves in making our points briefly and pungently. However, the Committee has stipulated the times as set out here.

Mr. Speaker, I happen to agree with the Member from St. Catherine that you should speak extemporaneously with reference to notes. But as you know, I took the position in the Committee that this was a council of idealism, which was likely not to be followed. Because most Members rely on scripted speeches and if you're going to have to be giving permission every single time, or if people are going to be halting in their presentations, because they find it difficult to do otherwise, it is best not to stick to an ideal that is unrealistic.

Mr. Speaker, I would remind you again, that there is nothing preventing us, in fact, there is everything constraining us to adopt the provisions for the reform in the Standing Orders, now, both in respect of the original list and in respect of those commended here. And I also commend to your kind attention the need to keep this Committee sitting regularly, sir. So that we can complete this exercise before our tenure expires. It would be a shame if this Parliament should expire before we have completed this very necessary exercise of reformation of our own procedures. Thanks very much.

The SPEAKER: Mr. Smith.

Mr. D. SMITH: Thank you, Mr. Speaker.

Mr. Speaker, first of all, let me commend the effort of the Committee Members for the

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work that they have done, in terms of bringing this Report to the House with some level of alacrity.

I note with interest, Mr. Speaker, that the Members who sat, lacked anyone who, at some stage or the other, the Leader of the House, because there is a challenge that is always confronted by the House Leader that I would like to highlight.

Well, first of all, it has to do with the period. We note that the period ought to be the first quarter of the financial year, which includes, of course, the month of June. Mr. Speaker, currently 45 of the 60 Members of this House are considered rural Members of Parliament, and during the month of June, it is usually a very difficult month for them to be in Parliament on a regular basis because of their commitment to the graduation of the scores of schools that they have in their constituencies. So, that is an issue that has to be taken into consideration.

What that does, Mr. Speaker, it creates havoc with the scheduling of the speakers and the speakers who are scheduled to meet their - the date that they have been scheduled to speak. So, I think, somewhere along the line that there ought to be some reference to a sanction. If an individual is scheduled to speak at a particular date, and he or she, for whatever reason, is not able to speak on that particular date, so as not to extend the period of the Sectoral Debate unnecessarily, I think that person should lose - if, without good reason, should lose that speaking opportunity, because I tell you, based on my experience, it is a headache for those who are scheduling the Sectoral Debate.

Those are my brief comments and I am commending the individuals who sat to bring this here, as I said earlier.

The SPEAKER: Thank you, Mr. Smith.

Mr. D. SMITH: Thank you, Mr. Speaker.

The SPEAKER: Mr. Pickersgill.

Mr. PICKERSGILL: Mr. Speaker, I am requesting some clarification here, sir; on Page 3, under 2.2.

"Your Committee accepts that all Members of Parliament are equal but believes that for the Sectoral Debate to be meaningful, and for it to provide an opportunity for the Government to present its policy positions, and the Opposition to question them and present alternative positions. It should be limited to the Ministers and their Opposition counterparts, and other Members specifically selected by the Government and the Opposition."

This speaks about policy position, but I believe a very important part of the Minister's address in the Sectoral Debate is to give an account of what they did previously and what they promised. I think that that is at the core of it, because the policy...

Mr. M. PEART: Achievements.

Mr. PICKERSGILL: Yes, achievements in keeping with promise. Policy... if the Minister were to speak on policy positions, they probably would spend five minutes.

(Sotto voce comments)

Mr. PICKERSGILL: Policy positions? Aren't they well known?

(Sotto voce comments by Members)

Mr. PICKERSGILL: After the... okay, fine. But, I would have thought, Mr. Speaker,

that to give an account of your stewardship as a Minister is of the utmost importance, so that the Opposition can really be brought up-to-date as to...

The SPEAKER: I think that's the intention, you know.

Mr. PICKERSGILL: That's it? Well that's not what this says.

The SPEAKER: No, but policy positions include a stewardship.

Mr. PICKERSGILL: No, sir. How you arrived at that from this?

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

Mr. PICKERSGILL: Policy positions include stewardship?

(*Sotto voce* comment by Members)

Mr. PICKERSGILL: No, that would be too elastic. My imagination can't stretch so far.

(*Sotto voce* comments/Laughter)

I tell you all the while, you know, your best option is to shut up. Bout you a fire policemen. You see who get fired? Bout you a fire policemen.

(*Sotto voce* comment by some Members)

Mr. PICKERSGILL: Well, tell him don't interfere with me when I am on my feet.

(Laughter/*Sotto voce* comments by Members)

Mr. PICKERSGILL: Bout you a fire policeman.

Mr. JACKSON: Mr. Speaker, I wish to give my support to the recommendations of the Committee, though I wish I had the opportunity of participating in as a Member of the House. And just to advise my colleague

from Northwest St. Catherine that the intention in this, stems from the recognition that, how it has happened over the years, it was the considered view of the Members that it was not reaping much result, in that the lengthy presentations never attract any great listenership, our constituents out there. And the attempt by the modification in the speaking time is to force the presenters to be far more concise, more to the point, highlighting the main features of their portfolio, and to support those presentations in Tabled documentation in the House. So, any member of the public, or Members of the House who wish to dig deeper in those presentations would have the opportunity to do so without detaining the rest of the House or the public at large.

In effect, Mr. Speaker, those provisions force us all to be more probing for information that we believe are pertinent to any particular issue, and I really think that it is a move in the right direction. The fact is that if it does not work we have the opportunity to make further modifications as we go along.

And I would just use the opportunity, Mr. Speaker, to urge that we deal with other matters regarding the operations of the House with the similar alacrity that we treated this matter. There are a number of issues that have come before the Regulations Committee, some contain some policy shift that the Prime Minister indicated some time ago, and the Regulation Committee ought to deal with those matters. So, I will implore you in your capacity as Chairman, to see that we expedite those things at the earliest possible time.

The SPEAKER: Thank you, Mr. Fitz Jackson. Mr. Peart.

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Mr. M. PEART: Thank you, Mr. Speaker.

Mr. Speaker, I think the timing of these amendments is most appropriate because I think we had gotten to the stage where the Sectoral Debate was becoming more ritualistic than anything else.

I think, what needs to be emphasized, Mr. Speaker, in recommending these changes, is the fact that we are dividing - we are segregating the portfolio responsibilities of the Ministers and the spokespersons from their constituency work at a different time, at a different - later down in the year, Members of Parliament will be given the opportunity to speak on their performance, or their concerns, or matters relating to their constituencies.

So, in tightening up the Sectoral Debate, you are focusing on the portfolio responsibility. And, as the Member from South St. Catherine mentioned, supporting documentation will facilitate a more concise presentation.

The time allocated for speaking, Mr. Speaker - in fact, I mentioned that in the Committee, that if we had stuck to the original Standing Orders with regard to time of speaking, we would not be far off the mark, but we had evolved to the point where we were giving extensions for time to complete, so we could go to sleep, some of us. So, in tightening up, it is going to be calling on the Speaker to be very firm in his ruling with regard to the extensions, and when the time has expired for the Member to wind up.

Mr. Speaker, I think the final agreements, with regard to the length of time for speaking is a good start, and, it is my opinion that we can still tighten up even further. But I think

this is a step in the right direction. And, most importantly, the timing of the Sectoral Debate....in fact, in the last year, we were having presentations in the last quarter. It is difficult for a Minister of Government to speak on his performance the year before and articulate what are the plans for this coming year when the year is coming to an end.

So, I think, in bringing forward and tightening up the slot in the first quarter of the year is a good move. I think this year we might - we might have to extend it into July, at least to complete. My recommendation for this year is that we complete it before the summer break. So, the summer break would be the cut off period of time.

Now, Mr. Speaker, with regard to the opportunity to speak, if a Member forfeits his slot without any good reason, then it might be difficult to re-schedule him before the end of the approved time. And, I think, it is going to be very important that Members respect the schedule.

Mr. PICKERSGILL: Well, who will decide... how?

Mr. M. PEART: Well, the Members would present his reasons for...

(Sotto voce comment by Members)

Mr. M. PEART: To the House and the Speaker would read it. I believe, Mr. Speaker, we are on to a good start. And I beseech this House to consider these amendments to the Standing Orders, and let us have a good try this year. Thank you.

The SPEAKER: Thank you, Mr. Peart. Mr. Clarke.

Mr. CLARKE: Thank you, Mr. Speaker.

I see where there is a slot provided for constituency matters.

The SPEAKER: It's a later debate which would take place somewhere after the summer recess.

Mr. CLARKE: It is in keeping with a timetable before the Budget?

A MEMBER: Yes, right.

Mr. CLARKE: Right. Mr. Speaker, my concern has to do with the kind of follow-up. Coming to Parliament and speaking about constituency matters - and I have seen on occasions where people have come here year after year, speaking about particular things in his or her constituency every year, and nothing happens after that. So, just coming to Parliament to speak about constituency matters is not enough.

What I would like to know, what is the kind of follow-up that goes to dealing with those matters raised by the particular Member? Is there a situation where the Minister would, for instance, respond at some particular point in time to the request from each Member of Parliament, and to say, from X constituency, you have asked for these, these are the things that we will deal with in the ensuing political year. Just talking alone, Mr. Speaker, really has nothing at all to do with development because we could talk for five minutes, we could talk for 25 minutes, but what happens after that, that is what is important.

The other thing, I have watched in the US Congress where a Member yields some of his time and all that to the gentleman from wherever. Is that a possibility? There are some of us who don't want to talk forever...

Mrs. HENRY-WILSON: Some do.

Mr. CLARKE: But I would say, all right...and some want to talk forever. So, just...

(Sotto voce comment by some Members)

Mr. CLARKE: ...I yield to the gentleman from Southwest St. Catherine, and he will keep on speaking.

(Sotto voce comments)

Mr. CLARKE: Thank you.

The SPEAKER: Thank you, Mr. Clarke. Mr. Mullings.

The SPEAKER: Mr. Mullings.

Mr. MULLINGS: Thank you, Mr. Speaker.

First, let me thank the Standing Orders Committee for their deliberations. And one understands the reason why there have been concerns about the Sectoral Debate. I must confess, however, that I cannot support the recommendations put forward. I believe that what you ought to have are more sittings of the Parliament to deal with these issues that confront our modern nation. I believe that the recommendations will make your job as Speaker and the job of the House Leader and the Leader of Opposition Business absolutely difficult.

But first let's deal with the issue of the Sectoral Debate. Are we to understand that a member, albeit not part of the Executive, would not have something to contribute of national import that could affect policy in a positive way to affect the people of the country. I believe that what we are doing is unwittingly straight jacketing the Parliament and, of course, stifling the kind of robust debate. Sometimes it's boring but that is part and parcel of the process of Parliamentary debates. Some of us have an economy of speech, others of us would take a longer time to get to the point. But I believe that what we unwittingly will be doing is making the process exceedingly difficult. Indeed, it may

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engender a lot of discomfort, if not anger from our Members. Because a Member in full flight, having exhausted his or her time, will be told that's the end of it and maybe they have not got the pith and substance of their contribution.

And I am fearful that when we ask Members mainly to speak on the state of their constituency and the state of constituency debate, or where we have a Minister who will speak for 45 minutes with the extension of 15 minutes and the Opposition spokesperson having 30 minutes, that I believe is imposing an unworkable solution to the issues we face. What we are doing really is not recognizing that Jamaica as a modern State, has outgrown one or two afternoons in deliberating on our democracy. And I think what we are seeking to do is to accommodate the two afternoons we may have to deal with these myriad of issues. And I unfortunately can't support it, although it is well intentioned. But we have to look very carefully at what we are doing.

We all know that we may set time limits for persons to speak and then when you cut the person off that's the end of it. It does not allow for the Member to fully ventilate their concerns or solutions that they put on the table. And what is going to happen, I fear, is that this is going to be honoured more in the breach than in the observance. It is unworkable. I believe that we ought to not impose these strictures in the way we have. I believe we have to tolerate those of us like myself who are long-winded. I believe we have to do that as part and parcel of the debate. Because I fear that what you may end up doing is losing the essence of the Parliament and to lose opportunity to benefit

from the suggestions of anyone of us. Because none of us is a repository of all wisdom. And so unfortunately, though well intentioned, Mr. Speaker, I cannot support the recommendations. Might it please you.

Mr. HOLNESS: Mr. Speaker, the genesis of this Report was the difficulty that Members of this House were having with the way in which the Sectoral Debate was being conducted. Some Members felt that it was a waste of time. Others felt that it was not truly a debate. Others felt that much more could have been garnered from the debate. But I think everyone agreed that the Sectoral Debate in its present format was not making the best value of the time allocated to it. We discussed the matter, the former Leader of Opposition Business and myself, the Member from Central Kingston, and some questions were brought here which were answered, and a resolution was brought by myself which ended up in the Standing Orders Committee.

Mr. Speaker, in listening to the debates and the concern it is clear that the Parliament is at a crossroads as to how it needs to organize its business. And there are some rules that we have which are, in my mind, and certainly has expressed here today, in many Members' minds, is that they are outdated, they are archaic and they don't assist us in carrying out our duties. The Member from St. James was not able to give his support to the Report because he feels, and I am interpreting his statement, that the Report would place strictures on the freedom of Members to speak.

Mr. Speaker, that is a challenge for any Parliament. That is a challenge for any Parliament. We do not have unlimited time but, increasingly, the business that we have to

accomplish is increasing. Like it or not, Mr. Speaker, we have to become far more efficient with the time that we have and a part of that efficiency is that we must regulate ourselves.

You know, Mr. Speaker, when I entered the Parliament I was told that the longest speech given here was somewhere in the region of about four hours. No, more than that, two days.

Mr. R. CLARKE: Sir Alexander Bustamante.

Mr. HOLNESS: Yes. We don't have that luxury.

Mr. R. CLARKE: He said the same thing 100 times.

Mr. HOLNESS: No, we don't have that luxury anymore to sit and hear a speech for two days. It is not possible.

From where I sit, Mr. Speaker, when we set the business of the House constantly matters drop off the agenda set for the current day to be dealt with at another day. We have a major problem in dealing with Private Members' Motions, which is the avenue I would like to recommend to the Member from St. James, that that is where Members who wish to have their matters heard outside, of course, their constituency issues, that is also a route. But if they wanted to make a point on policy or they feel strongly motivated about a certain issue that the Private Members' Motions would be the best avenue. But for us to facilitate Private Members' Motions, Mr. Speaker, we need to be able to have a more structured operation of the Parliament.

And I think the direction now, Mr. Speaker, is that we will have to dedicate special times in the operations of the Parliament to facilitate the operations of

Parliament. For example, we don't complain about stifling the opportunity to make contributions by Members in the Budget Debate. The Budget Debate has set participants and I believe we will have to do the same thing for the Sectoral Debate, set participants with set time, definite period over which that will be accomplished.

The Report, Mr. Speaker, suggests that we start our presentations for the Sectoral Debate in the first quarter. I don't believe that we would be able to be faithful to that suggestion, that recommendation this year. I want to start as early as possible. In fact, if we can start in June, we will. But for the years to come, Mr. Speaker, I believe that immediately after the Budget Debate we would go right into the Sectoral Debate. So we would be able to keep faith with that recommendation in years after, but we may not be able to meet it for this year.

Mr. Speaker, the Report suggests that we break up the debate into themes, three or four themes. I have no difficulty with that recommendation, Mr. Speaker. I agree with that. The difficulty I am having, Mr. Speaker, is that we are proposing to give 45 minutes plus a 15-minute extension to the proposer of the motion that would cover - the resolution that would cover the theme of the debate and then we would give 30 minutes with a 15-minute extension to Ministers speaking afterwards.

I would suggest, Mr. Speaker, that we make it simple. We give Ministers one hour to make their presentation. I am making the recommendation again, Mr. Speaker. We give Ministers one hour and we give Opposition spokespersons 45 minutes. I believe that that would be far more acceptable. It would make

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your job much easier. It is a point at which, Mr. Speaker, I don't believe that any Minister could complain about the reduction of time if we were to settle at one hour for Ministers and 45 minutes for Opposition spokespersons. That would mean that if we started the Sectoral Debate at 2:30 or immediately after concluding other matters on the agenda, we should be able to take two hours or two and a half hours, if other Members are allowed to speak, and complete the Sectoral Debate and then be able in the same sitting to move on to other business. It would take 12 sittings, Mr. Speaker, to complete all the ministries. Twelve sittings out of the Parliamentary year. That's significant. So we couldn't dedicate 12 sittings out of the Parliamentary year to simply the Sectoral Debate, having dedicated three sittings to deal with the Budget Debate - well, four sittings to deal with the Budget Debate. It certainly would not make sense. So whenever we have Sectoral Debates we must be able to conduct other business and therefore the Sectoral Debate must be limited in the sitting itself. And I am suggesting that two and a half hours should be reasonable time for the entire debate. One hour for Ministers, 45 minutes for spokespersons and if other persons....

Mr. CLARKE: Could you yield. When you speak of Sectoral Debate....

The SPEAKER: You are asking for qualification?

Mr. CLARKE: Yes, sir. I am just trying to find out.... When you speak about Sectoral Debate and you say the Minister, that Minister would speak for what?

Mr. HOLNESS: All right. The intention, and the Member from St. Catherine raised the point about whether it is policy or a report of

stewardship. The answer is both. That Minister would have to first of all give a report on the previous year, what he accomplished. He would have to give a report of his plans for the coming year and, of course, if there are any major policy developments, policy changes, this would be the time that he would bring that to the House.

Mr. CLARKE: What I'm asking, regularly when you speak in the Sectoral Debate more than one Minister would speak about a sector. You have the economic sector and it would be started by a particular minister and other ministers would contribute. What I'm...

Mr. HOLNESS: Remember now, we're going to break up the Sectoral Debate into themes, so one theme may be the economy. So you'd have a mover and that mover would get an entitlement, a privilege of being the mover and an additional amount of time that is to be decided. But I am just saying that Ministers ought to get one hour and the Opposition spokespersons 45 minutes. The proposer could get an additional five or 10 minutes, if that is the desire of the Committee or the House.

You wanted me to yield?

The SPEAKER: Mrs. Maxine Henry-Wilson.

Mr. HOLNESS: No, I'm not finished.

The SPEAKER: Sorry, sorry.

Mr. HOLNESS: Now so just to be clear, Mr. Speaker, I believe that 2½ hours would be sufficient to complete the Sectoral Debate for one sitting. So the Minister and the Opposition spokesperson would have one hour and 45 minutes between them, which would leave 45 minutes for other Members who would want to participate to speak. What we've said is

that the 45 minutes would be used strategically, and that the Leader of Opposition Business, Leader of Government business and the various whips should coordinate in the use of that time, in terms of identifying the Members who will speak in the remaining 45 minutes.

So the hope, Mr. Speaker, is that you will have a genuine debate. You would have a Minister leading off with his policies and a report on his portfolio, followed by, hopefully, the counterpart on the Opposition, who would be able to respond, make criticisms and then have selected Members, based upon strategic placement, utilise that 45 minutes. At the end of the day, the listening public, in one day, could get a comprehensive view on a ministry. And I think that would make the Sectoral Debate far more meaningful than it is now in its disjointed form.

Mr. Speaker, as it relates to Members reading their presentations, I don't believe that we will be able to escape Members reading their presentations. We would like to encourage Members to speak extemporaneously, but especially Members who have to deal with very involved subject areas where making errors could be very costly, I would recommend, Mr. Speaker, that we either remove that Standing Order, or we change the Standing Orders to allow for Members reading from their text during the Sectoral Debate and the budget debate. But for other debates that may arise in the House, then the rule is no reading. That's my suggestion.

So within these formal debates where you have to present policy, you have involved policy areas, technical areas, I don't see Ministers being able to present without

reading and I think that the rules should be changed to accommodate that, but outside of that, the rule regarding Members not reading, should remain.

So, Mr. Speaker, those are my comments and I hope that the suggestion regarding the time will be taken on board.

The SPEAKER: Thank you, House Leader.

Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Thank you, Mr. Speaker, and I too would like to commend the Standing Orders Committee for treating this matter with such despatch, and also to the House for taking the matter on board as quickly as we have.

I think the urgency with which we have addressed the problem is an indication of the level of discomfort that people may feel with the debate as it now exists. But I, however, I'm very - I would caution against us jumping into a new arrangement without us thinking it through very carefully, because we're actually making it up as we go along; if you hear the contributions here.

My other caution is the paramountcy of the executive in the Parliament. We already acknowledge that the country's executive has a primacy of place in the debates in the Parliament, that's why the Sectoral Debate is structured as it is. But be very careful about sidelining those who are not members of the Executive. They too have a voice in what takes place in Parliament. And we can make an artificial separation between a constituency and a policy. We are here by virtue of our constituencies and our constituencies would like to know that when we speak, we are representing their interest. Therefore, I caution against us saying, here is a discussion on a

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policy, and over there is a discussion on what happens in your constituency. I think we have to find a way where we acknowledge that one can be influenced by the other.

The other point that I want to make is, I think in looking on the whole reform of the Sectoral Debate, how much time is allocated, what are the themes *et cetera*. We also need to look at what are the roles of the committees. Perhaps some of these things that we are trying to make fit, do not fit. They may fit more at the level of a less stringent debate around issues, because policy cannot be separated in the siloed way that we want to do it.

So I have no fundamental objections, but I only say even as we experiment with it during this year, we be very aware that it is not only the Executive or the spokespersons who must have a voice in what goes on in Parliament. We are all here, representatives of constituencies of interest and geographic constituencies. And therefore how we structure the debate, that our voices are taken into account, not just in terms of policy that has gone before, but in terms of policy to come, that the two things and that in doing the reform, we look at how do we integrate the various committees, the Sessional Committees *et cetera*, to make it a whole. We can't model the United States Parliament, because their Executive is separate from their legislature. Here we are fused, and therefore the discussion that we have, has to recognise that.

That is my contribution, Mr. Speaker.

The SPEAKER: Thank you very much, Mrs. Maxine Henry-Wilson.

Mr. Montague.

Mr. MONTAGUE: Thank you very much, Mr. Speaker, and I would like to thank

all the Members who contributed to this debate.

And in quick summary, Mr. Speaker, we had a recommendation for the deletion of two subsections of the Standing Order, and also for a complete and comprehensive review. And I'm sure that you will so mandate your committee in its further deliberations to look at...

There was the matter of membership of the committee was raised and that it lacked persons who served as House Leaders. But if my memory serves me right, Mr. Speaker, you were generous enough to invite all Members of the House to the deliberations of the Committee and I indeed mentioned, that latitude was exercised, so that all persons who attended the meeting, their contributions were so noted.

Mr. Speaker, interestingly we heard about sanctions to speakers in the scheduling, and that would help to tighten up the debate. I think, Mr. Speaker, that it's an excellent suggestion and we could also note that as well.

The whole matter of debating policy positions, I believe what the sentiment of the Committee, Mr. Speaker, was that not only should we discuss policy positions, but what has been done within the ministries to achieve the objectives of the policy.

The matter of the constituency debate was raised, Mr. Speaker, and we welcomed the comments. The whole question of the enforcement of the agreed rules and interestingly, Mr. Speaker, the Member from Central Westmoreland, raised the issue of yielding time. Because what he was going at, Mr. Speaker, is not just yielding his position in the speaking order, but yielding a portion of the allotted time that a speaker would have.

And I believe that's a very interesting position and is worthy of further consideration by your Committee.

The matter of - the Member from St. James, North West, spoke to more sittings of the House, but your Committee, in its Report recommended longer sittings of the House. And I believe both positions would achieve the objective that is needed.

The whole matter of straight jacketing the Parliament, Mr. Speaker, was raised, and I beg to disagree. Because what we allowed was that other Members who were not Ministers, or Opposition spokespersons would be allowed 20 minutes to speak, and there are other sections on the agenda where they could make their contributions. And if it is a matter of urgent national import, there is the whole matter of the motion on the adjournment of the House, where they could make their contributions.

The matter, Mr. Speaker, of long winded speakers making a point - and I may quote the Member from St. James: "The pith and substance may not have been reached when time is up". Mr. Speaker, a teacher once told me that an effective speaker is an efficient speaker. And if you know what you are coming to speak about and you therefore say it, but if you had to spend an hour to make a point, you actually don't know what you're saying.

The essence of Parliament, Mr. Speaker, he mentioned, that we are losing the essence of Parliament by straight jacketing. But what about the interest of the nation? And that, I believe, was the concerns of your committee, that the Sectoral Debate in its current format, is losing the wider interest of the public.

One Member, the Member from St. Andrew, spoke to more time within the - for the speakers, Mr. Speaker. That, we spent many minutes during the Committee deliberating on that, and the Committee took a position and I believe we - while not everybody was comfortable - because I was one of those that was pushing that the proposer should only get 30 minutes and others were pushing for more - but I think we came to a healthy compromise, Mr. Speaker.

The matter of not reading while speaking is again another position that I would ask that you refer for further deliberations. The whole question of locking out the constituency out of the policy debate, is a matter that was raised by the Member from South East St. Andrew, and it is something that we ought to take on board.

And that is why one of the suggestions of the Committee, Mr. Speaker, was for the constituency debate to come just before the budget call, and the recommendations from the Sectoral Debate should be referred to a Sessional Committee of Parliament, and then those recommendations be forwarded to the Ministries.

The Member from Central Westmoreland on that point, also suggested that a mechanism that would follow up these recommendations, Mr. Speaker, ought to be taken on board.

Mr. Speaker, I thank the Members for their contributions. I believe it shows the interest, based on the contributions that we had. And I'm going to encourage, Mr. Speaker, that you reconvene the Standing Orders Committee quickly, so that the other matters that were raised can be looked at, and that the further comprehensive review can be done.

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In closing, Mr. Speaker, I therefore then commend and ask the Members of this Honourable House, to accept the Report of the Standing Orders Committee.

The SPEAKER: Members, the Standing Orders Committee Report is before you. There are two variations, one from the Member from St. James who is opposed to the time period, and the House Leader who feels that Ministers should get an additional 15 minutes from 45 to 60 minutes. It is - what is before you is the adoption of the Report. If the Report is adopted in its present form, it means that the proposing Minister would speak for 45 minutes with an additional 15 minutes. All other Ministers and Opposition spokesperson would get 30 minutes plus an additional 15 minutes, and other persons would get 20 minutes. So it is now before you. Is it the wish of the House that the Report in its present form be adopted?

Put to the House and agreed to.

The SPEAKER: Very well, the Report is adopted.

House Leader.

SPECIAL PROSECUTOR ACT

Mr. HOLNESS: Mr. Speaker, we will now continue the debate on the Special Prosecutor Bill – Committee.

The SPEAKER: Now, Members, as you will recall, the matter is before the Committee of the whole House. So, we will now – the House will now resolve itself into a Committee of the whole House to consider the Corruption Prevention (Special Prosecutor) Act, we will continue on that Bill.

COMMITTEE STAGE

The CHAIRMAN: Members, you will recall that the Committee stopped at Clause 25, yesterday, so we are now at Clause 26. So before us at this time is Clause 26, which will be the new 24.

The PRIME MINISTER: Mr. Chairman, there is no amendment being proposed to what is now 26.

Rev. THWAITES: Chairman...

The CHAIRMAN: Yes.

The PRIME MINISTER: There was an issue that was raised that we need to get some guidance on, and that was the question of a department of government to be known as the Office of Special Prosecutor for Corruption. I think Mr. Thwaites yesterday had raised an issue that it was in conflict with another section that referred to it as a Commission of Parliament. I wonder if we could find – I know he was speaking directly with the legal drafts people, I don't if that issue was itself resolved.

Dr. GUY: It's in the Memorandum of Objects and Reasons.

The CHAIRMAN: Dr. Guy, have you seen the new one? It's not included in the new revised one.

Rev. THWAITES: What is not included?

The PRIME MINISTER: Mr. Chairman, as my memory is being refreshed, the original proposal was for it to be a Commission of Parliament. There was extensive and very intensive discussion at the Committee, that felt that it ought not to be a Commission of Parliament, it ought to be a - in order to ensure that the appointment of the Special Prosecutor

fell within the ambit of the Services Commission and was not one that would be made by the Governor-General on advice. And therefore, what appears in 26 is correct. I understand that a new sheet rectifying the discrepancy that appeared in the Memorandum of Objects and Reasons, was circulated.

The CHAIRMAN: Yes. We will circulate it. So it's no longer a Commission of Parliament.

The PRIME MINISTER: So we are correcting the Memorandum of Objects and Reasons.

The CHAIRMAN: That is correct, Prime Minister.

So, can I put...

Mr. WARMINGTON: Mr. Chairman...

The CHAIRMAN: Yes.

Mr. WARMINGTON: I am ignorant to this that is here now.

The CHAIRMAN: No, we are on clause 26.

Mr. WARMINGTON: Just hear me out, nuh, please. The Bill came here, big stuff, and we have been through it, debate was started, it was suspended. I am back here and I am seeing this amendment. I am seeing this – what is it now – three-page amendment. So is this the final stuff before it goes to approval, what-have-you?

The CHAIRMAN: If what?

Mr. WARMINGTON: This amendment here – because what I know, when I was here before this was laid, okay, the Corruption Prevention Act, and then I am seeing...

(Mrs. Robinson whispers to Mr. Warmington)

Because I need to – it reach Committee at this stage, yeah, it reach Committee at this stage.

So these are the amendments after we have gone through it to come with this?

A MEMBER: Yes.

Mr. WARMINGTON: I am seeing this for the first time today, I haven't gone through it as yet. So I am hoping, you know, whether or not we can have a suspension of completion of this for me to look through this amendment. Because there are others I have, because I have very serious concerns with this itself, as it is. And there are many other Members in this House who have serious problem with this Corruption Prevention (Special Prosecutor) Act, even though my colleagues don't wish to speak or they are scared to speak - express their opinion.

Because this entire document that is here, you know, what it does is give the impression that all of us are criminals, or we have something to hide, or we are wrongdoers. And my position is, you know, this should not be here. A lot of what is in this document should never have come here, because it's an indictment on a lot of us inside here.

And there were discussions on this document, and I thought somehow that those discussions would have been – you know, were taken into consideration. I didn't know that we are still pushing this document. Because as Members of Parliament, we have serious concerns, and a lot of what we have in here are serious indictment on us, as elected representatives, whereby anybody can come pull you off your bed, your wife on the bed, to search your bed to search, you know, everything in your house. And these ought to be removed.

I have no problem with a Special Prosecutor Corruption Act. But how can we

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as Parliamentarians countenance something like this? A lot of what is here should not have been here. And we should never give the impression to Jamaica and to the world that we are criminals, because this is what this is saying here.

The CHAIRMAN: But, Mr. Warmington...

Mr. WARMINGTON: It is saying that we are dishonest, we are criminals, and people can stir up everything that we have without any justification. And I thought this document – the last time there was some discussion I thought that this document was being withdrawn to be reviewed. So how can we bring this here? A lot of...

The CHAIRMAN: Mr. Warmington...

Mr. WARMINGTON: ...my fellow parliamentarians do not agree with it, but they are afraid to speak.

The CHAIRMAN: No, but let us...

The PRIME MINISTER: Mr. Chairman...

Mr. WARMINGTON: They are afraid to speak to deal with this. This shouldn't have been here.

The PRIME MINISTER: Mr. Chairman, might I suggest, might I suggest this is not a debate, the debate has ended. We are in Committee Stage to consider the Bill clause by clause, and therefore, our comments must be directed to a particular clause and the provisions of that particular clause. At the end of that exercise, each Member will have an opportunity to vote aye or nay.

(*Sotto voce* comments from Mr. Warmington)

The CHAIRMAN: Yes. Now, Mr. Warmington, did you hear what the Prime Minister said? The Prime Minister said we are at the stage where...

Mr. WARMINGTON: Mr. Speaker...

The CHAIRMAN: No, no! Mr. Warmington, all we are trying to do now...

Mr. WARMINGTON: You asked a question, I need to respond. Did you ask me a question, Mr. Speaker?

The CHAIRMAN: We need to go through clause by clause.

Mr. WARMINGTON: You asked me a question, Mr. Speaker, and you deserve to have a response.

The CHAIRMAN: Yes.

Mr. WARMINGTON: You said whether or not I heard what the Prime Minister said, I said, yes, I heard what the Prime Minister said, but do I concur, no.

The CHAIRMAN: That what?

Mr. WARMINGTON: I do not agree with what he said.

The CHAIRMAN: No, no, no! But it's...

Mr. WARMINGTON: I do not concur with what he said. I was not here when this was debated. I was not here when the debate was concluded.

Mr. M. PEART: Whose fault is that?

The CHAIRMAN: Mr. Warmington, with due respect, we are at a position, we are going through clause by clause at this time.

Mr. WARMINGTON: I was not here when it was. You asked me a question and I responded to it.

The CHAIRMAN: No, but we are going through clause by clause now. So we are at Clause 26, do you have any objection to Clause 26?

Mr. WARMINGTON: Yes, I do!

The CHAIRMAN: What is the objection, let's hear.

Mr. WARMINGTON: I object!

Mr. HOLNESS: Mr. Chairman, the way to resolve these things if the objection is being made persistently...

The CHAIRMAN: We note the objection.

Mr. HOLNESS: Yes.

The CHAIRMAN: But are we – can we go through with Clause 26? Yes, Mr. Hylton.

Mr. HYLTON: A minor point, but I think important. In 27(1)...

The CHAIRMAN: No, we are at 26.

Mr. HYLTON: Oh, 26. Okay, okay.

The CHAIRMAN: So, can I put Clause 26?

Put to the Committee and agreed to with one (1) objection.

The CHAIRMAN: One objection. The ayes have it.

Clause 27. Yes, Mr. Hylton.

Mr. HYLTON: I...

The PRIME MINISTER: We are proposing a minor amendment in Clause 27, I think it's more grammatical than anything else. Delete from paragraph...

The CHAIRMAN: Editing. It's really editing, Prime Minister.

The PRIME MINISTER: Pardon me?

The CHAIRMAN: It's editing.

The PRIME MINISTER: Yeah, yeah, yeah!

The CHAIRMAN: Clause 27, any other concerns? Yes, Reverend Thwaites.

Rev. THWAITES: Well, my concern is that 27 speaks about prosecution of corrupt conduct, when 29 – I am sorry – 30(a) recognizes, as we all do, that the onus for prosecution lies not with this body at all, but with the Director of Public Prosecutions.

And I sense in the drafting of all of these subsequent features that there is a creeping

effort to raise a prosecutorial responsibility which is separate from that of the DPP.

And I am encouraging a deletion of the references to prosecution, because our law is settled that all that this body can do is to detect, prevent and investigate, and refer, with a view to prosecution, to the DPP.

The PRIME MINISTER: Mr. Chairman, the provision there is very deliberate, that was deliberate. Part of the reasons why we sought to establish this Office is because we felt that matters to do with corruption required a special, direct focus that the DPP himself or herself, given all of the responsibilities that they have, or he or she has, would not be able to give.

Now, the Constitution makes it very clear that the DPP has ultimate power to determine the course of a prosecution. But the Constitution also presumes or allows for prosecutions to be conducted by other persons. I can't cite the exact section, but I know the Constitution says – makes provision that where prosecutions are instituted by other persons, the DPP has the power to take charge, to take it over, to discontinue it.

So that the Constitution did not, in my view, expect or is not insisting that only the Director of Public Prosecutions can prosecute. What it says is that the Director of Public Prosecutions can intervene, can take over, can discontinue.

Rev. THWAITES: Chairman, I – my knowledge of the law, in this respect, is that the only two instances where the Director of Public Prosecutions does not prosecute – or someone directly with her authority – is where she gives a fiat to someone in particular circumstances, which I do not understand to be envisaged here; or where in limited

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circumstances there can be a private prosecution, which do not apply here.

And it is a point of principle to our jurisprudence that we retain the exclusivity and the integrity of the Office of Director of Public Prosecutions. It has become a matter of controversy in recent times, and it is that which I seek to have absolutely clear. And I do not think we lose anything by sharpening this legislation for the purposes of detection, prevention, investigation, and reserve specifically, the issue of prosecution, that word which has particular meaning to the Office which it's so empowered to do.

The CHAIRMAN: No, section 94(3)...

The PRIME MINISTER: Mr. Chairman, before you intervene, sir, if you would allow me. May I just quote from section 94(3)(b) of the Constitution.

The CHAIRMAN: (b) and (c).

The PRIME MINISTER:

The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do –

(b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority;

That's what it says. So that envisages that it is not the DPP alone that can institute criminal proceedings, but what it says is that the DPP can take it over...

The CHAIRMAN: Or discontinue, in (c).

The PRIME MINISTER: ...or discontinue. Because it goes on in (c) to say:

(b) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or

undertaken by himself or any other person or authority.

The CHAIRMAN: Quite.

The PRIME MINISTER: Now, that to me is very, very clear.

Now, if we were seeking to restrict this to investigate, then I mean, we would be disemboweling the entire legislation. We would have to change the name and the provisions in there. I mean, we would have to change this business of Special Prosecutor. You couldn't have a Special Prosecutor if the Special Prosecutor can't prosecute.

Rev. THWAITES: Well, you know, Mr. Chairman, that is precisely one of the reasons why some of us have asked for a more deliberate consideration of this legislation. Because even though that provision of the Constitution stands, the truth is that there can be no prosecution by anybody, whatever you name them, yes, without the explicit consent of the – or the implicit acquiescence of the Director of Public Prosecutions.

The PRIME MINISTER: That is not so! It's not so! I am not a lawyer, but I ...that that is not so!

Rev. THWAITES: Chairman, I would yield to you. You know of a circumstance where the DPP does not wish a prosecution to go through no matter what the investigation and the detection, and they can proceed in a Court? You know that, sir?

The CHAIRMAN: Yes, yes, Mr. Hylton.

Mr. HYLTON: Thank you, Chairman. Chairman, I think, first of all, the point raised is a substantial point. And I hear the Prime Minister...

(*Sotto voce* comment from Rev. Thwaites)

Mr. HYLTON: Please, please! Ronnie,

please! I hear the Prime Minister's response on the point. I will have to agree with my colleague on this point that we have a practical problem here. If we just cite what has happened and what is happening in the INDECOM situation, I am not, myself satisfied that what has occurred in that instance has been resolved on any basis that will ensure that that will not reoccur. Which makes the point that my colleague made, which is, in a practical way, if the DPP does not consent or somehow acquiesce in, then you have a problem. You have a problem with the prosecution going forward in a very practical way.

And the point about *fiat* and in any other situation is that the question is to be asked and to be considered by the Court and decided, whether institutionally, eh, whether institutionally, the powers of the Director of Public Prosecutions can be then delegated without some sort of other intervening arrangement that puts it on any settled basis. That's the real practical challenge that we face in this situation. And we've seen...some have described it as a personality clash in this instance, but these are human institutions. These are led by persons with all their frailties, and unless we have a systematic or systemic basis on which we put it, then we're going to have these situations arising.

The CHAIRMAN: Yes, eh...

The PRIME MINISTER: Mr. Chairman, I mean, I find myself in this position where I... I didn't study law. But I think I have a little common sense and I can read and I can understand. Can we focus for a moment on section 94 and just understand the import of it?

The CHAIRMAN: Yes, sir.

The PRIME MINISTER: Look at 94(5).

It says here:

"The powers conferred upon the Director of Public Prosecutions by paragraph (b), and (c) of subsection (3) shall be vested in him to the exclusion of any other person or authority".

Now, what does (b) and (c) say? (b) and (c) say:

"the power to take over a prosecution that is instituted by somebody else, the power to discontinue a prosecution that is started by somebody else".

Those two powers are vested in the DPP alone and nobody else. It did not include (a), and the one in (a) says:

"the power to institute and undertake criminal proceedings against any person before any Court".

So the Constitution says only the DPP can take over what somebody else has done, has instituted. Only the DPP can discontinue a prosecution that somebody else has started. But it doesn't say that only the DPP can institute criminal proceedings. Now, if the Constitution is not clear...

The CHAIRMAN: Prime Minister, there is no doubt it's very clear. In fact, with due respect, Reverend Thwaites and Mr. Hylton, anybody can go to the Court and initiate a criminal proceeding, anybody. Take it from me. And they do, they do. On a daily basis they go to the Resident Magistrate's Court and they start proceedings...

Rev. THWAITES: And what happens if it's not called?

The CHAIRMAN: And that is the point.

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Rev. THWAITES: But the point...the whole point...What is the point?

The CHAIRMAN: You are right, Reverend Thwaites that (b) and (c) allow the DPP to discontinue or take over.

Rev. THWAITES: So what is the point of setting up an authority with the kind of pervasive power and independence that this is intended to have if in fact it is subject...?

Mr. WARMINGTON: Hear, hear!

Rev. THWAITES: ...it is subject...

The CHAIRMAN: It's always subject.

Rev. THWAITES: But then if it is subject, then the proper thing to do is to directly refer the investigations of this to the authority which has the supreme power in this regard.

Mr. WARMINGTON: Hear, hear!

Rev. THWAITES: And that is a carefully crafted and deeply entrenched provision of our Constitution.

Mr. WARMINGTON: Hear, hear!

Rev. THWAITES: And at least, I pray you, Chairman, at the very least, since this matter is arguable, it ought not to be passed without the most careful scrutiny and review more so than any of us can give at this stage.

Mr. WARMINGTON: Hear, hear!

Rev. THWAITES: And sir, I ask you let us not pit commonsense against legal training. We don't need to do that.

Mr. WARMINGTON: Hear, hear!

Rev. THWAITES: This Parliament is quite capable, more capable than any other institution, more responsible than any other institution to clarify beyond any reasonable doubt an issue this. And my friend from St. Andrew West made quite clear and brought to your attention that this is not an arcane matter.

It is a matter which is right before us now in respect of INDECOM, in respect of the Contractor General. The Contractor General would not be putting forward, learned as he is, a proposal that he be given independent prosecutorial rights if he had some independent right to do this other than through the Director of Public Prosecutions. If we fail to recognize this kind of issue, we are really railroading something. Don't need to do it that way.

The PRIME MINISTER: Might I say that there is a proposal put forward by the Contractor General, which has been raised here.

A MEMBER: What?

The PRIME MINISTER: The Member for East Central St. Andrew and I believe the Member for Central Manchester, it is a proposal which I myself do not dismiss. And the proposal was, let's not bother with the Special Prosecutor, let's bring all of the anti-corruption agencies, for want of a better way of putting it, into one and make it a national anti-corruption agency, and let us give the head of that agency the investigative and prosecutorial powers. I mean, so that as far as the Contractor General is concerned, he is saying that look, I cannot be as effective as I would want to be because all I can do is investigate and report to Parliament. That is his view. I suggested during the debate that that may be where we will go...

A MEMBER: When?

The PRIME MINISTER: ...at some time in the future, but for the time being what we'll be doing here is bringing together all of the other agencies, except that one, except the Contractor General. And that may be where we will go.

Let the record show, Mr. Chairman, that there are cases, not necessarily of corruption, but of delinquency that could involve corruption. There are cases involving Members of this Parliament that have been referred to the DPP from 1993, more recently... I think those have fallen off the Report. More recently from 2003, on which no action has been taken. Why? I don't know.

What I do know is that the Director of Public Prosecutions is overwhelmed. And we felt that on the matter of accountability and particularly to deal with corruption involving public officials, not Members of Parliament alone, the public official, that that required a focus that was far sharper than you could expect a DPP to give when the DPP has to be dealing with murder prosecutions and embezzlement prosecutions and prosecutions of one kind or another. We wanted a special office. Someone suggested, someone suggested that what you really ought to do is to have a DPP assigned specifically to this function. I don't feel that that is going to give it the focus that it wants. And apart from that, the DPP is not an investigative authority. Even though in practice, the DPP has had to be sitting with police and telling the police who to go get statement from and what aspect of this case he needs to go probe further, simply because the whole business of prosecuting cases falls down where the authority that is doing the prosecution is so divorced from the investigative part of it. And very often when the matter goes to Court it collapses.

Now I know from meetings that I've had

that efforts are being made administratively... the police force has lawyers, those lawyers are working closely with the people in the DPP's office to get some sort of guidance on these matters. But why are we sort of tiptoeing around a situation where we need to bring the investigative and prosecutorial functions closer together? The drafters of this legislation have sought, based on their own best advice, to still draw some differentiation between the investigative and the prosecutorial functions of the office that we are seeking to set up, which is why there are certain things in there - certain powers that are vested in the Director of... Is it administration or investigation?

A MEMBER: (*Sotto voce*) Investigation.

The PRIME MINISTER: To try to maintain still some separation. But to suggest that because it is not in our habit and practice for anybody but the DPP to prosecute when the Constitution that is now almost 50 years old, clearly envisaged that, clearly. And in envisaging that said, now, look, when it comes to interfering with, discontinuing, taking over, only the DPP can do that part. But when it comes to instituting criminal proceedings that is not something that is confined to the DPP.

And impression is being given that we are going *ultra vires*, that we are going awry in this matter. This was done very deliberately. Now, if it is the view of Parliament that it should not be done then Parliament must reject it. But let nobody believe that somehow this is some unintended consequence of what is drafted. This was deliberate. We intended to do that. This is the kind of teeth that we want to put into the law.

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The CHAIRMAN: May I just ask Reverend Thwaites, if you look at 30, isn't 30 in a sense really asking each time for a fiat?

Rev. THWAITES: Exactly.

The CHAIRMAN: Yes, a *fiat*.

Rev. THWAITES: Yes.

The CHAIRMAN: Which means you get the permission of the DPP to proceed.

Rev. THWAITES: Which means that you need to recognize that directly and recognize that the authority for prosecution under our Constitution, a settled Westminster principle, cannot be divested but lies within the Office of the Director of Public Prosecutions.

The CHAIRMAN: But 30 is recognizing that, Reverend Thwaites.

Rev. THWAITES: But the whole warp of legislation, and indeed everything that the Prime Minister has said, indicates the desire to set up a separate prosecutorial poll. And that is what we are saying cannot be done easily.

The CHAIRMAN: No, but what I'm saying and I think 30 is recognizing everything that you say.

The PRIME MINISTER: Where?

The CHAIRMAN: Thirty, Clause 30.

(Inaudible comments by the Prime Minister)

Rev. THWAITES: Yes, I say so. But if that is the case, then that which the Prime Minister seeks to achieve is not being achieved. And what we are doing is giving with one hand and taking away with the other.

The CHAIRMAN: Mr. Bunting, you wanted to make a point?

Mr. BUNTING: Mr. Chairman, perhaps since this clause really speaks to the fundamental difference between this piece of legislation and the existing pieces of

legislation broadly let's call them setting up anti-corruption bodies, perhaps it might be useful to spend some time just understanding the thinking that went into this. The Prime Minister made it clear in his opening in the debate on the Bill that and I think everyone agreed - that we are not satisfied with the performance of the existing arrangements.

Now the question is, this initiative to put prosecutorial functions in this office, is it driven largely from a philosophical or ideological position to create new prosecutorial agencies? Or, has there been some evaluation of the reasons of the under-performance of the existing arrangements, and in particular of the Office of the DPP? What is causing these cases to languish there over an extended period of time clearly in an unacceptable way, which I agree with. But has there been some evaluation of what is causing that? And if it is only resources, then the resources that we use to create another agency, may have been more efficiently used by putting an additional unit or Senior Deputy DPP who specializes in this only, in that unit. But it may be, it may be that it is driven more by, you know, a deliberate philosophical position to diffuse that prosecutorial authority, notwithstanding that it's always subject to the DPP being the ultimate authority. And I think that is an arguable case as well. But I'm just trying to understand which one drives it. Is it from some assessment of where the bottlenecks are in the under-performance now...?

The CHAIRMAN: But, Mr. Bunting, if I might just...

Mr. BUNTING: In a sense, from a pragmatic or a philosophical point, I am just trying to understand...

The SPEAKER: No, but you have many different agencies, you know, that institute criminal proceedings. Whether there is a breach of the Lobster Act, the breach of the Rent Control, the breach of the...

Mr. BUNTING: And the entire police force.

The SPEAKER: ...wildlife, if you shoot outside the season—

Mr. BUNTING: And the entire police force and the forest ones.

The SPEAKER: No, no, what I'm saying is that these different agencies when there is a breach they don't go to the DPP, you know. They institute the proceedings in the relevant Magistrate's Courts.

The PRIME MINISTER: Might I suggest, might I suggest in response to Mr. Bunting. It has to do - it is not philosophical, it's partly pragmatic, but it also has to do with a - the policy weight that we put on dealing with this matter of corruption. For example, one could have argued that you didn't need to set up the Office of Contractor General. You already have an Auditor General, who is protected in the Constitution. All you needed to do was to give the Auditor General powers of subpoena to subpoena witnesses and various things, so you didn't really need a Contractor..., but we said the award of contracts is sufficiently weighty an issue that has caused sufficient concern. We want an office to focus on that.

Now, this notion of Prosecutor Investigator is not as alien as is being suggested. We share with the United States our system - our jurisprudence is rooted in the common law.

Mr. E. SMITH: (*Sotto voce*) The District Attorney is an investigator.

The PRIME MINISTER: In America, youyou see a crime committed the District Attorney...

Mr. E. SMITH: (*Sotto voce*) is an investigator.

The PRIME MINISTER: ...reaches on the scene quickly.

Mr. E. SMITH: (*Sotto voce*) Yes.

The PRIME MINISTER: Once he gets on the scene he takes control of that crime scene. He orders the police, he says, now, seal off this; I want that done. That's the man who is going to prosecute that case in court. So this business of believing that we must compartmentalize, the prosecutor you stay over there, investigator you stay over there, and be careful how you talk to each other. I mean I don't know where we get that from.

Mr. E. SMITH: (*Sotto voce*) Modern state. All modern states are like that.

Rev. THWAITES: That's not what we're saying and our system, respectfully, is very different from the United States' system. We must be carefully not to watch too much TV. You know, it's a very different system. And I don't know how this House could possibly approve anything that is not—that in anyway has the impression of eroding a principled constitutional office like that of the DPP, yes. In any kind of language until we're absolutely clear of what we're doing, nobody - everybody, let me put it positively - everybody agrees that there is usefulness in having a special office which is going to detect and investigate corrupt behaviour; yes. It is quite a different matter to give that office independence in respect of prosecution and to call it and infer that and then by one little clause recognize, oh yes, we do have a DPP who can discontinue. That is not the way to

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draft good law. And we don't need to do it that way to achieve the salutary ends of this Bill. And we're asking for time so that craft can be brought to this issue because the concerns are real and there are good examples of where it has caused controversy not to deal with this in the past and we shouldn't walk this way again.

The SPEAKER: But may I ask, Reverend Thwaites. Suppose section 30 had said, "*subject to the powers and permission or subject to the permissions and powers of the - conferred upon the Director of Public...*" would that solve the problem?

Rev. THWAITES: You know, Chairman, I have - this thing is so serious...

Mr. E. SMITH: Mr. Chairman, can I come in after, please.

Rev. THWAITES: I have a difficulty of drafting in Committee.

Mr. E. SMITH: I'd like to come in after.

Rev. THWAITES: Yes. I really have a difficulty. This is not the way you make good law. What happens is that it is done in a different forum and issues that are settled, yes, are then brought to this Committee for what are relatively minor amendments and prosecution. When you deal with a serious point like this, it is not appropriate for us to suggest some three or four words or the exclusion of this or that clause or the whole scale amendment of this thing. Every single one of these clauses has been the subject of radical amendments; many of them, yes, since this. This is not the way to do it. Why are we doing it this way?

The PRIME MINISTER: And may I suggest, Mr. Chairman, that the approach that is being taken by Mr. Thwaites, is not the way either. Not the way. Because the question as to whether or not the Special Prosecutor should

be allowed to usurp functions of the DPP would, if that point is being made, be a fundamental point. He cites that this is going to the constitutional practice that we have, and yet in Hansard not once during Mr. Thwaites' presentation in this debate did he raise that issue. Not once did he raise that issue here.

Mr. HYLTON: Prime Minister.

Rev. THWAITES: No, if I'm estopped because -

The PRIME MINISTER: Believe me - and, and it leaves me in serious doubt as to what it is that is playing out in front of us.

Mr. HYLTON: Chairman.

Rev. THWAITES: You know, Chairman, I really -

Mr. HYLTON: Ronnie, Ronnie!

Rev. THWAITES: I make no comments on the motives of the other side.

Mr. HYLTON: Ronnie, Ronnie.

Rev. THWAITES: And if I am stopped by something that I didn't say in the debate, if that is the weight given to the merit of the argument, well I think the proponent should think again. So let's not go that way at all. Either what I'm saying has serious gravamen or it doesn't.

The PRIME MINISTER: In all of this you have been obstructive and I think you're indicating that you want to see the Bill killed. And up to now - up to now, you have not put forward in any of your criticisms one suggestion as to what should be done. Everything is object to this, object to that.

Mr. HYLTON: I, I, I -

Mr. E. SMITH: Mr. Chairman, Mr. Chairman.

The PRIME MINISTER: Not one proposal to say don't do it this way, do it that way.

Mr. HYLTON: Mr. Chairman.

Mr. E. SMITH: Mr. Chairman, can I come in now, sir.

The SPEAKER: Let - Mr. Hylton had indicated then you Mr. Smith.

Mr. HYLTON: Thank you, Mr. Chairman. I really think it is unfortunate that the - that we have gone in a direction that seeks to really attribute some sort of motive to anyone about this very, very serious piece of legislation. Let me just make the point. I share the concerns of the Member and I came here and expressed the concern, and certainly I can't be accused of being obstructionist on this legislation. I think there is a political - that there is a recognition of the necessity to act and to do something in this regard. It's very clear and I think that there is a consensus on that. If we disagree on the means and the methods of getting to that conclusion then I think that that must be the point of the debate. And on this question, on this question, I think - this question I know was raised in the Committee. This was a fundamental point in the Committee and was never resolved. And, therefore - and it doesn't disappear in light of what we've seen happen, certainly for me. I had the concerns then I raised them, others raised them but what we have seen played out in the case of INDECOM I think confirms some of the concerns that we've had. And I want to make the point, independent of the Member from East Kingston -

Opposition MEMBER: Central Kingston.

Mr. HYLTON: Of Central Kingston, sorry - that this issue is a fundamental point and raises some practical questions that if we don't wrestle with and deal with at this level of the House, we really are setting up

ourselves to be, so that we see it as being expedient, but we're dealing with a very critical point, and I want to be joined on that point. And it is not—and it cannot be suggested that because I join on that point that I have ill-will and I'm obstructionist on this legislation or any other legislation. I'm not.

Mr. E. SMITH: Can I, can I?

The PRIME MINISTER: I don't to sound unnecessarily harsh.

Mr. HOLNESS: Yes.

The PRIME MINISTER: But also let the records show, let the records show, there were eleven meetings of this Committee. In fairness at the time when Mr. Hylton joined the Committee he could only have attended a maximum of eight. He attended one.

Mr. CHARLES: What?

Mr. HYLTON: That's where I raised this question.

The PRIME MINISTER: He attended one.

Mr. HYLTON: That's where this question was raised.

Mr. CHARLES: What?

Mr. HYLTON: That question was raised at that point.

The PRIME MINISTER: At that one meeting.

Mr. HYLTON: Yes, it was raised at that point and that's why I know for certain it was discussed.

Mr. CHARLES: And you didn't try to get it resolved there?

Mr. E. SMITH: Mr. Chairman, Mr. Chairman.

Mr. HYLTON: And it's a fundamental point.

The SPEAKER: Yes, Mr. Smith.

Mr. E. SMITH: Mr. Chairman, I have...

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Mr. HYLTON: It's not a fair way to deal with this question.

Mr. E. SMITH: Mr. Chairman, I have heard not only today, but during the debate on the Bill, concerns raised in respect of section 27 as also other sections dealing with the powers of the Special Prosecutor. Now, I do not want my colleagues on that side, or even on this side, to misunderstand what I am about to say. But suffice to say that of my thirty-seven years at the Bar, I spent only two years in the Office in the Chief Parliamentary Counsel as a draftsman. So I have been involved both as a Prosecutor and as a Defence Lawyer for I would say thirty-six years - no, thirty-four years.

Now, I cannot and do not agree with the concerns raised in relation to any suggestion that the powers of the Director of Public Prosecutions are being usurped. I do not believe that the inclusion of this section in any way diminishes her constitutional authority as the chief prosecutor in this country. If the legislation did not contain section 30, I, of course, as a criminal law practitioner would take strong objection to it. But I cannot find the offence that is being suggested in the section. Because as you have rightly pointed out, Mr. Chairman, many criminal prosecutions or *quasi* criminal prosecutions are, in fact, instituted by persons who are given the powers of arrest but who are not, in fact, police officers. Numerous statutory bodies have persons so designated.

Now, one must not forget both at this stage - well, now at this stage the objects and reasons behind enacting this legislation, because if you lose sight of the objects and reasons then you are inclined to say that not

only is the legislation draconian, but you're inclined to say it is not necessary. And I don't agree. I don't agree. You have to look at the particular disease that the legislation seeks to remedy.

Mr. HYLTON: Mischief.

Mr. E. SMITH: No, I use 'disease' deliberately.

(*Sotto voce* comment by Mr. Pickersgill)

Mr. E. SMITH: No, please, please, I have used it deliberately because I'm speaking hypothetically. Now, Mr. Chairman, the Special Prosecutor carries, according to the Bill, certain special peculiarities.

A MEMBER: Like?

Mr. E. SMITH: One of the special peculiarities that the office carries is the investigative aspect of the office, which is not part and parcel of the office of Director of Public Prosecutions.

The Director of Public Prosecutions relies on the police exclusively. From time to time, cases are adjourned, cases are thrown out because there has been no professional input in the investigative aspect of the preparation - general preparation of the case. It happens every day in the criminal the Courts. And because of that, sometimes the Office of the Director of Public Prosecutions has been forced to take steps which, at the end of the day, defeat the prosecution of a particular case.

Now, if you look at Section 27 dispassionately:

"Subject to the provisions of this Act, the office shall,

- (a) be responsible generally, for the detection, prevention, investigation and prosecution of corrupt conduct."

For the life of me, as a defence lawyer, I cannot honestly see anything wrong with this provision. I do not see how this provision, when it is read in conjunction with Section 30 demeans the Office of the Director of Public Prosecutions. As long as the constitutional powers of the Director remain intact - as long as it remains intact, these powers do not question her office.

Mr. PICKERSGILL: It could have been impotence on the part of the Special Prosecutor, not the prosecutor...

Mr. E. SMITH: All right, I would say that it is recognition that the Special Prosecutor is not a substitute for the Director of Public Prosecutions. It's not a substitute. Or that the Special Prosecutor has powers over and above the powers of the Director of Public Prosecutions. Honestly, I think we are making a mountain out of a molehill.

(Sotto voce comment by Mr. Pickersgill)

Mr. E. SMITH: Of course not.

(Sotto voce comment by Mr. Pickersgill)

Mr. E. SMITH: Why would you say that this particular provision challenges...

Mr. PICKERSGILL: Which one?

Mr. E. SMITH: Twenty-seven. Why would you say that Section 27(1)(a) challenges the constitutional authority of the DPP, why would you say that?

(Sotto voce comment by Mr. Pickersgill)

Mr. E. SMITH: Why would any person say that? Because it does not. So, this mountain of this little molehill, in my opinion - in my honest opinion Counsel - Member, in my honest opinion, I believe that even the Director of Public...

(Sotto voce comments)

Mr. E. SMITH: May I finish, please? May I finish? Well, what... if you want to say what I am saying is nonsense that is a matter of opinion. That is your affair. Now, I am not getting into any quarrel with you. I stay at a higher level at all times.

(Laughter)

Mr. CHARLES: He is not a student, leave him.

Mr. E. SMITH: Now, listen to this, I am sure that the Director of Public Prosecutions herself, at this time, if she is canvassed, I bet you that she does not find it offensive in relation to her office.

Mr. PICKERSGILL: No, but...

Mr. CHARLES: Neither do I, and I am not a lawyer.

Mr. HYLTON: Question... it is not for the Director of Public Prosecutions to decide that... it's not an individual to decide that.

Mr. E. SMITH: This piece of the legislation does not offend the Office of Director of Public Prosecutions.

Mr. PICKERSGILL: It can't.

Mr. E. SMITH: It does not, nor can it.

Mr. CHARLES: I agree with you. Anybody trying to say that would be mischievous.

(Sotto voce comments by Mr. Pickersgill)

Mr. HYLTON: Chairman, Chairman, surely...

The CHAIRMAN: Yes...

Mr. HYLTON: Surely, Chairman, I listened to my colleague...

The CHAIRMAN: No, no, let's get some order, please. Let's get some order. Are you finished, Mr. Smith?

Mr. E. SMITH: Yes.

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The CHAIRMAN: Yes, Mr. Hylton.

Mr. HYLTON: I listened to my colleague, and he really, really - I believe that he makes a mockery of the arguments and the essential positions that are being advanced on this issue. To make the point that...

Mr. E. SMITH: It goes to show that the arguments don't make any sense.

Mr. HYLTON: Well, I don't know and I can't account for all of this circumlocutory way that you have gone about this thing to say really, nothing, because you have not addressed the point.

Mr. E. SMITH: What is the point?

Mr. HYLTON: To suggest that the Director of Public - to ask the Director of Public Prosecutions her answer to this question, surely, you must say it in jest. That's not the point; it is an institutional question. It's not a personal question.

Mr. SMITH: What is the point then?

Mr. HYLTON: The Prime Minister, in his point, has dismissed the position taken by the Contractor General in expressing his view that he would need a constitutional amendment on this question.

The SPEAKER: What did he say?

A MEMBER: You don't need a constitutional...

Mr. E. SMITH: With great respect, Mr. Chairman, you do not need a constitutional amendment for the purpose of the appointment of a Special Prosecutor. It was raised during the debate; I thought about it; I did the necessary research, and I have come to the conclusion...

Mr. HYLTON: And you pronouncing on it?

Mr. E. SMITH: Please... I have come to the conclusion, right, that...

Mr. PICKERSGILL: You have kept the research secret?

Mr. E. SMITH: ...guess what, there is no need for a constitutional amendment because you are not appointing a second Director of Public Prosecutions.

(Cross talk)

Mr. E. SMITH: You have a Special Prosecutor. He is given certain powers by virtue, not of the Constitution, but by virtue of this Bill. So, this Bill, first of all, cannot be equated with the constitutional provisions of the office of the Director of Public Prosecutions. That is the first thing.

Now, the mere fact that he or she can institute a prosecution, yes... does not mean that the powers of the DPP has been reduced or taken away, because Section 30 makes it very clear. Yes, he can institute prosecutions, but at the same time...

The CHAIRMAN: Prime Minister, this thing could easily be resolved, you know. Why don't we frame Section 30 that the DPP assigns on a regular rotated basis, two or three Prosecutors from the DPP's Office to see this Office. End of the matter.

Mr. PICKERSGILL: Because the... (Inaudible)

Mr. E. SMITH: You do not need to do that, Mr. Chairman.

The CHAIRMAN: In other words, sir, what we will do, under Section 30...

Mr. E. SMITH: You do not need to do that, Mr. Chairman, because the Director of Public Prosecutions has the Constitutional authority to take over, to assist...

Mr. PICKERSGILL: We are trying to avoid that. That is what he's trying to avoid.

The CHAIRMAN: Admittedly, we are trying to avoid it by saying the Prime Minister,

under Section 30 when we set up the Office the section of this Special Prosecutor Bill, you just say that on a regular basis the DPP assigns two or three prosecutors on a rotating basis to that office.

The PRIME MINISTER: I am just trying to see if I can grasp what is the great mischief that we are seeking to allay - to avoid. For example, up until recently - and I am not even sure if we have done it yet, I know we took a decision that the Clerk of Courts should now be placed under the DPP's Office. But prior... if it has been done, prior to that, the Clerk of the Courts came from a different department, you know. The Clerk of the Courts didn't relate to the DPP except when the DPP exercises her authority to interfere in the case. The Clerk of the Courts was in the Courts Office.

(Sotto voce comment by some Members)

The PRIME MINISTER: But, I am telling you.

(Sotto voce comment by Mr. E. Smith)

The PRIME MINISTER: That is somebody who was a Clerk of the Courts. But they were always mindful that the DPP could, at any stage, give them instructions. Could call them in and say, look, I am taking over the case or could say to them, do the case this way. But, for most Clerk of the Courts operating out there, they are prosecuting every day, and in most instances they don't hear anything from the DPP. So, this notion of the function to prosecute is something that mustn't move more than a half inch from the DPP, I don't know where this notion comes from.

Mr. HYLTON: Permit me, permit me...

The CHAIRMAN: Because, as I indicated, you know, Prime Minister, this, in fact, happens in relation to a number of...

(Sotto voce comment by Mr. Pickersgill)

The CHAIRMAN: No, but it would, Prime Minister, make it - it would make it salable if we say that the DPP, you know, assigns two/three prosecutors on a rotating basis and...

The PRIME MINISTER: But, with respect, sir, you can't do that. That is when you would be running into trouble with the Constitution. The Constitution says the DPP shall be subject to the direction and control of nobody. We can't tell the DPP what to do. We can't tell the DPP to assign somebody there. I don't know that we can do that.

Mr. HYLTON: That's precisely because...

The CHAIRMAN: Well...or approved by the DPP's office.

Mr. HYLTON: Mr. Chairman...

Mr. PICKERSGILL: If you look at 34, it is helpful because... *(Inaudible)* ...qualifications for appointments. So, that is sort of anticipated. You could have that category. And then it would take away the apparent impotence of the Special Prosecutor.

The CHAIRMAN: I think, Prime Minister, what I think has caused the difficulty is INDECOM, because there is no doubt that when that Act was passed here we thought that we had an Act which could be a special case to remove prosecution of security breaches, security officers' breaches, and it seems that it has got into some difficulty per se Prime Minister. So, you know, the whole issue here is, how do we, sort of, mellow that you don't have a conflict with the DPP. And to the extent that we get some arrangement with the DPP to make sure that the prosecutions are, in a sense - the prosecutors are people that the DPP would trust.

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Mr. PICKERSGILL: Yes, and take the thing right through to them... (Inaudible)

The CHAIRMAN: Indeed, Prime Minister, if you look at Section 42 - if you look at Section 42 - Members, if you look at Section 42, this anticipates that point.

Mr. PICKERSGILL: Forty-two?

The CHAIRMAN: Yes, Section 42. So, the question is, how do we work out a proper protocol.

Mr. PICKERSGILL: Our 42 is different.

The PRIME MINISTER: Forty-two is not prescribing it. Forty-two is making provision for it, and, in a sense, encouraging it. But the protocols have to be worked out between the offices.

The CHAIRMAN: That's what I am thinking, sir. In other words, you know, the...

(Sotto voce comment by Mr. Pickersgill)

The CHAIRMAN: A proper protocol.

Mr. PICKERSGILL: You would depend on protocol from what the Chairman is suggesting. I would prefer to go the way of the Chairman.

Mr. BUNTING: But don't that's more of an administrative arrangement.

The CHAIRMAN: Well, this is it, sir. How do we...?

Mr. BUNTING: Mr. Chairman, I think what you are suggesting is really an administrative arrangement. I don't know if we would have to address that in the legislation itself.

The CHAIRMAN: No, but what I am thinking, Mr. Bunting, and to the Prime Minister, is how do we do it in a way to ensure that a protocol is worked out that we don't have them in a clash as happened in INDECOM. I don't know if it can come in the

Regulations, or the wording can be so provided where it is clear that when they start a prosecution they, in a sense, have the permission...

Mr. PICKERSGILL: To finish it.

The CHAIRMAN: ...to finish it. Could we, Prime Minister, ask the...

(Sotto voce comments by Members)

The CHAIRMAN: We saw 42 - Section 42.

(Sotto voce comments by Mr. Pickersgill)

The CHAIRMAN: If you look at 42, you know, 42 is trying to do so.

The PRIME MINISTER: The fact of the matter is that we may have to revisit the INDECOM Act because - and it has been brought to my attention, and I have had meetings with the Commissioner and the Police High Command because that's where a great deal of friction rests, and with the DPP, and we may need to revisit that.

But let us understand that there may from time to time be frictions between different offices. For example, the Contractor General has taken serious issue with the DPP on a number of matters. I haven't heard anybody saying that, hey, we are going down a dangerous path, we have to rein that one in right away. But the Contractor General has expressed impatience with some of the actions or lack of actions by the DPP.

The CHAIRMAN: Prime Minister, may I just - you know Clause 42 has another little part here which is in the proposed amendment, where after you end at "prosecutor thinks appropriate", a semicolon should have been put there and it continues in the proposed amendment "and the Office may enter into arrangements with any person or body to

facilitate such co-operation". I don't know if that covers the protocol that we are looking for.

Mr. PICKERSGILL: That's an amendment?

The CHAIRMAN: This is a proposed amendment to what is there. Which is really what we were trying to see if we can find a proper protocol to work with the DPP.

The PRIME MINISTER: Well the amendment envisages that. The actual protocol is not anything that we are attempting to define in the legislation, that would have to be done administratively, but it does envisage that.

Mr. PICKERSGILL: But, Mr. Chairman, to effect that, your suggestion.

The CHAIRMAN: Well, you know, 42 is trying to get as close to it as possible. I don't know if it has got there but.

Mr. BUNTING: I think it has got there.

The CHAIRMAN: You think it has got there, Mr. Bunting?

Mr. BUNTING: Yes, I think so. I don't think we could work out the details of that protocol here. I think it provides adequately for it in 42 with the amendment - with the proposed amendment and I don't think in terms of the co-operation we need to go further than that.

Mr. PICKERSGILL: You know, Prime Minister, and I think I heard Mr. Smith saying it, right in this - when we were discussing the six (6) crime Bills, the Director of Public Prosecutions was sitting right here and she said her problem with the backlog of cases is due to the incompetence of the police to present proper cases. So if we are developing all these investigative capabilities and so

simultaneously, too, we have to do something with the police and how they present cases.

The PRIME MINISTER: The fact of the matter, as I think your colleague sitting on your left will confirm, there is noticeable improvement. We are going to have to make sure that it is sustained. But at the recent meeting of the National Security Council the Commissioner of Police reported that they are now securing a much higher level of convictions in the cases that they have brought, and he attributes that to better quality investigation that is being done.

Mr. PICKERSGILL: Okay, that's good to hear.

The CHAIRMAN: Well, can we move then and - I put 27 if that - Members, 42 with the amendment seems to be getting very close to what we really want. So if we put 27 as edited. So I put the present 27 being the new 25, 27 renumbered 25.

Dr. GUY: No, Chairman. Can you read it for me.

Mr. PICKERSGILL: Renumber 27 as 25?

Dr. GUY: Is there an amendment to 27 that is now read as 25?

The CHAIRMAN: No, editing, some editing.

Dr. GUY: Is the editing version available?

The CHAIRMAN: Just there to it. There in 27 (c) and 27 (d)(ii) where you have 't-h-e-i-r' you put 'its functions'.

All right. There are two objections, Mr. Thwaites and Mr. Hylton. May I just say I did not put 26 renumbered 24. I just put 26. So could I just put 26 again, renumbered 24.

Mr. PICKERSGILL: Yes.

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The CHAIRMAN: Those in favour?
Those against? The ayes have it.

Put to the Committee and agreed to.

The CHAIRMAN: I think Mr. Warmington had raised an objection when 26 was put. Now we move to 28.

Rev. THWAITES: Did you take 27?

The CHAIRMAN: Yes, we did.

Rev. THWAITES: I am sorry, may I....

The CHAIRMAN: No, we put 27, renumbered 25 which you objected to.

Rev. THWAITES: Yes, but there is another point in respect in Clause (e) of 27 that I would like your permission to query.

The CHAIRMAN: We have to recommit 27 then. Members, recommittal of 27.

Put to the Committee and agreed to.

The CHAIRMAN: Recommittal of number 27.

Rev. THWAITES: Thank you, Mr. Chairman, for the indulgence. Section (e) of 27 reads

"from time to time designate any person possessing the prescribed qualifications whether employed by the Office or not as an authorized officer".

What is the definition of an authorized officer and what are the functions?

Mr. PICKERSGILL: It's not there. No definition is there. I was looking for it.

The CHAIRMAN: Twenty-seven 27(e).

Mr. PICKERSGILL: Yes, who is an authorized officer?

Rev. THWAITES: If you look further in the legislation you will see that the authorized officer has very far-reaching powers and duties but his functions are not defined, or are they?

Mr. PICKERSGILL: Nor is the office?

Rev. THWAITES: Nor is the office.

Dr. GUY: But there is a definition for an authorized officer. It says "a person so designated under section 27(1)(e), but 27(1)(e) sends you back, carry go bring come.

Rev. THWAITES: The position is tautological.

Mr. PICKERSGILL: Where?

Mrs. HENRY-WILSON: Under definition.

Rev. THWAITES: Yes, it's there but it takes us no further. Bear in mind, Chairman, again just so you see the gravity of the thing because if you read on in 28 this authorized officer who we don't know who he is and what his prescribed qualifications are, has the power or can have the power to manage, safeguard, maintain and control any property seized, restrained or forfeited.

Mr. PICKERSGILL: But why leave out (c) and (d), (c) and (d) are just as serious.

Rev. THWAITES: Just as serious. You know no amount of description is going to prevent me from raising these serious questions about this draft. And I really believe what Mr. Warmington said.

Mr. D. SMITH: Make your point!

Rev. THWAITES: No, no, you listen to me. Motive was imputed against me. Mr. Warmington of St. Catherine, he has made a point about what his understanding, nay, belief or conviction of the sentiments of many members. Some may wish to keep quiet. I won't.

Mrs. HENRY-WILSON: Mr. Chairman.

The CHAIRMAN: Yes, Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: I know that this is a little bit of disquiet around the - Mr. Prime Minister, I think that - I am not even sure what to suggest. But there seems to be so many little points of amendments that we need to take in this Bill. Is there a way in which we can - I mean it was suggested yesterday and you pointed correctly to the legislative process. But I think in what we are doing here now we are kind of undermining the very legitimacy of the Bill itself. Is there a way in which we can get, whether it is the CPC or whoever, to look at it in total at this stage and to give us some views on it. I am not trying to obstruct it, I am just....

The PRIME MINISTER: No, but with respect it's not so many amendments, its questions that are being raised. For example, there is a question that's being raised by Mr. Thwaites about the power that has been given to authorize somebody who is not an employee of the office. I questioned it to find out why would we be doing that. The answer that I got was very logical. Suppose in the course of his investigations the Special Prosecutor wants to engage the services of a forensic auditor, who is not an employee of his office but he wants to engage his services, this is what allows him to do it.

I say one more thing. I heard Senator A.J. Nicholson on radio say that they did not have the opportunity. There was a walk out of the Senate. And they said that what they wanted to do was to the put forward the Opposition's view, notwithstanding the fact that they had reached substantial agreement in the committee, but there were certain technical matters. And when I sought to enquire how I can get this information I was told everything

is set out in the Senator Mark Golding's address in the Senate. We have incorporated, if it is not every single one, is at least 96% in the amendment, which is why you have so many amendments. So if you are going to blame anybody for the amendments blame Mark Golding because these are his amendments. That's what we have done. So we have sought to improve the Bill based on the input and what we are being told now is that we have too many amendments.

Mrs. HENRY-WILSON: That certainly is not my point, Mr. Prime Minister. But, for example, just the instance that you drew there of the authorized officer, one would have expected or is it not done, for it to be a part of the definition. Is it going to be included in the definition on the Bill? Are we going to include the concept of the - because what it does it refers back to 27(e). So if you perhaps had it in definition rather than just having it referring back to 27(e) it would make it clearer as you go through the Bill. All we are trying to do is improve it so that there is a general understanding and acceptance of it as being coherent. That's really my understanding of what some Members are trying to say.

Mr. BUNTING: Prime Minister, perhaps the Parliamentary Counsel could come up with a different definition of authorized officer rather than referring it to the section and we could move on while he....

The PRIME MINISTER: Can we defer that and come back to it?

Mr. BUNTING: Yes.

The PRIME MINISTER: ...whether or not there can be a way to pin it down with some more specificity.

Mr. Chairman.

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The CHAIRMAN: Yes, Prime Minister?

The PRIME MINISTER: I'm going to make a strange suggestion.

Mr. PICKERSGILL: A what?

The PRIME MINISTER: A strange suggestion. I'm going to suggest that we suspend the deliberations in committee, that we have the leaders on both sides of the House to confer, and perhaps to confer not just among themselves, but with a wider select group from both sides. I tell you why, I tell you why. Not for the first time, it has been pointed out, that provisions that are being objected to here, are provisions that exist in several other statutes, that we passed here, and we live with and we don't raise a problem with it. In drafting legislation, the drafters are very careful in order to be consistent. Whenever they're dealing with essentially the same purpose and principle they don't design something, they look at what we have in existing law and they simply lift it out and put it here.

I'm being shown, for example, that in the case of the Customs Act, it doesn't stop there about appointing persons - authorising persons - whether employees or not, it says an officer includes any person acting in aid of an officer. An authorised person who acts with authority. So I think we need to have some discussion, because it cannot be without significance that we are stumbling on almost every single clause. Almost every clause - if something doesn't jump out at us, we find something, and I think we need some discussions as to how we're gonna go forward.

Mr. PICKERSGILL: I agree with that, but it's because it's new, Prime Minister, it's new and you're calling it a special prosecutor.

Mr. M. PEART: Mr. Chairman.

The CHAIRMAN: Mr. Peart.

Mr. M. PEART: In the spirit that the Prime Minister is now operating at, earlier he questioned the motive of the Member from Central Kingston.

The CHAIRMAN: Let's not go there though.

The PRIME MINISTER: No, I'm making a very serious criticism, because I believe that unless we're taking a position that this matter should not be - cannot be accepted in shape or form, we have a duty, each of us here, to say we're objecting to this, what we suggest is the following. And some Members have been helpful.

The Member for Central St. Mary has raised several issues in the course of our deliberation. I don't get the impression that the Member for Central St. Mary is determined that this thing must not pass in no shape or form. I don't get that impression from the Member for Central Manchester. I don't get that impression from the Member for East Central St. Andrew. But in the case of Mr. Thwaites, he has yet in any of the deliberations we've had here, he has yet to put forward one alternative proposal, even one! Even one!

Mr. STERN: A true.

The PRIME MINISTER: Everything is, this can't work, this can't work and he dismisses it with an indignation.

Dr. BAUGH: And contempt.

The PRIME MINISTER: Which suggests to me quite frankly, that the future of the proposed legislation, if it were left to him, would have as much chance as a snowball in hell.

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Mr. PICKERSGILL: Yes, Prime Minister, but your...

(Heckling/laughter by Government Members)

Mr. PICKERSGILL: Prime Minister, Prime Minister, your vocabulary would allow you to use a less damaging word, obstructionist, was a bit harsh.

A MEMBER: Yes.

(Inaudible comments)

Mr. PICKERSGILL: It was a bit harsh.

The CHAIRMAN: The proposal - Members, Members - the proposal is that the Prime Minister has indicated that the leaders of both parties will get together to work out an arrangement.

Mr. HOLNESS: No, no!

The CHAIRMAN: The leadership of both parties...

Mr. HOLNESS: No, no, no!

The CHAIRMAN: The leadership of the House, sorry. The leadership of the House will get together to work out an arrangement to improve the Bill.

Mr. HOLNESS: Just to be clear, no, just to be clear. What I understand the Prime Minister to be proposing is that the Leader of Opposition Business and myself...

Mr. PICKERSGILL: Yes.

Mr. HOLNESS: ...meet as quickly as possible today.

The CHAIRMAN: Immediately.

Mr. HOLNESS: Possibly today, and establish a small committee - smaller - and we review very quickly the Bills and so that we can return here...

The CHAIRMAN: Return to the House as soon as possible.

Mr. HOLNESS: Yes, this is something that we could possibly do over the week-end.

The CHAIRMAN: Okay, so I will report to the House, progress.

Mr. M. PEART: That is the way forward.

RESUMPTION

The SPEAKER: Members, I do report to the House progress on the Bill, the Corruption Prevention (Special Prosecutor Act), 2011. And at the next sitting of the House on the 7th of June, we will continue with the deliberations.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business. I therefore move that the House do adjourn until the 7th of June, when we will resume our business.

The SPEAKER: The motion before the House is that this Honourable House do adjourn until Tuesday, the 7th of June at 2:00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The adjournment was taken at 5:46 p.m. to Tuesday, June 7, 2011 at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, June 7, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:25 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

MRS. SHAHINE ELIZABETH ROBINSON, (JLP),

St. Ann, North Eastern, Minister of State in the Office of the Prime Minister.

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:25 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

ANNOUNCEMENTS

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

- **Ministry Paper No. 39**
Cabinet agenda issues for May 24, 2011
- Factories Corporation of Jamaica Limited Annual report and Audited Financial Statements for the financial year 2009/2010

NOTICES OF MOTIONS GIVEN

ORALLY

The SPEAKER: House Leader.

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

BE IT RESOLVED that this Honourable House approve of actions and policies pursued by the Government with respect to the economy and production of the financial year 2010/2011 and further approve the policies and projections as announced for the financial year 2011/2012.

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

Mr. HOLNESS: Mr. Speaker, just to explain to Members that this motion is in keeping with the proposed motions for the Sectoral Debate, which we hope to start on the 28th of June. And this is done, Mr. Speaker, on behalf of Minister Samuda, who will open this section of the Sectoral Debate. So we would have kept the commitment of starting in June.

The SPEAKER: I hope Members are taking note of that. When do we begin?

Mr. HOLNESS: The 28th.

The SPEAKER: So I hope Members have made note of that.

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

WHEREAS on the 5th day of April, 2011 this Honourable House of Representatives gave approval for the Sessional and Special Select Committees which were appointed in that session of Parliament to continue in this session, with unchanged composition of membership, except where necessary by further motion taken and approved by this Honourable House;

BE IT RESOLVED with reference to the Public Accounts Committee that the name Dr. Omar Davies be taken out and the name Dr. Peter Phillips be substituted therefor;

AND BE IT FURTHER RESOLVED that Dr. Peter Phillips be appointed chairman of the Committee.

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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.

(Sotto voce comment by Members)

Mr. HOLNESS: we are not deleting him. (Laughter)

(MR. COLIN ALFRED A. FAGAN, (PNP), St. Catherine, South Eastern, entered and took his seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Mr. Speaker, there were three questions for which we had asked extension last week and which we have to ask for extensions this week. Question No. 5, the Minister of Tourism is off the island, Question No. 6 the Honourable Prime Minister is off the island and Question No. 8 the Minister of Transport and Works is not feeling well and will not be in Parliament today. So I'll ask you, Mr. Speaker, to use the appropriate procedure to come to some agreement as to whether or not the extension will be granted.

The SPEAKER: Permission will be requested. Question 9, what about Question 9?

Mr. HOLNESS: Question 9 is ready for answer. The Minister of Health will... Question 9.

The SPEAKER: Reverend Thwaites, Question 9.

Rev. THWAITES: Mr. Speaker, will the Minister of Health please answer the question numbered at 9 in my name on the Question Paper.

Mr. SPEAKER: Minister Spencer.

Mr. HOLNESS: Mr. Speaker, the Member could proceed until the copies are here.

(Cross talk)

Rev. THWAITES: Mr. Speaker, maybe I could pose my questions that are to be posed today, which would allow time to make the copies, since the Member would prefer that I were...

The SPEAKER: Very well. Go ahead, Reverend Thwaites.

TAXATION - REMIT

Reverend Ronald Thwaites, Member of Parliament for Central Kingston gave notice that at the expiration of 21 days he will ask the Honourable Prime Minister the following question:

Question: On what basis can a Minister exceed the remit of taxation or public expenditure approved by Parliament, vary the terms of that approval or *vire* or assign the designated proceeds of taxation or approved expenditure without legislative approval?

AUXILIARY FEES – HIGH SCHOOLS

Reverend Ronald Thwaites, Member of Parliament for Central Kingston gave notice that at the expiration of 21 days he will ask the Minister of Education the following questions:

Question 1: What will be the levels of auxiliary fees for high school students during the upcoming 2011/2012 school year?

Question 2: Will the Minister state whether high school students on the PATH programme are

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Question 3: obliged to pay auxiliary fees?
Will the Minister commit to publish the required text and workbooks for primary and secondary schools for the upcoming academic year, to state which of these will be provided by the Ministry and to affirm that the books so prescribed are adequate without more, for instruction?

The SPEAKER: Could you pass it on to the Clerk, please. Mr. Clarke.

SUGAR – DIVESTMENT OF ESTATES

Mr. Roger Clarke, Member of Parliament for Westmoreland Central, gave notice that at the expiration of 21 days he will ask the Minister of Agriculture and Fisheries the following questions:

Question 1: Is the Minister in a position to provide a timetable for bringing closure to the divestment of the government-owned sugar estates?

Question 2: If the answer to Question 1 is in the affirmative, can the Minister provide this timetable?

Question 3: Will the Minister provide information/data on the financial operations of Jamaica Sugar Holdings since its inception?

Question 4: Will the Minister indicate how Jamaica Sugar Holdings' deficit, if there was one, was covered?

Question 5: Will the Minister indicate the level of expenditure, capital and recurrent, on the Monymusk and Frome sugar factories over the past three years?

Question 6: Will the Minister provide data on the production cost per pound of sugar for the past three years?

Question 7: How do these production costs compare with the process negotiated over the various contracts?

The SPEAKER: Thank you, Mr. Clarke.
Dr. Davies.

JUTC - RIDERSHIP

Dr. Omar Davies, Member of Parliament for St. Andrew Southern, gave notice that at the expiration of 21 days he will ask the Minister of Transport and Work the following questions:

Question 1: Will the Minister provide data on the ridership of the JUTC for the last three years fiscal or calendar disaggregated by:
a) Regular passengers,
b) disabled,
c) elderly,
d) children.

Question 2: Will the Minister provide data over the same three year period on the average daily bus turnout?

Question 3: Will the Minister provide data on the operating expenses of the JUTC for the same three year period, disaggregated by

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the main expenditure categories?

Question 4: Will the Minister provide data on the revenues over the same three year period?

Question 5: Will the Minister provide data on the level of direct cash transfers from the Minister of Finance to the JUTC over the same period?

Question 6: Will the Minister provide data on the annual value of indirect financial support from the Ministry of Finance for the same period, disaggregated by source of support?

Question 7: Will the Minister provide projections for the fiscal year 2011/2012 on the same variables for which information have been provided for the last three years?

The SPEAKER: Very well.

House Leader, should we recommit when the answer...

Mr. HOLNESS: Mr. Speaker, I am sure we should not waste the House's time.

The SPEAKER: So let us move on.

Mr. HOLNESS: We should move on.

Mr. M. PEART: Mr. Speaker...?

The SPEAKER: Yes.

Mr. M. PEART: Mr. Speaker, we had arrangement last sitting with regard to the Private Member's Motion.

The SPEAKER: This is in relation to...? Remind me of the one.

Mr. M. PEART: ...the Censureship motion.

The SPEAKER: Yes, Mr. Holness, in relation to the motion by the Member from North East. St. Catherine...

Mr. HOLNESS: Yes, Mr. Speaker, we had an arrangement and we went through and did a comprehensive scheduling exercise. The censure motion for the Member from East Central St. Andrew will be dealt with on the 21st.

The SPEAKER: Twenty-first of?

Mr. HOLNESS: of June. That I believe will – and we will probably take the entire day, as censure motions go, to resolve...

(Sotto voce comment by Dr. Davies)

Mr. HOLNESS: ...to resolve the issue. The Member – Mr. Speaker, we had also made a commitment for the Member from South West St. Catherine, for his motions regarding the Electoral Commission and the Chairman of the Electoral Commission and we propose to take those on the 22nd, which would be the Wednesday. So the House will sit on the 21st and the 22nd.

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: You really want to oppose that date?

Mr. WARMINGTON: No, no! The House Leader mentioned that the issue that has to do with the Member from East Central St. Andrew will be on the 21st and we have been asking for a – they have been asking for the longest while to bring this motion forward, and I spoke on it the last time. I mentioned the last time that the chairman for this circus Commission wrote to you – asked you to suspend the ... (Laughter)

Mr. HOLNESS: Mr. Speaker, on a point of order.

The SPEAKER: Yes, absolutely.

Mr. HOLNESS: Whilst we can understand the Member's...

Mr. JACKSON: Concern about the circus issue.

Mr. HOLNESS: No, no. It's a national institution, Mr. Speaker, and the Parliament has an obligation to protect the integrity of the national institution.

The SPEAKER: Yes, Mr. Warmington, withdraw it, please.

Mr. WARMINGTON: All right. I said the circus Commission...

The SPEAKER: And you withdraw it

Mr. WARMINGTON: All right, the Commission downtown then.

The SPEAKER: Just withdraw and move on.

Mr. WARMINGTON: All right, I take that back. But the Commission chairman wrote to you about not having this debate until his report is presented. Should I take it that the date is set for the 21st because the report has not yet been submitted?

The SPEAKER: No, no!

Mr. WARMINGTON: Because the issue, as I said, before this Parliament should not be subjected to some persons outside, some people outside.

The SPEAKER: No, no!

Mr. WARMINGTON: Mr. Speaker, allow me to complete. I am saying that this Parliament should never be subjected to any outside force. So if the chairman of some Commission downtown did not meet the obligation to submit the report at a particular time, we should not wait on them. Secondly, even if it is submitted on time, if a motion is laid in this House it must be taken. As you heard, a censure motion that questions the

integrity of a Member must be taken at the earliest possible time and should never be subjected to somebody's view outside. So is it that, as I asked last week, that is now being postponed to facilitate the chairman of such Commission?

The SPEAKER: No, not at all.

Mr. HOLNESS: I can assure the Member, Mr. Speaker, that I took the scheduling decisions quite independently and without knowledge of the submission of any report.

The SPEAKER: And we need not go into it. It's now the 21st of June.

Mr. M. PEART: Mr. Speaker, I would just like to state that if perchance the action of that Commission has any bearing on the scheduling of this debate, then we could consider the matter *sub judice*. Therefore, it would have to be withdrawn. That is my submission.

The SPEAKER: No, no, not at all. There is no doubt that – we need not go over, we have now set a date.

Mr. HOLNESS: Mr. Speaker, may I move for the recommitment of the item Questions and Answers to Questions.

The SPEAKER: Let me just go through.

The SPEAKER: No, no, Not at all. We need not go over - we have now set a date.

Mr. HOLNESS: Mr. Speaker, may I move for the recommitment of the item questions and answers to questions.

The SPEAKER: Could we just when we get to - when we get to public. Let me just go through.

The SPEAKER: The motion before the House is for the recommitment of the item questions and answers to questions.

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Put to the House and agreed to.

**QUESTIONS AND ANSWERS TO
QUESTIONS
(Recommitted)**

**BIRTHS AND DEATHS – REGISTRATION
REGULATIONS**

The SPEAKER: Questions and Answers to questions, Minister Spencer

Mr. SPENCER:

Question: What is the schedule for introducing regulations to the Registration (Births and Deaths) Act to provide for the mandatory registration of fathers?

Answer: The mandatory registration of fathers has been an outstanding issue since the 1970s although attempts have been made throughout the years, including by this Parliament, to expand the provision for the registration of fathers.

These efforts include:

- a) The 1976 introduction of a companion measure to the Status of Children Act to expand the categories of persons to include such persons as midwives and school principals, before whom a declaration of paternity can be made;
- b) The 1980 amendment of the Registration (Births and Deaths) Act widening the scope for registering the father of a child born of wedlock.
- c) The recommendation of the Joint Select Committee of Parliament that was established to examine the National Registration Bill, to

amend the Registration (Births and Deaths) Act to allow for the compulsory registration of fathers. This recommendation resulted in a number of submission to the Human Resource Council and the Cabinet since 2005 culminating with a submissions to the Cabinet in April of this year, which will eventually bring this matter to closure as soon as the CPC completes drafting of the legislation and regulation for the consideration of Parliament.

In addition to those efforts, the Registrar General's Department, in 2007, introduced bedside registration. This initiative has increased the percentage of births with fathers' particulars being captured from fifty per cent to over seventy per cent in 2010.

The Government, by way of Cabinet decision, issued a directive to the Ministry to:

- i) prepare drafting instructions for the necessary amendments to the Registration (Births and Deaths) Act to further treat with the issue of the registration of unmarried father's name; and,
- ii) promulgate regulations to deal with all matters under section 19(b)(i) (iv) of the Act.

The Ministry has already issued the drafting instructions to the Chief Parliamentary Counsel. While it would be difficult for me to give a schedule as to when the amendments will be ready to be

debated, this is a matter of great import to this government.

The process for the promulgation of the regulations is usually shorter than for the legislative amendments. The Ministry has already started the process and has issued drafting instructions to the CPC.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, can the Minister say if he has enquired of the Chief Parliamentary Counsel as to when it is expected that this relatively simple, but important matter will be complete?

Mr. SPENCER: Yes, we have so enquired of the Chief Parliamentary Counsel and he has advised that in a matter of four weeks it should be ready, given the fact that he was engaged in other important - that they consider important matters.

Rev. THWAITES: Mr. Speaker, that's very encouraging. Mr. Speaker, will the Minister agree that in addition to the compulsory registration of fathers for new births, that there are several tens of thousands of Jamaicans who, in fact, have no parent - no father listed on their birth certificates and who thereby have no formal surname. They have a name that they use and which may be memorialized on a christening certificate or on a school register. And would Minister issue the necessary instructions requiring no additional legislation to the Registrar General to extend the present programme that is now happily being made available to elderly people, to all persons in Jamaica who find themselves in this situation, so that they may be properly named?

Mr. SPENCER: Yes, the Minister is so minded. As a matter of matter, what we're trying to do is use this as phase one, and having completed phase one when it's debated in Parliament, we then move to phase two, which would be to clean up everything.

Rev. THWAITES: Mr. Speaker, will the Minister commit to a review of the legislation of the Status of the Children Act in due course? And would he agree that when that legislation, a landmark piece, was passed the availability of affordable DNA testing was not available - was not there and that the procedures for adding a father's name and declaring paternity - determining paternity were more cumbersome than they need be having regard to scientific advancements?

Mr. SPENCER: The answer is yes.

The SPEAKER: Dr. Rhodd.

NEW SCHOOL - PORTLAND

Dr. RHODD: Mr. Speaker, I beg to give notice that at the expiration of twenty-one days, I'll ask the Minister of Education the following questions:

- Question 1:** Will the Minister state the location of the new school to be constructed in Portland?
- Question 2:** Has work commenced on the acquisition of the land for the school and the planning of the project?
- Question 3:** If the answer to Question 2 is no, when will these processes begin?
- Question 4:** If the answer to Question 2 is the affirmative what is the projected scheduled for the implementation of the project?

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Question 5: Will the new school, when constructed, be a traditional or technical high school?

Question 6: What will be the enrolment of the new school?

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, you will recall that at Notices of Motions Given Orally, I had read the motion regarding the substitution of Dr. Omar Davies for Dr. Peter Phillips on the Public Accounts Committee. I would now like to take the motion.

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

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

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, I now move that the motion be approved.

The SPEAKER: The motion, Members, is before you.

Put to the House and agreed to.

The SPEAKER: The Motion is approved.

Mr. HOLNESS: Mr. Speaker, at Public Business today, the Minister of Finance has two matters on the Order Paper 3 and 4 under Public Business. I will be taking item No. 5 under Public Business, which is a Report from the Electoral Commission and then, Mr. Speaker, we will move for the suspension of Standing Orders to take...

Dr. PHILLIPS: What yuh sey about electoral?

The SPEAKER: Private Member's Motion.

Mr. HOLNESS: ...Private Member's Motion. This is a simple Electoral Report. It's been on the Order now for some time.

The SPEAKER: Very well. Minister - sorry.

Mr. HOLNESS: The Private Member's Motion that we propose to take would be 32, standing in the name of the Member from Central Kingston. We will continue the debate on 34, the Minister of Labour and Social Security will continue that debate - will participate in that debate. And then motion 36, again standing in the name of the Member of Central Kingston, and then motion No. 39 standing in the name of the Member -

Mr. WARMINGTON: Can you do 39 first because I have to leave for a... appointment?

Mr. HOLNESS: Should we extend such graces to the Member?

The SPEAKER: Reluctantly, yes.

Mr. HOLNESS: Reluctantly.

(Laughter)

Mr. Speaker, I propose to start with the Minister of Finance.

The SPEAKER: Very well. Minister Shaw.

Mr. SHAW: Thank you very much, Mr. Speaker. I'd like your permission to take the two Acts as companion Acts and, therefore, if I could take them simultaneously?

The SPEAKER: Yes, granted, Minister Shaw.

**FINANCIAL ADMINISTRATION. &
AUDIT ACT**

Mr. SHAW: Thank you.

The Acts before us are an Act to Amend the Financial Administration and Audit Act and the Public Bodies, Management and Accountability Act.

Mr. Speaker, the Honourable House is asked to consider and approve these amendments. The House may recall that in March of last year, it approved a raft of amendments to these Acts to usher in a fiscal responsibility framework for Jamaica. These measures have now been integrated into the principal Acts in each case and are, therefore, being implemented. The amendments now being proposed seek to address certain residual deficiencies while clearing the way for the development of regulations designed to enhance compliance. The provisions cover a wide range of areas including policy, administration, and financial management.

Mr. Speaker, I'd like to speak on just the FAA Act first. In Section 16 subsection (3), presently ministries, departments and agencies wishing to make changes relating to the work of their organization, which are likely to have an impact on their finances need to notify the Financial Secretary, in writing, as soon as is practicable. We want to tighten that up.

The proposed amendment will require that where the change is likely to have an adverse impact on the budget of the current financial year, and the medium-term as well - because the medium term, itself, cannot be taken in isolation anymore. It is very much a part of the budgetary process - that the accounting officer must get the written assessment and recommendation of the Financial Secretary before asking - taking any step to implement the change or submit the proposal to the Cabinet. And in relation to this particular

clause, Mr. Speaker, I'm to indicate that the Financial Secretary will be expected to issue the appropriate circular that will define more specifically what adverse - the sort of definition of adverse impact that will be accompanied in the form of a circular to be issued by the Financial Secretary.

A new subsection (4) is being proposed, which will require an accounting officer, when requested to do so, to appear before Committees of Parliament regarding the functions under that person's function under the Act.

In section 24E, which relates to credit agreements including deferred financing, the proposed amendment, Mr. Speaker, seeks to make it unambiguously clear by explicitly prohibiting deferred financing arrangements as a part of the scheme of financing.

In section 48A, under fiscal responsibility framework section (1) of this section seeks to define some existing terms as well introduce and define additional terms.

In subsection (2), it speaks to the need to ensure that the accounting concepts and principles used to measure performance are consistent with international standards.

In section 48C subsection (2), provides for deviations from the targets relating to the fiscal balance, total debt, and wages on grounds such as national security and other national emergencies including natural disasters.

Section 48E relating to the particular agencies business plan, accounting officers are obligated to develop and submit their agencies business plan for such planning period in such form and at such time as the Minister shall specify.

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(Inaudible comment by a Member)

Mr. SHAW: In section 48F, relating to a Tax Expenditure Statement, the principal Act requires that the Minister tables such a statement giving details of waivers, exemptions, and other revenues foregone in the preceding year. The proposed replacement requires this information but for the calendar year proceeding the previous financial year. In addition, the statement should provide the waiver policies and strategies to be pursued in the current financial year that for which the debate takes place. And as an example, what we have sought to do in Parliament recently in the course of the Budget debate, we tabled a Tax Expenditure Statement covering the periods 2008 - the calendar years 2008 through to 2009, inclusive. And so next year, at budget time, we will table the Tax Expenditure Statement for the Calendar Year 2010.

Mr. SHAW: And a statement on the proposed ceiling on discretionary wavers will be placed for the current financial year and is submitted for the approval of both Houses of Parliament. I am to indicate on this particular point, Mr. Speaker, that we are hoping that with the advent of...

Dr. PHILLIPS: Which act you are referring to?

Mr. SHAW: That one relates to section 48(f).

Dr. PHILLIPS: Of the Financial....

Mr. SHAW: FAA.

Dr. PHILLIPS: Further amendment?

Mr. SHAW: The amendment. I am just sort of going over the amendments, yes, 48(f).

I am to indicate to, Mr. Speaker, of importance is fact that we have a **Green Paper** on the Table of Parliament, and we are

seeking in due course to have a Joint Select Committee of Parliament look at that **Green Paper**. Because it is our intention that over time we want to see a reduction of the wavers that are granted in the system by either eliminating some of them or creating specific statutes. That means that they either qualify under a statute or they will not qualify at all for a waiver, so that over time the number of wavers that we have to approve will be minimized.

In section 48(h) of the FAA Act the principal Act is amended to make it obligatory for the Minister to establish compensation negotiating cycles with the Public Sector worker representatives. And in that clause we simply substitute the word "shall" for "may" in order to make it specific that it has to be done, the compensation cycle has to be put in place.

Mr. Speaker, in relation to the proposed amendments to the Public Bodies, those are what are proposed for the FAA Act. I turn now to the proposed amendments for the Public Bodies Management and Accountability Act.

Section 2 of the principal Act introduces new term and redefine some existing ones, including Government company, public body, statutory body or authority and distribution. The term "government company" is redefined by deleting the words "*by the holding of shares*". Hence government companies without a share capital, for example, those formed by guarantee will now be properly included under the purview of this Act. The term "*public body*" is redefined to clarify that Executive Agencies are not subject to the Act because Executive Agencies already have their own legislative framework and, of course,

they are subject to the FAA Act. But the framework for the Executive Agencies fairly closely mirrors the framework of the PBMA Act. Likewise the term “*statutory body or authority*” is defined to make it clear that the Act's coverage relates to such bodies over which government exercise is controlled. Financial distribution is also defined in this section.

Section 2(a), in this amendment it requires public bodies to submit information to the Ministry of Finance to facilitate the compilation of the fiscal policy paper; 2(b) empowers the Minister to exempt a public body from all or any of the provisions of the Act subject to affirmative resolution.

Section 3 related to the accounts of public bodies. This section is to be repealed and a new section 3 included to deal with accounting standards to be followed, the financial year of a public body and annual reports to be tabled in both Houses of Parliament. Further amendments have been proposed with respect to the financial year of a public body.

Shareholdings and distributions. The existing section is to be replaced by a new section which requires that acquisition of shares and the payment of dividends, financial distribution to the government by a public body is to be done in accordance with relevant regulations.

In section 5 under the exercise of borrowing powers, the proposed amendment is for borrowing by public bodies to be approved by the Minister only if such borrowing is consistent with government's debt reduction target.

And in section 5(a) which relates to payments to public bodies, this is a new

section setting out the conditions governing payments to public bodies from the Consolidated Fund, grants, loans, guarantees or capital contributions.

In section 5(b), it deals with the supervisory and monitoring responsibility of accounting officers over bodies which are in receipt of funds from any of the sources mentioned in 5(a).

In 5(c) the powers of the Minister in relation to default. It empowers the Minister after consultation with the responsible Minister to determine the appropriate course of action. In section 6 subsection (2) relating to the code of conduct for Boards of Directors of public bodies, it is proposed that the principal Act be amended and a new subsection (2) inserted requiring the Minister, after requisite consultation, to prescribe and keep under review a code of conduct for boards of directors of public bodies.

And in section 6(a), which is a new section on public bodies and the Government's procurement rules, under the proposed dispensation of all public bodies - are required to adhere to government's procurement rules and guidelines. In relation to audit committees and auditors the principal Act is to be amended to set out the powers of auditors at annual general meetings of public bodies, as well as the composition of audit committees.

In section 9, the duties of Audit Committees, this is to be amended to expand the areas on which the Audit Committee is to advise the Board to include the independence of auditors.

And section 13 relating to the appointment of auditors. It specifies the qualification for

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auditors of public bodies to be registered public accountants under the Public Accountancy Act.

Sections 13(a) to 13(c) are replicated from the FAA Act, 13(a) being the audit of accounts of public bodies by the Auditor General. This new section outlines the powers and responsibilities of the Auditor General to audit the accounts of public bodies and to present a report to the responsible Minister for presentation to the House of Representatives.

Thirteen 13(b), the Auditor General may authorize a registered public accountant to audit the books of a public body and to report to the Auditor General. Such registered public accountant is to have like the Auditor General, may authorize a registered public accountant to audit the books of a public body and to report to the Auditor General. Such registered public accountant to have like powers as are vested in the Auditor General Act under section 122 of the Constitution and sections 25 and 28 of the FAA Act.

The reason for, this Mr. Speaker, is that the Auditor General ultimately gets over extended, is unable to do from time to time all of the required work that might be necessary. And so in the same way that the Director of Public Prosecutions might have the fiat, be able to give fiat to a private attorney to carry out prosecution, so it is we will give the Auditor General the power to appoint an appropriate auditor to assist in discharging the responsibilities of the Auditor General.

Section 13(c). This section outlines the procedures when there is a termination of the services of an auditor of a public body.

And section 14 relates to the duties of the auditor of a public body which are being

amended to include a report of his opinion to the Board on matters as specified in this section.

In section 19, the amendment expands the defences of a director for breach of duties which also harmonizes it with the provisions of the Companies Act 2004.

Section 20. The existing section is to be replaced by a new section which now requires public bodies to adhere to guidelines issued from time to time by the Minister of the Public Service and by the Minister in matters relating to staff emoluments and other related areas.

In Section 23, in keeping with Part IV of the Second Schedule, public bodies will now be required to submit other reports to both Ministers in addition to annual and quarterly reports.

Section 23(a), which is a new section, is a replication of section 48 of the FAA Act, which is a report on government companies by the Registrar of Companies.

Section 24. This speaks to areas for which regulations for the governance of public bodies will be developed.

In 25, relating sections 3 annual reports, 17 fiduciary duties and 23 other reports will now be subject to enforcement under the Act.

In section 27, it speaks to the requirement for submission of reports from public bodies under section 23 to prevail if considered inconsistent with other enactments. However, given further amendments that are proposed this suggested change will now become redundant.

And that takes me now, Mr. Speaker, to a final supplementary amendment which has been table in the House today, which I wish to just briefly make the House aware of.

These are amendments now to the Public Bodies Management and Accountability Bill which is what I just went through.

The House is asked to consider and approve these changes. One, in Clause 5 (1) of the Bill it proposes a new section 3 subsection (2) for the principal Act. This outlines a definition for the financial year of a public body. However, the new proposed subsection is to be deleted and placed in section 2 a new paragraph (c) of the Act which relates to interpretation. The change will now be highlighted in Clause 2 of the Bill instead of Clause 5(1). And the reason for this is that the term financial year is referred to more than once in the principal Act. Example - in sections 2, 3 and Part XI of the Second Schedule. Hence its definition is more aptly outlined in the interpretation section of the Act rather than where it is now in Clause 5(1) of the Bill which relates to only one particular section of the Bill.

The second amendment to the PBMA Act or the PBMA Bill that is before us is the proposed introduction of a new Clause 17 related to indemnity for current and former directors and officers.

Clauses 17 to 21 therefore are to be renumbered as 18 to 22. And the new clause 17 proposed is an expansion of section 19 of the principal Act and outlines conditions under which current and former officers and directors of a public body may be indemnified. Conditions include acting honestly and in good faith. The rationale for this, of course, is that this clause harmonizes the PBMA Act with the Companies Act, 2004. And we are to note that the amendment will ensure that directors and officers of statutory bodies are granted the same level of protection as those

in government companies which are governed under the Companies Act.

And, Mr. Speaker, the third and final further amendment to the PBMA Bill that is before us is in Clause 22 which relates to the supremacy of the Act in relation to public bodies.

This clause which will be renumbered as Clause 23 proposes general supremacy for the PBMA in relation to the operation of any public body. The proposed clause is a replacement of section 27 of the principal Act and the general supremacy provision would remove the possibility of ambiguity or uncertainty regarding the interpretation and application of the PBMA Act and its status versus the constituent laws of statutory bodies and the Companies Act.

Mr. Speaker, this strengthening of both the FAA Act and subsequently the PB - and the PBMA Act, you

will recall that the PBMA Act itself, was promulgated as a means of ensuring that public bodies, no matter the basis of their constitution - the basis of how they were established, whether government companies, statutory body no matter what - that they would be subject to the rules and regulations of the Ministry of Finance. And that is how the PBMA Act was first - why it was established.

And so these proposed amendments both in respect of the FAA Act and the PBMA Act, Mr. Speaker, are consistent with the fiscal responsibility framework that we first tabled in Parliament, and now seek to strengthen these Acts with more specific duties and responsibilities, which, as I'm to indicate to you within another week, no later than two weeks from now, we will table the regulations

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that will accompany these amendments to both Acts. On that basis, Mr. Speaker, I beg to move that these two Bills be read a second time.

The SPEAKER: Thank you, Minister Shaw. Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I don't think that there's any disagreement on this side, with the basic purposes and intent of these Bills.

Mr. SHAW: You've arrived, welcome.

Dr. PHILLIPS: The fact of the matter is that I think the previous administration and this administration, have been both moving to ensure that there is greater tightness, greater accountability for public bodies and for those departments of government that are reliant totally on the Consolidated Fund.

So having said that, Mr. Speaker, I think there is still, nevertheless, a need for us to ensure that despite all the regulatory arrangements, there is still a greater level of accountability and parliamentary and ministerial control. In the legislation that I believe the Minister carried in 2009, which established your Audit Commission and your Audit Committees, the provision is made for general ministerial direction. But I think there are enough reasons for us to want to ensure that some mechanism be put in place, if not in this particular bit of legislation, for greater oversight beyond the Public Accounts Committee, for the operations of departments/public bodies. There is, of course, the PAAC, which is to keep current, but there is ample evidence now, that there are departments which still flout the ministerial directions of the Ministry of Finance.

And the question - just yesterday for example in the Auditor General's Report - the

Contractor General's Report, we have a contradiction emerging between, on the one hand the wage freeze that has been promulgated by the Minister, and yet there are reports in relation to the LNG Project, for example, of one consultant who I believe is getting J\$36 Million annually.

(Inaudible comment by Mr. Holness)

Dr. PHILLIPS: Thirty-six - well I can tell you the name, Megginson.

Mr. HOLNESS: Repeat that?

Dr. PHILLIPS: Thirty-six Million Dollars Jamaican, but which represents an increase on the contract over and above what was payable up to April, 2011. So there has been a significant increase. Now that runs in contravention to the ministerial direction. There are other departments where you are seeing - I think RADA is one and others - where we are seeing similarly, an increase in the contract paid to individuals employed.

The question arises. While the FAA Act provides the Minister of Finance the power to give the Audit Commission a general policy direction, the PAC - if that direction is flouted; the PAC only gets into the Act after the event, PAC. The question then arises, ought we to be requiring, ought we to be requiring some mechanism for the general statements that are given to be placed before the Parliament, or to find some other device to ensure that there is effective restraint that can be applied by the Ministry of Finance to the public bodies, or to the departments that are in breach of the Financial Management and Audit Act. Because I think all too often what we have are rules, but which rules are either flouted and not - without the Ministry being aware.

Or we can worse, have a situation where those who make the rules deliberately choose

to ignore the rules. And so we have - I don't want to suggest - I don't want to reopen here - the whole issue of the JDIP. But the fact is that you have a situation where the very rules that require some kind of accountability are not being observed, and what powers then, remain for a Parliament.

So overall there is no - the terms of the Bills are without controversy, but what arises is that I think that we are, all of us, still not satisfied - and I think you would share the view - not satisfied that we have yet found the appropriate mechanism to ensure that any department in breach, any public body in breach cannot undertake actions that flout the general policy directions that are issued. Or, if they do so, that there are appropriate penalties and remedies that are in place where such could happen.

And so with those general comments, Mr. Speaker, we support the terms of this Bill, but it is obvious that more work needs to be done if the issues such as I've raised, are to be addressed.

The SPEAKER: Thank you, Dr. Phillips.

The question is that the Bills - sorry, Mr. Shaw, would you like to close the debate on that?

Mr. SHAW: I think it would be appropriate in view of the comments made by the Spokesman on Finance, that I just give a brief response, Mr. Speaker.

I want to indicate, these amendments by no means provide a perfect platform to ensure 100% accountability. Because if the truth be told, we have in this country developed a culture of avoidance of rules wherever it is possible. If we are to just lay it bare, that culture has been there and in fact that culture is in part why we are on this track, trying to

see how we can put in place as many mechanisms as possible to ensure a deepening of a sense of respect for a whole new culture of accountability.

And so in a very real sense I think it's going to be almost like a - it's a process. And I think that - what I'd like to throw back at the Member, who is himself taking on the task not only as Opposition spokesman on finance, but as Chairman of the Public Accounts Committee - I'd like to throw out the suggestion to both himself, in a committee that has traditionally been chaired by the Opposition, but I'd like to also throw out to the Chairman of the Public Administration and Appropriations Committee, that these are areas that perhaps could be looked at more carefully, to see how they can even be further improved.

And the improvement, Mr. Speaker, doesn't all - the improvements don't all come in the form of an amendment to the law. I think the Member has alluded to the fact that these improvements can in fact come from changes in the administrative and operational procedures that are put in place. And so it doesn't necessarily mean that what you recommend to us must be a change in the law. Laws of themselves are not going to create the kind of more perfect means of review and accountability and transparency - ultimately it's going to be the sincerity and the professionalism operationally, how we discharge our responsibilities.

So even in the fiscal responsibility framework regulations, provisions for sanctions for breaches of the fiscal responsibility framework that we have put some in there - we're not saying that they are adequate. For instance, as an example, failure

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to observe parliamentary decisions; the Financial Secretary may make a report to the Public Service Commission for appropriate action to be taken. Failure to observe parliamentary decisions, because this is the highest court of the land. So that strictly speaking, failure to observe a decision of Parliament is like contempt of court, it is contempt of Parliament. And that is something that has been put into the framework legislation to give the Financial Secretary the authority to make recommendations to the Public Service Commission.

Now the Member - so I want to make it clear, Mr. Speaker, and leave the invitation open, not just to the Chairmen of the committees or to the Members of the committees, but also to the entire Parliament, that wherever we see things that are going wrong, wherever the infractions are, and we feel that something, whether by law or whether by administrative practice, can improve or plug that particular loophole, then we would welcome the ideas. Because it's a process and we have to admit - let's start by admitting, that we have a culture where if we can break a rule and get away with it, we'll break the rule and get away with it. And it is therefore in our mutual interest, that we seek to find ways continually, to improve that process.

The Member has given some examples, including a current one, and as Minister of Finance, I can just indicate that I'll seek to investigate it and get further and better particulars on the particular issue that you've brought to attention.

But on this basis, Mr. Speaker, I now move that the Bill be read a second time again.

The SPEAKER: Members, the question is that the Bills be read a second time.

Put to the House and agreed.

Bill entitled:

AN ACT to Amend the Financial Administration and Audit Act,

read a second time.

Bill entitled:

AN ACT to Amend the Public Bodies Management and Accountability 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

The CHAIRMAN: Members, we're going to deal first with the Public Bodies Management Accountability (Amendment) Act, 2011. There are a few amendments, when we get to the particular clause we will propose the amendment.

The CHAIRMAN: First, I put Clause 1.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2. Minister, amendment. Amendments were circulated. Are the amendments available to Members? Go ahead.

Mr. SHAW: In that clause, Mr. Chairman, you will insert in paragraph (c) next after the definition of "*financial distribution*," the definition of "*financial year*".

The CHAIRMAN: Okay, I now put the amendments to Clause 2.

Put to the Committee and agreed to.

I put Clause 2 as amended.

Put to the Committee and agreed to.

Clauses 3 and 4 put to the Committee and agreed to.

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The CHAIRMAN: I put Clause 5 with some amendments. Minister.

Mr. SHAW: Well, Mr. Chairman, in the proposed new section 3, we are to delete the proposed new subsection (2). So what we put into Clause 2 amended awhile ago will be deleted from 5(1).

The CHAIRMAN: Very well. I put the amendments to Clause 5.

Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 5 as amended.

Put to the Committee and agreed to.

Clauses 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 put to the Committee and agreed to.

The CHAIRMAN: I put Clause 17....

Mr. SHAW: Mr. Chairman, first of all, I would ask that you renumber Clauses 17 to 21 as Clauses 18 to 22. And insert next after Clause 16 the following as the new Clause 17, and the broad description is insertion of Sections 19(a), (b) and (c) in the principal Act relating to the indemnification of directors.

The CHAIRMAN: Members, we are now to insert a new Clause 17, which is the proposed amendment before you. The new clause will read - it's before you, it's a long clause. Members, before you is the new Clause 17, it should read as follows, and this is the new Clause 17:

"The principal Act is amended by inserting next after section 19, the following as sections 19A, 19B and 19C:

Subsections 19A.

(1) Except in respect of an action by or on behalf of a public body to obtain a judgment in its favour, the public body may indemnify-

- (a) a director or officer of the public body;
- (b) a former director or officer of the public body; or a person who acts or acted at the request the public body as a director or officer of a public company of which the....."

et cetera, et cetera.

(Discussion between the Clerk and the Chairman)

The CHAIRMAN: ...and the rest, Members. And so we are inserting sections 19A, 19B and 19C as indicated in the amendments. So I put the new Clause 17.

Put to the Committee and agreed to.

The CHAIRMAN: I put section 17, which is now the new Clause 18, that's the old clause 17, the new Clause 18.

Put to the Committee and agreed to.

I put the new Clause 19.

Put to the Committee and agreed to.

I put Clause 19, the new Clause 20.

Put to the Committee and agreed to.

I put Clause 20, the new Clause 21.

Put to the Committee and agreed to.

I put Clause 21, the new Clause 22.

Put to the Committee and agreed to.

I put Clause 22, the new Clause 23.

Put to the Committee and agreed to.

I put Clause 23, the new clause

Mr. SHAW: Mr. Chairman, the new clause 23 is the final amendment. This clause which is now numbered as 23 is to be repealed, it is to be removed. The principal Act is amended by deleting section 27 and substituting therefor the following section 27. It relates, Mr. Chairman, to the supremacy of this Act in relation to Public Bodies.

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The CHAIRMAN: Very well.

Mr. SHAW: And it reads:

“Notwithstanding any provision of any other law or enactment to the contrary, where that other law or enactment raises any inconsistency between this Act and that provision in relation to the operations of any public body, the provisions of this Act shall prevail.”

The CHAIRMAN: Thank you, Minister.

Mr. SHAW: And of course, subsequent Acts will be renumbered as Clauses 24 and 25.

The CHAIRMAN: So, Members, before you is the deletion of Clause 22 and inserting the new Clause 23.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 23, the new Clause 24.

Dr. DAVIES: Mr. Chairman, sorry.

The CHAIRMAN: Yes.

Dr. DAVIES: This is not about the legislation but just an operational matter.

I think it's very important that whenever anybody is appointed to be a Director to a public body that they are informed that in addition to whatever it is, whether it is a limited liability company owned by the Government or whatever, that this overriding - that this piece of legislation overrides all other. It's important that persons be so informed, because as colleagues may know, there is a reason that clause is being inserted, because when the first piece of legislation was introduced there were several of these statutory bodies, which argued that there was a contradiction as they were operated under a specific....

Mr. SHAW: Statute.

Dr. DAVIES: ...legislation, *et cetera*. So I think it's very important that the moment any Board is appointed that this clause be brought to the attention in terms of what predominates.

The CHAIRMAN: Thank you, Dr. Davies.

Mr. SHAW: Thank you for that.

The CHAIRMAN: I now put again Clause 23, the new Clause 24.

Put to the Committee and agreed to.

Clause 24, the new Clause 25 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 four (4) amendments, the renumbering and also renumbering.

Put to the Committee and agreed to.

The CHAIRMAN: Members, I now move to the Financial Administration and Audit Act.

Put to the Committee and agreed to.

The CHAIRMAN: Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 put to the Committee and agreed to.

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

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

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: Members, in relation to the Public Bodies Management and Accountability Act, I do report the Bill as having passed Committee stage with four (4) amendments. Minister.

Mr. SHAW: Mr. Speaker, I beg to move for third reading of the Bill.

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

Put to the House and agreed to.

Bill entitled:

AN ACT To Amend the Public Bodies Management and Accountability Act,”

read a third time and passed.

The SPEAKER: Members, Members, in relation to the Financial Administration and Audit Act, 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 Financial Administration and Audit Act,”

read a third time and passed.

The SPEAKER: Very well. Members, both Acts passed.

(Applause)

The SPEAKER: House Leader.

ELECTORAL COMMISSION

Mr. HOLNESS: Mr. Speaker, we’ll now take the Report of the Electoral Commission of Jamaica dealing with the prohibition of publication of Voters List between Nomination Day and Election Day and the prescription of electoral boundaries.

Mr. Speaker, the Report before us is quite brief and seeks the approval of the House of Representatives on two issues, the amendment of the Parish Council Act and the Kingston and St. Andrew Corporation Act, to empower the Electoral Commission of Jamaica, the ECJ, to prescribe as it sees fit the number of electoral divisions in each parish and the number of polling divisions within each electoral division, and the amendment of the

Representation of the People Act to explicitly prohibit the publication of a new list of electors between Nomination Day and Election Day.

With respect to the first proposal, Mr. Speaker, the ECJ seeks no more authority than that which was reposed in the previous Electoral Advisory Commission with respect to the setting of boundaries for electoral divisions.

By way of background, Mr. Speaker, previously, it was the Minister of Local Government that had the authority to determine the number of electoral divisions and to set their boundaries.

With the establishment of the EAC in 1979, this authority devolved to the EAC as set out in the Parish Council Act and the Kingston and St. Andrew Corporation Act, and was in keeping with the principle that all electoral matters should be decided by the independent EAC and not by the party in government.

When the EAC was abolished in November 2006 and replaced by the ECJ, the Parish Council Act and the Kingston and St. Andrew Corporation Act were not simultaneously amended to empower the ECJ to carry out this function. This Report now recommends that the Parish Council Act and the Kingston and St. Andrew Corporation Act be so amended.

In essence, Mr. Speaker, what we would be doing is deleting the words “*Electoral Advisory Committee*” and replacing them with the words “*Electoral Commission of Jamaica*”.

The second amendment deals with the publication of voter’s list and seeks to make it abundantly clear that no voters list should be

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published between Nomination Day and Election Day.

Initially, Mr. Speaker, there was no restriction with respect to when a voter's list would be published. A list could be published before Nomination Day or produce even a day or two before Election Day, and I have seen this happen, Mr. Speaker.

In view of the disputes which arose when the voter's list was produced on the eve of Election Day, the ROPA was amended to prohibit the publication of voter's list between Nomination Day and Election Day.

In 2003, the Representation of the People Act was further amended to impose a time restriction on the publication of voter's list with the effect that it prohibited the publication of a voter's list within five (5) clear days of Nomination Day.

It is the view of the ECJ, Mr. Speaker, that this 2003 amendment, having not explicitly provided for the prohibition of the publication of a voter's list between Nomination Day and Election Day. One interpretation of the Representation of the People Act, as it now stands, is that a voter's list could be published between Nomination Day and Election Day. The recommendation therefore is to amend the ROPA to explicitly provide that no voter's list can be published between Nomination Day and Election Day, and any voter's list to be so published must be published at least five (5) clear days before Nomination Day. The practical effect of this amendment, Mr. Speaker, would be to delay the publication of a list, if an election were to be called on or about the 31st of May or the 30th of November; those two dates being the customary dates for the biannual publication of a voter's list. So that, rather than having

the list published as is customary, the election would have to be conducted on the list that was in effect, five (5) clear days before Nomination Day.

Mr. Speaker, the recommendations are before the House for its consideration. As is customary, they have received unanimous supports from the Commissioners, and I therefore move that in keeping with the convention of this Honourable House that the recommendations of the ECJ in this Report be accepted.

The SPEAKER: Mr. Fitz Jackson.

Mr. JACKSON: Mr. Speaker, I have no objection to the recommendations contained in the Report before us. However, I have a simple concern. I take these proposals as part and parcel of the whole administration of election to give greater predictability to the arrangements for the holding of elections. Two questions that arise in my mind that concerns me. When we approve these recommendations in the House, how long is it going to take for them to come into effect?

One instant case, Mr. Speaker, is the question of the new constituency boundaries and the gazetting of those boundaries to again, give greater predictability or certainty as to when they are going to be in effect. Many, many months have passed since this House has acted on the recommendations come before us and to my certain knowledge to date, those boundaries have not yet been gazetted. And in the Report before us that we are called upon to act, we are giving authority to the Electoral Advisory Commission as it relates to the parish council boundaries. When will that authority be vested in that - come in effect, and for that to be exercised? In other words, Mr. Speaker, while I have no objection and

give full support to what is before us, I am wondering if we are just wasting our time or the administration of these electoral matters are going to be left in a state of uncertainty.

So I want to impose on the Minister, to advise this House and advise the country, and give us some time lines as to when these things are going to come into being.

The SPEAKER: Mr. Warmington

Mr. WARMINGTON: The Member from South St. Catherine raised the issue of the gazetting of the boundaries of the new constituencies that came before Parliament in March of 2010. But the issue is that, there are processes that must be observed and one, even though a recommendation came from the Electoral Commission of Jamaica, to the Standing Committee of Parliament, that sent a Report back to us, even though the Report is accepted by Parliament under the Constitution, there has to be a draft order coming from the Chief Parliamentary Counsel back to Parliament for recommendation to go to the Governor-General for that to be gazetted. So that is why it is more than a year that it has not been gazetted.

I raised certain issue and concern with that particular Report, in that, the new constituency, in Portmore constituency No. 2, came into Spanish Town and based on the 2006 Municipal Act and what have you, it means that the Portmore Municipality now extend into Spanish Town whereby Spanish Town is now divided among two municipalities; the Portmore Municipality and the St Catherine Parish Council. And I maintain then that how can you have a small town as Spanish Town being governed by two Local Government Authorities. And is this is why the issue had not gone to the drafting

committee to come back here and go to the Governor-General.

However, it went, it came here, and in my absence from Parliament, this Parliament approved what came here even though it breached the Portmore Municipal Act. And it means that at this stage, you cannot have a Parish Council Election, based on what is there now, unless you amend the Municipal Act of 2006. Because the emperors on Red Hills Road chose to do what they want to do, ignoring the existing laws and claim that Parliament must accept what comes here, even though they breached what is there. So that is why that particular aspect has not yet been gazetted. But you Members approved it in my absent in March. So I assume that it will be gazetted shortly.

(Sotto voce comments by Members)

Mr. WARMINGTON: It was pushed through because people are aware that I would have raised these salient issues. So they gave, they acceded to the wishes of the emperors - not commissioners, the emperors on Red Hills Road.

The issue before us now, Mr. Speaker, of granting extra authority to the Electoral Commission, when I speak it is normally referred to as having an adversarial of attitude, an adversarial attitude to the Electoral Commission by at least one Member in the House, and by the media that I have some adversarial attitude against the Electoral Commission, I don't. I respect the establishment of the ECJ, and I do support, you know, the establishment of this. What I do not support is the - what I say now, the crafting, and the keep on asking and the capturing of powers by the emperors, by the emperors, not commissioners, but emperors

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always seem to be grasping and seeking more powers. And this Bill that is here before us now is asking for more powers. They want to determine what they say here, *“to remove the authority from the Minister responsible for the Electoral matters”*. And we have a Cabinet and what I understand is that the Cabinet approved this recommendation and request from chief emperor. And what I need to ask. Do we have a Cabinet that governs or do we have a Cabinet that follows? Do we have a Cabinet that determines or a Cabinet that accepts?

Dr. DAVIES: We need a man like you in the Cabinet.

Mr. WARMINGTON: No, no, I am more comfortable here to speak for the poor people of Jamaica. (Applause) In a Cabinet we have to follow the dictate of a Prime Minister and other Members. In a Cabinet, you have to be governed under the Westminster system, you have to be what, be a collective governance even though you agree.

The SPEAKER: Come back to the motion.

Mr. WARMINGTON: When I sit in the back bench, I speak for Jamaica and Jamaicans; I hold no obligation to no man, but the people of South West St. Catherine and the poor people for Jamaica; so please don't tease me. And that is what I am speaking of.

So, Mr. Speaker, the issue of these emperors asking for more powers to determine the drafting of polling division and parish council boundaries, I cannot support it. Why these guys keep on asking for more powers, craving for more powers. The people of Jamaica elect 60 Members of this House to make these decisions and we have Members here, even though they are collecting the

salaries, paid by taxpayers to make decisions for taxpayers, they are giving up that authority to others to make this decision. Others, who are collecting, what, \$10.8 Million a year, and \$8.8 Million a year for four hours per month which I will deal with later on...

The SPEAKER: Stick to the present one.

Mr. WARMINGTON: I believe that Parliament and the Cabinet should not give up the authority given to them by the people of this country. We should not do that. And I see no reason, for us to amend Section 10 subsection (7) subsections (4) and (5) of the Parish Council and KSAC Act, it is not necessary; there is no need for that. Therefore, I cannot support this Bill that comes before us today for this to be done. There is no justification. I am elected....

(*Sotto voce* comments by a Member)

Mr. WARMINGTON: No, no, it is a recommendation here, whether a report or not, Mr. Speaker, the Report came from the emperors to your committee, and from your committee back to this House. No, no, from your committee to the Cabinet back to this House for us to accept the recommendation from them. We do not have to accept the recommendation from them, but because of convention, we accede to them, whereby the chief emperor claims that Parliament must accept anything that comes here. We cannot change it because it comes from the chief emperor. I will not give up the authority given to me by the people of South West St. Catherine.

The SPEAKER: Okay, you are not finished?

Mr. WARMINGTON: No, no allow me to conclude.

The people of South West St. Catherine give me the authority to speak and I will refuse to accede to anyone unless I am breaching the rules of the Standing Orders Committee...

The SPEAKER: I just thought you had finished.

Mr. WARMINGTON: You allow me to state when I am through, Mr. Speaker, allow me to state when I am through.

(POWER CUT)

Mr. WARMINGTON: I don't care - hey, there are those who try to keep me down. Let me make it clear. I am of an African descent, but I am not an African, I am a Jamaican and there are those who try to keep me down. And you know, you touched an issue a while ago which you should not have. Whereby there are others who said the Prime Minister should not have run the last elections. And the press and the media waged a campaign against me. I am still here.

I came here in 2007 with 58.7% of the support of the people of South-West St. Catherine. I came back here in April of this year with 64.7% of the votes of South-West St. Catherine. I have authority to speak.

A MEMBER: Aye!

Mr. WARMINGTON: And there are those who do not support my position.

Mr. PICKERSGILL: Join the proceedings.

Mr. WARMINGTON: But the people of South-West St. Catherine sent the message to Jamaica and those - what you call them - 66 Women of Committee, that they want me to come here and speak and the women of South-West St. Catherine sent me back here. And they want me to speak with the authority of

those women of that constituency. So nobody don't try to shut me up. Please don't try it! Please don't try it! Please, please don't! All right! So even when this Women of 66 or Women of 32, what they've stated then when they have published dem letter about Prime Minister not allowing to run, let me tell them this, the side that I sit on here, the side I sit on...

Dr. DAVIES: No, this side.

Mr. PICKERSGILL: Come over.

Mr. WARMINGTON: ...the Prime Minister has no authority to determine who runs. In this party, it's the people in a constituency, the delegates who determine who runs. And the delegates determined that I run. So when dem talk about Prime Minister not allowing to run, the people determine and the people put me here and I'm speaking. And on behalf of South-West St. Catherine, I will not...

Mr. HOLNESS: Mr. Speaker. Just on a point of order, Member. Point of order, point of order.

Mr. PICKERSGILL: What is the point of order?

Dr. PHILLIPS: His delegates send him to speak here? No, no, no.

Dr. DAVIES: Education!

Mr. HOLNESS: Mr. Speaker, the Report that we are discussing is that of the Electoral Commission and the two matters before us. Whilst we are very much entertained by the Member's presentation, I would encourage him to return to the...

(Cross talk)(Inaudible)

The SPEAKER: Yes, Mr. Warmington, keep it in the narrow boundary.

Mr. WARMINGTON: The issue is, Mr.

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Speaker, I'm willing to be confined with this, but when they try to throw remarks across here and they know...Will the House Leader please turn his mike off. The House Leader is among those who want to keep me quiet. Don't want me to talk. (Laughter) Because when I speak, I don't speak along the line of party. I don't speak of party. Although we represent party in this House...

Mr. PICKERSGILL: You don't?

Mr. WARMINGTON: ...the party doesn't speak for me neither do I speak for the party. I speak for the people of South-West St. Catherine. And I'll continue with that. So don't try to keep me quiet. It's best for the House Leader and others to allow me to make my contribution and sit down. It's in their interest. Mr. Speaker, you're encouraging them, too.

Mr. SPEAKER: We are doing that.

Mr. WARMINGTON: You're encouraging them, too.

The SPEAKER: No, no, no! (Laughter)

Mr. WARMINGTON: You're encouraging them. It's best you allow me. Let me tell you, if you allow me to speak, what I can take two minutes to do, what I can take two minutes to do, you Members allow me to take ten minutes. It is in your interest to allow me to use two minutes than to go to ten minutes or thirty minutes. And you Members keep on allowing me and pushing me and stepping on my corn. Don't do it. If you step on my toes I'm going to step on your corn and your bunions. So allow me to speak.

Mr. Speaker, as far as this power grab is concerned by the emperors of Hope Road, of ehm... Red Hills Road...

Dr. DAVIES: Hope Road is good.

Mr. WARMINGTON: ...like the emperor from Central Manchester, I cannot support this power grab. It must remain with the Minister and Parliament to determine it. But not some guys up town who are not elected by the people of this country to determine this, Mr. Speaker.

The SPEAKER: Thank you, Mr. Warmington.

One second. Mr. Smith then Mr. Bunting.

Dr. DAVIES: Are you speaking as an emperor? Are you speaking as an emperor?

Dr. PHILLIPS: Emperor or general council?

Mr. D. SMITH: I'm from Red Hills road but I'm not an emperor.

Mr. Speaker, I support what's brought here from the Electoral Commission. However, Mr. Speaker, the Member from St. Catherine South highlighted some of the concerns which I've always had about the timeframe to have these situations approved. But there seems to be an anomaly that exists that I've been unable to get a satisfactory explanation. It relates to (in) redesigning or redefining the various constituencies; and if a particular constituency takes on additional territory and accordingly additional votes, and if in the view of the Commission that that particular constituency is deserving of an additional division and it's an agreement and the outline of the division has been proposed.

I'm being told that when all of that is done, in the event of a local government election prior to a general election, then that additional division will not be legal or is not yet in place because of some constitutional situation, which to me doesn't make a lot of

sense. And I would like to know if that is the case, what's being done to correct that situation. Because to me, if you are going to redefine seats, if you're going to decide that there is need for an additional division, if you're going to go as far as to work on what the additional division should look like, and it's acceptable by most parties. I cannot see why if a local government election is called then you'd have to revert to the old divisional structure and the new divisions will not come in vogue until after a general election.

So I'd like the House Leader to clarify that in my mind because I'm having a difficulty with that.

(Sotto voce comments by Members)

Mr. D. SMITH: Yes, let me repeat. Let me repeat.

(Inaudible comments by Mr. Bunting)

Mr. D. SMITH: No, I'm like the Member from St. Catherine South-West who would like to keep on speaking. Okay. What I was saying, Mr. Speaker, in defining a constituency and accordingly you decide that there is need for an additional division and you establish that additional division and it's generally accepted by all the parties concerned, in the event that a local government election is called before a general election, that new additional division will not be legal so an election could not be held on that basis. It can only be held with the additional division after a general election. This is the explanation that I've been getting which doesn't seem logical, but it seems factual and I'd like to have some explanation on that.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Thank you, Mr. Speaker.

Mr. Speaker, perhaps I could assist the Member or the House Leader. My understanding is that the electoral divisions, what's more commonly referred to as the parish council divisions, do not in law, they don't have to coincide with constituency boundaries.

(Inaudible comments by Mrs. Neita-Headley)

Mr. BUNTING: For convenience... No, well, that's not my understanding. For convenience they usually do. But it always arises whenever there is a reconfiguration of constituency boundaries at the point at which the general election, the general parliamentary election is held. Unless the local government and parliamentary elections were held on the same day, simultaneously, you will always have in these new constituencies where there are new boundary configurations, you're going to find parish council divisions that will now overlap between two different constituencies. It must happen.

Mr. D. SMITH: Can the Member yield?

(Mr. Bunting sits)

Mr. D. SMITH: Mr. Speaker, the Member - thanks to the Member for yielding. Yes, what he's saying makes some sense. But if you can - I still don't understand why and I still haven't got a satisfactory explanation. If you can go as far as to establish the division, notwithstanding its overlap in a different constituency or two constituencies as the case might be, why a provision is not made to go ahead and correct everything at the same time? It doesn't make any sense.

Mr. BUNTING: As I said, my understanding - and the House Leader is consulting the Parliamentary Counsel and he

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can probably add to it. But because of the way the law governing the electoral boundaries is written, that the new constituency boundaries do not come into effect until the next general elections. If the Local Government divisions immediately prior to that coincide with constituency boundaries, once that general election is held and the new boundaries for constituencies come into effect, then the Electoral Division boundaries are going to straddle constituencies in those affected constituencies. It must happen. It has always happened whenever you have...Unless you were to have both...

(Inaudible comments)

Mr. BUNTING: There are many examples.

However, Mr. Speaker, that is really not the matter before us today. And the Member from South-West St. Catherine has really spent some time trespassing on matters on which there is another resolution awaiting debate. So we won't even bother go there.

But just to speak specifically to these two amendments. The first is what is quite unlike what it has been characterized as by the Member from South-West St. Catherine. It is not reaching for additional authority. It in fact is correcting what is an oversight when the Electoral Commission (Interim) Act came into force in 2006 and taking over the powers of the former Electoral Advisory Committee, this was one of the powers that the Electoral Advisory Committee had. And in the transitional arrangements, and in the drafting, somehow this was an oversight and not covered.

A MEMBER: Choreographed.

Mr. BUNTING: That is the fact. It's not a matter of reaching for anything. This was power that the Electoral Advisory Committee had from 1979 until 2006. And it is when we were looking at these new Divisional boundaries now, Mr. Speaker, that we realized that in the legislation transferring the powers from the Electoral Advisory Committee to the Electoral Commission that this was overlooked, this particular power was overlooked. And so we're really just looking at restoring what was there up to 2006.

Mr. WARMINGTON: Ineptitude. You're a part of it. You're a part of it. You're a part of it.

Mr. BUNTING: Well, this was of whoever drafted it at the time, you know. I wasn't on the Commission in 2006.

The second recommendation, Mr. Speaker, is merely to avoid confusion. As is pointed out here, again, flowing from section 17 of the ROPA which was amended in 2006, stipulating that a new list shall not be published less than five clear days before Nomination Day, but left it ambiguous as to whether a list could be published after Nomination Day but before the day for the taking of the poll.

Obviously, while that ambiguity is undesirable, because if a second list were to be published after Nomination Day, it would create absolute confusion as to which list would be used for that particular poll. And it would - you know, it could create all kinds of doubts and questions about the integrity of the electoral system. So to avoid that happening - and I think that was the intention of the drafters. But it leaves an air of ambiguity. So

this is just intended to ensure that there is no ambiguity around it and that no list will be published from five clear days right through 'til the day of the taking of the poll.

That's two simple amendments being suggested. And I would normally have said they were impatient of debate, but you know when it comes to the Electoral Commission and the Member from South-West St. Catherine, nothing is easy or straightforward.

So, Mr. Speaker, I am happy to support this Report from the Electoral Commission.

The SPEAKER: House Leader.

Mr. HOLNESS: Thank you, Mr. Speaker.

The Member from St. Catherine, South, who is not here in the House presently spoke to the extended period it is taking for us to gazette the new constituency boundaries.

Mr. WARMINGTON: Because I was asking for changes.

Mr. HOLNESS: The Member from South Western, St. Catherine pointed out that a part of the delay was the dispute as to the overlap of different Parish Council -

Mr. WARMINGTON: No, no, municipalities.

Mr. HOLNESS: Well, parish council/and a municipality, and that there would be an amendment to either Act to facilitate the present circumstances. But having proceeded with the draft Order, Mr. Speaker...

Mr. WARMINGTON: Against the Solicitor General's Report.

Mr. HOLNESS: ...and having it approved here...

Mr. WARMINGTON: Against the recommendation of... (Inaudible comment follows)

Mr. HOLNESS: ...the Chief Parliamentary Counsel's Office...

Mr. WARMINGTON: Against the recommendation of... (inaudible comment follows)

Mr. HOLNESS: ...was not comfortable with what was passed in the House because it spoke to retroactively approving the Order as the date of the Parliamentary Committee approving the Report. And so we have now asked that the AG's Office - the AG's Chambers give us an opinion as to whether or not that is constitutional. And as soon as we get that opinion, Mr. Speaker, if the opinion is favourable then we move to the stage of gazetting, if not, then we will have to make the necessary amendments and seek the approval of the House. I'm hoping to have the AG's opinion by next week, Mr. Speaker. So the Member from St. Catherine South in response to his concerns is - I agree it has taken quite a long time, but we hope to resolve this before.

Mr. WARMINGTON: Point of order, Mr. Speaker. Point of order!

The House Leader mentioned waiting on an opinion from the Attorney General's Chamber. There was a recommendation submitted to the Prime Minister by the Attorney General's Office. The Prime Minister sought an opinion based on my concern on the letter that I wrote to the House Leader and to the Attorney General. What I'd like to know whether or not the House Leader saw the Report - recommendation that came from the Attorney General's Office which went against what the House did, eventually after I left the House.

Mr. HOLNESS: Mr. Speaker, in response to the Member from St. Catherine South

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Western, we're speaking about two different matters.

Mr. WARMINGTON: No, no, you just mentioned the.... (Inaudible comment follows)

Mr. HOLNESS: We're speaking about different matters.

Mr. WARMINGTON: He mentioned the gazette. Gazetting... (Inaudible comment follows)

Mr. HOLNESS: The opinion that we're seeking from the AG's Department is relation to whether or not the draft Order can retroactively come in force of the point of approval from the Committee of this House, and the AG will give their opinion on that. As it relates to the other matter that you raised, I have not seen the AG's letter to the Prime Minister.

Mr. WARMINGTON: The Prime Minister asked for it....

Mr. HOLNESS: But I'm explaining to you, Member, that I have not seen the AG's letter to the Prime Minister.

Mr. WARMINGTON: So how come you haven't seen it.

Mr. HOLNESS: Well, Mr. Speaker, if the opinion were adverse I would have expected to be notified to prevent.

Mr. WARMINGTON: I could copy it.

Mr. HOLNESS: So, Mr. Speaker, what I will and I don't like to give these assurances on my feet, but I will seek the advice of the Attorney General that was given to the Prime Minister and since the Bill - the draft Order may have to be reviewed we will incorporate that, if it is the case. So, Member...

As it relates to the concerns raised by, again the Member from South Western St. Catherine, regarding a power grab. I believe

the Member from Central Manchester pointed out correctly, that these powers were already devolved from the Minister of Local Government to the EAC in 1976 - that happened in 1976, but in the transition from the EAC to the ECJ, the appropriate amendments were not made in the ROPA and in the KSAC and the Parish Council Act. What we are proposing in this report, Mr. Speaker, is that we make those amendments simply to change EAC to ECJ. So there is no new power being ascribed to the Electoral Commission of Jamaica.

Mr. Speaker, I, too don't have an answer for the Member from - is it North West St. Andrew?

Mrs. HENRY WILSON: Yes.

Mr. HOLNESS: The practice, Mr. Speaker, is that Parish Council boundaries coincide with constituency boundaries. I have never seen or come across a case where they have not. But I am not saying it is a matter of law.

Mr. BUNTING: It's possible where you have a generalization and a newcomes in immediately after then.

Mr. HOLNESS: Right. I am basing my discussion with the Member on the fact that because it has always been the practice of them coinciding that it would follow that even if you were to make a new division during or just before a general election is called so as not to have this anomaly in practice one would want to wait until after an election then it takes effect, which would be the answer for the Member from North Western St. Andrew. But, Mr. Speaker, again, we have asked for further legal advice just to be clear on that.

Mr. Speaker, I don't think that anyone would have a concern regarding making it

explicitly clear that no voter's list should be between Nomination Day and Election Day. And, in fact, what this does is to give five days lead time before Nomination Day, so that no voter's lists can be published five (5) days before Nomination Day. And I believe that will make the law certainly more effective.

So, Mr. Speaker, with those few responses and comments I ask the House to adopt this report.

The SPEAKER: Members, the Report before you is for the adoption of the Report on the No. 5 of the Order Paper.

Put to the House and agreed to.

The SPEAKER: Report adopted, subject one objection or one negative vote from Mr. Warmington.

Mr. HOLNESS: Mr. Speaker, there has been much clamour for us to take Private Member's motions.

The SPEAKER: Yes, and we have four (4). I hope we can get through all four.

Mr. HOLNESS: We have four Private Member's Motion today.

(Cross talk)

Mr. HOLNESS: But is true, every day....

The SPEAKER: The Member from South West had requested and his own should be short. Would you like to accommodate him? Normally I wouldn't accommodate, but could we accommodate the Member from South West?

Mr. HOLNESS: The Member from St. Ann - where is the Member - is in agreement that we should go first with Motion No. 39.

Miss HANNA: I said what?

The SPEAKER: Thirty-nine.

Mr. HOLNESS: I thought you had agreed that we should go.

The SPEAKER: Yes, yes.

Mr. HOLNESS: Yes, because it has to do with dress code.

Miss HANNA: No, no. I never agreed to that.

(Mr. Holness laughs)

Miss HANNA: I said no such thing.

(Inaudible comment by a Member)

Mr. HOLNESS: Mr. Speaker, I now move for the suspension of Standing Orders to allow us to take Private Members' Motions.

The SPEAKER: Members, the motion before the House is for the suspension of Standing Orders to allow Private Members' Motion to be taken.

Put to the House and agreed to.

The SPEAKER: Mr. Warmington, Private Members' Motion No. 39.

Mr. WARMINGTON: Mr. Speaker, Standing Order 39 says,

WHEREAS Parliament has relied on the 23rd Edition of *Erskine May's* Parliamentary Practice for guidance and Parliamentary dress code;

AND WHEREAS the Parliament has never taken an official position - I will amend - this Parliament has taken an official position on Parliamentary dress code and has instead relied on the ruling of the Speaker of the day for its interpretation;

AND WHEREAS the rulings of individual speakers are open to different interpretations:

BE IT RESOLVED that this Honourable House mandate the Standing Orders Committee of the Parliament to study the issue of Parliamentary dress code and submit a comprehensive recommendation to Parliament for adoption.

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The issue with the *Erskine May's* Parliamentary Practice 23rd Edition what it says on page four forty-six,

Members are not permitted to wear decoration in the House. The wearing of military insignia or uniform inside the Chamber is not in accordance with the long-established custom of the House. The Speaker has also stated that it is also the custom (custom)

Members to wear jackets and ties.

Mr. PICKERSGILL: It is the what?

Mr. WARMINGTON: But it means that at this stage when this was written -

Mr. PICKERSGILL: Talking bout 'custom'. Custom.

Mr. WARMINGTON: The custom for gentleman Members to wear jackets and ties.

Mr. PEART: He has an American accent.

Mr. PICKERSGILL: That word not in the English language.

Mr. WARMINGTON: Because I was.

Mr. PICKERSGILL: Come man, talk like you're here from...

(Laughter)

Mr. WARMINGTON: Because I was.

Mr. PICKERSGILL: ...Old Harbour.

Mr. WARMINGTON: But the issue is that it makes no mention of the dress code of women or ladies - ladies I should say. It means that maybe this time ladies weren't serving in the British Parliament or what have you, but we have ladies serving in the British Parliament, the Canadian Parliament, Jamaica Parliament and other Parliaments of the Commonwealth. So consideration has to be given where those Members are concerned.

Mr. PICKERSGILL: Yes.

Mr. WARMINGTON: I think after 1997, there was an issue in this House when Speaker, Violet Nielson, was in the Chair, and I think the Member from St. Catherine Central wore a pants suit. And it was questioned, whether or not it was appropriate. And I believe after a long discussion it was accepted then that the pants suit could be worn to Parliament. But nothing else is written where that is concerned, and we have not established anything like that.

Opposition MEMBER: Wey yuh a talk bout custom?

Mr. WARMINGTON: When I served here in 1980 to 1983, before I was sent into involuntary retirement

(Laughter)

A MEMBER: The first time.

(Laughter)

Mr. WARMINGTON: When we had Speaker, Talbert Forrest, in that Chair, each Member of the House had to wear a suit, not just a jacket and tie.

Mr. PICKERSGILL: Wah bout Kareba?

Mr. WARMINGTON: This says jacket and tie. That came in after 1972 - yes, there was Kareba.

Mr. PICKERSGILL: Yes, Nehru colour.

A MEMBER: Let's not go back there.

Mr. WARMINGTON: And it involved all the Members sitting in the Chamber...

(Inaudible comment comment by Dr. Bartlett)

Mr. PICKERSGILL: Shut yuh mouth.

(Laughter)

(Inaudible comment by Mr. Holness)

Mr. WARMINGTON: ...it involved people sitting in the Visitors Gallery, and it

involved the people who are sitting in the Press Gallery. But when I came back here in 2002 and I noticed that this was discarded totally. I noticed even a Member across there even wore a shirt to Parliament one day. Wear a shirt, a long sleeved shirt across there out outside of the pants.

Mrs. NEITA-HEADLEY: Who was that?

Mr. WARMINGTON: It wasn't a Kareba suit or bush jacket. It was a long-sleeve shirt.

Dr. BARTLETT: That's D.K.

Mr. WARMINGTON: Wear across there when they had the thing to Danny Buck.

Mr. PICKERSGILL: Chinese collar.

Mr. WARMINGTON: And I saw people...

Mr. JACKSON: It's the modern style of those design.

Mr. WARMINGTON: ...in the Gallery there in some short sleeve shirt and some little stuff that are not appropriate that you could wear to certain venues. And I've seen people in the press wearing t-shirts loose shirts, something that you only wear to clubs. We have to have some respect for the dignity of Parliament.

Mr. PICKERSGILL: Ayee!

Mr. WARMINGTON: And I believe that we need to establish once and for all...

Mr. PICKERSGILL: Ayee!

Mr. WARMINGTON:once and all—excuse me English man?

Mr. M PEART: Excuse those and words.

Mr. PICKERSGILL: Ayee!

Mr. WARMINGTON: Excuse me, English man.

Mr. PICKERSGILL: Now, come come man.

Mr. WARMINGTON: I expect us to establish once and for all what is expected in this House. I once misspoke and made reference to one of my colleagues as to the outfit she had on, and, I don't know, her ears so clean and keen she heard what I said and she took me to task and almost punch me in the lips.

Mr. PICKERSGILL: Oh, oh.

Mr. WARMINGTON: And I felt bad having said that about one of my best friends and I had apologized to her then.

Mrs. NEITA-HEADLEY: You can do that!

Mr. WARMINGTON: And I noticed ever since then she has always worn some immaculate suits to this House.

Mr. PICKERSGILL: Ayee! (Laughs)

Mr. WARMINGTON: And she made sure that I'll never speak that way about her again, even if she did I wouldn't. But, Mr. Speak, as it says here I asked for it to sent to the Standing Committee of Parliament—

Mr. M. PEART: What committee is that?

Mr. WARMINGTON: The Standing Orders Committee. The Standing Orders Committee...

A MEMBER: Bout Standing Committee.

Mr. WARMINGTON: ...to determine once and for all and send a recommendation to this House as to what the dress code ought to be.

Mr. PICKERSGILL: Is that your proposal?

Mr. WARMINGTON: Taking into consideration what the ladies wear to the House - I wouldn't say women, but the ladies because I believe they're all ladies in this House and the gentlemen wear. Also, taking

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into consideration what those in the Visitor's Gallery do wear.

Mr. PICKERSGILL: And those in the press.

Mr. WARMINGTON: And those in the press. I've seen cardigans up there. I've seen ganzees up there. I've seen t-shirts up there. I've seen some tights with the ladies up there.

(Cross talk)

Mr. WARMINGTON: And if the ladies, and if the ladies...

Mr. SHAW: Boy, you've been very observant.

(Laughter)

Mr. WARMINGTON: If the ladies on the floor of the House.

Mr. WARMINGTON: If the ladies on the floor of the House....

Mr. PICKERSGILL: What about Hansard?

Mr. WARMINGTON: They are always properly dressed.

Mr. PICKERSGILL: Hansard is not properly dressed?

Mr. WARMINGTON: No, no, they are always properly dressed.

Mr. PICKERSGILL: Okay.

Mr. WARMINGTON: The Clerk of House ought to ensure that. If the ladies of the House have to dress in certain fashion therefore those in the Visitor's Gallery and the Press Gallery must follow suit. And when the Standing Order Committee reviews this it must be extended not only to the House but also to committees of the House. And what we wear in the House must be extended to the committees. Proper dress code. Mr. Speaker, those tights, those misfits mustn't come here. Those mismatch jackets and pants must not come here. It's not fit for the House. We must

extend it to all, proper, not just jacket and tie, Mr. Speaker, I am asking that your committee recommends that suit be worn.

Mr. PICKERSGILL: What about bow tie?

Mr. WARMINGTON: It says tie. It didn't say long tie or bow tie.

Mr. PICKERSGILL: So bow tie is included.

Mr. WARMINGTON: It says suits and tie.

Mr. PICKERSGILL: What about bow tie?

Mr. WARMINGTON: I am leaving it to the committee but they must be properly attired in this House, Mr. Speaker. I am recommending and asking that your Committee looks into it and make sure that it comes here. The Press, Visitor's Gallery and the House and the Committee must be properly attired to come into this House once and for all.

Thank you.

The SPEAKER: Thank you, Mr. Warmington. Miss Hanna.

Mr. PICKERSGILL: Up to now you don't say what properly attired means.

Miss HANNA: Thank you, Mr. Speaker. It is interesting because I think there are some who feel that this is actually not a very serious matter to be debated. But I think the Member from St. Catherine raises a larger principle which I subscribe to and it is really looking at the gender balances and how we perceive women and men in the Parliament.

The reason why I say so is the Member actually goes into the history and identifies a time when dress codes and other things had to do with a very male-dominated Parliament. And I will be the first one to say to you that I

recognize that the levels of female representation in the House is not where it ought to be and we need to push for greater representation where that is the concerned. But I often feel that if we are going to be looking at dress codes it must have equal balance and it cannot be that if it is that you are focusing on female dress, I think it is right to focus on male dress as well. Often times - and the Member perhaps doesn't observe this - there are male politicians and Members of Parliament who come in here who don't wear socks, who don't wear belts.

Mr. PICKERSGILL: What!

Miss HANNA: Absolutely! Absolutely!

(Sotto voce remarks by Members)

Miss HANNA: Mr. Speaker, every Member of Parliament in this House and every Member of Parliament certainly in other democracies around the world - and it's very interesting because those democracies that have actually evolved furthest and have more female representation, those of Australia, South Africa, even in Britain, are a little bit more laxed where their dress codes are concerned, and their Parliaments have evolved not only to include nebulous things as dress codes but they actually put in place infrastructure that facilitate both genders. So Parliaments in South Africa, Parliaments in Australia have gyms, they have nursing facilities, they have facilities for mothers, they have facilities for all that encompass a wide cross section. So I think while it is, Mr. Speaker, that we all....

Mr. WARMINGTON: ...we have to build a new Parliament....

Mr. PICKERSGILL: Shut your mouth, the lady talking.

Mr. WARMINGTON: She is not supporting the argument.

Miss HANNA: One of the things - while it is important, Mr. Speaker, to recognize that women are singled out and are not looked at specifically, especially in terms of dress, and there is nothing written in any Parliamentary documentation to determine what it is and how female Parliamentarians should operate, not only in terms of dress, it has to also be taken into consideration that we are a part of the democracy of this country and, as such, the facilities should also make us feel welcomed.

I want to make sure I make it very clear that while some persons think that dress codes are casual and while some persons think that it is not important, I believe that we do need to set examples to our people. We do need to set examples that constitute a level of professionalism.

Now that might require a particular style. That might require that perhaps we move away from the British standard, which is not suit and tie, which is not women in skirts, which is not women knot all the way up to their necks in a suit because fashion and times have emerged. And I think it is important that as each Member of Parliament has their specific style when they are on a platform, when they are standing in this Parliament, they also have a presentational style which guides their personality and it is important that we recognize it and accept it. So even though we support a dress code and perhaps need those laws to evolve and be a little bit more dynamic, we have to make sure that it takes into consideration all aspects on how Parliaments and democracies have moved. And at the end of the day while it is

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that we focus on some of the peripheral and symbolic elements that guide and that are a factor of Parliaments, dress code, the way we talk to each other, there are some fundamental principles that we must address if we are to get a very gender-balanced Parliament and if we are to attract more women. Let us not knock a woman on her dress code. Let us not knock the men on their dress code. Let us come to some equal balance and understand that if we are going to move forward, in terms of governance, there needs to be balance.

Thank you, Mr. Speaker.

(Applause)

The SPEAKER: Dr. Bartlett then Mr. Mair.

Dr. BARTLETT: Mr. Speaker, I don't think that this matter is really a very controversial matter. Indeed, I am one of those persons who have been very concerned about what is happening in Jamaica as far as standards are concerned. You take for example, even our youngsters in schools and most schools today they have to be working very hard to ensure that the students wear the kind of uniform they are to wear.

During my days in school when you go to school there was somebody who was there checking to see if you have on the proper colour socks and if the shoe that you are to wear was worn and if colour of the khaki pants that you are to wear was worn and if the lengths of the ladies skirt were appropriate.

As the Parliament of the land, I think we are the highest Court of the land and I think that people look to us for maintenance of standards. And if we cannot set that kind of standard here then what are we asking society in a situation where we find that a lot of people think that anything goes and they can

do whatever they want to do because they are their own person. But, you know, I am one of those who think that when somebody is invited to Parliament they should consider that they are coming to a very special place.

Miss HANNA: By the way we behave?

Dr. BARTLETT: That is a part of it, Member. The way that we behave in Parliament is also a part of it, it is not a good setting of example. But it has been some time now that I think that this debate and this discussion should have really been held in this Parliament, because a lot of us we are losing our way.

When we invite technocrats to come to this Parliament, whether it is for a committee meeting or even to be in the Gallery, they should consider it that it is a privilege to be in this House and to be in this House you must conform to certain standards and certain principles. And I think that it is time for everybody who come into this House, including the Press and including everybody.

Because if you look at the staff of this Parliament, the staff members of this Parliament, the Orderlies and the members who work in this Parliament, you have never seen them dress out of a particular standard. And I think that that should hold for everyone who comes into this Parliament, including those who come to observe in the Gallery and including committee meetings. Because we have had situations in this Parliament, Mr. Speaker, where the Member who moved this motion and myself have had occasions where we opposed individuals entering this Parliament because they are not properly attired in the way that we as Members of this House know that we are to be attired. And I think that it is full time

now that we set that standard and we ensure that that standard is maintained and we bring back some dignity to this House.

With that, if it means that I cannot wear a green tie when the standards is set, if it is that you must wear a certain kind of suit and a certain kind of tie, absolutely no problem. It's absolutely no problem to me. The fact of the matter there is the need for us, there is the need for us to set the standard and to live by it and be the example. So I support the motion by the Member and hope that it will speedily go to this committee for review so that we can have it written properly.

Mr. PICKERSGILL: All right.

The SPEAKER: Mr. Mair.

Mr. MAIR: Thank you, Mr. Speaker. Mr. Speaker, I would like to extend my support to the motion. I think it's an appropriate motion and I also like to support the contributions made by the Member from South East St. Ann and Eastern St. Andrew. Because a concern I have, Mr. Speaker, is that we must not reach a point where we will preclude the people of Jamaica from coming here to the Visitor's Gallery to see their representatives do their work. The majority of the people of Jamaica really cannot afford to buy a suit.

Opposition MEMBER: Ahhh!

Mr. MAIR: And I don't think we should reach the point where we tell members of the public that they must have a suit to come here. It would be probably jacket and pants and probably the Parliament could have jackets that they could supply from time to time that if somebody didn't have a jacket at the time.

But I do recall when I came to this Honourable House the first time as a visitor in the year 2000 and I was not allowed to come

in although I felt I was properly dressed, but they said you need a jacket and tie. So I support the motion, but let us be very careful that we are not sending the message that this is an exclusive club for only certain people who can come and sit up there to see the work of the people done in the Chamber. So those are my few words of contribution to this motion.

Thank you.

The SPEAKER: Mrs. Portia Simpson Miller.

Mrs. SIMPSON MILLER: Just a few words on this motion, Mr. Speaker. It was said earlier by one Member speaking that the officials who come and people who come and sit there in the Gallery it's a privilege. It's not really a privilege. The Parliament should be open to the entire country and whoever wishes to come, to sit, to listen, to observe, to watch, will be able to do so. I agree that there must be a code and Lisa said it correctly earlier, the Member from St. Ann said it correctly in terms of the Parliament. In terms of female, the Parliament was never ever designed with women in mind. It was never ever designed that women will be coming here to make a contribution or to participate.

Mrs. NEITA-HEADLEY: Is true that!

Mrs. SIMPSON MILLER: It was built straight-male facility.

Mrs. NEITA-HEADLEY: Not even the bathroom dem nuh... .

Mrs. SIMPSON MILLER: Even the facilities here are very uncomfortable for women, very uncomfortable....

Mrs. NEITA-HEADLEY: You didn't plan for us.

Mrs. SIMPSON MILLER: ...and if there is one thing that the Member said but at

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this time when the country - we are going through so many challenges, when public servants cannot get pay, when a number of areas, and when the poor struggling in the country and poverty on the rise, there is no way you could be spending money now to build a new Parliament for the comfort of Parliamentarians and the people out there. But there is, I am supporting, the need for a proper Parliament. Setting proper standards I think is important and critical. But alongside the dress code and the standard proper behaviour should accompany the dress code and the standard. (Applause)

Mrs. NEITA-HEADLEY: A bhutto in a suit is still a bhutto.

Mrs. SIMPSON MILLER: Because when you are properly dressed, and you are dressed up in a suit, you are expected to behave a particular way

(Inaudible comment by a Member)

Mrs. SIMPSON MILLER: And Lisa said it earlier, there was no dress code for women.

The SPEAKER: The Member from South East.

Mrs. SIMPSON MILLER: Mr. Speaker, thank you, it's my thing for her, but here - you are right to abide by the rules here.

The Member from St. Ann, she was right - South East St. Ann - she is right because when women walk in here and are - people criticise their dresses, whether their dress is too short, the dresses are too whatever, or the pants is too tight, whatever.

Mr. M. PEART: Too much exposure.

Mrs. SIMPSON MILLER: Too much exposure. No dress code - there's no dress code for women in this Parliament. Because

women - it was not expected for us to be making a contribution.

Mr. CHARLES: Women are expected to keep their standards.

(Cross talks)

Mrs. SIMPSON MILLER: Those of us who are here might be setting the standard, but, Mr. Speaker, I want to join with the Member from South East St. Ann, that we do not have, on both sides, enough women in this Parliament...

(Inaudible comment by Mr. Warmington)

Mrs. SIMPSON MILLER: I understand, and there are challenges why, there are a number of challenges. Which young woman is going to want to come in here to be a Member of Parliament when she is going to be beaten down and torn? And the only thing is going to happen is her reputation could be at stake. (Applause)

And all of us as Parliamentarians are seen as crooks and criminals and thieves and corrupt.

A MEMBER: They are not saying that. (Cross talks)

Mrs. SIMPSON MILLER: This is part of the challenge...

(Inaudible comments by Members)

Mrs. SIMPSON MILLER: You see, Mr. Speaker, the Member moved the motion to deal with some issues of standard, and imagine, I'm not able to speak with Members keeping silent. (Laughter)

Mr. M. PEART: Dey tink a Area Council meeting dey deh.

Mrs. SIMPSON MILLER: And so in order not to generate anymore contention or confusion, I want to support the motion. At the same time, in terms of the code and the

standard, Mr. Speaker, behaviour should be a part of it, and so there should be respect on each side, for each other. (Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: Until we can do that, we will never be able to garner respect from the public.

And the other point I want to make, the Member included members of the Media, and I'm not so sure whether members of the Media do get dress allowances.

Mr. M. PEART: We don't.

Mrs. SIMPSON MILLER: We elected to be here...

Mr. JACKSON: We don't.

Mrs. SIMPSON MILLER: Yeah we don't but we elected to be here, but they are here to ensure they convey to members of the public, what is happening here, and the performance of the...

Mrs. NEITA-HEADLEY: Standards... (Inaudible)

Mrs. SIMPSON MILLER: And so if we're gonna set standards we have to be mindful sometimes, because even in terms of the House, the male Members do have an advantage over the women in terms of the dress code.

Mrs. NEITA-HEADLEY: It's true.

Mrs. SIMPSON MILLER: Do I say why, Mr. Speaker?

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: The men can change their shirts and tie and wear their suits...

A MEMBER: That's why we have a black suit.

Mrs. SIMPSON MILLER: ...but the women, if we wear one dress this week and

next week, there's another thing, and next thing we find ourselves into some columns.

(Applause)

Mrs. NEITA-HEADLEY: True, true, true! (Cross talks)

Mrs. SIMPSON MILLER: And so there is a distinct difference between the women and the men on both sides in this Parliament.

I want to support the motion, but I'd like for the Member to also emphasize that along with the dress code and the standard, the standard of behaviour is critical.

Mr. M. PEART: The conduct.

Mrs. SIMPSON MILLER: The conduct of this Parliament is also critical to all of this.

Thank you very much, Mr. Speaker.

The SPEAKER: Thank you, I thank you. Mr. Warmington.

Mr. PICKERSGILL: Also clothing allowance. (Laughter)

Mr. WARMINGTON: Mr. Speaker, I thank the Members...

Mr. PICKERSGILL: I want to amend the motion for clothing allowance.

Mr. WARMINGTON: ...for their contribution to the debate itself.

(Cross talks)

Mr. WARMINGTON: And they show - the last speaker who spoke of the advantage of male Members and they change their shirt and tie and the poor women can't wear the same dress next week, what have you - I don't think it happens that way, because my suit - any suit I wear today, you don't see me with that suit maybe three or four months down the road, I don't wear that same suit again..

(Laughter/applause)

Dr. BARTLETT: Same thing with Bobbie.

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Mr. WARMINGTON: I don't wear that suit again. I can change mine once every three months as such.

The issue of behaviours, Mr. Speaker, if I could address what my cuz just said. Males also speak of the powers of the Chair to enforce order in the House - cheers and hear and what have you. So all those rules are here as to behaviour, it's up to the Speaker to enforce that, and it is in the May's page 447 and 446 give that also.

The issue of the Press being here to report on Members and what have you, so they might not be able to follow the suit and tie, I don't think I can go with that, because when I served in the 80s, every single member of the Press then - male Member - wore a suit and tie. Not just a jacket and tie, a suit and tie. Every member in the visitor's Gallery wore suit and tie. So it can be done. But I have said if we allow it to go as it is, you have T-shirts and cardigans and those stuff up in the Gallery there, you soon have tank top up there if you don't set a dress code. So we have to set an example, as such.

Mr. M. PEART: People wear jeans and T-shirts?

Mr. WARMINGTON: I mentioned before, the issue of... And tights also... I mentioned before, the issue of...

Mr. PICKERSGILL: Yuh run away the journalists yuh nuh.

Mr. WARMINGTON: Because maybe they have on tights. (Laughter)

Mr. PICKERSGILL: The ones who were not properly attired yuh run dem wey.

Mr. WARMINGTON: But yuh don't set the rules yet.

I've mentioned before, the issue of the - the issue of May's not mentioning the ladies

who serve in the House, because at that time they didn't cater for them. The Member from South East St. Ann and the Member from South West St. Andrew mentioned that. But I'd mentioned that before, that when this was written all it said about men, the Speaker - men Members to wear jacket and ties, all right. So it incorporated what I said then, that we have to consider the ladies also that do serve in here, and I mentioned the members of the Gallery.

When I came here on the - what it was, the 4th of May? All the Members who came here with me, they occupied the entire Gallery up there, and every male that came here was attired in a suit and tie.

Mr. PICKERSGILL: Campaign money?

Mr. WARMINGTON: Not just a jacket and tie.

Mr. PICKERSGILL: After the campaign?

Mr. WARMINGTON: When I was sworn in on the 4th of May, you weren't here. You are losing your memory, you're becoming senile, that's why you're asking that question.

Mr. PICKERSGILL: Shut yuh mouth! Wrap up, wrap up. (Laughter)

(Inaudible comments)

Mr. WARMINGTON: Mr. Speaker, I cannot understand how my church brother - yuh understand - he and I worship at the same church and he's attacking me in here? I'm going to tell the Minister when I go back to church you're attacking me in the church.

(Inaudible comment by Mr. Pickersgill)

Mr. WARMINGTON: Mr. Speaker, I thank the Members for their support of the motion.

Mr. PICKERSGILL: Yes.

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Mr. WARMINGTON: And, Mr. Speaker, as I said here before, I'm recommending that this be sent to the Standing Orders Committee of Parliament for them to review and send back a comprehensive report to the House.

Mr. PICKERSGILL: What about the clothing allowance?

Mr. WARMINGTON: Clothing allowance?

Mr. PICKERSGILL: Yes.

Mrs. NEITA-HEADLEY: Sure.

Mr. WARMINGTON: Mr. Speaker, the Member from North West St. Catherine, is talking about clothing allowance. I know he can afford anything he wants.

MEMBERS: No, no, no!

Mr. M. PEART: That was ... (Inaudible)

Mr. WARMINGTON: I would not go to the point of clothing allowance. I know the Member from East Central St. Catherine...

Mrs. NEITA-HEADLEY: On a point of order.

Mr. WARMINGTON: Yuh caan call a point of order and yuh in yuh seat. (Laughter)

The issue of the wearing of clothes, Mr. Speaker, I recommend that this now be sent to the Standing Orders Committee.

(Laughter)

The SPEAKER: Thank you, Mr. Warmington.

Members, the Report before you with a recommendation that it be sent to the Standing Order Committee, that is the motion Number 39. It's now put before you for support, with the recommendation that it be sent to the Standing Orders Committee.

Put to the House and agreed to.

The SPEAKER: Thank you, Mr. Warmington.

Mr. Thwaites, I think you're - I think we're going to...

House Leader...

Rev. THWAITES: Surely you want to finish Number 34, Speaker?

The SPEAKER: No, one second.

Which one are you on? I think it's...

Mr. HOLNESS: Thirty-four, Mr. Speaker, it is only fair to the Member who has been put off three times now.

The SPEAKER: Yeah Mr. Charles is to make his contribution.

And Members will recall - even though I don't want to enforce it totally - that the Standing Orders Committee Report was passed last week, Members will recall, where we recommended the Standing Orders Report, that we speak for 20 minutes in the proposer and Members for 10 minutes. In the spirit of that, let us stick to it, 10 minutes - 20 minutes proposer, 10 minutes. I've not asked for the suspension of Standing Order to enforce it, and therefore in the spirit of the Committee's Report I hope we can stick to it.

Minister Charles.

NIS – BENEFITS ETC.

Mr. CHARLES: Mr. Speaker, a few weeks ago a resolution was put on the floor by the Member from Central Kingston. He said:

BE IT RESOLVED that since the National Insurance Scheme could perform at a much higher level, that it will be reformed and extended to provide a more adequate social security system for all Jamaican workers.

When the Member made his presentation, I was interested to hear whether he had any suggestion as to what a government under the

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PNP would do to satisfy this resolution. I also looked back to see that the National Insurance Scheme is 45 years old and 26 of those years were administered under the PNP.

MEMBERS: So what?

Mr. CHARLES: Looking further, I am aware that a number of members on that side support the National Insurance Scheme. I am also aware that a number of Members on that side oppose the National Insurance Scheme. There are now 100 - just under 100,000 people accessing benefits from the National Insurance Scheme, and I think that this House should honour, honour the memory of Lynden Newland for bringing the National Insurance Scheme into being, one hundred thousand (100,000) people are now benefitting. (Applause)

But I think that the Member from Central Kingston misunderstands or wants to introduce something different. The National Insurance Scheme operates under the National Insurance Act of 1966. This Act stipulates that all employed persons must contribute to the scheme. I repeat. All employed persons must contribute to the scheme. In other words, to employed persons, NIS is a compulsory scheme. It is not a tax, it is people's money that they invest for their own future. It cannot be used to distribute benefits to people who did not contribute.

So although I am in support of a scheme that can assist workers, the National Insurance Scheme as presently constituted for the past 45 years, is not the scheme that is going to be able to do that without violating the rules. Madam Speaker, these own account operators contribute based on assessed value of their income. Persons who were previously contributing to the NIS and are now

unemployed also have the opportunity to continue to contribute. You contribute, it means, you invest, and at a period of retirement you get a return.

The wonderful thing about this, sometimes you get 20 and 30 and 40 times more than you invest, because of the management of your investment over a period of time.

All persons 18 years and over have the opportunity to contribute to the NIS and make the necessary provisions for their retirement. Madam Speaker, all the legal provisions are in place for the widest possible participation under the Scheme.

The Member from Central Kingston in his resolution sought to provide an illustration of some of the social ills affecting Jamaica. However, to suggest that the National Insurance Scheme should address all these ills reflects a misunderstanding of the objectives of the NIS, how it is structured and the range of benefits provided. It also points to a non-recognition of the recent reforms passed in this Honourable House.

According to the Statistical Institute of Jamaica, Madam Speaker, the Jamaica labour force now stands at 1.27 million. However, this figure has to be properly interpreted. It takes into account persons 14 years and over. And allow me to remind you that under the National Insurance Scheme, only persons 18 years and over are eligible to participate.

At present, well over one million persons are registered under the NIS. The figure includes 375,000 persons registered over the last five years. This shows that we have an active ongoing programme of registration. To date, the number of active contributors to the scheme is 475,000 persons. The difference between those who are registered and those

who are actively contributing may be attributed to a number of factors. For example, unemployment, the cohort of persons between 14 and 18, and of course, low registration within the informal sector. We are continuing a public education programme to encourage more self-employed persons to register and contribute to the scheme. And I want to repeat. Every Member of Parliament, every church organization.... In fact, all organizations in Jamaica should listen to the appeal to those persons who are self-employed and are not bound by the law to contribute, for them to do so in the interest of their own future.

The Prime Minister in his budget presentation in 2008 recognized the challenges that confronted the sustainability of the Scheme. He recognized that the funds could become bankrupt if certain measures were not put in place. The burden of the Fund was largely attributed to the changes in Jamaica's demographic profile. Increased life expectancy, improved health care and lower birth rate have resulted in significant growth in the proportion of older persons in the population. In fact, Madam Speaker, the life expectancy of Jamaicans is now 74.1 years, men 71 and women 77. Jamaicans are living much longer after retirement and have to continue to draw much more from the NIS.

Madam Speaker, into an increasing number of pensioners - we have an increased number of pensioners to pay as a result of their living longer.

The Actuarial Evaluation was commissioned, following which the Prime Minister had consultations with the Leader of the Opposition, and the then spokesman on finance and the actuaries. The evaluation

provided the basis for several reforms of the NIS that were approved in this Honourable House in November last year. These measures are aimed at ensuring the long-term viability and sustainability of the National Insurance Fund and include, in addition to the actuarial recommendation, gradual increase in the wage ceiling.

1. An increase in the insurable wage ceiling from \$500,000 to \$1 Million;
2. an increase in the flat rate contributions from \$20 to \$50 a week;
3. the new contribution rate for Members of Parliament and the Jamaica Defence Force;
4. unification of the retirement ages for females and males at 65 years. Previously females were eligible at 60 and men at 65 if they are not employed;
5. improvements in benefit rates for pensions and grants, at present a maximum weekly pension of \$4,300 is payable;
6. increase in the provisions under the NI-GOLD Health Plan, which is designed specifically for NIS pensioners. This year, \$500 Million is provided to assist pensioners who are ill.

Madam Speaker, we do not see this as a comprehensive list of reforms, but as the first step towards our long term goal of making the NIS more responsive to the needs of our workers.

I have already indicated that it is my intention to table the Actuarial Report in this Honourable House during the Sectoral Debate. And I have advised the Member from Central Kingston that I will make a copy available to

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him on his request, from the office of the Ministry of Labour.

Madam Speaker, the fact is that social insurance systems such as the NIS are under increased pressure throughout the world. The impact of the maturity of the Scheme is already evident in the fact that we are currently paying out more in benefits than we are collecting from contributions. The Actuaries projected that if this trend continues, we are going to have a problem.

Earlier, the NIS Board and the Ministry of Labour had consultation with groups and insurance companies. The actuaries projected that if the trend identified earlier had continued without us implementing reforms, the NIF would be completely eroded in the short term. Madam Speaker, these reforms ensure that the long term sustainability of the fund is being preserved. And even if there were no other adjustments, the Fund would be healthy and in a healthy state until 2035.

In the last fiscal year 2010/2011, we collected \$7.4 Billion in contributions and paid out \$10.8 Billion in benefits, a net deficit of \$3.4 Billion. As a result, Madam Speaker, we have had to depend more on the investment income to close this gap. Despite this, the total value of the NIF as of March 31, 2011, was \$66.5 Billion. Madam Speaker, this does not sound like a Fund that is under-performing, as was stated in the Resolution by the Member from Central Kingston.

In fact, we are pleased at the successful gains resulting from the prudent management of the investment programme being pursued by the NIF and the Board.

Madam Speaker, the Member from South St. Andrew raised the issue of the removal of the NIS insurable wage ceiling to enable

persons to make contributions based on affordability.

The Actuaries, however, recommended that the insurable wage ceiling be maintained, raising it from \$500,000 to \$1 Million and thereafter recommended an annual increase of 4% or 5%.

Madam Speaker, the NIS contribution structure was reconfigured in 2003 to accommodate contribution to the National Health Fund. The 2 ½ percent contribution by employees matched by 2½ percent by employers is still maintained. However, two percent from either side goes to the NIS and a half percent from inside goes to the NHF. Through this medium, substantial amounts are being remitted to the NHF on a monthly basis. Through this medium, substantial amounts have been remitted to the NHF on a monthly basis.

In December 2003, a health plan which provides a range of benefits for NIS pensioners were introduced. These benefits include dental, medical, hospital, surgery among others. It should be noted that these benefits complement what is currently provided under the NHF.

The Member from South St. Andrew, Madam Speaker, in rehearsing the resolution suggested that the NIS should be extended to provide a more adequate social security system for all Jamaican workers. The idea of an employment insurance implied has been mooted for the past 20 years. Indeed, the late Honourable Hugh Lawson Shearer was a strong advocate of this. The Ministry is currently examining the feasibility of introducing such a scheme. However, we have to be cognizant of those other jurisdictions where similar measures were introduced under

the social security system, but did not remain viable.

Madam Speaker, the NIS under the law has to be operated as a trust fund. It is workers contribution compulsorily deducted from their earnings which cannot be operated, in a manner to address all the social ills in the society. The Ministry has other welfare programmes that ought not to be confused with the NIS. Persons below the poverty line who have no means of sustenance can access a wide range of social intervention programme provided by the Ministry. Unattached youngsters need not occupy street corners. They must actively seek opportunities for gainful occupation. And here, I wish to mention some of these economic empowerment programmes that are now available.

- 1) The Special Youth Employment Training Project (SYETP)
- 2) The Youth Empowerment Strategy, the YES programme.
- 3) Step to Work Programme under the PATH programme,
- 4) Youngsters that are interested may contact any of the ministry's office across the island of Jamaica and register there.

The legislative programme is already in place for persons wishing to come forward and make sure that adequate preparation is in place for their retirement. And, Madam Speaker, note must be taken that the NIS is a contributory scheme and unless you contribute, you cannot be paid a benefit. It is not a welfare programme. I emphasize, it is a contributory social insurance scheme. And unless this House can find other ways to meet some of the presentations from the other side,

I would ask that we join the educational mission which we are going on now and invite all Jamaicans to contribute to this NIS.

Madam Speaker, at the end of their work life, everybody calls for help under the scheme and while they are working only those who are compulsorily required to do so, get on board. The rest...

The DEPUTY SPEAKER: The Minister's time for speaking has expired.

Mr. CHARLES: Two minutes.

Mr. HOLNESS: Madam Speaker, I move for the suspension of Standing Orders to enable me to move for the extension of the Member's time by five minutes to complete his presentation.

The DEPUTY SPEAKER: The question before the House is that the Member's time be extended to five minutes to allow him to complete his presentation.

Motion put to the House and agreed to.

The DEPUTY SPEAKER: Minister, please.

Mr. CHARLES: Thank you, Madam Speaker.

And I want to close by saying, I am not going to go there because this is the 21st Century. On both sides of this House we have made mistakes, both sides. One of the greatest mistakes that was made was when the People's National Party, marched street by street in this country to oppose the National Insurance Scheme, called it a SIN and said NIS meant *Newland Intension to Steal*. That has changed. The Leader of the Opposition was Minister of Labour and I will say before she say so. She worked hard in preserving and developing the National Insurance Scheme. (Applause) And today, I want to just close by inviting all of us here to recognize the last presentation I made.

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It is a contributory scheme and it is preserved for those who are contributing and not for those who we would want to give from it.

Thank you very much.

Mrs. SIMPSON MILLER: Madam Speaker, I will be very brief. I will be very brief, but I am afraid I have to respond to the Minister.

I think in terms of government policies whether they were implemented by that side or this side, and they are working well, we do not have to bring the politics into it.

The Minister made comments about the initiator of this programme which is laudable and something that we always recognize the contribution of the then Minister of Labour, LG Newland in terms of his role of establishing the National Insurance Scheme.

I could respond to the Minister by reminding him of a number of things implemented by the People's National Party Government, that that side demonstrated as well, not only demonstrated, blocked up places in tourism areas and that programme is benefitting the country now. I don't want for us to go there. That is supposed to be behind us. When we play politics it can provoke some kind of response.

But I want to make the point, Madam Speaker, that when we - I wonder if it is something to come - but when we saw that the National Insurance Scheme, and the Minister rightly pointed out, that if we are not careful and not properly handled it could become bankrupt. And so even the persons who made their contributions and are now pensioners and those who are making their contributions; because every day, there are people in this country who become pensionable and will be

getting their pension, from this scheme. That was why when I recognized that it could be a challenge that I established took to Cabinet and established a board, their responsibility was to pursue a very aggressive investment path so that the programme would be sustainable because we would always have funds. The numbers are growing day by day and as the Minister pointed out, we need to ensure that we can maintain the programme. And so you have to look into other areas now to ensure that we can do that.

The board was established, for the investment of the fund to ensure periodic adjustment to pensioner's benefit; because while the scheme was there and laudable and very good, there were times when pensioners were paying more to collect the benefit than the benefit that they were receiving. And that was what inspired me then and our administration to do something about it so that we could have periodic adjustment to pensioner's benefit. (Applause)

Prudent investment is critical to the sustainability. And I think, Minister, as times comes, that you have to review and to add other things that can assist the growth of the fund, then certainly you should do and I would support as I indicated when the Prime Minister had the meeting with us about the NIS, that you know, you would get the support of this side on.

In fairness, the Member's motion, it said:-

"BE IT RESOLVED that since the National Insurance Scheme could perform at a much higher level, that it would be reformed and extended to provide a more adequate social security system for all Jamaican workers."

He was not talking about people, I am sure, who would not be making a contribution to the scheme. So the Minister's response is contrary to the resolution that was moved. When he spoke about welfare it meant that, perhaps we could even have gone to looking at how we could get NI pensioners making a contribution to a national health programme. I am just saying so, I am not sure it is possible I have never looked into it, I have nowhere – I have not done any research on it, but I know what is happening remember what - and you identified 2003. But when you identified that something was done in this direction in 2003, you did not give credit to the then Government but you kept on criticizing. And I think that it is something we have to stop inside of this House and give credit where credit is due whether it is done from that side or it is done from this side or we are going to through the people who are listening, will just treat it in a casual way as if nothing is done and we are not serious in here. And I am sure everyone of us in here no matter how - and part of the problem why people don't respect us out there, and we have not garnered the kind of respect and attracting more people to come and join us inside here, and the caliber that we are looking for, is because we keep on being very critical of each other criticizing that party and this party rather than dealing with some of the serious issues affecting the people at this time. And I want to say as of...

(Sotto voce comments by Mr. Charles)

Mrs. SIMPSON MILLER: ...remember, Madam Speaker, the Minister, is a bigger trade unionist than I but I certainly got some training from the trade union movement, so I understand. And, I give you credit for that, but I think that, for those of us who are more

experienced Parliamentarians here, we should be setting a stage and a standard inside here, for the younger ones and for those who are just here maybe for the first time, that they could follow by not just all of us every time keep on speaking about the negatives but let us work together. And I can assure you Minister, you call me and want to sit with me. The National Insurance Fund is something I am passionate about, the scheme is important to the Jamaican people. The fund is important for us to have the growth of the fund, and I think if anything we need is unity, not division.

And so, I want to support the resolution moved by the Member because he was not asking for people to benefit who are not members of, and if anything I think, all of us parliamentarians can encourage people in our constituencies who are self-employed to be contributors to the National Insurance Scheme so that - and become Members - so that later on they will be able to benefit from this programme. (Applause)

And I think that, the Member in moving the motion, I think was thinking about some of these things and I really believe that we can become – and I am not saying that we did it any better in terms of getting the people on. But I think that all of us if we unite can mobilize and get more attention and get more people to want to participate in this programme. And so I am in support of the resolution.

Thank you very much for allowing me.

Dr. BARTLETT: Thank you, Madam Speaker.

You know, Madam Speaker, the matter of the NIS that we now know it today is really not by accident that we now have a NIS here.

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It is also not by accident that we have a very thriving pension fund plan all around the world. And I think, Madam Speaker, that we should commend our parliamentarians of the 1960's because in hindsight when you look at it, it is very possible that what they recognized then was that in a year like this, 2011, or even before now, there is a generation that was born that was known as the Baby Boomer generation, which was born between 1946 and 1965; and in fact this year, the oldest Baby Boomer generation is 76 years old and the youngest Baby Boomer generation which was born in 1965 is 46 years old. And that generation is the generation that is putting a lot of strain right now on the pension fund. And that generation is also the generation that is putting a lot of pressure and is getting a lot of return from the contribution to things like the NIS.

When it was established in the 1960s it was dubbed by some as the 'sin tax'.

Mrs. SIMPSON MILLER: You come back with that?

(Inaudible comments by Members)

Dr. BARTLETT: It was dubbed as the 'sin tax' then. But today we are here and we are having a completely different discussion because we recognize the importance of this Fund to those of us who are here and especially those of us who are still part of the baby boomer generation.

Madam Speaker, according to a 2011 *Associated Press* and *Life Goes Strong.com* Survey, it shows that among the Baby Boomers, some 60% of them lost values in their investment because of their economic crisis that we have just gone through.

(The Speaker returns to the Chair)

It says 42% of them are today delaying retirement and some 25% of them claim they'll never retire at all because in truth and in fact some of them did not make any preparation. But what is unique about this generation, Mr. Speaker, is that they were considered as that generation where the most births occurred over that period. Some 70 million births, approximately, occurred during that period, the reason why it is called the Baby Boomers.

And so, Mr. Speaker, we will continue to have this discussion because in truth and in fact the generation that came after the baby boomer generation is still a generation that is larger than the baby boomer generation. And so the need for pension funds and the need for contributions to the NIS Scheme and other schemes like this will always be there. And so as we move ahead and as we consider this very timely resolution that has been brought to this House, I want us to think about these things. Think that in truth and in fact what we have ahead of us are a number of individuals who are going to be packing the requirement for pension. And so contributions to the National Insurance Scheme really is indeed, a must.

I thank you very much, Mr. Speaker, and I support this resolution wholeheartedly.

The SPEAKER: Reverend Thwaites:

Mr. M. PEART: Clarify that point.

(Rev. Thwaites yields to Mr. Hylton)

Mr. HYLTON: Mr. Speaker, may I speak from a seat other than my own.

The SPEAKER: Permission granted.

Mr. HYLTON: In the spirit of the motion that the NIS has done well over the years, based on the statistics and the numbers

that are available to us. The question though that I think is being asked is, in the light of a number of challenges faced, not only by our economy but the global economy as well, whether the scheme can function or should function within the confines of what now exists as the areas for investment.

Mr. Speaker, I think one of the things we have to face very squarely is that as the Jamaican economy and society is being forced to integrate into the global economy, whether the approaches to the NIS and other similar contributory schemes can be confined simply to the investment criteria that are established for the moment. I believe that in the spirit that this motion has been made, I believe, that we ought to be looking at other ways and other approaches for investment of the fund's resources.

Mr. MAIR: The open market.

Mr. HYLTON: The former Minister and Opposition Leader mentioned the difficulties that she had in moving the Fund at another period of time to begin to look at other horizons for investment. And thus the establishment of the Board to supervise investment in other areas. Until then, the Fund was essentially a static Fund where contributions would flow in and at that time the disbursement was roughly aligned with the contributions.

But as the passage of time moves on, our population has begun to live much longer, enjoying a much better quality of life, better standards of living, the dynamics have changed. Similarly, we have now (been) faced with a situation where our economic arrangements - all over the world, every country is challenged - we are being integrated

into the global environment. And I believe we have to look at the opportunities beyond the current and the existing situation.

It may well be, therefore, that the prudential requirements which are essential in a scheme of this nature, this being the security, the fund for the social security of those contributing and looking to their sunset years. But I believe that more can be done and more must be done very rapidly. If we are confined simply to the economic opportunities and the benefits, the potential opportunities around us in our immediate environment, I think the chances are we could well be putting the Fund at some risk.

What I have in mind? I think that perhaps the Board as is currently constructed you may have to look at it. Look at a role for our diaspora on these Boards, people with skills beyond our shores to help us to integrate as we are doing into the global arena. You have to look at the rules that govern the investment. And I'm not now talking about wholesale investment internationally, but to look at portions of the funds; and other Fund schemes are doing that.

In Chile and in other areas, they have taken innovative approaches to utilization of pension funds, which are seen as critical investment vehicle in the economy. And it's not just in our economy, but wherever the Fund can raise and earn to support the expansion of the Fund.

So I want to commend to the Minister that with careful research and a careful approach that the fundamental recognition that we are being integrated into a global environment and the need there for us to look at the Fund, its regulation and how the funds are utilized and

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invested and whether or not the time has not come to look at investment beyond our shores.

(Applause)

The SPEAKER: Thank you, Mr. Hylton. Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I'd like to thank everybody who contributed to the consideration of this motion. I'd like to say that it was brought with one intention in mind, to help to refocus our thinking on an area of State activity and of private contribution, individual contribution which doesn't always attract attention, and to encourage this legislature to expand its... ..tense.... following Isaiah 56, in ways that would be of benefit to all. And I do thank, particularly the last few speakers for their joining of this intent. And may I always thank the Minister for his kind attention but feel sorry that his description of the Fund appeared so defensive and so complacent.

First of all, no one is considering that anyone should benefit from the Fund who didn't contribute to it. The whole purpose of my presentation was to encourage and to see national mobilization to bridge that huge gap between that 475,000 who are in fact contributing and the 1.2 million who are in the labour force. That's the issue. We need a comprehensive social security scheme, having regard to the state of our economy and the needs of our people. And the National Insurance Fund comprises the most important example of what is a hugely significant national endeavour that is the garnering of domestic savings.

And, therefore, everyone, no matter how limited their circumstances, no matter how much in the informal sector they are

embroiled, must be encouraged and indeed, I think, it should be made mandatory as I said earlier, for their contribution to what is going to be their need in their golden years, especially having regard to the lengthening life span that many of us hope to enjoy. So let's just get that very clear. There is no demeaning of the purposes of the scheme. There is no failure to recognize its prudent operation up to now, if indeed, inadequate, in terms of the overall needs.

Now, Mr. Speaker, the suggestion that I made was, relating also and extending, the possibility of extending, as the Leader of the Opposition intimated, to a further level. The State is never going to be able to afford fully, public health care. And therefore, it is reasonable to indicate, as we have begun and now to extend, in my view, a contribution within the structure or adjacent to it, of the National Insurance Scheme for ample health care at the time of life when you need it most. And this is said without prejudice or without any criticism of the efforts of the National Health Fund and without failing to recognize the contribution which the social security scheme makes to that venture at this time.

But surely, anyone who is looking for a better style of life for our people, must look for a broadening of the parameters of social security. And simply concentrating on the repleteness of what we have now, is unfortunately, a very inadequate view.

Mr. Speaker, reference was made to the possibilities of investments of these funds, indeed trustee funds. In the past, it has been the borrowings of Government that have dominated the investment patterns, with a few exceptions and additions of this Fund.

Mr. Speaker, I do urge the Government and indeed, the legislature, to follow the advice of the Member for Western St. Andrew. Look at the Chilean model. They have privatized aspects of their social security scheme and the thing has boomed.

Mr. Speaker, I put to you and to them a challenge. At this point in our educational system, we are faced with a woeful inadequacy of providing long-term funds for tertiary education.

If we were able to craft a system which better enjoined the repayment of those funds, what better investment could there be from the savings of the workers for their own final expenses by a contribution to and a repayment from those who were benefitting from tertiary education in this country. It seems to me that these kind of artful and creative thinking must go on, with due regard to the safety of the funds, but certainly not the kind of narrow reaction that we got. This is not a giveaway scheme, but it is the pearl of great price that we have. It is our domestic savings. We don't have to pay this back to anybody. We simply keep a covenant of trust with each other who have contributed in this cooperative scheme.

And so, Mr. Speaker, it seems to me that the size of the fund is indeed impressive. But if everyone were to contribute to it, who is in the labour force, we could double, that couldn't we? And what an extraordinary gift to our nation and to our nation that would be. And, therefore, it was an gesture of cooperation, not of contestation, that this resolution was brought. And I do hope that it will be seen ultimately in that light and that, in fact, we will betake ourselves to a much more aggressive promotion of membership in the scheme to apprising people of their own

predicament if they fail to bridge this gap where, in fact, it is a little more than a third of those who are actively contributing of those who will need the services and more of this scheme.

And, therefore, I'm grateful of the support of those who have spoken in favour of this motion. I trust it will gain favour of this entire House and that the discourse on it will prove some stimulant to further discussion, and indeed to changes in public policy. I thank you.

The SPEAKER: Thank you, Rev. Thwaites. The Motion is No. 34 on the Private Members' Motion, before you Members.

Put to the House and agreed to.

The SPEAKER: I think we now move Reverend Thwaites to - House Leader, we have No. 32 and 36 to do. I think 36 is so short we could do it first, but it's up to you.

Mr. GALLIMORE: Well, okay, Mr. Speaker, if the Member pleases we were planning to do 32, but we were planning to do both of them. So...?

The SPEAKER: Which do you want to first, Reverend Thwaites?

Rev. THWAITES: Mr. Speaker, once a matter is on the Order Paper in my name, I'm ready to start whichever one it pleases the House.

The SPEAKER: (Addressing the House Leader) It's up to you.

Mr. GALLIMORE: All right, well let us proceed then.

Rev. THWAITES: I do think since the Minister of Housing has graced us with his presence and we are in danger of losing a quorum, Mr. Speaker, and I do wonder whether the attention of the House is - the attentiveness of the House bespeaks any

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reflection on the concerns of the motions that are being raised by myself and by the Member for South West, St. Catherine. But be that as it may motion No. 32, which is older in pedigree on the Order Paper reads,

“WHEREAS the Chairman of the National Housing Trust recently told a Parliamentary Committee that his estimates of the nation’s housing deficit is in the region of two hundred and fifty thousand units.

BE IT RESOLVED that this Honourable House debate the policies, the institution’s finances and the methodology required to eliminate this shortfall.”

Mr. Speaker, it remains the greatest ambition of all Jamaicans to own a piece of land upon which they can plant their vine and fig tree and own a home. Mr. Speaker, the National Housing Trust, and I do not think that we need, with all respect to what was said before, to garland those who formed it and those played the first, second and third roles, but let us just accept that we have a good institution and that we want to better it up. Ehh!

And by the way, Mr. Speaker, if you’ll just allow me one sentence of diversion in respect of an earlier motion about dress code. Mr. Speaker, I’m far more interested in what is in a person’s head than in what is on their back. And I suggest that you should be guided in this when you have the illustrious task of chairing this Committee. Let us look for what cometh out of us rather than the raiments and the phylacteries that we wear into this House.

Mr. HOLNESS: Say that again.

Rev. THWAITES: Yes, phylacteries, P-H-Y-L-A-C-T-E-R-I-E-S. It’s Mark Chapter 17. It was referring to the Pharisees, House

Leader, who used to have these long raiments and used to boast and measure their righteousness by the prettiness of their garments. There is nothing more absurd, Mr. Speaker, than the tie that we wear. It was intended as some kind of elongated bib. We no longer need this in our mature state and, therefore, culture should be which that determines raiment. (Laughter)

If we were in New Zealand or Bermuda we, gentlemen, would be allowed to wear short pants. Wouldn’t that be nice, Mr. Speaker? To see you and your gown and see your legs...

(Heckling/ Laughter)

A MEMBER: Careful, you know, careful.

Rev. THWAITES: And, Mr. Speaker, if we were in a Polynesian Parliament, can you imagine the comely decoration or lack thereof of our female Members for whom we seek gender balance?

(Laughter)

Mr. Speaker, back to housing, yes. The National Housing Trust like the National Insurance Fund has, over the years, benefitted greatly from the savings of the workers of this country, but unfortunately has failed to attract the attention of many thousands who require a home of their own. Mr. Speaker, the Chairman of the National Housing Trust, who is an honest person, has indicated very clearly that what was it - close to sixty per cent (60%), if not more, of the contributors to the Trust cannot access the benefits of the Trust because of the paucity of their income. For a long time, it has common estimate in this country that we carry a deficit - an increasing deficit of some twenty thousand houses per year, yes. It causes a great deal of social frustration. It is indeed properly described as a crisis.

Mr. Speaker, the absence or the lack of a proper home influences negatively family life, and I dare say the excellent effort to adopt a parenting policy, which is presently on the Table of this dear House would be frustrated - or let me put it positively, would be much enhanced if there was even a modest dwelling with a secure tenure that people could - that young people could be raised in and make better use of the educational system of this country.

Mr. Speaker, I came across a young person and he is not unique at all in one of the high schools in my constituency, and since the beginning of this year he has moved house five times. Think of the instability, think of the uncertainty of life that afflicts so many people. Think of the problems that affect each of our constituencies during this period of bad weather, Mr. Speaker, when the quality of so much of our infrastructure whether it is in Grants Pen or it is Parade Gardens, where people have to shuffling and bobbing to get away from the rain and the fear of the breeze that might follow.

Mr. Speaker, we need a far more comprehensive housing policy than we have, and we need to use the resources available to us notably of the Housing Trust, but with clear recognition that the Housing Trust cannot bear the full burden of meeting the housing needs of the country in far more creative ways.

Social behaviour is very much influenced by housing conditions and it is important that we should recognize this.

Mr. Speaker, the Government of the day has made some commendable moves in seeking to expand and to, in some cases, relax the rules related to titling of land. The provision of housing is integrally related to the

capacity to easily obtain - fairly obtain titles to land. Mr. Speaker, I believe the Minister of Housing will confirm that there are thousands of titles in the vaults of the various Government State agencies for pieces of land and indeed for houses in various schemes, which for one reason or another have not been distributed to people. There are people in Land Settlement schemes who have built their houses, given some Certifications of Appropriation, yes, and it is now forty, fifty years and the efforts to give them their titles are sporadic and very often inadequate. Mr. Speaker, this means that when there is the issue of succession - you know, Mr. Speaker, from your previous life how difficult that becomes. How tenuous the investment. What dispute and acrimony derives because of an absence of a clear, legal regimen that supports home ownership. It is all right at a certain level in the society; above Seven Million Dollars you don't have this kind of a problem very much, but below that, Mr. Speaker, yes, you face a situation. In urban areas the truth is that the institutions of housing finance will take your money as savings, but when it comes - when you apply for a mortgage, yes, you're told that your area is not suitable...

A MEMBER: Serious thing.

Rev. THWAITES: ...you can't get a mortgage. The State has to ensure both in the countryside and in the city that that kind of discrimination and cramp does not continue.

(Applause)

Mr. Speaker, the National Housing Trust has to help us take a lead in this regard. I have the highest regard for its management and for its foresight. We have to use the existing infrastructure that we have in the inner cities. The areas that my friend, from South St.

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Catherine represents are wonderful additions to the housing stock, but they are relatively expensive ones, appropriate to a previous time and not likely to be duplicated in the future except for the debilitating middle class at the time, Mr. Speaker, and perhaps in the foreseeable future, regrettably though that is. Because those areas involve not only diversion of agricultural land, but also the infusion and the capital expenditure for infrastructure, which the inner cities and certain parts of the rural areas do not require. We must make better use of the investment we have made already. The investment in the streets albeit rutted, the investment in the sewage systems, even though they are inadequate; the investment in the electricity even throw off is the norm, the investment in the water supply even though we all groan for our people to have a settled and a modest flat rate. This is what we have.

The housing market on a Sunday we see - look at the contrast, Mr. Speaker, we see advertisements of new houses between the price range of six, seven, eight million going up to fifty and sixty million. We need have any red eye for those who are able to afford those eccentricities of life, Mr. Speaker, at the higher end, yes. But on Monday, Tuesday and Wednesday and indeed throughout the week, what do we see more and more in the newspapers but the advertisement of the auctions, yes, of all of residential houses. Do we recognize as representatives, Mr. Speaker, the dislocation that takes place in the lives of people when your house is put up for auction? Do we understand the significance of the statistics given yesterday for the public, that in the March quarter alone bad debts, many involved in housing finance, have increased by

one-third over the previous quarter, Mr. Speaker?

Mr. Speaker, think of the plight of the urban dweller, the plight of the peasants, the peasants who established a homestead with such faith and risk even though they didn't own the land after slavery and created the backbone and the spiritual fortitude of a new Jamaica which was decimated in subsequent times by the onset of the mining industry and by other depredations that denied him that land.

But, Mr. Speaker, what we need is housing that is basic that reflects a satisfactory system but with no luxury connected with it. What we want is a starter home system to become normative where, in fact, the basic unit is cost - is priced and cost at a Million Dollars no more than Two Million Dollars that can fit in with a working class salary. Where two or three partner draws, Mr. Speaker, can pay the deposit and where there is facilitation by the Credit Union movement, that remarkable financial institution of the poor in the Jamaica...

(Applause by the Opposition Members)

...which should not be troubled or regulated in any untoward way, Mr. Speaker. And where the National Housing Trust supported by external finance, if it is needed, and various bonds that could be floated usefully rather than sterile government expenditure, but into the patrimony and the improvement of the infrastructure and capital stock of the people. So that people have a chance to own their home and pay a mortgage which is less than a third of their income, low that that is. I believe that this is possible. I believe that will require an avid programme of Urban Renewal. I feel that I am speaking in consonance with the

spirit of the Prime Minister, at present, with whom I've had discussion on this. There are some insipient projects towards this end, Mr. Speaker, but they are not going fast enough nor are they as extensive as they should be.

And I look forward to the contribution of the Minister of Housing, and perhaps the Prime Minister, himself, who is in charge of the Housing Trust, when he returns to our shores, to advance and accelerate this process; where young people who working have an opportunity to own their home and not expected to find huge deposits and to have to locate some boops abroad in order to help them to find a modest dwelling. Something in the region of three four hundred square feet, yes, with minimum surfaces. Because we know, Mr. Speaker, from sites and services experience from what is being done at Providence Heights and Portmore Pines, that if you give a person a start, yes, we Jamaicans know what to do with it. Don't even bother put a door because they're going to change the door to their own suit. Don't partition inside. Simply provide the shelter and the amenities of sewage and electricity, and water and they will do the rest.

(Applause)

Can we think of this remarkable investment that people will make in their housing stock rather than feel so frustrated that they spend their money on the consumerables of life, on the alcohol, on the betting shop and on the 'bling' clothes. These are not worthwhile things. We want to create a climate in this country, Mr. Speaker, where everybody aspires to own a home. Where this is possible and where there are offices and places that people can go to ensure lands - lands that they can own at reasonable cost, not

squat upon, Mr. Speaker. That is a scourge. But rather that we regularize those squatting settlements and that we use the public resources, particularly the huge deposits of government land that sit idle, yes, and turn the informal into the formal and ensure that we use every bit of our capital, not to support the borrowing and the extravagant lifestyle of the State, Mr. Speaker, but rather as an investment - an investment which will last for a lifetime, which will be paid for over a lifetime and passed on to future generations of a home. It is in that spirit that this resolution is brought.

I thank you.

The SPEAKER: Thank you, Reverend Thwaites. Dr. Chang.

Dr. Chang, could you hold a sec?

Mr. HOLNESS: Thank you, Minister, for yielding. Mr. Speaker, I'd like to make a brief contribution to the motion brought by the Member from Central Kingston regarding housing. Clearly, we support and endorse the motion and I'm sure the Minister will have other comments to make on it.

But, Mr. Speaker, for urban inner-city constituencies, like the one I represent, many of those constituencies and those areas were built, probably fifty years ago - some of those housing estates were built fifty years ago. And they are at a point where they are now deteriorating rapidly, Olympic Gardens, Waltham Gardens, Molynes Gardens. Those areas, which fifty, forty years ago, Mr. Speaker, were residential areas in the classic sense - they had middle class areas. Those were the areas, as you had said Member, proper road infrastructure, water, light, and sewage.

But now because of the demographic changes and, in particular, crime, many of

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those areas have lost value. No one is reinvesting in those areas to reclaim the value of the property that is there, the value of the infrastructure. So you have an asset which doesn't have a market because no one wants to purchase that asset. It can't be used to leverage credit because that property can't be sold to recover whatever might have been loaned on it. So I want to agree with the Member that there has to be a very serious look at policies designed to create a market around those properties that we have lost the value of due to either demographic changes or because of crime.

Mr. Speaker, I also want to point out that technology is evolving so quickly that it is possible to use certain building systems to create housing under a Million Dollars, reasonable housing, using not just the tradition building materials that we are used to but we have to introduce other materials as well.

(*Sotto voce* remarks by Opposition Members)

Mr. HOLNESS: It takes some creative market solutions, someone has to go and make the investment. But there has to be clearly some kind of support from the Government in terms of the regulatory framework or some kind of subsidy to get it done.

But more than that, Mr. Speaker, the Member mentioned the Starter House or the Starter Home strategy which is the partial development or what is called the gradual development strategy, the incremental development strategy. It works, Mr. Speaker, it works, but I believe that we should pursue now the full development strategy rather than the incremental. Because the incremental strategy sometimes it takes so long for the community to be fully developed that five or

six years into the cycle of development, instead of seeing a community on the rise you end up just institutionalizing another area that is not developed. So I would want to suggest that we look more, Mr. Speaker, on using the full development strategy and you use technology, that is, to bring in place the materials, bring in place the new building methodologies and systems and give a house, a full house, and build a full house, Mr. Speaker. Build the complete unit rather than building a starter unit.

I believe, Mr. Speaker, that there are many ways in which we can develop a mortgage market, and I am sure the Minister, when he speaks, will come to that. But I am a firm believer, Mr. Speaker, that we need to have develop right away a mortgage market because that, Mr. Speaker, will increase very quickly accessibility to mortgages. So, Mr. Speaker, with those brief comments I want to commend the Member on bringing the motion and to offer my support.

The SPEAKER: Thank you.

Mrs. Shahine Robinson. Remember we are looking at ten minutes maximum.

Mrs. ROBINSON: Thank you, Mr. Speaker. I too want to add my voice to support this motion that's brought by the Member from Central Kingston.

Mr. Speaker, the single largest challenge I face in the constituency I represent is the lack of affordable housing solutions. It has been a problem and it continues to be a problem. And the people of St. Ann North East, and I believe that all Jamaican people, they don't expect Government to build their dream homes but they certainly believe that Government or the National Housing Trust are to be in the business of building starter homes

as has been said by the speakers before. Because you can see from the other Housing schemes in the constituencies and around Jamaica that all you have to do is give the people of Jamaica a start and they will build their dream homes, they will add on to it and make it into the palaces that they want.

The Housing Trust, the deduction is a mandatory deduction, you have to contribute to the Housing Trust, you don't have a choice. However, when the times comes for you to get a mortgage or to access loans it sometimes can be quite cumbersome and quite obstructionist. It deters the people from really improving on the housing stock. The Housing Trust must look at how they can best address this problem. Because in the absence of formal housing solutions or schemes we continue to have this burgeoning of these informal settlements and the informal settlements as we know create their own problems. So I want to wholeheartedly endorse and support this motion because I believe that if we were to really give our people, the people who we represent proper houses or proper access to houses, I believe that we will create a better and a gentler society, Mr. Speaker. I believe that the people - indeed these people want to improve their lot. They want to give better to their children than they got. And I believe that one of the best vehicles that we can do that through is by providing the access to quality homes or quality housing stock in the communities that we live in.

The lands are there, Mr. Speaker, the lands are available. What we have to do is create the resolve to say that we must change what currently exist in the constituencies and the communities and make sure that we can,

indeed, say to the people that here we have started, this is a scheme, a hundred houses will be able this year, you can look forward to 200 more. The improvements will be incremental but give them a hope that something is there that they have something to look towards.

Because, Mr. Speaker, I can speak for myself because I have a lot of informal settlements and tough urban inner city communities in the constituency I represent and the request for zincs and plyboard and cement is overwhelming. It is overwhelming. And because the people have to be building these temporary shelters they continue to bombard us with the requests for these materials, these basic materials. Whereas if we were giving them the opportunity to own something permanent I believe that the request would not be as numerous as it is. I believe that we have failed the people in not providing the requisite housing solutions that they need and I believe that the Housing Trust, as dictated by this motion, should really come on board now and step up to the plate and really start to deliver what, as far as I am concerned it's not a privilege but it is a basic need and a basic requirement of any decent, orderly society.

Mr. Speaker, I support the motion wholeheartedly.

The SPEAKER: Thank you very much, Mrs. Robinson. Mr. Hylton.

Mr. HYLTON: Mr. Speaker, I too want to give my support....

Mr. WARMINGTON: Mr. Speaker, the Member is speaking from a seat not assigned to him. He must ask permission.

Mr. M. PEART: He asked permission already.

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The SPEAKER: He had earlier so I granted permission.

Mr. WARMINGTON: Before he got up? He can't speak twice on the motion. He needs to ask permission to speak from the seat that he sits.

Mr. M. PEART: It's the same motion, man. Lawd!

Mr. WARMINGTON: No, no....

The SPEAKER: All right. Request permission to speak from a seat other than your own.

Mr. HYLTON: Mr. Speaker, I request permission to speak from a seat other than my own?

Mr. WARMINGTON: He must ask first.

Mr. HYLTON: I request permission to speak from a seat other than my own.

The SPEAKER: Granted.

Mr. HYLTON: Mr. Speaker, I too want to add my voice to a resolution that I believe is long overdue. Mr. Speaker, it's at this time of the year, the rainy season that some of us who represent inner city and dense urban areas are very concerned about the citizens that we represent. The vulnerabilities, the vulnerable situation in which they exist, the housing, the very flimsy houses that they call home are very much part of our everyday consideration, Mr. Speaker. And although the CDF has afforded us some avenue for addressing the tremendous demands for zinc and plyboard, the truth is, Mr. Speaker, we all recognize that this is a stop-gap measure.

The reality is that unless we are able to move to address what the Chairman of the National Housing Trust recognized to be a very significant overhang in the demand for houses, we are going to continually undermine

our social and ultimately economic stability in this country. Because those of us who have these constituencies in dense urban situation and in inner-city communities know firsthand the link between the absence of proper housing and crime and criminality. Just consider the family who is living in a house with eight persons the size of a one or two bedroom and where they have to take turns to sleep, where the children have to be on side of the streets at nights, when the police drive alongside and say go into your house, boy, what you doing on the street and that p begins a relationship between them and the police that is not a wholesome relationship and ends up with....

(Sotto voce remarks by some Members)

Mr. HYLTON: ...very predictably, them being in some confrontation with the police and that begins a cycle.

Mr. Speaker, the Minister who I believe has been trying, I certainly believe he recognizes the problem. I feel we need to develop the political will and the support in this House, on both sides, to recognize that we have to do some creative things if we are going to solve the problem. If we continue to approach it in the ways that we have been doing over these many years we simply will not be able to reach it.

We look at the issue of lands. We have lands in the constituency that I represent - and I believe my colleagues as well - that these lands are available. They've been abandoned, some of them you cannot find these owners, they've just simply disappeared as the infrastructures dwindled and as the unattractiveness of the areas have appeared, and yet we can't do anything about it, we're stymied.

I've sought - in my case - sought to have the intervention of the Ministry to see if we can use the powers of the State to acquire some of these lands and then to develop them in houses and other economic activities that can, not only build the infrastructure, but also have the opportunity to repair - to pay for these, cause we're not looking for these lands for free. What the people want is access to these lands.

And so, Mr. Speaker, I want to support the motion, I want to - I know the Minister will come to make his contribution - I want to encourage the Minister to be creative and to be emboldened to find some out-of-the-box solution, because what now exist cannot address the need, and it is creating a difficulty. And the question of housing and its implication across the social and economic spectrum, I think is becoming more and more clear every day. I thank you, Mr. Speaker.

The SPEAKER: Thank you, Mr. Hylton.
Mr. Lawrence.

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

I do want to give support to this motion, Mr. Speaker. I do believe that all of us here this evening do share the same sentiments. But, Mr. Speaker, I speak from a constituency that we have seen a lot of migration coming to that constituency. Because of the hotels within that area, we realize that people migrate into the constituency and from time to time they do seek work from construction stage and also work within the hotel industry. But, Mr. Speaker, we realize that they are persons without fixed address, and also because of that, has caused a lot of support to informal settlements.

Mr. Speaker, I know that the Minister himself has been trying his best, and therefore I speak to over 1,000 houses coming into my constituency, which I'm grateful. But, Mr. Speaker, the fact about it is that people are still curious, regarding the prices of these homes. Mr. Speaker, I know that while there are persons who will benefit, the fact maybe they are married, or they do have partners in which they could contribute from the NHT, we still realize that there is still a vacuum that needs to be filled. There are persons who are unfortunate in this situation, and also the fact of it, that there are persons who can't afford the price of such units and therefore will always contribute to the informal settlements.

But, Mr. Speaker, I want to also let you understand that one of the greatest things - and it brings me back to sometime in 2007, Mr. Speaker, where some 800 persons living in Salem for some 30-odd years, Mr. Speaker, living on privately owned property, and they were victims, Mr. Speaker, some 800 persons including innocent children, had nowhere to go.

Mr. Speaker, the Minister himself has tried - including the Prime Minister - and I'm happy to know that those 800 persons got assistance from the Minister. (Applause)

A MEMBER: Hear, hear!

Mr. LAWRENCE: But, Mr. Speaker, what I realize, Mr. Speaker, that when these Jamaicans find somewhere that they could call their home, the pride and joy, Mr. Speaker, that they express, Mr. Speaker, it tells me as their representatives, and as a Government, Mr. Speaker, we have to ensure that the people of this country have a chance in having piece of this rock to call their home.

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And therefore, Mr. Speaker, I want to commend the Minister for the wonderful work he is doing, but more so, Mr. Speaker, to see how much we can see what we could do to ensure that the people of this country do get affordable homes in which they'll make themselves proud, and also make...

(Inaudible comment by Mrs. Neita-Headley)

Mr. LAWRENCE: I know, Mr. Speaker, that when they can call somewhere theirs, Mr. Speaker, I know it will make such a difference in the lives of these people.

Mrs. NEITA-HEADLEY: Hear, hear!

Mr. LAWRENCE: I just want to say, Mr. Speaker, I do support this motion, and I thank you very much.

The SPEAKER: Thank you. Mr. Mair.

Mr. MAIR: Thank you, Mr. Speaker.

Mr. Speaker, I welcome the motion of the Member from Central Kingston. I will go to the point.

The problem of housing, Mr. Speaker, in Jamaica - as the Member from Western St. Andrew mentioned - will never be solved if we do not address it with an open mind. Right now we speak of low income housing and you speak about Four, Five, Six Million Dollar houses. And therefore what the NHT - the Government needs to do is to look at the new technologies and methodologies of construction that exist. There are technologies and methodologies out there, which allow you not only to build houses cheaper, lighter and quicker, but also stronger. They do exist. And with that would also, we would have to bring about a change in our culture. Because we do not like to feel that when you go into a home and you knock on it and it's not block and steel, then you don't feel it's a strong house.

So there needs to be a new approach to this problem of housing, where we have to look at different brackets of income with different technologies and methodologies of construction that will accommodate, based on the financial constraint of that bracket, to ensure that they will have an opportunity to have a home.

Once we recognize this, Mr. Speaker, and we have the different methodologies and we have it as a policy, we would have to bring about some form of incentive to see how we could bring about the private sector to get involved in implementing these different methodologies of construction and if it's part of a government policy for housing.

But, Mr. Speaker, as the Member from West Central St. Andrew mentioned, the technologies are there. We need to think outside of the box and we have to look at new ways that already exist, to find solutions for the housing solutions. We can do it, it can be done, but we need to start looking down different roads in order to create different avenues for different niches and the different challenges for the different income brackets in our society.

Thank you.

The SPEAKER: Thank you, Mr. Mair.

Dr. Rhodd.

Dr. RHODD: Mr. Speaker, I would like to support the motion on the table.

Like my colleagues, I have serious concerns in my constituency in respect to shelter challenges. In fact, 80% to 85% of the persons who visit my constituency office every week, come with a housing or shelter related matter. It's a really constant problem. I also can empathize with the Member who spoke about the issues related to the family. In

fact, I've had more than one occasion to come to counsel and really support the need of a mother in distress, who has to share a room with a friend, who is not necessarily the father of her child, or children. And not only the inconvenience which that brings to the table, but the whole question of molestation and sometimes going even further, in respect to how the child is being socialized.

I would like to recommend - and the Minister is aware of some of these solutions, because he has been part and parcel of the solution which we have sought in my constituency, and I'd like to see a broadening of that approach as policy. I don't think, from experience, that we will ever solve the problem, based on the volume, the demand far outweighs the need. And therefore we have to look - think outside of the box and see how we can utilize some nontraditional methods.

One of the things that we need to speed up, Mr. Speaker, is the partnership between the different agencies of government to make more land available to potential home owners. For example, the Minister is aware of the Darling Ford model, where we did a small subdivision of identifying government land, put in the basic infrastructure and some basic units, just to give a starter unit. Another model with NHDC was at Norwich Heights, which was a typical Operation PRIDE.

But the point I want to emphasize is, utilizing not only the Government Survey Department, it has been mooted time and time again, getting assistance to speed up the whole land survey planning and putting in the basic infrastructure to make more land available. We are not short of land in Jamaica, what we need is to just get the necessary legal and

technical persons together, to make the land available to potential homeowners.

The next point I want to make in my five minutes quickly is how we can speed up public/private partnerships. People will invest in what is going to be their own, owning a part of this rock as a citizen. Our people are very innovative and our people invest in community based financial organizations such as the credit union. And if we could try to facilitate policies, which bring the community based financial institutions on board, partnering with the Government, partner - I mean I've discussed it with the mover of the motion - the partner system where people throw partner every week and they have money saved and therefore will invest in things like this. And I think if we encourage those type of public/private partnerships, we will be able to speed up and bring some solutions to the challenges we face.

The other final point I want to make, Mr. Speaker, has to do with large developers of businesses such as hotel developers. We've seen, for example, when these hotel developers come on board, they provide shelter for mainly the managerial staff on property, but very little is done to provide shelter solutions for the line staff, the majority of the workers who work for them, large companies.

Miss HANNA: Hear, hear!

Dr. RHODD: And we have to put a policy in place, where these developers put some contribution down, fashion it how you want to, but the idea is, some money should be put aside for shelter for the workers who are going to be working in these large projects, right. (Applause) And this will help to solve

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some of the problems we have, that evolved in a number of cities and towns around where we have developments taking place, particularly the tourism areas, right. We have seen the problems in Ocho Rios and the St. Ann communities; we have seen the problems in the Montego Bay and Negril related communities; and we will see it in the South Coast and wherever these large scale developments take place. I'm saying let us put a policy in place, that something is put aside to assist the development of shelter solutions for the workers, cause they're gonna be hundreds of workers and they need somewhere to live. So with those few remarks, Mr. Speaker, I support the motion.

The SPEAKER: Thank you, Dr. Rhodd. Mr. Clarke then Dr. Ferguson.

Mr. CLARKE: Thank you very much, Mr. Speaker. I really couldn't sit and not participate in this debate. The mover of the motion and the Minister of Housing are two persons who have an intimate knowledge of the constituency that I represent.

I was suggesting that you have intimate knowledge of the constituency that I represent.

The SPEAKER: Your mike, turn on your mike.

Mr. CLARKE: It is on. In that constituency we have no less than 25 Informal Settlements and, Mr. Speaker, anyone who knows tradition in Westmoreland, especially Central Westmoreland, a lot of board buildings are there. It's been a great tradition to see how houses moving on carts and trailers all around the place. And one of the main problems is because there is no security of tenure. So you rent a piece of land, you put up a house, you fall out with the landlord and you move on. And then there are instances when

sometimes the house has to be split in two, three pieces.

Every week in Central Westmoreland we have at least two fires, houses burnt to the ground, every single week. And the Minister came down in the early stages, and I had great hopes then.

Mr. PICKERSGILL: Have they been dashed?

Mr. CLARKE: They have been dashed. I must confess that they have been dashed. He did meet representatives from quite a few of those settlements. To date, nothing has happened.

The Operation PRIDE Schemes, they have been floundering. And then we have the problems with the Central Westmoreland Trust and all that, all of them compound together to make life so miserable for the people in Central Westmoreland.

Mr. Speaker, Savanna-La-Mar is prone to typhoid outbreaks, and if you go into some of those areas to look at the toilet facilities, the drains, it is heartrending for anyone to come and have a look in that area. And I am appealing, Minister, even to make a start, the people would appreciate.

Food for the Poor, they try sometimes but again, that's like pulling teeth to get any kind of assistance out of Food for the Poor. And, therefore it has to be the State that must come in to do something to relieve the suffering of those people. Anywhere you turn in the constituency you have that kind of problem.

Right now, if you look at some of the barracks - and I know that the Chinese are coming now to take over. I hear they want to make some arrangements where they are going to be selling the people some spots and all kinds of things. All that we are going to

find again is another situation where another slum develops. The people cannot take it any longer.

And therefore, I really support the motion. The ball is now in your court. There is hardly anything - what we do with the little Constituency Development Fund is like a drop in the bucket.

Mr. MAIR: Better than the free...

Mr. CLARKE: Well, that is neither here nor there. You are saying to me it's better for half of the house wet than the whole house. I think we've passed that stage, you know.

Mr. PICKERSGILL: We were promised \$50 Million!

Mr. CLARKE: Even that we are limited, because the housing part of it, the housing part of it is probably \$1 Million or \$2 Million, you can't take more than that.

(Sotto voce comments by both sides)

Mr. CLARKE: When an elderly lady comes to you and says, please just help me with even two sheets of zinc. And if you say yes, you can see the glee and the happiness in their faces.

Just this morning, just this morning, Mr. Speaker, the Welfare person, the Poor Relief person called me to tell me, there is this man in Whithorn living in a little hut as it were, and they had to go up with a piece of tarpaulin just to throw over the place.

On Labour Day, we had to go into Content to virtually build a little something to take the sun and the rain - you know, and for some unknown reason, those are some of the problems. You know, it's really, really, really pathetic at this time of our independence when we can see the kind of suffering that some of our people are undergoing. We need to do

something about it. Something has to be done, it cannot continue like that.

And it is in that regard, Mr. Speaker, that I support the motion. And I remind the Minister that, don't forget me.

(Laughter)

And the people of Central Westmoreland say to say hi! You came during the election and they say come back now.

(Laughter)

The SPEAKER: Thank you, Mr. Clarke. Dr. Ferguson.

Dr. FERGUSON: Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion brought before this House by the Member from Central Kingston. Mr. Speaker, I believe that housing and health are inextricably linked, and as we look at the housing situation, we have to consider what it is costing the country annually because of the lack of housing or the condition of housing, and that in itself is costing the country a significant amount of money, it is putting additional pressures on your hospital system and even from that standpoint the need for housing and proper housing is of moment.

However, Mr. Speaker, I believe that as a country, we have made attempts as it relates to Operation PRIDE in terms of over 30,000 housing solutions, but dogged with other arguments, we have not been able to develop these schemes in a way that would deliver these housing solutions at the standard that is required. I would urge that as we look to the National Housing Trust, and as we look at the policy considerations that the Operation PRIDE, in whatever name or form you want to call it - and I am sure I have seen the Housing

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Agency of Jamaica making significant strides in pushing for solution with some of those former Operation PRIDE project.

But I am just saying, Mr. Speaker, that whatever it is, it is a need. I believe that the investment in housing and in car or vehicle is one of the biggest investment the average person would make in a lifetime, and therefore, we must look at innovative ways that could make the difference in how we deal with solution to the problem.

Let me just further say, Mr. Speaker, that there is also the problem as it relates to the Cartel that exists within the development of housing. For years, we have been talking about affordable housing - and I know the Member from North East St. Ann spoke about affordable housing. But the fact is, many developers have come to the table and they have put forward methods, they have put forward ways of providing cheaper housing, but somewhere along the line they are knocked out of the way because the dominant developers find ways and means of saying it cannot be done, and of such, those programmes have been shelved. I believe that as a country, we have to - for the greater good - we have to determine what is it that we want for our people and how we are going to go about getting it.

As a rural Member of Parliament, I also know that oftentimes we speak of housing in the context of urban centres and the density in urban areas. I believe that it is well established now that poverty in rural Jamaica is at a higher level than poverty even in our urban centre. And I believe, Mr. Speaker, that in that context, areas like my own constituency where sugar and banana were the dominant

agricultural pursuits, those industries have had their fallout, but the workers in agriculture must be encouraged at some stage Mr. Speaker, to have up and to own a house.

I must admit that in recent times we have been seeing some - the sugar workers are getting a major breakthrough in terms of housing. But I want to say, Mr. Speaker, that as we put emphasis on urban centres, we have to be equally well putting emphasis on rural Jamaica. We have to be putting emphasis on encouraging our farmers to become contributors to the National Housing Trust, so that everywhere you have a farm, there is the possibility of establishing a homestead that will allow for their existence.

Once again, my support for this motion. I believe it's an excellent motion and must be seen against the background of the national imperatives.

The SPEAKER: Thank you, Dr. Ferguson. Dr. Chang.

(Applause)

The SPEAKER: Oh, sorry, could you let Mr. Montague go before you.

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

While we speak, sir, towards the improvement in the housing stock, I think we need to take a step back to look at those entities that collect the Housing Trust fees and don't pay it over to the Housing Trust, therefore reducing the available pool that is needed.

In addition to equally those persons who have received mortgages and who are in a position to pay, to repay these mortgages and willfully don't pay again reduces the available pool that the Housing Trust can use. And if

we, Mr. Speaker, increase the available pool, the sort of solution that is required to this problem could be looked at in a broader sense. In addition, Mr. Speaker, once we speak about housing I must speak to indigent housing. And the surveys by the Board of Supervision tell us that \$60 million can solve the indigent housing problem in Jamaica.

Mr. PICKERSGILL: Only \$60 Million?

Mr. MONTAGUE: Sixty Million, islandwide.

Mr. M. PEART: What kind of dollar?

Mr. MONTAGUE: Jamaican dollars. And that survey, for those who don't understand, that survey is based on the persons who are registered paupers. And every year, the Parish Council does a survey and an estimate of each indigent and it is the collation parish by parish that gives you the \$60 Million.

(Inaudible comment by Mr. Pickersgill)

Mr. MONTAGUE: But, Mr. Speaker, in just giving a person two sheets of ply and a couple sheets of zinc is just putting a band-aid on a wider problem. I think we need - they need the band-aid, but I think we also need to attack the indigent housing problem in a more wholesome way.

For example, Mr. Speaker, you have thousands of persons, who will never, receive their contributions back from the NHT because some have transitioned into another world, some don't even remember to apply for it. And therefore, we have this large pool of funds that can be utilized. The Honourable Prime Minister utilized some recently, but there is still some left there. For example, my mother and father they have transitioned, and they did not leave that on the Will so it is left

there. And I am sure from wherever they are they would not object for using their contribution to ease the burden or the discomfort of a poor person.

Mr. Speaker, we also need to look at infilling within urban centres where there are lots of land, maybe with a derelict building to take it down and to construct housing solutions in these spaces rather than to build a brand new scheme, because we can do that within the urban centres.

The whole matter, Mr. Speaker, of being innovative; in my constituency we had a brown field, Mr. Speaker, and what we sought to do when we spoke with the Housing Agency and they had no funds, was to engage a contractor, a private developer. And in exchange for land within the scheme he has agreed to put in the infrastructural works and therefore helping to find solutions while reducing the cost, because he is taking lands for the workers within his organization and he is putting in the roads and the water supplies within this brown field; so that there are innovative programmes and ways that we can look to solving some of these problems.

We also need, Mr. Speaker, to look at the responsibility of some of the persons who have benefitted. For example, persons in buildings that is strata. A lot of persons don't want to pay the maintenance fee, nor the strata fees for the strata corporations and therefore, devalues the property and then other persons tend to want to move out of that scheme, and therefore, some of the reasons some persons have their properties up on the market is because a couple people are carrying the whole strata and they get tired of it and they want to leave.

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(*Sotto voce* comments by a Member)

Mr. MONTAGUE: It is not working I am sure, as well as the Minister would want it to work because it goes back to personal responsibility. And a lot of persons get the benefits of the NHT and they don't believe that they should contribute again to another person. It is like a partner, a man gets the first partner draw and then he disappears, it therefore affects the rest of persons down the bottom.

We also, Mr. Speaker - I must use this opportunity to congratulate the Honourable Prime Minister for leading the charge in having the NHT taking on more innovative programmes to benefit a wider cross-section of Jamaica with varying needs. The whole matter of a second mortgage, the whole matter of twinning with a older person with a child are innovative ways of looking at this matter. But, Mr. Speaker, in closing I must go back to the indigent and make an appeal as I did in my first Sectoral contribution for the Members of Parliament in utilizing their \$2 Million in social housing, to apportion a part for the indigent, \$1 Million, to apportion a part to the indigent, the registered pauper within their constituencies. Because these are persons that the State has certified as being indigent and can't afford and as Members of Parliament we should support.

Mr. Speaker, I do support the resolution and I ask that the resolution becomes the subject of one of your Parliamentary committees so that the recommendations can be forwarded to the Board of the Housing Trust.

The SPEAKER: Thank you. Dr Chang.

Dr. CHANG: Thank you, Mr. Speaker. Let me begin by commending the Member

from a part of Kingston for bringing this motion on a topic as important as this housing, human settlement; one of the most important elements in the quality of life for our people and in very much the character of the society.

The motion, of course, speaks to the National Housing Trust and it maybe though it's coincidental, but I think that it is of some significance that this evening just after debating a motion on the NIS we start one on the Housing Trust. Two of the most important national institutions that have been brought to this country that - by the Government of Jamaica, may be by the different parties, but reflects, maybe some of the excellent character work that has come out of this House. Indeed, these two institutions alone could make any Member in this House proud of their work. Listening to others comment of course, one would not appropriate that this is so.

The participation, of course, in this last debate on the National Housing Trust reflects Members concern, their sincerity and their deep concern about the condition of housing in this country. And the wide-spread participation indicates it crosses political borders and of course, that provide the basis to evolve the kind of policy that we hope could bring about a solution to this issue.

In making my contribution, Mr. Speaker, I would take a brief look, the fact is that housing has always been a critical issue in Jamaica, and it links with land ownership beside the quality of life. Indeed, as I have said, time and again, the history of our country of colonial times generated a characteristic in our legal - in the legal framework which made it difficult to subdivide property and for ownership to be extended to working people. And there are aspects of that which have

changed, but we may need to look at it again at how we can make this easier without damaging the sensitivity and security of the registered title.

All governments have attempted to deal with the issue. In the post-Independence era, of course, it was largely an activity of the Ministry of Housing. This led to – had some problems, and later on the Housing Trust was brought in the 70s, but the ministry continued, many years into the – I would say into the mid 80's in attempting to provide housing. Clearly the budget could not afford it, and there are other issues with it. I think the Housing Act which was designed to assist in expediting ownership was not used in the way it should be used. It is a very powerful Act and there are still many who would like to see modification. But I think what should be done is for it to be monitored and utilized effectively. It has the capacity in there to in fact, correct some of the ills of ownership and titling. And rather than seeking to modify and change, we should use it but in a more transparent manner where it is not abused and used for personal gain or for, you know, or in any way to serve the agenda of a Minister of Housing. It has the – in fact, the legislative framework required especially in urban areas to deal with some of these chronic problems.

I have mentioned that because one of the problems that emerged of the post-Independence era, is that, while the Act was passed and was used, it was only partially used. Part of our problem, in fact, is not just the challenges of titling or of people obtaining subdivisions, but many of the houses built in the urban areas in the 60s and 70s are now old and deteriorating, still have not been titled, and that has to do with some untidy operations

quite frankly. And I use that term again, decidedly, because a number of our housing programmes which were well thought out could have had significant benefits, and I must say end up with some very untidy operative implementation which have resulted in some of our problems. So the houses in your section of the Corporate Area, Western Kingston, St Andrew some of them have not been able to be titled because you have one or two lots in a whole scheme that have not been acquired. We have just not yet gone through the process of completing acquiring acquisition.

You have areas where two or three bits of lands, maybe two squares are not yet registered and you find the entire scheme has been left in abeyance and there are some kind of reluctance on the part of the Ministry, lack of will one might say, and not only the Ministers, who may have gone on to more eye catching issues, but the technocrats themselves too are reluctant to complete the files literally, for want of a better term. So these things will hang over our heads and lead to the kind of urban characteristics which we now, maybe facetiously call garrisons because people are renting homes, they are leasing homes there is no sense of ownership.

And I must say, Mr. Speaker, when you begin to convey the sense of ownership you literally change the community overnight, even before you do all the other work involved. I think, the Member who raised this motion has been quite familiar with a number of informal brown field schemes across the island. And we have done some work, significant work, I think, more significant on the North Coast because we had access to the Tourism Enhancement Fund. But there is a

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particular scheme in my own constituency, in Norwood, and there are others we have done in St. Ann, and other sections of St. James. But I think there is a place call Norwood which was one of those communities heavily stigmatized and people were moving out at the advent of violence and others. But once we got in there, and we not only began the infrastructure and put in place infrastructure, we obtained titles. And after giving out only half a dozen titles the entire mood of the community has been transformed. We are having some problems now with the tax office because there are registered titles but we seem to be having some disconnect between the housing agency and the tax office because the individuals now not wanting to pay the tax. They are acquiring the property which for many years they had no interest in paying down on and they want legitimate water and light. They will scream about size of the bill, you know, when it comes, but if they cannot afford to pay cash for it, the water bill and light bill becomes a sign of ownership. And the mood and the approach is quite different. And in fact, moving aggressively to settle, you can settle not only the question of the quality of life of our people in terms of housing, but you can have a transforming effect on the character of our communities and the attitude and behaviour of people in these areas.

Indeed, there will be dramatic decrease in violence. I say without hesitation. When people own their homes they protect it, they set standards of behaviour that are much higher than when they are in a place where they don't feel at home or that is not their own or they can be ejected at any time so they will move out or be moved by elements in the community which are not necessarily in

favour of them staying. They really don't have the will to assert themselves and protect themselves because they have no legally binding framework in which to operate.

So, we could spend a long time, Mr. Speaker, outlining the benefits, the problems. What we are looking at is a way forward. But certainly again looking back, other attempts were made after the Government's budget became an issue and there is particularly no support from the Consolidated Fund for housing at this stage and that gradually decline into the – by the 90s out. Housing Trust began to take shape and that has been the major institution for contributors and the working people of Jamaica.

Other attempts were made by the government and as I said - and in fact, when looked at, well thought out, had the potential to make contribution. There is the PRIDE Programme which is an attempt to overcome some of the bureaucracy that was involved in the whole process of subdivision. Again, in the process, I think aspect of it was hijacked and overdone, and implementation went awry, but the concept was in fact there, and we have to look at how we can implement that kind of programme.

There are other programmes that came on stream. The NHC which proceeded prior to housing for the middle income worker in the Corporate Area that worked pretty well and of course, simultaneously with that we had a LAMP Programme which was designed to get titling in place that slowed down a bit too much as well. And what we have to look at quite frankly today is how we can do - some of the things that we have thought of before efficiently and well, because there is no point in reinventing the wheel. A lot of these ideas

were, in fact, well thought out, looked at and then we either lacked the capacity, technical capacity or the capital to invest in the way we should do it and to overcome it. And it was a combination of them, but the technical, the capital and also human resources, not in terms of the country, but the capacity of the agency of government.

The then NHDC, the ministry itself all had limited capacity in terms of human capacity. And while we are on a time of limited budget resources we have to look at how we can allocate the resources required in terms of getting things like this done. You have had to work with Government agencies simple question of titling, the legal framework and the Housing Act and the Local Improvement Community Amenities Act allow you to do it fairly quickly and efficiently. But the chance, the fact, is that we just don't have enough legal people who are trained in the agencies to do it efficiently and quickly. The technical people to get the surveys done, we are short of Quantity Surveyors, we are short of regular Land Surveyors, engineering people and so forth. So there are some limitations here, but the truth is, the ideas are there, we may need to relook, rehash them and organize them in a way and provide the capital and human resource to get them moving.

The Housing Trust - the debate has started because of a contribution of the Chairman of the Housing Trust and I want to just comment briefly. Member from Central Kingston, the truth is that the figures you have quoted are even more - somewhat more depressing because the demand for housing that was - the shortage for housing of \$250,000 is more like \$400,000. We have indicated that we need

between \$50,000 and \$20,000 a year to catch up. And I am not sure how fast. We have been moving in to get some areas.

But underlying that as well, is that what has been described was the effective demand, as while there are 400,000 people looking for houses, would like to buy houses, or lease at least, but the majority would like to buy. When we look at their income levels - and even at the current reviewed mortgage rates by the Housing Trust which comes down as low as 2% and reduces it for people under 55 in the public sale to find 1% and those over 55 a further discount, we still only find just over 100,000 who can afford any of the units we are talking about. And that involves their recent attempt to reintroduce in a meaningful way, the 'Start-a-Home units. And Start-a-Home units can come as low as \$2.5 Million. That's a little studio, 300 square feet on a square of land that they can expand on, and to combine that with serviced lots. We need the studio units in the urban areas so that we can begin to utilize the infrastructure. If we don't have enough build-out, this area cannot be utilized and so forth.

We have that problem, as you are aware in Frome in Westmoreland where we did some without doing any build-out. But even at that level, we are finding a significant number of people who cannot afford. So we have to look at how we can extend that effective demand by further creative financial instruments. And this is where, of course, the Housing Trust will have to play a more active role. We have to look at technology as indicated. And we are pursuing some of that. We have had numerous proposals. Many of them don't pan out. Everybody has an answer. But the answer

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comes up short when you get down to details. We are currently examining to reawaken in your constituency, (Referring to Mr. Thwaites) the post-and-panel plant that sits in Westmoreland. The technology can be improved. We have discussed with the engineers, the disadvantage of the whole technology. The panels were some six inches wide, heavy concrete. They are heavy and difficult to manipulate. Modern technology will allow the development of panels that are much lighter, up to a third lighter, somewhat thinner and still have the resistance to earthquake and hurricane that is required. And we are now negotiating with the original builders of that, some company connected, who are the original builders of those plans to see how soon if we could reawaken that plant in Westmoreland to begin to look at how we could put in place housing which would be less expensive, can be efficiently constructed quickly and provide the kind of price range that we can expand the effective demand for those who are seeking housing.

The truth is, Mr. Speaker, we have no quick fix easy solution to this particular one. What the Government is seeking to do is to create a comprehensive policy which includes the Housing Trust, the Ministry of Housing, the Housing Agency of Jamaica, which has now become the lead agency, nationally, in evolving low-income housing. In fact, their models, they have evolved in the starter units have done very well and have allowed Housing Trust in fact to increase its percentage of those who are benefitting in the low-income group, from less than 35 to now 45% of the total beneficiaries in the Housing Trust's portfolio. We want to focus entirely on that.

And in addition to that, to incorporate private sector, to use the Mortgage Bank as well as part of the financial infrastructure, to begin to drive interest rates down, and in fact create some more creative financial instruments that will assist the entire housing sector. We are getting back in the secondary mortgage market, and that has had some impact in some areas.

So what we are looking at is a comprehensive policy to create a framework, using some of what we had before, some new initiatives, to create an effective framework to develop a sustainable housing policy that will begin to address the shortage we have out there. Because it's a genuine and serious problem.

Indeed, Mr. Speaker, other initiatives we are currently pursuing, not only involves those mentioned. But we have looked at how we can leverage public lands to generate additional housing. And part of that is we have partnered with developers who are interested to build according to our specifications.

A MEMBER: Rubbish.....

Dr. CHANG: We have found some of the previous joint ventures went awry because when we sell the land and put them on the facility they leave it halfway. What we are saying to developers now, you have money, we cannot spend more than 'X' amount in the public bodies expenditure or in the fiscal constraints we have. But we have lands. You don't need to set up a marketing operation to become a developer - marketing officer for housing. Build those houses for 'X' price, and we will sell them and pay you your money. And there are quite a number of people willing to take it up. And it could increase our

production of low-income houses significantly. Because part of the problem too, is not just the affordability, it is the availability of houses at that level. Because it's easy for a private developer to earn \$300 Million and 200 houses, less workforce, less headache, easy solution, they build a couple of \$40 Million houses or 200-\$10 Million houses. To build a thousand \$2.5 Million house is a different challenge. It takes more administration, more time and an entirely different operation. And you're not finding many investors or developers wanting to go at that level. What we are seeking to do by leading the way ourselves...

Mr. PICKERSGILL: What would you do, pay them out? (Inaudible)

Dr. CHANG: Yeah.

Mr. PICKERSGILL: You going pay them? (Inaudible)

Dr. CHANG: Yeah, what we are saying is, use our land, build it and we'll market it. So you don't get in the business of marketing and carry the mortgage through the Housing Trust and pay you out. So over the period they delivered the houses, we have a relationship with the Housing Trust that will allow for quick mortgages.

Mr. PICKERSGILL: Okay.

Dr. CHANG: So as soon as they deliver, we market, sell and they get their money and move on and they make a mark-up as well and they find that they can participate in the marketplace without too complex an organization and still be involved in the process of delivering houses at that level. And there are a number of developers who are looking at it.

The Housing Trust has in fact put in place some bridging finance at 3%. We have come

down with the Mortgage Bank. When they do it the way they are proposing, of course, we expect them to use their own security. Again, part of that is for them to share the risk, in addition to accommodating increased expenditure under the current fiscal regime. It does also mean sharing the risks. Because when they have the land and they use the public land as security, they can walk away at the end of the day without losing money. Now, what we are doing is say, you build according to our instructions on our land, we market, we ensure you get your money. But they must finish the property. If they don't finish, then we can go in and use money and finish it, sell it and retain what is required out of it. Because you are aware, you have been in the Ministry where in the facilitation where you sell off the profit that government should get, and we end up with a scheme that...bad roads, lack of sewer and so forth that cause a number of problems down the road.

So there are a number of things we are looking at including, as I said, leverage in government lands, reactivating post-and-panel, looking at some additional technology, especially in the urban areas, Mr. Speaker, where I know you have a particular concern. And in fairness to think the agencies have re-established a level of credibility in the Greenfield area.

We are currently constructing several thousands across the North Coast in particular where the demand is great. We are in St. Catherine where we have land space available, and in Clarendon, into Manchester, between the Housing Trust and the Housing Agency. We have done some good work in Informal Settlements on the North Coast where we have the TEF funds. We are now looking at how

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we can get additional public funds to deal with the South Coast where my colleague in Westmoreland has an overwhelming problem right through St. Catherine into the Corporate Area where we have done nothing really of significance in the Brownfield areas.

But the urban renewal in the South St. Catherine/Corporate Area is critical. We have not had a solution. The Inner-City housing was the major attempt by the previous government. Had a number of problems, largely in terms of the ability to capitalize that for a prolonged long period and deal with all the problems. We are looking at new ways of approaching this. We have done a couple of small samples, some I have done in my own constituency and we are looking in the Corporate Area now in the Central and West Kingston area to do a couple of them, using public funds.

We are looking to recover our costs. But we want to integrate the beneficiaries in the economy a bit more effectively than we did in the Inner City Housing by looking at their occupation, and not only making them a beneficiary but making them part of the construction team. Looking at their business that they are pursuing and see if they will need additional capital at the micro finance level. Because many of the urban people, unlike the deep rural with very little capital can make significant increase in their income. A family downtown Kingston if given adequate number of phone cards can become a serious income earner. Very fast. What they are having problem with is they cannot find 30 or \$50,000 any one time. They are living by the day. And therefore cannot save to invest in their own business. So we are looking at how

we can combine a housing benefit to get them involved in the formal economy in a meaningful way that we can in fact recover significant cost in this kind of thing.

So, it is fair to say, Mr. Speaker, while we have an understanding, and we are deeply concerned, much of the work in the Ministry over the last three years has been, in a sense, to re-establish the credibility of the agencies, Battered not by any specific problems just by the fact that a number of projects went awry and people became wary of what we are doing. And we have had significant success in demonstrating our ability to deal with Brownfield development and it has successes which we can follow. Because as I said, the people will buy when they see the infrastructure and the title.

We have been able to get the Ministry - the Government again involved in the development of Low Income schemes. We are in White Hall, Negril, Luana, Portmore, into St. Mary and other areas, delivering Low Income solutions.

The Member from St. Ann spoke of cost. We are looking at under Three Million starter units out there. And bear in mind, under three million, Mr. Speaker, at the current rate for the lower-income cohort of Housing Trust, in the lowest wage income, at two percent, you are looking at roughly Five Thousand Dollars per Million Dollars. And therefore, even for an average working couple in a hotel, they can afford that kind of mortgage at Three Million Dollars or thereabouts.

We are looking at that kind of solution where weand now we are hoping we can expand that kind of activity with our renewed land policy in terms of leverage of our land,

involvement of the private sector, additional loans to the public sector where possible, and then we come into the question of fiscal space. We have borrowed some money from the Chinese at very low interest. Money is now available at fairly low interest rates that we can now spend on housing, because we now have a - and I put this decidedly, Mr. Speaker. Economic Dogma no longer insist on devaluation which was - not... this was part of Economic Dogma of the early years, sixties, seventies into the nineties when it felt third world countries should just devalue their currency endlessly at no benefit to the country. By having low interest rate in a stable currency, the use of foreign exchange can now be looked at seriously in terms of the housing development. So a number of things which we are looking at there. But the critical element in the urban areas is still...we are not entirely satisfied because we need multi-family units, although we have the infrastructure which makes it easier, once it goes up it becomes more expensive. But we are looking at ways and means now that we can begin the process of urban renewal in these big yards where fires take place every week and the quality of life, Mr. Speaker, is depressing when viewed at close hand. So I want to again commend the Member for bringing this motion.

In closing, let me suggest to the Member. While I support the debate, I can say to this House the Reviewed Housing Policy, 2011, has been complete. We engaged the services of a number of Jamaican consultants out of the two universities. It went to the Economic Development Committee just last week and should be going to the Cabinet within the next fortnight.

I suggest that the Member, when that Paper comes in, calls for a full debate on housing, using both the comments of this debate on the housing policy to be laid on for a full debate on housing, what is required in the policy framework that we can lay down a sustainable housing policy for Jamaica for the next number of decades.

Thank you, Mr. Speaker. (Applause)

The SPEAKER: Thank you, Doctor Chang. Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I'm quite prepared to close. But I do have an intimation that the Opposition spokesman on Housing had hoped to make a contribution. He was called away on an emergency. Is it the will of the House that we do close this evening, or, could it be carried over?

The SPEAKER: House Leader, are we to close now, or, the...?

Mr. HOLNESS: Mr. Speaker, I would want us to close this debate now.

(Inaudible comments by Mr. Pickersgill)

Rev. THWAITES: I made the point, Mr. Speaker, that I had intimation from the Opposition spokesman on Housing, the Member for Central St. Mary, that he wished to contribute. He was called away from the House on an emergency and he had hoped...

The SPEAKER: Well, suspend it...

Rev. THWAITES: ...that we would be carrying it over.

(Inaudible comments by Mr. M. Peart)

Mr. HOLNESS: Mr. Speaker, in light of the explanation by the Member, I think...

The SPEAKER: Very well.

Mr. HOLNESS: ...we could suspend the debate.

(Inaudible comments by Rev. Thwaites)

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The SPEAKER: All right. Is it the wish of the House that the debate be suspended?

Put to the House and agreed to.

Mr. HOLNESS: Mr. Speaker, it was my intention to proceed with motion 36. If the Member from Central Kingston is going to be brief, we could dispatch this motion very quickly.

The SPEAKER: Yes.

(Inaudible comments by Mr. Pickersgill)

Mr. HOLNESS: If he is going to be brief.

The SPEAKER: Hmm-mm. Usually is.

Rev. THWAITES: Mr. Speaker, I'm going to be brief, but I really think that we are exhausted. Would you like me to go on anyway?

A MEMBER: No, man, we are well rested.

Rev. THWAITES: Are you?

MEMBERS: Yes.

Rev. THWAITES: Yes.

Mr. Speaker, the motion in my name very simply requests or asks that the Government consider banning the use of monosodium glutamate, MSG, in the Jamaican diet.

Mr. Speaker, the motion has to be seen in the context of the need for a National Nutrition Policy. I regret the absence of the Minister of Health in this regard. I have been assured, as has been this House, that the National Nutrition Policy would have been tabled by this. I'm very sorry that it hasn't been. I know the intent and wish of the Minister of Health that it should be, especially for children. It is vital if any of our investment in educational aspirations for a better social life for our young people, our hopes for our future, Mr. Speaker, are to be realized, that the children are nourished properly. The bag

juice and 'cheesetrix' culture of the present time cannot take us anywhere. We are feeding our children largely with empty calories and we must stop doing this. And one of the main areas of inadequate dietary practice has to do with Monosodium Glutamate. This is used as a flavour enhancer largely in soups and in patties and in many areas of food. It is cheap and it is most unfortunate that it should be as pervasive in our diet as it is.

All of the information that I have from the World Health Organization and from the Pan-American Health Organization indicate that it is very bad for your health. In fact, it can cause headaches, flushing, sweating, fluttering heart beat, and shortness of breath. It is a contributant to a variety of ailments which are too long for me to quote, Mr. Speakers, but all of them do not add anything to nutrition. Give a false sense of taste and, in fact, are - place the children, particularly, and all who ingest it in a depreciated health situation and one in which they become, if not addicted at least so use and accustomed to these artificial tastes that it is very difficult to wean themselves at later stages. I beg to point out, Mr. Speaker, that we, in Jamaica, ought to depend least on this kind of additive because we have such a large range - in another context I use the word cornucopia of local flavours of herbs and spices...

A MEMBER: Much better too!

Rev. THWAITES: ...which are much better and which would enhance our range of products. Have you ever used, Mr. Speaker, you must in your diverse gastronomic habit...

(The Speaker chuckles)

...some of the local spices? There are some enterprising young men who now put out these things. Perfectly natural, not tainted by any of

this chemical all spice, yes, and make excellent substitutes for this. Why aren't we using local products that are better for us, that enhance our economy and our productive capacity rather than these imported things that scorch out our stomach lining and give us all kinds of headaches, and other ailments, Mr. Speaker? That's the gravity of this resolution. In many countries, it's being de-emphasized. It is inducive of high blood pressure, we're told. And it is my surprise and distress that reputable companies who produce various kinds of soups and gravies are, in fact, laced with this thing. And we have to look forward in the future, Mr. Speaker, to proper labeling of our foods, so that people can make the required choices. There are many euphemisms for MSG that are paraded because manufacturers know that it - many people will avoid it.

So I'm asking this Parliament to make a foray into an area which is unusual for us, but it is vital that we are comprehensive in our view of all the needs of our people. And, Mr. Speaker, you're aware of my strong sense that particularly that where the money is short, we must do those things by way of social and ancillary legislation which don't cause anything but can immeasurably improve the quality of life among our people. And regulating our diet and emphasizing healthy, local grown foods should be primary among this and it is to this end that the resolution is proposed. I thank you.

(Applause)

The SPEAKER: Thank you. Yes, Dr. Chang.

Dr. CHANG: Thank you, I'll make a very short contribution. Again, this is a very welcomed resolution, the use of MSG, but

hopefully to broaden the debate as it goes to the committee on what we put in our foods. Because the truth is that there are a lot of additives to foods that are, in fact, bad for our health. And this is one I'm sure that we should really try to de-emphasize, if not get rid of it totally. I just - really why I... the House should be aware, if we speak to the allergist, the doctor, some forty-five per cent of our population in Jamaica has some element of allergy and eczema and asthmatic tendencies. And a lot of the stuff you get in foods add allergens that stimulate this kind of problem today - it's not just the environment. For example, it is a very common product in almost all of our food colouring and it's one of the allergenic compounds and toxic in other ways as well, and a number of other products like this.

And, therefore, this resolution should be useful to look at what we are putting out in our preserved foods and processed foods out there. And the alternatives, in fact, are actually good stuff that would benefit our agricultural economy ...things like beta carotene instead of colouring; instead of artificial colouring annatto which we have destroyed as a product is an excellent natural food colouring...

A MEMBER: Yes.

Dr. CHANG: ...with additional nutritional value as opposed to the artificial stuff that we are putting in our foods now that is causing allergies and toxicity to us in a very slow way. I want to commend that this motion be used as a means of looking entirely at what we are allowing in our preserves and processed foods in Jamaica.

The SPEAKER: Thank you, Dr. Chang.

Mr. HOLNESS: Mr. Speaker, I'm not expecting for us to sit beyond 7:30.

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The SPEAKER: We could stop now, you know.

Mr. HOLNESS: I know. So, I'm just saying, Mr. Speaker...

Mr. M. PEART: Wrap it now.

Mr. HOLNESS: ...that I don't intend to move the motion.

The SPEAKER: Yes.

Mr. HOLNESS: So merely to say, Mr. Speaker, that I've done some research in preparation for this debate and the medical information on this food additive is not conclusive.

Dr. BARTLETT: That's right.

Mr. HOLNESS: That's what the medical research is saying. However, there is an acknowledgement that there is a certain percentage of persons who would have allergies and would have some adverse symptoms, but the general principle like everything else in health is that, don't use more than the recommended amount. And there are recommended amounts that persons should intake and over that then there will be adverse effects.

I would want to suggest to the Member, if he is willing, that we should also add salt. In fact, salt is far more destructive than this additive, Monosodium Glutamate. In fact, for the Jamaican population, for the Jamaican population salt is - well, it's not the - it's the - salt has a greater effect on hypertension, stroke, heart attack and, Mr. Speaker, on our liver and kidneys. In fact, Mr. Speaker, I would want to join the Member in saying that salt should be banned, but the truth is that what the experts have said is that glutamate is a naturally occurring amino acid. And that, you know, no matter what you do it will find its way into foods. I think what we need to be

saying in this resolution, Mr. Speaker, is that we must regulate. We don't have a food authority like the FDA, that would look at the food we consume and give information to the consumer, so that the consumer can make appropriate decisions regarding their diet. I think we could use this resolution as a start. so I'm suggesting, Member, that we amend the resolution to say something of the sort that we should regulate the use of Monosodium Glutamate and salt and refer this to a committee to see how best that could be done. So if you would accept that, Member, I believe we could proceed.

Dr. BARTLETT: Mr. Speaker.

Mr. HOLNESS: Remember, we're not going beyond 7:30.

Dr. BARTLETT: No, no that's all right. Mr. Speaker, you know I, too, have actually done some work on looking on monosodium glutamate. And, essentially, you know it is such a common...

A MEMBER: Ingredient.

Dr. BARTLETT: ...ingredient in food that just about any food—you know, it has been around since 1909..,

Mr. M. PEART: Yeah man, a nuff people it kill.

Dr. BARTLETT: ...Mr. Speaker, and it has - most the information that comes out with respect to its ill-effects, for example what is called a Chinese restaurant syndrome, most of it is anecdotal for the most part. And, you know, to take a decision to really ban it from foods of Jamaica, it would be an elaborate task because just about all of the kind of additives, for example, soy sauce has a lot of it. Some of the jerky sauces that we find have a lot of it. Potato chips have a lot, you know, Monosodium Glutamate.

Mr. HOLNESS: Member, just if the Member would yield a minute...

Dr. BARTLETT: Yes.

Mr. HOLNESS: ...on a matter of housekeeping.

The Standing Orders requires us to move a motion for the extension of the time of the House to sit beyond 7:30 o' clock.

(Inaudible comment by a Member)

Mr. HOLNESS: Well, I'm not planning to but the Standing Orders requires at ten minutes before. So, Mr. Speaker, I move for the suspension of Standing Orders to allow us to sit beyond 7:30 p.m.

The SPEAKER: Members, the motion before the House is to allow the suspension of Standing Orders to allow the House, if necessary, to sit beyond 7:30 p.m.

Put to the House and agreed to.

Dr. BARTLETT: Yes, Mr. Speaker, I will definitely not go on long, but just to say that the glutamic acid or the glutamate which is one of the amino acids is also high in breast milk. As a matter of fact in human breast milk there is a higher percentage of this amino acid than there is in cow's milk.

Dr. FERGUSON: What yuh talking bout, horse?

Dr. BARTLETT: I have the good information. Very, very good information. The truth of the matter is it is being produced by the fermentation of things like molasses, fermentation of things like sugar cane, fermentation of other starches. That is how it is produced. And I will join with the House Leader in saying if we are to really consider this resolution any at all, we should seek to send it to a committee - send this matter to a committee, so that a thorough investigation

and having experts come here to speak to a committee on it...

Mr. M. PEART: Hear, hear!

Dr. BARTLETT: ...should be looked at before we do that.

The SPEAKER: Thank you, Dr. Bartlett. Reverend Thwaites.

(Inaudible comment by a Member)

Rev. THWAITES: Mr. Speaker, I'm happy for the contributions. I was going to ask that we allow others to participate at another time, but if you'll allow me to amend the resolution to have this referred to the Human Resources Committee...

The SPEAKER: That's the suggestion

Rev. THWAITES: ...yes, then we could look at the - at all of thoughts and gain a much wider....

The SPEAKER: Well, could you amend it to send it to the Human Resource Committee?

Rev. THWAITES: So I seek your leave to make that amendment and I move the amendment now. Yes, including salt.

The SPEAKER: Yes. Members, the motion before the House for the - first the amendment of the motion to send it before the Human Resources Committee to look at regulation - sorry?

(Inaudible comment by Mr. Holness)

The SPEAKER: The wording would be to - for the MSG for a Human Resource Committee to examine -

Rev. THWAITES: The House Leader is correct, sir, there is a health issue in relation the excessive use of salt, which, of course, is a part of MSG. And, therefore, I should like to amend for it to include the use of salt and MSG and to refer to the Human Resource Committee.

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The SPEAKER: Very well. Members, you have heard the amendment. Those in -

Mr. HOLNESS: Member, just for the - Member, for our purpose of record if you could craft it in such a way that we could record it.

The SPEAKER: I think he did.

BE IT RESOLVED that this Honourable House refer to the Human Resource and Social Affairs Committee of Parliament, the issue of, or the desirability of restricting in the national diet the use of salt and MSG.

The SPEAKER: Thank you. Members, you have heard the amendment to the motion.

Put to the House and agreed to.

The SPEAKER: The motion as amended.

Put to the House and agreed to.

The SPEAKER: Very well, thank you. Motion as amended approved.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business, but before we adjourn we will be meeting, Members of this House will be meeting - not

the entire House, but Members will be meeting to continue our discussions on the Special Prosecution legislation at 3:30. We will be meeting for two days next week, and we intend to finish the Special Prosecutor Bill next week Wednesday, after which we move into two days of special motions one being the censure motion and the other two motions brought regarding the Electoral Advisory Committee - well, the ECJ rather. And then the following the week, we start the Sectoral Debate.

So, Mr. Speaker, right - I now move that the House do adjourn until Tuesday the 14th of June when we will resume at 2:00 p.m.

The SPEAKER: Members, the motion before the House is that this Honourable House do adjourn until Tuesday the 14th of June at 2.00 p.m.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

The House was accordingly adjourned at approximately at 7:26 p.m.

SESSION 2011 – 2012

TUESDAY, June 14, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:25 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

DARYL WESLEY PHILLIP VAZ, (JLP),

Portland, Western, Minister without Portfolio in the Office of the Prime Minister, Minister of Information and Telecommunication.

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:25 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, we would like to welcome to the sitting of the House from the constituency of South West Clarendon - I am not too sure where that is - the Garvey Maceo High School, welcome to the sitting of Parliament, thirty students and three teachers. (Applause) From Maths Unlimited, St. Andrew, twenty-four students and two teachers, welcome to the sitting of Parliament. (Applause) And the finalists in the 2011 Miss Teen Jamaica competition, fourteen contestants, one chaperone and one photographer, welcome to the sitting of Parliament. (Applause)

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

ANNOUNCEMENTS

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

- **Ministry Paper No. 40**

Ratification of the Optional Protocol on Sale of Children, Prostitution and Child Pornography

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- **Ministry Paper No. 41**
Sugar Industry Authority
Annual Report and Audited Financial Statements for the year ended October 31, 2009
- **Ministry Paper No. 42**
Report of the Commission of Enquiry into the Extradition Request for Christopher Coke
- Annual Report of the Committee to Examine and Recommend for Approval Proposed Estimates for Constituency Projects submitted by the Constituency Development Fund by respective Members of Parliament 2010/2011
- Auditor General's Department Performance Audit Report of the Ministry of Labour and Social Security Strategy in Preventing, Detecting and Investigating Benefit Fraud
- The Anti-Dumping and Subsidies Commission
Annual Report and Financial Statements for the financial year 2007/2008
- Jamaica Intellectual Property Office
Annual Report and Audited Financial Statements for the years 2005/2006 and 2006/2007
- Passport, Immigration and Citizenship Agency Annual Report and Audited Financial Statements for the period June 2007 to March 2008
- Devon House Development Limited
Annual Report and Audited Financial Statements for the financial year April 2005 to March 2006
- Certified Appropriation Accounts:
His Excellency the Governor General 2009/2010
Houses of Parliament 2009/2010
Office of the Parliamentary Ombudsman 2009/2010
Office of the Contractor General 2009/2010
Office of the Services Commissions 2009/2010
Inland Revenue Department 2009/2010

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

(DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern, entered and took his seat.)

REPORTS FROM COMMITTEES

Mr. WARMINGTON: Mr. Speaker, I beg to lay on the Table of the House a copy of the Report of the Special Select to examine and recommend for approval proposed estimates for constituency projects submitted to the Constituency Development Fund by respective Members of Parliament.

The SPEAKER: Dr. Davies.

Dr. DAVIES: Mr. Speaker, I beg to lay on the Table of the House copies of the Report of the Public Accounts Committee on its examination of one, ministries, departments, agencies during the period...

The SPEAKER: Dr. Davies, I understand that we have to recommit your Report. They are being copied to be tabled so we will recommit...

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Dr. DAVIES: Okay.

MEMBERS: Both.

The SPEAKER: They are both being copied to be presented, the CDF and also your Report, PAC. It's tabled but the Report will shortly be here.

NOTICES OF MOTIONS GIVEN

ORALLY

Mr. WARMINGTON: 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 Special Select Committee to examine and recommend for approval proposed estimates for constituency projects submitted to the Constituency Development Fund by respective Members of Parliament which was laid on the Table of the House on Tuesday 14th day of June, 2011, be adopted.

The SPEAKER: Thank you, Mr. Warmington.

Dr. Davies, if it's copied in time we will recommit both sections.

Dr. DUNCAN: Mr. Speaker, we have just adopted it.

The SPEAKER: Dr. Duncan, it was announced by the Clerk that it was tabled, but not the PAC Report. Regrettably neither has been put before us. But since it was announced by the Clerk we will proceed with the CDF, but if both do come then we will recommit the PAC Report; but we know that the CDF will be here. So we went through the notice. So if... We know that the CDF Report will be tabled shortly, but...

Dr. DUNCAN: Could you explain to me what you mean by adoption. You mean approved?

The SPEAKER: Yes. But obviously it will not be approved and/or adopted until it comes for debate under Public Business. He is just giving notice for it to come under Public Business.

Dr. PHILLIPS: If you would indulge me, Mr. Speaker.

The SPEAKER: Yes, Dr. Phillips.

Dr. PHILLIPS: Through you to the Member who has given notice. I don't know if he could give us some understanding as to what is the status of those projects approved but not financed. Is he the appropriate person?

Mr. BUNTING: From last year.

The SPEAKER: Dr. Phillips, as soon as...

Dr. PHILLIPS: From last year. I am asking if he is the appropriate person to advise?

The SPEAKER: You are correct, Dr. Phillips, but when it comes up under Public Business for debate those questions will be answered.

A MEMBER: When?

(DR. KENNETH WYKEHAM MCNEILL, (PNP), Westmoreland, Western, entered and took his seat.)

(HON. ROBERT ST. AUBYN MONTAGUE, (JLP), St. Mary, Western, Minister of State in the Office of the Prime Minister, entered and took his seat.)

The SPEAKER: This afternoon. If it is debated this afternoon or tomorrow whenever, that's the time that you can ask that question.

Dr. PHILLIPS: Mr. Speaker, it's not that I am hoping to participate in the debate, but given the urgency of that particular issue I don't know...

The SPEAKER: Dr. Phillips, the substance of the Report will include that information so it can be examined and at the appropriate time of the debate.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. M. PEART: Mr. Speaker, today is Tuesday, the second Tuesday of the month. Is it appropriate for us to put some questions to the Prime Minister?

(The Prime Minister nods)

The SPEAKER: Yes, it is appropriate. Members, today being the second Tuesday of the month and in the recommendation of the Standing Orders Committee the Prime Minister had agreed to respond to questions. At this time, Prime Minister's question time. So if there are questions from Members of the House to the Prime Minister, now is the appropriate time. We have at maximum half an hour for this to take place. Dr. Davies.

(DR. THE HON. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Agriculture and Fisheries, entered and took his seat.)

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

Mr. Prime Minister, there are reports through various media houses that you made an announcement about changes to the *modus operandi* of the JDIP, is this correct?

The PRIME MINISTER: You have a follow-up?

Dr. DAVIES: Follow-up question: If it is correct, is there any official statement where parliamentarians could have some knowledge as to what are these changes being proposed?

The PRIME MINISTER: Naturally, I will be concerned because of the number of issues that have been raised about the conduct of the programme.

I met last week with the representatives of the Ministry of Transport and Works as well as the National Works Agency. I sought to find out from them how - once a project has been identified how the nature of the work is determined, how it is contracted, how are payments made. And to summarise my understanding, the National Works Agency determines the scope of work; it is then submitted to China Harbour, which is the contractor. Agreement is reached as to the cost of the project; a contract is awarded, work is carried out, payments certified. And I asked the question as to who is responsible for certifying payments, I was told the National Works Agency. I felt that there was need, just because of the way in which I understand that civil work projects ought to be conducted, there was a need for an independent body to certify those payments, and in certifying those payments to verify that the payments being made are consistent with the work that has been done.

I have asked the Works Agency to take steps to have such a firm of consultants put in place.

Now, the Minister was actually off the island at the time, and when the Minister returned, he indicated to me that they had already, through the Road Maintenance Fund, begun the process of securing such, and certifying authority. And he indicated to me how far along the process they have reached. I have asked them to try to expedite the matter. Naturally, it would have to be done in

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accordance with the procurement guidelines, but I tried to have that critical element put in place, because we need an independent authority to assure us that the work that has been done represents the payments that have been made. So, it is that area that I focused on.

Dr. DAVIES: Prime Minister, I appreciate your explanation, but I assume this will be committed to writing so that mere mortals will be able to examine exactly what are these changes which you have articulated. But, let me go further.

Isn't there an accepted process agreed to, in terms of procurement of contracting services, et cetera? Why has this project been treated differently, and creating - all of the questions, some of which you are seeking to respond? And secondly, this independent assessment, will this be retroactive, or is this from today onwards?

The PRIME MINISTER: We haven't taken any final decisions on the matter. I certainly didn't contemplate that it would be retroactive because in that sense, what you would need is an Auditor General kind of approach. It is difficult for - it is going to be difficult to certify payments that have already been made. It is going to be challenging to validate payments that have been made for work that has been done in the past. For example, if the recent rains that we had, had done any damage to any of the roads that were repaired under the programme, it is almost impossible for that damage to be isolated, and measured to determine what was the value of the work done. I was really thinking in terms of going forward.

Let me address an issue that, I think, has been the cause of some concern, and I think,

arises from considerable misunderstanding. I think the Member is experienced enough to know that, like in many of the negotiations with the Government of China, there is almost a requirement for the involvement of Chinese functionaries in the process. This particular loan was negotiated with China, and with China Harbour. They were an integral part of the negotiations for the loan. And therefore, the Chinese loan is a loan for work to be carried out by China Harbour with the necessary Government guarantees, and so on.

We had discussions, through the Minister of Transport and Works, with the Chinese authorities, and particularly with China Harbour, to seek to restrict the number of Chinese persons who would be engaged on the projects. We know of what took place on previous projects - the Conference Centre being one, Montego Bay Conference Centre, and the extent to which the workforce was dominated by Chinese nationals. We sought to avoid that.

And, in those discussions, China Harbour agreed to recruit and to utilize local contractors as far as was possible. Guidelines were put in place. The contractors had to be registered contractors, registered with the National Contracts Commission. Invitations were issued - were advertised for contractors who were interested in the programme to submit their proposals to qualify. My understanding - I am sorry the Minister isn't here - but, my understanding is that all Grade 1 and Grade 2 - was it all Grade 1 and Grade 2...?

A MEMBER: Grade 1.

The PRIME MINISTER: All Grade 1 contractors who are registered for civil work

construction were qualified and were accepted. China Harbour negotiates with those contractors.

A suggestion was made by the Member for Western Westmoreland that those subcontractors should also go through National Contracts Commission and be approved by Cabinet. Let's understand one thing basically. If you give a contractor a job to do the work, you can insist on nominated contractors being used. But once you do that you accept responsibility for the work done by nominated contractors, and you have to indemnify the main contractor from that responsibility.

It is, from my own experience at the Ministry of Construction, a dangerous path to travel on, because you will not be able to hold a single contractor who has the necessary insurance and coverage, responsible. You will end up holding responsibility for different aspects of the work.

So, essentially, China Harbour is the contractor. China Harbour is required to deliver those projects to the required specifications, and China Harbour is the agency that the Government authorizes the payment of funds to. China Harbour, in turn, deals with the sub contractors that China Harbour has recruited. They recruited these subcontractors, not the Government. They selected them; they negotiate with them, so that, they are not the responsibility of the Government. Our responsibility is to ensure that China Harbour delivers the project as the project was designed, and as the specifications require.

Dr. DAVIES: Prime Minister, I appreciate - again, I am hoping that much of this will be committed to writing. I tend to

reflect better if I have something in black and white. But, you indicated that you were speaking about the future, in terms of the role of this independent assessor. But your examples, Prime Minister, couldn't have been anticipatory. You gave some graphic examples of, if X million is done, you won't be paying for any amount, other than what the independent assessor... what happens in the instances where, even retrospectively, it can be shown that payments were made far in excess of what the job was costed for? That cannot be allowed to be left as is. And the questions will be posed to whomever the authorities will be to investigate this retrospectively.

The PRIME MINISTER: The example that I used wasn't an example. It was more an analogy, because if we were to start - if we were to decide that we were going to chase down projects in the past where expenditure exceeded estimates, then we couldn't stop at JDIP. We would have to visit the North Coast Highway, for example. There are several projects that would have to be visited, and we would have to go back a considerable period of time. I am anxious to ensure - in view of all the questions that have been raised, I want to ensure, that going forward - which is something we can do something about - that going forward, there is no question at all about the integrity of the expenditure.

Looking backward, we have agencies with authority that can examine that. The Contractor General has already served notice of his intention to monitor and investigate the JDIP programme. The Auditor General has power to audit and investigate if specific credible information is brought to attention, *specific credible information* that I consider

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warrants a special investigation, I will ensure, whether by requesting the Contractor General or through whatever other means, ensure that an investigation is carried out.

You asked about commitment to writing. I have requested the Minister, following the discussions I had with him after his return, and the steps he indicated to me that he had already initiated, the submissions that had already been made from local companies, at least one of which I - name I recognize as a highly reputable firm of consulting engineers. Just today I was advised that we received a submission from an overseas company. That process is proceeding. The Minister will come to Cabinet and an appropriate statement or Ministry Paper will be brought to Parliament.

Dr. PHILLIPS: Mr. Speaker...

The SPEAKER: Mr. Arscott, then Mr. Clarke, and then Dr. Phillips.

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

Prime Minister, it has been in the news recently of the differences between the Government and UC RUSAL on the opening of the Kirkvine Alumina Works...

(Dr. Phillips indicated that he wished to speak)

Mr. ARSCOTT: Sorry...

Dr. PHILLIPS: Mr. Speaker, I was... on the same...

The SPEAKER: Could you hold, Mr. Arscott, while we finish... yes...

Dr. PHILLIPS: Just on the question of JDIP, the question is, why was not - given that in major projects an independent consultant is a standard practice, not just in justifying payments, but generally speaking in overseeing the design work to ensuring that the appropriate standards of design and

construction are being met. Why was it, in this instance, that no such recommendation was made when, presumably, Cabinet approved the matter?

And, let me just ask the second one and... and, the second issue really is, in view of that, how do we ensure that, in relation to contracts already let, or subcontracts already let, that there is some independent assessment - and it is not just a payments issue, as you have suggested, but some independent assessment as to the standard of work, standard of design, as well as costs that are to be incurred?

The PRIME MINISTER: It is difficult for me to give you a specific answer to the first part of the question. I know in the past, it is normally a requirement of externally funded projects, even if we ourselves may not have insisted on it; even if we ourselves felt that the capability we have in the executing agency, which is the National Works Agency, was sufficient. In this case, there was - from all I have been able to gather - there was no such insistence, no such requirement, and it doesn't appear that we inserted one, or introduced one. I think it is important, for a number of reasons, not only - because I think it is important for us to ensure - I defend the programme, but in defending the programme,

I have as much interest as anybody in any seat in this Parliament, in ensuring that the programme is executed in a proper manner and that the actual value is obtained.

But I was also concerned for another reason. This is the largest single financial engagement we have had with the Government of China, to date. And if there are doubts raised about the integrity of the programme it could affect our ability to pursue additional areas of economic cooperation.

Indeed, the Minister of Finance leaves here on Friday of this week to go to China to have discussions with them about a number of other possible areas of economic cooperation. And I think it is very, very important for us to ensure, not only for the benefit of the programme itself, but for our relationship with China, to ensure that the programme is executed in a manner that does not leave open to question, the integrity of the process that is applied.

Dr. DAVIES: Christiana. It must be Christiana we are looking at.

Mr. BUCHANAN: Tourist attraction.

The SPEAKER: Go ahead.

Dr. PHILLIPS: Just one follow-up. Prime Minister, the issues had been raised, even in Standing Finance Committee here, about the accountability issues which you are now expressing concern about. In a sense, what is different now?

And then the second thing is, will you - are you prepared to make a commitment that for the projects already let, including Christiana, that the independent consultant, these will be vetted in some way by the independent person/consultant that is being - whose services are being acquired?

The PRIME MINISTER: In acting out of caution and out of an anxiety to ensure that the programme is not the victim of accusations whether meritorious or not, I am not giving a commitment now to go and examine every project that was done, although I am not opposed to it. I am not opposed to it. But it would have to be on the basis of specific credible information that suggests that it is necessary. For example, the Water Commission is carrying out projects involving hundreds of millions of dollars.

And therefore if we are going to say, well, let's go make sure that all the projects are being carried out properly then we would have to go examine all of what the Water Commission has done, and we would have to examine all of what, every ministry, the Ministry of Education builds schools, hundreds of millions of dollars.

(Sotto voce remarks by Opposition Members)

The PRIME MINISTER: But what I am saying is, the investigation cannot be driven just on the basis that the programme is called JDIP. It must be driven on the basis that there is credible information. We have a committee that examined it. I would love to benefit from the committee's examination to say let's go investigate this particular project or that particular project. But to suggest that we must now go and dig some holes into every piece of road that was done to see whether or not the right amount of material was laid, no, that's not necessary. But let us identify where concerns exist and that can be examined as a specific matter. But to ensure that in going forward neither the relevant committee nor Members of this House, nor any member of the public will need to agonize, to question, to suspect, because the process by which the programme is conducted and payments are made must be such that it can command far greater confidence than the programme has been able to achieve to date.

The SPEAKER: Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, I have great concern, based on the the questions that have been posed to the Prime Minister and the Prime Minister's response, as it relates to the sub-contractors to sub to China Harbour. Based on my experience in the

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profession the relationship is between the employer and a contractor.

The SPEAKER: Yes, what's the question?

Mr. WARMINGTON: Mr. Speaker, statements have been made leading up to questions, so I need to be given the same latitude as other Members. I need to be given the same latitude. (Applause)

The SPEAKER: Get to it quick though.

Mr. WARMINGTON: Not because I sit on this side my motive is going to be questioned. I need to be given the latitude that was given to other Members across there. I am saying I have great concern, the relationship between the Government and the contractor, China Harbour ends there. An employer has no right as it relates to sub-contractors. In June 2010 China Harbour ran advertisement inviting sub-contractors to be prequalified and that was done. And China Harbour went through the pre-qualification stages with those contractors and selected their sub-contractors. The employer has nothing to do with the sub-contractors prequalified and employed by China Harbour. (Applause) The employer, therefore, cannot respond to any question relating to the contractor and the sub-contractors. The employer can only answer.

Dr. DAVIES: What's the question?

The SPEAKER: Question, question.

Mr. WARMINGTON: The contractor...

Mr. BUCHANAN: Are you a contractor?
Are you a contractor.

The SPEAKER: Allow the Member.

Mr. BUCHANAN: Are you a contractor?

Mr. WARMINGTON: You don't know what the word means. The employer can only respond to question relating to the relationship

between the employer and the contractor, not the sub-contractors.

The SPEAKER: What's the question?

Mr. BUCHANAN: What is the question?
Sit down if you don't have any question.

Mr. WARMINGTON: Guidance. The employer is overreaching when they are going to the extent of interfering with the contractor and his sub-contractors. So I just want to enlighten the House that is so.

Mr. PERALTO: To enlighten.

Mr. WARMINGTON: To enlighten. Based on my professional experience and my training, the employer is overreaching, interfering with the relationship between the employer, the contractor and his sub-contractors.

(*Sotto voce* remarks by Opposition Member)

Mr. WARMINGTON: I didn't talk about question. I am enlightening the House based on my professional experience that the House doesn't have.

The SPEAKER: Mr. Fitz Jackson - Mr. Clarke.

Mr. CLARKE: Mr. Speaker.

The SPEAKER: One second, you have a question on the same matter?

Mr. CLARKE: No!

The SPEAKER: Mr. Peart.

Mr. M. PEART: Mr. Speaker, the question I would like to ask the Prime Minister is, the contractors that are used by China Harbour, is there a criteria set out between the Government and China Harbour to ensure that the sub-contractors satisfy good and proper standards? That's the the first level. So China Harbour subcontracts to contractor A, contractor A then sub-contracts

to B, C, D, E, F and G. If there is evidence to show that some of these contractors are not fit and proper, they don't have tax compliance, fit and proper.

Mr. CHARLES: Used to be under you.

Mr. M. PEART: They are not fit and proper. I am just asking the Prime Minister if....

The SPEAKER: The issue though, Mr. Peart, is whether or not the - ultimately the main contractor, China Harbour, is ultimately responsible?

Mr. M. PEART: Mr. Speaker, the question I am asking the Prime Minister is if the sub-contractors are required to satisfy certain criteria?

The SPEAKER: No, but that's a matter for the employer.

Mr. M. PEART: No, I am asking the Prime Minister. I am not asking you, sir.

The PRIME MINISTER: The arrangement that we have with China Harbour, which I believe is written into the agreement, if the Minister can just guide me, is that the contractors that they employ must satisfy the requirements of the National Contracts Commission and must be registered for the amount, for the contract value and the technical nature of work to be done as specified by the National Contracts Commission. And that is a requirement, as I understand it that has been observed. As a matter of fact, I believe that the Minister indicated to me in discussions that I had with him, that because of the volume of work that had to be done there was no selection from among those who had qualified. All of those who qualified have been engaged simply because of the volume of work that had to be

done and the need for all the contractor's capability that is available.

The SPEAKER: Members, we have only seven minutes more for Prime Minister's Question Time. Mr. Arscott.

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

Mr. D. PEART: Warmington waste about two out of it.

The SPEAKER: Yes, Mr. Arscott.

Mr. ARSCOTT: Thank you very much, Mr. Speaker. To enlighten you, Garvey Maceo is at Vernamfield in South West Clarendon. All right.

The SPEAKER: Thank you.

Mr. ARSCOTT: Prime Minister, the question of the alumina industry has been in the news recently, in particular, Kirkvine and the reopening. And we were all hopeful that Kirkvine would have been opened in July, as announced. The question I would like to ask, we hear that there are significant differences between the owners UC RUSAL and the Government and there are some things in the media. What I would like to ask you, Prime Minister, could you enlighten this Honourable House what is the current state of affairs and when are they likely to reopen Kirkvine alumina plant?

The PRIME MINISTER: The discussions with UC RUSAL are continuing. Indeed, I received a briefing just this morning as to the state of those discussions.

I think the Member will appreciate that it would not be appropriate, since this involves negotiations that are ongoing, it wouldn't be appropriate to outline all the details. But to say this, UC RUSAL has requested relief from taxation for a period of time. The Government

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in recognition of the fact that it is going to involve a considerable amount of expenditure to reopen, in consideration of the positive impact that it would have on employment and on the economy of the surrounding communities, we have agreed to a period of tax relief. We are insisting on some measures from which we do not think that the Government can resile, particularly matters to do with environmental requirement and matters to do with community development programme. And the talks are continuing to see if we can reach agreement in relation to those two.

One of the major issues regarding the environment has to do with disposal of bauxite waste. And there are certain standards that we have had to say to the company we cannot negotiate around those standards. Those are requirements that would have to be met. And I would like to indicate as well that it is a matter that concerns not only Kirkvine, but it concerns Ewarton as well. We have significant water resources in that section of St. Catherine and we have had to say in very clear terms that the protection of our water resources is not something that can be the subject of any negotiation. We will negotiate where we can. We will give concessions where we can but there are some things that we can't.

The discussions are continuing. I saw the most recent response from RUSAL, which I think was submitted on Friday. I got it yesterday. I met with the team this morning. They are to have further discussion with RUSAL. We are trying to work together to secure the reopening of the plant. But there are some - the Minister of Finance has done his part in terms of facilitating the

reopening, but there are some things that cannot be the subject of concessions and one such thing is the environment.

The SPEAKER: Mr. Clarke.

Mr. CLARKE: Thank you very much, sir.

Prime Minister, can you indicate if it's a fact that we are in the process of divesting the Fisheries Complex at Marcus Garvey Drive?

The PRIME MINISTER: I didn't hear you.

Mr. CLARKE: The Fisheries Complex at Marcus Garvey Drive. If it is no, is no. If it is so, what use would it be put to? And thirdly, where would be the alternative arrangements for the fisher folks who use that facility?

The PRIME MINISTER: The Fisheries Complex?

Mr. CLARKE: The Fisheries Complex.

The PRIME MINISTER: I have no knowledge of it. The Minister of Agriculture says that he is aware of a suggestion that was made but he is not aware that it has gone any further than that.

The SPEAKER: Mrs. Simpson Miller.

Mrs. SIMPSON MILLER: Thank you, Prime Minister. And I would like to ask the Minister to do a follow-up because that would be a very serious development in terms of the Rae Town fisher folks, the Greenwich Town fisher folks and those in the Portmore area.

The PRIME MINISTER: I never heard of it.

Mrs. SIMPSON MILLER: So I am going to ask for it to be dealt with so we can get some response. Thank you.

The SPEAKER: Rev. Thwaites then you Dr. Phillips.

Rev. THWAITES: Mr. Speaker.....

The SPEAKER: We only have a few more minutes for Prime Minister's Question Time. So please we have to hurry up.

LAND TITLES – REGISTRATION, ETC.

Rev. THWAITES: Mr. Speaker, is the Prime Minister satisfied with the levels of registration of lands hitherto not under the Registration of Titles Act and, particularly not under the Registration of Titles, Cadastral Mapping and Tenure Clarification and, in particular, will the Prime Minister, indicate or investigate whether the provisions of section 10 of the latter Act are being sufficiently pursued whereby persons who have been in undisturbed possession of land for 12 years are entitled to apply for registration in their name? And will he further address whether he thinks that the provision in that Act and, at common law, where if it is State land, government land, you have to wait for 60 years, is too long in the circumstances of a nation which wants to ensure that its citizens have full value and access for their lands.

The PRIME MINISTER: Mr. Speaker, could the Member be invited to give notice of that question? It is very involved, it involves serious questions of both law and policy. It is not in my view a an appropriate question for me to be required to answer ...

The SPEAKER: Yes.

The PRIME MINISTER: ...without notice.

The SPEAKER: Could you put in a written notice please, Reverend Thwaites?

Mr. Hylton.

Mr. HYLTON: Prime Minister, could you clarify whether the planned trip by the Minister of Finance to China, is in response to

any expressed concern on the part of the Chinese Government on the project - the JDIP Project?

The PRIME MINISTER: No, absolutely not. In fact it may involve an expansion. No absolutely not.

The SPEAKER: Two more questions. Dr. Phillips - two more questions - Mr. Fagan and then Dr. Phillips.

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

Mr. Speaker, the ...

(Inaudible comments)

The SPEAKER: Yes, Mr. Fagan.

PARISH COUNCILS – SPECIAL ALLOCATIONS

Mr. FAGAN: Question for the Prime Minister, Mr. Speaker.

Over the last couple of weeks, Mr. Speaker, we have been getting a lot of announcements in respect to funding for the parish councils. In one instance we were told that the councils would be getting over \$100 Million to be spent as part of the mitigation programme regarding the hurricane season. Also, the Prime Minister has announced that similar to the CDF Programme, Councillors would be getting a special allocation to assist with emergency work and so on. To date, Mr. Speaker, none of that has happened. Can the Prime Minister say when the funds that should be made available for drain cleaning be available to the Councillors?

And secondly, when this special programme that is to be set aside as part of - similar to the CDF - when this programme will be put in place?

The PRIME MINISTER: Mr. Speaker, I don't have that specific information at my

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fingertips to respond to you. I'd ask the Minister of State, who has direct responsibility to speak with you today, you know, before we adjourn, and give you that information. I'd have to get it from him, because I rely on him in terms of the day to day management of that part of the Ministry.

The SPEAKER: Dr. Duncan.

Dr. DUNCAN: Is the Prime Minister aware that the constituency boundaries which have been approved by this Parliament on several occasions, is still not been gazetted and would you use your good offices to see that this is done? It is my understanding that it is holding up the work of the Electoral Office of Jamaica and the Electoral Commission of Jamaica.

The PRIME MINISTER: I'm simply going to relate to you information that I'm told that the Minister with responsibility for electoral matters has already related, that the matter is with the Attorney General's Department. There were questions that were raised about a particular clause and its application, which they're seeking to resolve, and I believe in consultation with the Electoral Commission. And it is anticipated that that particular issue should be resolved by next week, at which point hopefully, it would be gazetted, or there is just the possibility that it may have to come back here. But it is hoped that it will be possible to resolve it so that it can be gazetted.

The SPEAKER: Okay last question. Mr. Peart, last question and you...

Dr. PHILLIPS: You had indicated to me that I would - you had indicated and I was surprised when you refer to...

The SPEAKER: You want to go? Your

question before Mr. Peart. Go ahead.

Dr. PHILLIPS: Mr. Speaker, Prime Minister, there was a fund team here - a team from the IMF here - and there have been public comments about the status of that visit. And it would seem also that the drawdowns that would have been contingent upon Jamaica passing the reviews successfully, have not been made. Could you update the House and the country as to the actual situation in respect to the IMF programme and the reviews?

The PRIME MINISTER: The review of the first two quarters of this year have been rolled into one. They are to...

A MEMBER: December and March.

The PRIME MINISTER: December and March. They are to be considered by the Board at its July meeting on the 17th of July. During my visit last week, we discussed some issues of concern and one of which, for example, had to do with the impact of the public sector wage bill on the fiscal target. Bearing in mind that there are unsettled issues which are the subject of ongoing discussions between us.

We are seeking to reach some agreement with the representative unions that would allow us to signal to the Fund, that the settlement of wages, or the settlement of what is deemed to be outstanding to workers, will not impair the programme. And discussions are on the way right now, not only at the formal level, but there are some informal discussions that are taking place with the representative unions and I'm hoping that we will be able to reach some accord, in terms of how the outstanding matters can be dealt with and over what period of time.

The SPEAKER: Mr. Peart.

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EXTRADITION REQUEST –
CHRISTOPHER (DUDUS) COKE

Mr. M. PEART: Mr. Speaker, laid on the table today is Ministry Paper 42, the Report of the Commission of Enquiry into the Extradition Request for Christopher Coke. The question I would like to ask the Prime Minister is, what are the next steps in dealing with this matter and will the Parliament have an opportunity of deliberating on it?

Mr. D. SMITH: It's finished.

Dr. DAVIES: Finish wah?

(Cross talks)

Mr. E. SMITH: Wah more yuh want?

The PRIME MINISTER: There are a number of recommendations that have been made by the Commission, which the Cabinet will have to consider. It was not possible yesterday to give that level of consideration and it would not have been possible for Cabinet to take decisions in that short space of time. One of the recommendations, one of the recommendations made by the Commission on which the Cabinet had already taken a decision, had to do with an amendment to the Interception of Communications Act, to allow for the sharing of intercepted communication with our foreign law enforcement partners, to assist in the investigation and prosecution of criminal offenders. And Cabinet approved that amendment from July of last year, and I hope before Parliament adjourns today, to introduce and have read a first time, a Bill to amend the Interception of Communications Act to facilitate what was done, but which the Commission's Report has now determined, was not only done contrary to law, but done contrary to the Constitution. (Applause)

The question of the deliberation of the House, that would have to be done by way of a resolution, which is a facility that is open to all Members of the House to pursue.

Mr. M. PEART: Not only a motion, Mr. Prime Minister - Mr. Speaker - but that there could have been a Statement by Minister - the Prime Minister...

The SPEAKER: There be no Statement you could put a motion in.

Mrs. Simpson Miller.

The PRIME MINISTER: With respect - sorry - but with respect, with respect, the Commission has submitted a Report, the Commission has submitted a Report, the Report has been tabled - the Report was tabled under a Ministry Paper...

MEMBERS: Rubbish!

The PRIME MINISTER: ...advising the House that here is the Report of the Commission of Enquiry. I would suggest that the Leader of Opposition Business...

Mr. E. SMITH: Read.

The PRIME MINISTER: ...avail himself of sometime...

Mr. E. SMITH: To read.

The PRIME MINISTER: ...to read...

Mr. E. SMITH: Yes.

The PRIME MINISTER: ...and to appreciate the Report...

MEMBERS: Yes.

The PRIME MINISTER: ...before requiring that statements be made about it.

(Applause)

Mr. VAZ: That is correct.

(Inaudible comments)

Mr. M. PEART: Mr. Speaker, Mr. Speaker, Mr. Speaker, I've offered no comment on the document because I've not

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read it. What I'm asking is, are we going to get a chance to deliberate on the...

The SPEAKER: You can do so, you can do so, Mr. Peart, by a motion.

(Cross talks)

The SPEAKER: Yes, Leader of the Opposition.

(Cross talks)

Mr. M. PEART: Mr. Speaker...

The SPEAKER: No, if you want a motion you can have it.

Mr. M. PEART: But, Mr. Speaker, one gets the impression, one gets the impression that the tabling of the Report is the end of the matter...

The SPEAKER: No, unless you bring a motion.

Mr. M. PEART: ...on the part of the Government.

A MEMBER: Unless you bring a motion.

Mr. M. PEART: And after having - what this country has endured over the past two years...

A MEMBER: No IMF.

Mr. M. PEART: ...this cannot be the way to deal with it.

Mr. D. PEART: Rubbish.

(Cross talks)

The PRIME MINISTER: Mr. Speaker, the House has a long, long tradition and experience of Commissions of Enquiry Reports tabled. Indeed, indeed in many instances the recommendations of the Report are ignored, whereas a long expensive enquiry into activities of the security forces in West Kingston in 2001, I think it was, various recommendations were made. There was no urgency about any deliberation, the tape - recommendations were tabled, that was the end of the matter.

In relation to this Report, I have just said that not only will Cabinet deliberate seriously on the recommendations that were made by the Commission, but in respect of perhaps the most important recommendation, the question of correcting a breach of our constitution and our laws. We have already taken action and I hope today to table in Parliament, the amendment to the Interception of Communications Act, to allow that.

(Applause)

The SPEAKER: Mrs. Simpson Miller.

Mrs. SIMPSON MILLER: Mr. Speaker, before you have a government you must have people. So said MARCUS MOSIAH GARVEY. But the Government must reflect the will and wishes of the people.

This Report, this Commission that was established got attention, not only from the Jamaican people that watched, but the International Community watched as well, what happened with this Commission.

It cannot simply be, this Report, I've not had the opportunity to read it yet, I just glanced through certain areas and my conclusion, not having gone through all of it, but I sat here and went through it. Are we going to allow the public to conclude that this is a travesty? White washed? Cover up? Or, or... (Applause)

MEMBERS: Hear, hear!

Mrs. SIMPSON MILLER: ...or for accountability and transparency?

Mr. D. SMITH: On a point of order, on a point of order.

Mrs. SIMPSON MILLER: In this Parliament I'm not going to sit down...

Mr. D. SMITH: On a point of order, a point of order.

Mr. PICKERSGILL: Sit down!

Mr. BUCHANAN: What's your point of order?

Mr. D. SMITH: A point of order, Mr. Speaker.

The SPEAKER: On a point of order, yes.

Mr. D. SMITH: Mr. Speaker, if we are under Prime Minister's Question Time...

Mr. WARMINGTON: Mr. Speaker, there can't be two Members on their feet. There is a Point of Order, the Leader cannot be on her feet. If there is a Point of Order she has to sit and allow the Point of Order to be taken.

The SPEAKER: (Gavels) All right, sit Mr. Warmington. Mrs. Simpson Miller – what's the Point of Order?

Mr. WARMINGTON: No, no, no, ask her to sit!

The SPEAKER: What is the Point of Order? What is the Point of Order?

Mr. D. SMITH: If we are under Prime Minister's Question Time, then I am expecting you, Mr. Speaker, to ensure that questions are asked of the Prime Minister.

(*Sotto voce* comments by both sides)

Mr. D. SMITH: This latitude of making statements and speeches, right, ought to stop, and I am expecting you to stop it, Mr. Speaker!

Mrs. NEITA-HEADLEY: No, no!

(*Sotto voce* comments by both sides)

Mr. PICKERSGILL: What you doing, no statement you making?

The SPEAKER: Mrs. Simpson Miller finish for me please.

Mrs. SIMPSON-MILLER: I would like to get a clear response from the Prime Minister now, not just about us reading the document

(*Sotto voce* comments by Government Members)

The SPEAKER: Please, please, allow the Leader of the Opposition to speak.

Mrs. SIMPSON-MILLER: Allow me! Allow me!

The SPEAKER: I was sent here by people and I am recognized by the constitution!

Government MEMBERS: Ha! Ha!
(Mr. Montague claps)

Mrs. SIMPSON-MILLER: And go home go look about the baby.

Mr. SHAW: (Laughter) That's all right man, that's my pleasure.

(Laughter by both sides)

(Laughter by Mrs. Simpson-Miller and Mr. Shaw)

Mrs. SIMPSON-MILLER: Mr. Speaker, I really would like to ask the Prime Minister and to encourage...

Government MEMBERS: Hi!

(Laughter by both sides)

Mrs. SIMPSON-MILLER: ... if the Prime Minister is not thinking about it that for national satisfaction, that the Parliament be allowed a discussion, a discourse or a debate on this final Report by the Commission that was established by the Prime Minister. And I think this is a reasonable request.

(Applause by Opposition Members)

The SPEAKER: Okay. Yes, Prime Minister.

The PRIME MINISTER: Mr. Speaker, the Leader of the Opposition with her many years of experience in the House knows that there are various opportunities and means by which those deliberations can take place. The House has the authority if it considers it

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appropriate to refer the Report to a Committee for detail examination. The House has the authority to enter upon a debate on the Report, the House has an opportunity to do several things.

(*Sotto voce* comments by Opposition Members)

The PRIME MINISTER: And therefore, and therefore, it can be the subject of discussions between both sides. It can be the subject of something initiated by members from that side, but let me just say this. Let me just say this.

Mr. WARMINGTON: Have some respect!

Mr. BUCHANAN: You keep quiet! Anxiety. Anxiety!

The PRIME MINISTER: Let me just say this and I don't propose, I don't propose to offer - to run to the defence of the Commissioners, I regard the Commissioners as persons of impeccable integrity.

Mr. BUCHANAN: Friends! Friends!

The SPEAKER: Mr. Buchanan, please.

The PRIME MINISTER: And therefore, for the suggestion to be made that the Report contains a whitewash would be indicting, would be indicting, for example, in that whitewash the person who, up to the time when I took office, was special adviser to the Most Honourable Portia Simpson-Miller.

(Disturbance by Opposition Members)

Mrs. SIMPSON MILLER: On a Point of Order. On a Point of Order.

The SPEAKER: No, we need to finish up.

Mrs. SIMPSON-MILLER: On a Point of Order, Mr. Speaker. Mr. Speaker

The SPEAKER: Final point. Final point.

(*Sotto voce* comments by both sides)

Mrs. SIMPSON MILLER: No, wasn't it that the Prime Minister appointed three persons, two lawyers and one Industrial Relations Specialist. The Industrial Relations Specialist is not a lawyer. Anyhow, the opinion of the entire country, was that for most of the Enquiry, he was ignored by the others.

(Heckling by Government Members)

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker

The SPEAKER: (Gavels) No, no, no! Sit, Mr. Warmington. Sit, sit, sit!

Mr. WARMINGTON: Mr. Speaker...

The SPEAKER: Sit, Mr. Warmington.

Mr. WARMINGTON: Mr. Speaker, hear me out, please, please, please!

The SPEAKER: What's the point? What's the point?

Mr. WARMINGTON: In light of what the Prime Minister says and what came from the Leader of the Opposition, there should be no reason why we can't debate the stuff. Based on what she just said

The SPEAKER: Who is she?

Mr. WARMINGTON: The Leader of the Opposition.

The SPEAKER: The Member from South West.

Mr. WARMINGTON: From South West St. Andrew, even though - I am sorry and I apologize to my cousin. (Laughter)

(*Sotto voce* comment by Opposition Member)

Mr. WARMINGTON: You don't know what she means.

Even though the Member is not a lawyer, she was capable of asking any question in the Committee. So regardless of the Standing

Order, we should be able to, as she requested, debate this...

The SPEAKER: Not she, the Member from South West.

Mr. WARMINGTON: The Member from South West St. Andrew. Regardless of what was said, you know, we could accommodate the request from the Member of South West St. Andrew to just, you know, set a time and date when we can go through, you know.

The SPEAKER: That's possible.

Mr. WARMINGTON: So let us put some time aside and a request to debate this issue.

The SPEAKER: That's possible. Thank you.

Mr. WARMINGTON: It would be in everybody's interest to get it done.

The SPEAKER: Okay, thanks.

No, no, we are not taking any more on this matter. Motions that maybe made...

Mr. JACKSON: Mr. Speaker, not so fast, Sir. I am not asking any question of the Prime Minister. We are at Question Time, aren't we?

The SPEAKER: No, no, no, we are moving on.

Mr. JACKSON: I have a question to be tabled.

(Sotto voce comments)

The SPEAKER: I am sorry, Mr. Fitz Jackson, proceed.

Mr. JACKSON: Your apology is accepted, Mr. Speaker.

Mr. Speaker, I wish to table these questions in my name for the answers to be submitted within 21 days to the Minister of Energy.

The SPEAKER: Thank you Mr. Fitz Jackson. Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, on the last two sittings of the House...

(Sotto voce comments)

The SPEAKER: Members, Members, Let me hear Reverend Thwaites. Yes, Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, there are questions that are ready for answer which are in my name, are due for answer. On the last two sittings you acquiesce without my - without reference to me....

The SPEAKER: No, I did, you know, don't say I didn't. The paper was passed around to the best of my knowledge or you were asked for acquiesce.

Rev. THWAITES: No. Mr. Speaker, let that pass, I am not taking that point.

The answers were promised today and I expect them please.

The SPEAKER: House Leader, where are we on Questions 5, 6 and 8?

Mr. HOLNESS: Mr. Speaker, we had asked for extension for these questions last week, but given the schedule that we have today and the time taken up in Prime Minister's Question Time, in addition to the scheduling of the Special Prosecutor, Mr. Speaker, we will postpone the answering of those questions and we have asked appropriately. The questions are ready, but for scheduling reasons.

Mr. Speaker, I am of the strong view that we will be able to take those questions next week, providing that we maintain the schedule.

The SPEAKER: Reverend Thwaites, my understanding...

Rev. THWAITES: Mr. Speaker, the procedure is all wrong, the Standing Orders as I understand them do not permit the House

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Leader to say we won't take this and we will take that. In respect of Questions, there is an established order and a settled writ. Could you follow that, please.

The SPEAKER: I think the request though, Rev. Thwaites is that they should be taken next week, to which I hope you will admittedly reluctantly agree.

Rev. THWAITES: Mr. Speaker, it's the principle of the thing. Who are the crafter of the rules in respect of questions? You particularly have had a very strong opinion on this, having regard to the way it has gone in the past, and in all the circumstances, for it to be done this way again breaches that principle. I urge you to stand for what you stand for.

The SPEAKER: Yes, but all I am asking....

Mr. HOLNESS: Mr. Speaker, Mr. Speaker, with the greatest of respect for the Member from Central Kingston. The time allocated to this House to conduct its business is limited. We can't take an extended Prime Minister's Question Time, then go into answering questions, then do legislation, we will have to choose. The ordering of the business of the House is if we take the extended Question Time for Prime Minister and then have to move into legislation, something would have to be sacrificed. I respectfully ask, following the Standing Orders, that we be given next week to answer those questions? I cannot argue as if time in the House is limitless.

The SPEAKER: Yes, Reverend Thwaites, both Questions 5 and 6 though, House Leader. House Leader, House Leader, Question 5 and 6 definitely by next week Tuesday.

Mr. HOLNESS: Question 5, 6, 8 would be taken next week Tuesday.

Rev. THWAITES: You know what you are saying, Mr. Speaker, you are saying that the business of questions, yes, most notably coming from Members of the Opposition, will be dealt with when there is time.

The SPEAKER: No, no, Reverend Thwaites, with due respect.

Mr. HOLNESS: Mr. Speaker, with due respect, everything in this House has to be ordered, Mr. Speaker.

The SPEAKER: And with due respect, Rev. Thwaites the House Leader on the Government side has been fairly prompt in answering most of the questions. I do not deny that there has been a delay on some questions. On some questions there has been some delay, but most questions have been answered in a reasonable time.

Rev. THWAITES: I put it, that's not the issue. The issue is whether we have rules regarding how questions are dealt with....

The SPEAKER: No, but Questions 5 and 6, I am asking must be answered by next week, okay.

Rev. THWAITES: Well, you are making a ruling you are not asking.

PUBLIC BUSINESS

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, last week we announced, Mr. Speaker, that today we would dedicate Public Business to working extensively with a view to completing the Special Prosecutor legislation. Mr. Speaker, that is the only business I have scheduled for Public Business today.

We have gone over six months trying to

pass this piece of legislation, Mr. Speaker. It is of critical importance for our physical responsibility framework, our international development partners are looking on us to see our seriousness in passing this very important piece of legislation...

(Sotto voce comment by Mr. Pickersgill)

Mr. HOLNESS: ...and I want, Mr. Speaker, for us to proceed today... You don't want to proceed today?

The SPEAKER: Before you go....

Mr. HOLNESS: I want us to proceed, Mr. Speaker....

The SPEAKER: No, before you go, before you go, Mr. Holness, I think the PAC Reports and the CDF Reports are available, so I don't know if we want to just deal with them.

Mr. HOLNESS: Mr. Speaker, I would prefer to spend the time...

Dr. DAVIES: I just want to table the Report.

The SPEAKER: He wants to table...

Mr. HOLNESS: Oh, you wanted to commit the item. Okay, all right. Mr. Speaker, we will accommodate them, but I want to complete my statement. I would urge Members to move with alacrity in passing this piece of legislation. It would appear

Dr. PHILLIPS: Mr. Speaker, just to enquire of the Minister.

Not having been here, but I understand that there was a Committee of the House. Well, the Members of the Committee... In other words, is this... Okay.

Mr. BUNTING: Mr. Speaker, I thank the Member from East Central St. Andrew. On the Small Committee that spent about eight hours last week - you were there as well, Mr. Speaker - and we left on Thursday night with an agreement that given the very substantial

amendments, because as you know, Mr. Speaker, we went right back to Clause 2 and started and worked all the way through to Clause 87, but there are literally dozens of amendments, some of them quite substantial, we left with the agreement that the Bill would have been reprinted to include the amendments by the Parliamentary Counsel's Office, and then we could have used that, along with the original Bill, it would have made it very easy.

How we have been presented with the amendments here, Mr. Speaker, for those three of us on each side who participated in that subcommittee it may be suitable, but for the other Members who are just seeing it for the first time, it's going to be very difficult for them to digest it all quickly enough for us to take it immediately. It would have been very helpful if we had gotten the Bill as amended, so that we could see the flow of it and it would have perhaps then made it easier for us to go through it this afternoon. As it is now, I suspect these substantial lists of amendments are going to - it's going to be very hard for the average Member who didn't participate in the Committee to be able to follow this this afternoon.

Mr. HOLNESS: Mr. Speaker, I understand what the Member is trying to suggest. But in practical terms that could not be done, Mr. Speaker.

Dr. DAVIES: It was not agreed.

Mr. HOLNESS: No, it was not agreed. It was suggested. It was suggested that it be done. Now, Mr. Speaker, to be clear, the way in which legislation is passed in the House is that the original Bill brought from the CPC's office is the starting point, that's the starting point, and all amendments are made to that

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starting document. What the Member is suggesting is that it would be useful to create a kind of mock-up of a Bill. And we are not disputing that. But that should not substitute for what is the application that we have been using over the years, which is, we work with the amendment, the original Bill given to us from the CPC and the amendments are made to that Bill. I believe, Mr. Speaker, that we have the competence here to work with our procedure.

The SPEAKER: Yes...

Mr. JACKSON: Mr. Speaker...

The SPEAKER: No, one second, Mr. Fitz Jackson. Members, it is clear that what was agreed was that where the amendments were agreed, it would have looked good to see how they fit into the original Bill.

(Inaudible comments by a Member)

The SPEAKER: But it seems to me that what we have here...

(Inaudible comments)

The SPEAKER: No, no, with due respect, what we have here in each clause where there are proposed agreements, proposed and agreed, that we would put to the Parliament that it would reflect what would have been substituted in the original Bill.

So what we are really saying, and what the House Leader is saying - and if the Member from Central Manchester just look at it - we will see that all the different clauses in which there has been agreement, it is reflected in this document. So what is being proposed, the Member from Central Manchester, as we go through each clause of the original Bill... Because I think Members will appreciate that the original Bill is what is before the House, so that when we get, say to Clause 2 or to

Clause 25 or whichever clause, we will then really stop and examine that clause whether we agree with the substitution or amendment. Because what is being proposed is that we start all over again and that we go through each clause and each clause as we get to what was discussed and agreed on this document, we spend some time to make sure that this is acceptable to Members of the House.

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker, just a minute, Mr. Speaker...

The SPEAKER: Yes.

Mr. WARMINGTON: Are you saying we're going through this Bill today?

The SPEAKER: Yes.

Mr. WARMINGTON: I'm yet to get... whatever agreement there is, I've yet to see a copy. So how are we going to go through...?

The SPEAKER: Did you get a proposed amendment?

Mr. WARMINGTON: No, no, no! There are proposed amendments you have copied or what have you. I'm elected like any other Member here. I have not seen a copy.

The SPEAKER: Have you got a proposed amendment like this?

Mr. WARMINGTON: I've got none at all. That's why I'm raising the issue that we are proposing to go through a Bill today that I have not seen. I don't know how many Members of this House have seen the amendment or agreement between some group or the other without taking my consideration into place.

Mr. HOLNESS: Mr. Speaker, Mr. Speaker....

Mr. WARMINGTON: Is it a point of order? Is it a point of order? Is it a point of order? Mr. Speaker, is it a point of order.

(Inaudible comments and laughter)

Mr. WARMINGTON: I just said I've seen none at all.

The SPEAKER: Look on your desk.

Mr. HOLNESS: Mr. Speaker, a point of clarification.

Mr. WARMINGTON: No, no, point of order only by Standing Order. Mr. Speaker...

Mr. HOLNESS: Will you yield?

Mr. WARMINGTON: No, no, no!

Mr. HOLNESS: No, will you yield?

Mr. WARMINGTON: You can stand on point of order...

Mr. HOLNESS: Will you yield?

Mr. WARMINGTON: Allow me to...

Mr. HOLNESS: I'm asking you to yield.

Mr. WARMINGTON: Yield is...

Mr. HOLNESS: I'm asking you to yield.

Mr. WARMINGTON: Allow me to conclude my... House Leader. Allow...

Mr. HOLNESS: Mr. Speaker, on a point of clarification.

Mr. WARMINGTON: No, no, no!

Mr. HOLNESS: We have circulated...

Mr. WARMINGTON: Mr. Speaker, Standing Order does not recognize point of clarification.

Mr. HOLNESS: Mr. Speaker, we have circulated the amendments.

Mr. WARMINGTON: Point of Order, Mr. Speaker, the Standing Order does not recognize clarification.

The SPEAKER: Mr. Warmington, look on your desk.

Mr. WARMINGTON: There's none in front of me here.

The SPEAKER: See it there right in front of you.

Mr. WARMINGTON: You are just sending it to me here. You just asked for it to

be delivered to me. Therefore, I must be given time to review whatever agreement came out of some group of Members. You asked me... the five working Members who sat and came to an agreement, there are 60 Members of the House, nobody took the consideration of the other 55 Members. So how can you give me at this time at 3:45 a copy of some agreement that came out of some selected group to ask me now for us to go through and to accept it...

Dr. DAVIES: But you are right.

Mr. WARMINGTON: It cannot be taken today. Members must be given enough time to review whatever agreement came out of some select group. The respect must be shown to Members of the House.

Opposition MEMBERS: Right.

Mr. WARMINGTON: If some group was established to review this, give us a chance to look through it. It cannot be taken today.

Mr. PICKERSGILL: Your clients don't represent you?

Mr. WARMINGTON: Eh?

Mr. PICKERSGILL: Your clients don't represent you?

Mr. WARMINGTON: I don't want them represent, because nobody ask my view. Nobody asked Ronnie's view.

The SPEAKER: No, not Ronnie's. The Member from Central Kingston.

Mr. WARMINGTON: The Member from Central Kingston. I'm seeing this for the first time. I must be afforded the opportunity and respect necessary for the people of South West St. Catherine who voted for me in 2007 and 2011 to come here and represent them, giving me fifty eight point seven per cent (58.7%) of the votes in 2007 and sixty four point seven per cent (64.7%) in April of this

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year to come here. Give me an opportunity to look through this. We cannot ram this down the throats of Members here. I need time to review whatever agreement came out of any select Committee that I don't even...

The SPEAKER: How much time do you need, Mr. Warmington?

Mr. WARMINGTON: Until next week. (Laughter)

The SPEAKER: No, Mr. Warmington, you have...

Mr. WARMINGTON: No, no, Mr. Speaker, you can't tell me no.

The SPEAKER: Half an hour. Half an hour.

Mr. WARMINGTON: No, no! No, you can't tell the people of South-West St. Catherine that you giving the Member half an hour!

The SPEAKER: No, you can. You can.

Mr. WARMINGTON: No, you can't tell them that. We need time to review this thing and come back here with it. What do you take us for?

(Applause by Opposition Members)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: I find myself in an unusual position...

The SPEAKER: No, no, you won't agree. (Laughter)

Mr. BUNTING: ...in agreeing with the Member from South-West St. Catherine.

(Laughter)

The SPEAKER: You mean after we spent eight hours you goin' agree to a week?

Mr. BUNTING: Mr. Speaker, Mr. Speaker, the fundamental point that he is making is that notwithstanding that a smaller team, I think, worked through ninety eight per cent (98%) of the difficulties we had, that

team cannot speak on behalf of every Member of Parliament in here. Every Member,

individually, has their (his) own right to go through and participate fully in the Committee on this matter. Mr. Speaker, I think if we try to hold artificially - and I would really plead with the House Leader - if we try to hold artificially to some timetable that he has set, we take the risk of jeopardizing what I believe is the possibility of having consensus on this important Bill.

The SPEAKER: No, let me tell...

Mr. BUNTING: And I think it is only fair, Mr. Speaker...

The SPEAKER: No, you know, Mr. Bunting...

Mr. BUNTING: ...to digest these sets of amendments that are here. And based on the good work and the, really, spirit of cooperation in that small Committee, I don't believe the Bill has to be a contentious Bill. We did not have a contentious spirit in the Committee and I think we worked through cooperatively and in a state of wanting the Bill to pass.

The SPEAKER: You know, Mr. Bunting, I think...

(Inaudible comments by Members)

The SPEAKER: Members, Members, Members! This Bill goes to the root of governance in this country.

Mr. BUNTING: Precisely why it is so important, right, that we not rush into artificial agenda, Mr. Speaker.

The SPEAKER: Okay, now, now...

Mr. HOLNESS: Mr. Speaker, I crave your indulgence. This Bill, Mr. Speaker, was brought to the House, to this House in 2008, to the Senate in 2008. It passed...Before that,

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Mr. Speaker, it would have gone through... Before being passed in the Senate, it would have gone through extensive debate in a Joint Select Committee, extensive. It passed the Senate in January 2011...

Mr. PICKERSGILL: On the objection of the Opposition in the Senate. You say that.

Mr. HOLNESS: It passed the Senate.

Mr. PICKERSGILL: I say, say that.

Mr. HOLNESS: It passed the Senate.

Mr. PICKERSGILL: I say, say that.

Mr. HOLNESS: It came here again, Mr. Speaker, and we have been delaying the passage of this legislation.

Mr. PICKERSGILL: No delaying!

Mr. HOLNESS: No, that's what it amounts to.

Mr. PICKERSGILL: No!

Mr. HOLNESS: The Member from East Central St. Andrew suggested to me across the floor, that we form an *ad hoc* committee to review the Bill.

Mr. PICKERSGILL: Yes.

Mr. HOLNESS: The suggestion was taken on board and we formed a small committee of the House.

Mr. PICKERSGILL: Yes.

Mr. HOLNESS: We worked through two nights...

Mr. PICKERSGILL: Nuh badda praise yuself. You work, you going get agreement for that.

(Inaudible)

Mr. HOLNESS: No, I'm not praising myself. I'm praising the Members who were committed enough to make the amendments.

(Inaudible comments by Mr. Pickersgill)

Mr. HOLNESS: Now, Mr. Speaker, we are at the point where, in my opinion, and I'm sure in the Member from Central

Manchester's opinion, that we have resolved most of the issues.

Mr. WARMINGTON: Point of order, Mr. Speaker, point of order. Point of order. Point of Order. Point of order!

(Cross talks)

The SPEAKER: What's the point of order, Mr. Warmington?

Mr. WARMINGTON: The House Leader missed the point I'm making...

(Cross talks)

Mr. WARMINGTON: This is laid today. We need time to review what is laid. We don't know if we agreed with all the agreements that came out of the Committee. Give us a chance to read what is here to digest what is here and come back here. He's missing the point. We not against the Committee having met.

The SPEAKER: No, no...

Mr. PICKERSGILL: Allow him.

Mr. WARMINGTON: But give us a chance to review what is here and come back next week.

Mr. M. PEART: But that's not a point or order.

The SPEAKER: Mr. Warmington, Mr. Warmington, with due respect, with due respect you know, even when you were out of the House for a while, we were going through this Bill.

(Inaudible comments by Mr. Warmington)

The SPEAKER: This Bill has been on the Table for a long time.

Mr. WARMINGTON: No, no, you missed the point also. I'm talking about this that came here as an amendment that is agreed by two groups.

(Inaudible comments by Mr. Pickersgill)

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Mr. WARMINGTON: That's what I'm talking about. I'm talking about this... (displays document) ...that comes here to deal with the Bill. What I'm told is that there's a broad agreement between the Committee that was set up, and this will replace a lot of what is in this here. We don't know what is in this. Therefore, I'm saying, give us some time. Don't rush it through. Not because you want to have a Bill. Why do you want to rush...?

Mr. HOLNESS: Mr. Speaker, I crave the Member's point of order!

Mr. WARMINGTON: Give us a time to go through.

Mr. HOLNESS: I'm still to hear the point of order.

The SPEAKER: Hold a second.

Mr. HOLNESS: I'm still waiting on the point of order.

The SPEAKER: No, I think his position is that...

Mr. HOLNESS: No, but I was in the middle of making a presentation, Mr. Speaker. Now, Mr. Speaker, the issue here is whether or not Members were given enough time, enough notice to review the work done by the ad hoc committee.

Mr. PICKERSGILL: Yes, mek yuh point.

Mr. HOLNESS: The consensus seems to be that time should be given. Mr. Speaker, I would be the last person to object to the House getting enough time to review legislation. Right? But it is unfair...

(Inaudible comments by Mr. Pickersgill)

Mr. HOLNESS: Hold on! No, and the House needs to be fair to its own rules. Because the process of passing legislation only requires that the Bill be placed on the

Order Paper and the amendment brought and discussed in this House. It was today that we expected to go through the amendments proposed.

Mr. PICKERSGILL: Yeah, and the Committee.

Mr. HOLNESS: The amendments proposed.

Mr. PICKERSGILL: Yes.

Mr. HOLNESS: It is not as if, Mr. Speaker, that giving further time is going to solve the problem of Members coming here and raising their objections again. It is not that I'm getting...

(Inaudible comments by Mr. M. Peart)

Mr. HOLNESS: No, that is the point, if all that we are doing by virtue of giving more time is delaying the formal process of passing legislation.

Mr. WARMINGTON: I object to the Member, you know... ...the motive.

The SPEAKER: No, no, no, no! Hold it Mr. Warmington. Mr. Fitz Jackson.

Mr. WARMINGTON: I object to the Member talking about motive over here.

The SPEAKER: Mr. Fitz Jackson.

Mr. WARMINGTON: I'm elected here to speak. And I'm on the same side as you.

The SPEAKER: No, Mr. Warmington.

Mr. WARMINGTON: You can't speak about motive.

The SPEAKER: Mr. Fitz Jackson. Mr. Fitz Jackson.

Mr. WARMINGTON: I have my freedom...I have my rights to...(Inaudible)

The SPEAKER: Yes, Mr. Fitz Jackson. Hold it, Mr. Warmington. Yes.

Mr. JACKSON: Mr. Speaker, I just want to...

Mr. WARMINGTON: I have a right to speak on it. ...Nobody is going to.... my rights inside of this House.

(Inaudible)

(Applause by Opposition Members)

The SPEAKER: Mr. Fitz Jackson.

Mr. JACKSON: Mr. Speaker, on my own part, Mr. Speaker, let me say, I appreciate fully the urgency of the legislation before us. But I want to urge the House Leader and the Prime Minister, for the purpose of good law-making, notwithstanding that urgency, let us seek to exploit the disposition for cooperation on this matter.

In my few years in this House I have learnt that legislation that are far-reaching, ought not to even seem to be rushed through. It relates to multi-lateral commitments. But I do believe, through you, to the Prime Minister, the partners can understand and appreciate that there is genuine effort to arrive at a consensus on this legislation.

And finally, to the House Leader. Notwithstanding the formal provisions of legislation in the Standing Order, it presupposes that the Bills which are laid in the House are sufficiently clear for the Members to understand and follow. So, if you are called upon to be a bit more flexible to facilitate that objective, it is not asking too much.

The SPEAKER: Mr. Hylton. Mr. Hylton then Reverend Thwaites.

Mr. HOLNESS: Members don't complain about their Private Member's Motions and their questions.

Mr. Speaker, I now ask for the recommittal of the items "Announcements"

A MEMBER: No, no, no!

Mr. HOLNESS: ...Reports, and Notices

of Motions given Orally.

The SPEAKER: Before you go, Reverend Thwaites and Dr. Guy wanted to make brief comments.

Rev. THWAITES: Mr. Speaker, I thank the House Leader. It's only the sensible thing to do, but can we know when this is going to come back? So that we can prepare.

(Inaudible comment by Mr. Holness)

Rev. THWAITES: All right, can you let us know as soon as possible? This is a serious piece of legislation. All of us want to see it go through in the right form. We need to be told when it is coming, so we can come properly prepared.

The SPEAKER: Dr. Guy.

Dr. GUY: Thank you, Mr. Speaker. The Member from Central Manchester made a comment earlier on and a request.

I have three documents in front of me, the original Bill, the amendments we had proposed up to the time that it had gone to that special Committee, the proposed amendments moved by that Joint Committee out of Parliament. Now, I would prefer, Mr. Speaker, if a document could be produced that has these two -

(Inaudible comment by a Member)

Dr. GUY: No, no, just like how this was done by the office of the Chief Parliamentary Counsel -

Mr. WARMINGTON: Combined?

Dr. GUY: So that we can have a better - combined...

Mr. WARMINGTON: Hear, hear, hear, hear!

Dr. GUY: ...in preparation for next when we meet.

(Applause)

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Mr. HOLNESS: Mr. Speaker, in relation to the documents just to be clear. The original Bill...

The SPEAKER: Is what was before the House.

Mr. HOLNESS: ...is what was debated by the Select Committee and brought from the Senate.

(Inaudible comment by Mr. Warmington)

Mr. HOLNESS: ...will have to be our reference points.

Mr. HYLTON: Thank you, Mr. Speaker. Mr. Speaker, I'd like to join my colleague and those who have asked that we not proceed in what could be viewed in a manner - I wouldn't want to call it undue haste. The truth is this that this has been a long time in gestation, but having regard to the process employed to have a small ad-hoc committee look at this matter and to come up with some - and to build a consensus. I believe we have done good work, the small team has done very good work. But I think even the point raised by the Leader of Opposition Business that this would provide an opportunity to raise questions. I think you first would have to appreciate the work that has been done in order to find out if there are questions. And so I really think that given the time for them to review - to look at it in the light of the Bill that has been proposed is not an unfair and unreasonable request. Indeed, I think it will help the consensus building if that were to be done. Thank you, Mr. Speaker.

Mr. HOLNESS: Mr. Speaker, based on the presentations made...

Opposition MEMBER: Yes.

Mr. HOLNESS: ...and we want to ensure that the law is passed with the appropriate review of the Members of the House...

The PRIME MINISTER: Yes.

Mr. HOLNESS: ...we will, therefore, Mr. Speaker

The PRIME MINISTER: Yes.

Mr. HOLNESS: ...agree not to proceed today to give Members enough time. I will now have to go and revisit the planned schedule, which I must say, Mr. Speaker, we have gone through a long process of putting out a—putting out the schedule for Parliament and its activities for the next three months—and, Mr. Speaker, that is available on the Parliament's website -

I will now have to go and restructure all of that.

Mrs. HENRY-WILSON: That nah go tek no time, that nah go tek no time.

Mr. HOLNESS: I urge Members, Mr. Speaker, to go to the Ministry's - the Parliament's website, www.jamaicaparliament.gov.jm oh, it's www.japarliament.gov.jm.

Dr. DAVIES: You have never visited the website?

Mr. HOLNESS: I put it there, so obviously I must visit it.

Dr. DAVIES: Then how yuh never know what it was.

Mr. HOLNESS: No, I was given something which I misread. But, Mr. Speaker, the schedule is there for the next three months. We will have to make some adjustments. So I hope, Mr. Speaker, that when we make the adjustments...

We agreed that it would make easier work for us if we had the proposed amendments integrated to show you, but at the same time we must have the original...

The SPEAKER: Yes.

Mr. HOLNESS: ...template to work from.

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The SPEAKER: Okay, Members.

(Inaudible comment by Members)

Mr. HOLNESS: Yes.

The SPEAKER: Okay, final point. This Bill is what is before the House, the original Bill. I say, Members, it is a Bill of supreme importance to every single Member, to every public official, perhaps to the private sector. I've just got confirmation from the CPC that they will do a companion Bill - not a bill, a companion document that reflects the proposed changes so that we can see exactly what the proposed changes would look like...

Rev. THWAITES: Sure.

The SPEAKER: ...in the final Bill.

Rev. THWAITES: Sensible.

Dr. GUY: That's what we asked.

The SPEAKER: So that when next we meet, we can see and be able to debate. But please, Members, this Bill is of importance not only to us who it will affect, but to Jamaica in terms of the anti-corruption drive that we all must be a part of.

Rev. THWAITES: The Charter of Rights.

The SPEAKER: Fine. So that to the extent that we can pass this Bill in Parliament, it will be a major buttress against corruption in this country. So please whether we do it next week or in two weeks time please have a look at it. Have a look at what the Small Committee agreed on, so that we can agree. Very well, House Leader.

Mr. HOLNESS: Mr. Speaker will recall I had asked him for a recommitment of the items.

The SPEAKER: Now, the motion before House is for the suspension of the Standing Orders to allow for the recommitment of the items Reports from Committees, Announcements and Notices of Motion Given Orally.

Put to the House and agreed to.

ANNOUNCEMENTS

(Recommitted)

The Clerk by leave laid on the Table of the House the following:

- Report of the Public Accounts Committee of the House of Representatives on its examination of Ministries, Departments, Agencies during the period April 2010 to March 2011,
- Report of the Public Accounts Committee of the House of Representatives on its examination of the Special Audit Report conducted into the Petroleum Corporation of Jamaica Limited.

REPORTS FROM COMMITTEES

The SPEAKER: Reports from Committees. Dr. Davies

Dr. DAVIES: Mr. Speaker, I beg to lay on the Table of the House copies of the Reports of the Public Accounts Committee on its examination of:

- (a) Ministries Departments, Agencies during period April 2010 to March 2011; and
- (b) the Special Audit Report conducted into the Petroleum Corporation of Jamaica Limited.

NOTICES OF MOTIONS GIVEN

ORALLY

(Recommitted)

The SPEAKER: Hold it, Dr. Davies. Prime Minister.

The PRIME MINISTER: Mr. Speaker, I beg to give notice that at the next sitting of the

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House I will move to introduce and have read a first time An Act to Amend the Interception of the Communications Act.

A MEMBER: Wa appen to the CDF Bill?

Another MEMBER: Because the boy nuh consult with anybody when him come.

The SPEAKER: Dr. Davies.

(Inaudible comment by a Member)

Dr. DAVIES: 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 Public Accounts Committee on its examination of Ministries, Departments and agencies during the period April 2010 to March 2011, which was laid on the Table of the House on Tuesday the 14th day of June 2011, be adopted.

Mr. Speaker,

BE IT RESOLVED that the Report of the Public Accounts Committee on its examination of the Special Audit Report conducted into the Petroleum Corporation of Jamaica Limited, which was laid on the Table of the House on Tuesday the 14th day of June 2011, be adopted.

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today.

A MEMBER: But hold on.

Mr. CLARKE: No, no, no, no!

(Cross talk)

Mr. HOLNESS: Yeah. Mr. Speaker, it is not proposed to do any further business today.

Miss HANNA: And to do what? And him complain about that....

(Inaudible comment)

Rev. THWAITES: Mr. Speaker. Mr. Speaker, I pray you sir. Remember your resolve that when we had moments, we have two Private Member's Motions which are outstanding. We have many more on the list and we have a lot of business to do, Sir. May I prevail upon you to keep your Chair?

Miss HANNA: Yes.

(Cross talk)

Mr. HOLNESS: Mr. Speaker, I have no problem in keeping the House.

Miss HANNA: Now is 4.00 o'clock.

Mr. HOLNESS: So, Mr. Speaker, if the Member is ready to take any of his motions, seeing that he is eager to be here and debate, there are several motions on the Order Paper, which the Member could choose to debate.

(*Sotto voce* comment by a Member)

Miss HANNA: I'll stay with him.

The SPEAKER: No, no, can we do it tomorrow. Reverend Thwaites, apparently you were not given prior notice so I can't put you -

(Laughter)

I can't demand that you begin. It is one of these reserved positions that we should have.

Mr. HOLNESS: Mr. Speaker, it is not proposed to do any further business today. We had a plan of action and it was agreed by Members that it is in the best interest of good legislation to – Members –

(Cross talk)

(Mr. Holness consults with the Speaker)

Mr. HOLNESS: So Mr. Speaker, before I move for the adjournment of the House I want to remind and encourage Members.

(Cross talk)

The SPEAKER: Members, please!

Mr. HOLNESS: Mr. Speaker, I want to remind and encourage Members that the

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World Bank is hosting a workshop on 'Strengthening Capacity of Parliament'. It will be held at Talk of the Town, Pegasus Jamaica, Tuesday, June 21...

The SPEAKER: 8:30.

Mr. HOLNESS: ...at 8:30 to 1:30. And I'm asked to say to Members that there will be light breakfast and lunch provided.

A MEMBER: Light breakfast and lunch.
(Cross talk)

Mr. HOLNESS: And there will be informative presentations being made.

A MEMBER: By whom?

Mr. HOLNESS: I'm urging all Members to attend.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, that's good news and we saw the circular. But may I prevail upon those responsible for this occasion that the agenda items there are far too many.

Mrs. HENRY-WILSON: Exactly.

Rev. THWAITES: You cannot possibly hope to have a fruitful session with what I think are six or seven serious agenda items to do with parliamentary matters to be dealt with in two hours to two and a half hours when you giving a presenter five minutes or ten minutes to say something. No scheduled time for the kind of interaction, which would obviously make this difficult.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Please try and change it. You have great power.

The SPEAKER: Reverend Thwaites, I understand that I will be the Co-Chair so you will understand that we'll cut out half of them.

(Laughter)

No, no, we'll cut out half of... (Chuckles)

Mr. HOLNESS: Mr. Speaker -

The SPEAKER: But, but, House Leader -

The SPEAKER: Members -

Mr. HOLNESS: No, no, Mr. Speaker, before, Mr. Speaker -

The SPEAKER: No, no, on the same matter.

Mr. HOLNESS: Okay.

The SPEAKER: (Gavels). Members, please. This matter is of some importance to all importance to all parliamentarians. I know that Ministers and perhaps some Spokesperson on the Opposition are aware of what we're talking about, but your information/knowledge would be useful in the discussion. So we're hoping that the majority of the sixty (60) Members of Parliament will be there next week Tuesday at 8:30 o'clock at Talk of the Town to participate in this discussion. We have taken it away from Parliament to the Pegasus, Talk of the Town. We're hoping that all Members will be available and will participate in the discussion. It is possible as Reverend Thwaites has indicated that we cannot get through all of them, but we hope to get through most of the important ones. So I'm urging, begging, pleading, beseeching Members try to be there next week Tuesday at 8:30.

Mr. HOLNESS: Mr. Speaker, one final matter before we close or going back to the Special Prosecutor Bill just for good order. The question is asked that Members want to know when the Bill will come.

Dr. DAVIES: Yes.

Mr. HOLNESS: I will try to bring the Bill as quickly as possible. Nevertheless, Members have an obligation to be prepared. I just want to restate that point; all right,

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Members have an obligation to be prepared.

Now, the request, Mr. Speaker, for a mock-up Bill is unusual and therefore we have to read it into our records so that the Chief Parliamentary Counsel can be properly guided. And what we're asking is that the amendments that were made by the Prime Minister, being the Minister that has carriage of the Bill, the amendments made by the ad-hoc Committee, and amendments made by other Members of the House that all three lists of amendments will be merged into one and then –

A MEMBER: Compared.

Mr. HOLNESS: Well, what we will do is - the Bills will be merged so where there are duplications and redundancies they will be removed and those amendments will be merged into the actual legislation itself. So Members will get the mock-up of what the actual Bill amended will look like. However, this is not the formal document of Parliament. The formal document is the original Bill that came from the Joint Select Committee and I believe that this will help us in our work.

Mr. Speaker, I'm really looking forward to passing this legislation.

The SPEAKER: Move the motion -

Mrs. HENRY-WILSON: If there is more than one suggested amendment is it that you're going to put both?

The SPEAKER: Yes.

Mrs. HENRY-WILSON: No, if there is more than one suggested amendment.

The SPEAKER: Yes.

Mr. HOLNESS: Yes.

Mr. HOLNESS: Good point, Member.

Mrs. HENRY-WILSON: So you will have the original and then all the proposed amendments.

Mr. HOLNESS: Where amendments conflict then the CPC -

Mr. M. PEART: But that down, man.

A MEMBER: Pearnel.

The SPEAKER: No, House Leader, Mrs. Maxine Henry-Wilson.

Mr. HOLNESS: Yeah.

The SPEAKER: All the proposed amendments.

Mr. HOLNESS: Mr. Speaker.

The SPEAKER: No, no, Mrs. Henry-Wilson, Mrs. Henry-Wilson, Mrs. Henry-Wilson. What is being proposed is that the original Bill is still the Bill before us. The original is the Bill still before us.

Mrs. HENRY-WILSON: Correct.

The SPEAKER: But what is being proposed is that the proposed amendment be it alternative positions, will be put in italics.

Mrs. HENRY-WILSON: (Inaudible comment) ...misunderstanding!

Mr. HOLNESS: No, no, just to answer your question, Member.

Mrs. HENRY-WILSON: If you have two -

Mr. HOLNESS: If you have two competing proposed amendments then both will be placed in the Bill...

The SPEAKER: That's right.

Mr. HOLNESS: ...and then the House will have to decide, right...

The SPEAKER: That is correct

Mr. HOLNESS: ...what we accept.

ADJOURNMENT

Mr. HOLNESS: So, Mr. Speaker, without further delaying I move that the House do adjourn until the 21st of June when we will resume our business.

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The SPEAKER: Members, the Motion before the House is that this Honourable House do adjourn until the Tuesday, the 21st of June at 2:00 p.m.

A MEMBER: Speaker, the CDF Report, will it tabled next week?

The SPEAKER: It was tabled. It is before you.

A MEMBER: Motion was passed man,

One MEMBER: Sit, sit.

Other MEMBER: No!

Mr. HOLNESS: Member, it was tabled and it will be debated next week. Notice was given.

The SPEAKER: You can get my copy.

The Motion before the House is that this Honourable House do adjourn until the Tuesday, the 21st of June at 2:00 p.m.

Put to the House and agreed to.

The House was accordingly adjourned approximately 4:14 p.m. to resume its sitting on June 21, 2011 at 2:00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, June 21, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2:37 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald
Thwaites.

The House resumed its sitting at 2:37 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its
sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: Members, this
afternoon we would like to welcome persons
with us in Parliament, especially former
Member of Parliament, MISS MARJORIE
TAYLOR. Welcome to the sitting of
Parliament. (Applause) I understand you are
recuperating. I hope you will recover soon.
Also to other persons sitting in the Gallery.

Members, I think most of you are aware
that this morning we had a very productive
session of a world sponsored –

Dr. PHILLIPS: World Bank.

The SPEAKER: Sorry, World Bank
sponsored conference - workshop on the
Strengthening of Parliament. We participated,
I think about 21 members from this House and
the Senate. And the report should be ready
and will be presented to the Parliament,
hopefully in a short time, so that we can see
some of the suggestions and the decisions that
were taken and we can debate them further in
this Parliament, perhaps, at appropriate time.

STATEMENTS BY MINISTERS

SOCIAL PROTECTION – PERFORMANCE AUDIT

Mr. HOLNESS: Mr. Speaker, the
Minister of Labour and Social Security has a
Statement.

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The SPEAKER: Mr. Charles.

Dr. PHILLIPS: You have a copy of the Statement?

Mr. JACKSON: I am almost certain the answer is no.

The SPEAKER: Mr. Charles, you have copies of the Statement?

Mr. CHARLES: Yes, Mr. Speaker.

(Copies of Statement circulated)

Mr. CHARLES: Mr. Speaker, the Auditor General recently conducted a Performance Audit and risk assessment of the Social Benefit programmes administered by the Ministry of Labour and Social Security. The stated objective of the audit was to determine whether the Ministry's risk management strategy was sufficient to militate against fraudulent activities. The report outlining the findings of the audit was tabled last week, June 14, 2011.

The Ministry has always endeavoured to treat the Auditor General's Reports in a thorough and professional manner.

Mr. Speaker, the current beneficiary population of the Ministry's Social Protection programmes has increased considerably over the last six years, and this is the period covered by the Performance Audit.

Currently, Mr. Speaker, there are 371,000 beneficiaries under the PATH programme, approximately 100,000 beneficiaries under the National Insurance Scheme. In addition, we have another 10,000 persons registered under the other social and economic enhancement interventions. This means that we now have a beneficiary population of approximately 500,000.

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

Minister of Water and Housing, entered and took his seat.)

As the Auditor General noted, the safety net provisions for benefit payments have grown significantly from \$4 Billion in 2006 to \$15 Million in 2011. Needless to say, the administration of the benefit payments involves millions of transactions.

To a considerable extent, Mr. Speaker, we have been able to deliver our services in a timely manner. In the past, there were repeated complaints about the timeliness in which we delivered our services. However, over time we have improved our systems and procedures. In fact, Mr. Speaker, the Ministry has twice received the Civil Service Customer Service Award for best Ministry.

More recently, a customer service survey was conducted by Market Research Limited of the PATH beneficiaries, which showed that 87% of clients were satisfied with the service being delivered. A World Bank study has also shown that PATH is well targeted and that eligible persons are in receipt of assistance. These improvements resulted from huge investments, huge investments in the computerization of systems and the procedures and strategies applied by the staff.

Mr. Speaker, I must comment on certain specific aspects of the performance audit for the benefit to clarify and to fairly make a presentation. This is with a view to providing some balance between the facts and the information that is now available to this Honourable House and to the general public.

First of all, let me immediately indicate our appreciation to the Auditor General and her team for conducting the review and for the recommendations that have been made. My Ministry has already taken steps to implement

some of these recommendations made in her report. I must, however, express our concern about some of the conclusions drawn in the Report and the examples used to justify these conclusions and, of course, the perception is that the public may erroneously draw from these conclusions.

The Performance Audit made reference to seven incidents of losses or fraud amounting to \$8.7 Million since 2006. The impression may be formed that all these losses accrued to the government. Mr. Speaker, this is not so. Of the \$8.7 Million a total of \$6.8 Million was recovered. This was not highlighted in the Report and so I am making it – presenting it to the Members of the House.

One of the examples highlighted in the Report relates to a re-encashment of \$5.7 Million of PATH cheques which were previously negotiated. The matter was jointly investigated by the Ministry and the bank concerned. The bank accepted full liability for the losses and the Ministry was reimbursed the full amount of \$5.7 Million. At a meeting with the team from the Auditor General's Department, I have been advised that they were so advised and that there was an agreement that it would have been removed from the Report, since the bank had accepted full responsibility and had repaid the money. There was no loss to the Ministry.

It is unfortunate that this item remained in the Report, so I am trying to make it clear to the House.

The other major item of fraud in the Report relates to the misappropriation of \$2.1 Million in NIS pension payments over five years. This matter was detected through the Ministry's bank reconciliation system in October 2006.

(HON. LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in the Ministry of Energy and Mining, entered and took his seat.)

The required procedures and investigations were carried out in accordance with the FAA Act. The individual involved was convicted and restitution in the amount of \$1.02 Million was made.

It should also be noted that though these major items were discussed, and we thought resolved, at previous meetings with the Public Accounts Committee in this House. Mr. Speaker, these and other recoveries made by the Ministry resulted in a total of \$6.8 Million being returned to the respective Ministry accounts. This means that the true loss to the government was \$1.9 Million over the past six years.

Mr. Speaker, as previously indicated, the Ministry treats seriously the recommendations made by the Auditor General - And we have already expressed our appreciation for their assistance - A major recommendation is that the Ministry should immediately develop a risk profile for our benefit programmes. The Ministry does periodically conduct risk assessments of its social benefit programmes in order to develop and implement strategies to mitigate potential risks.

As part of our risk mitigation efforts, in 2008 the Ministry conducted a recertification programme and some 34,000 PATH families were recertified. Last year we also recertified 25,000 National Insurance pensioners to determine any risk among their cheques. Additionally, our internal auditors started last year to revise and document the existing risk profile of the Ministry's benefit programmes.

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The capacity of the internal audit department was also enhanced to accommodate the added workload. The Ministry does accept, however, that there was no formal committee originally in place to specifically address risk mitigation issues. I would like to inform this Honourable House that the Ministry has now established a Risk Management Committee to address the concern as was pointed out to us by the Auditor General's Department.

The committee brings together the officers who have been carrying out risk assessments for their own areas as well as the internal auditors into one formal unit.

Three meetings, Mr. Speaker, have already been held. Two of these meetings were held with officers from the Auditor General's Department with the first being chaired by the Ministry's Permanent Secretary.

The Committee's Terms of Reference includes:

- the formal documentation and ongoing review of the existing risk profiles and mitigation strategies for the Ministry's social benefit programmes,
- the formal documentation and ongoing review of the existing systems and public education programmes to encourage staff and members of the public to report suspected cases of benefit fraud, and
- the formal documentation and ongoing review of the existing systems to facilitate successful internal investigation of suspected cases of benefit fraud.

It must be noted, Mr. Speaker, that this new focus on the risk management is a function which may require certain

competencies that will have to be procured. This will be at an additional cost to the government.

The report further recommends that the Ministry should comply with the operations manual of the PATH programme which states that the bank accounts remaining inactive for two months must be investigated.

The Ministry's internal auditors recently completed an assessment of the risk area which identified \$2.8 Million in payments to inactive PATH beneficiaries cash/card accounts. At the time when the performance audit was conducted, these matters were already being investigated through field visits to beneficiaries by the Ministry's Social Workers.

These visits were to determine the reasons why the PATH beneficiaries had not been assessing their payments using their cash cards. To date, Mr. Speaker, \$1.2 Million had been taken back by the Ministry from the cash/card accounts of some of these beneficiaries.

The Report also recommends that the Ministry should continue to explore the possibilities of conducting data matching with other government entities to assist in the detection of benefit fraud.

The Ministry is already actively involved in several data sharing/matching initiatives with other Government agencies such as the Registrar General's Department, the Tax Administration of Jamaica, the Electoral Office of Jamaica. These collaborations will assist in clearing our beneficiary databases.

The Report also refers to the reconciliation of encashed pension vouchers which have been returned by Postal Corporation. The Ministry readily admits that the current system

of pension payment is onerous and laborious. The system involves the fortnightly payment of pension vouchers to NIS pensioners through the Postal Corporation and NCB, resulting in over Two Million vouchers being printed each year.

Payment done in collaboration with the Postal Corporation are reconciled manually, hence the challenges due to the volume of vouchers.

We are actively seeking to change the method of payment. The following options are currently being considered:

- Direct deposit to pensioner's bank account;
- Monthly payments instead of fortnightly payments
- Payment with cheques instead of pension vouchers.

It is projected that the option of payments using direct deposits will be piloted during this financial year.

The final recommendation, Mr. Speaker, by the Auditor General is for the Ministry to develop a formal procedure to facilitate successful internal investigation of suspected cases of benefit fraud. The FAA Act specifies the procedures to be followed in cases where there is suspected fraud, and these have been observed.

The recently established Risk Management Committee has, however, been mandated to develop additional systems and procedures to support those outlined in the FAA Act.

Mr. Speaker, the Ministry continues to review its systems and procedures to mitigate and prevent financial risks in the delivery of its benefits programme. Essentially, we are

seeking to minimize possible leakage of benefits to persons who are not entitled to them. We have to be careful though, that the streamlining of these programmes does not create unnecessary bureaucratic barriers while negatively impact service delivery to our vulnerable client.

Over the last six (6) years, Mr. Speaker, the incidents of fraud and the loss to the government that are cited in the performance audit amounts to \$1.9 Million. While the ministry has a zero tolerance policy we will seek to ensure that there is no leakage, this amount has been viewed in the context of a total expenditure of \$54 Billion being paid out to beneficiaries over the period.

We welcome the recommendations of the Auditor General which seek to assist us to strengthen our risk assessment and mitigation strategies, as we endeavour to ensure that the intended beneficiaries receive their rightful entitlements under the Government's Social Protection Programme.

The World Bank and our other development partners are very supportive of the initiatives being pursued to improve our system. In fact, the design and implementation of our social protection programme are being used as best practice in other countries.

The World Bank has sponsored delegation to Africa, Asia, Caribbean and Central America - from Africa, Asia and the Caribbean to visit Jamaica to observe our systems and procedures.

Finally, just last week, a team from the Ministry returned from the World Bank sponsored mission to Ethiopia where they addressed delegates from across the world on the monitoring and evaluation of our PATH Programme.

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Mr. Speaker, I would never stand here and advance the view that we have a perfect system in place. While it must be recognized that considerable improvements have been made in the way we manage our social programmes, we are cognizant of the fact that the horizon is always changing and challenging. We know that we operate in a dynamic environment, and hence we will continue to review and upgrade our institutional capacity to ensure better quality of service to our people.

Finally, Mr. Speaker, I want to repeat our appreciation to the Auditor General for bringing this to our attention and to assure this House that we have accepted the findings and we have taken steps to make sure that we correct the faults. Thank you.

The SPEAKER: Thank you Minister Charles. Dr. Phillips.

Dr. PHILLIPS: Mr. Speaker, I would just like to ask the Minister, looking at the numbers, putting aside what was recovered is it about - you are looking at about \$15 Million of fraud or attempted frauds that were discovered with the performance audit?

The SPEAKER: No, he is asking you, Minister.

Mr. CHARLES: Sorry. I am not quite sure of the figures. What I am saying is that, the amount that was lost through the banking system, the bank has taken full responsibility and they have returned all of that. Other frauds we have pursued, we have sent some of those people who have been stealing to jail and some have repaid and we are down now I think to \$1.9 million which, we are still pursuing as to whether or not we can get that back or not.

Dr. PHILLIPS: So, I mean accepting what you said that you have managed to recover. But the fact is that, what has been revealed was a more significant leakage than the \$2 Million that, in a sense, you still have to find from your own resources, in that, if the banks and the others didn't make good then what is really revealed is that the system has a hole in it from which \$15 Million approximately was converted to personal use by persons of ill intent. And I am wondering whether - my question is whether you are satisfied that since this Report you have put in place adequate systems to prevent this kind of recurrence from taking place?

Mr. CHARLES: Mr. Speaker, as I have said, we are dealing with millions of dollars of cheques for thousands of people. It is difficult to assume who is going to take somebody's cheque from the bank, change it and that person didn't get the cheque. It is also difficult for us to see how can people get the returned cheques and re-cash them. And, therefore, these are things that now that they have been exposed we have put barriers around to prevent. We are not sure that we are able to cover everyone, but we are more alert, we have set up stronger system as a result of the exposure by the Auditor General. And as I am made to point out, we have lost the money because our present system allows us to recover it, but it is after we have discovered it. Now we have tried to put system in place to prevent it from happening and we are working strongly on that.

Dr. PHILLIPS: Are there any investigations taking place with a view to prosecution, police investigation in relation to any of this?

Mr. CHARLES: I have been advised that our investigators have cases that they are now pursuing, some through the courts and some with the police.

The SPEAKER: Leader of the Opposition

Mrs. SIMPSON MILLER: Thank you very much, Mr. Speaker.

Minister, I would like to ask whether - I see you have some, recommendations in terms of trying to change the method of payment for pensioners. And I would like to know whether officials of the Ministry, you have people looking at and perhaps consulting which method would be better for the pensioners, whether it would be by cheques, it would be by - and perhaps it could be a mixture of those who have accounts at the banks that it could go directly to their accounts and then the Ministry would send them something as proof of lodgment to their accounts or the monthly or fortnightly payments. I would really love for some attention to be paid to it, because what I think I am sure you would want to achieve is what would be best for the pensioners particularly, at this difficult period.

Mr. CHARLES: Mr. Speaker, first let me say we have invited local and international agencies to make presentations to us as to anyway they feel they could get the money safer to the people who are deserving or who should be getting it. We have done some discussions, we have interviewed some people.

As to whether we send it out by cheque, as to whether we send it out by a book, as to whether we deposit it with somebody who sends it directly to each person's account all of these things are now in the mix being discussed.

One thing, we can't use over safety measures to create a problem where people don't get it in time. Small as it is, at the end of two weeks if they don't get it, believe me you wouldn't want to be beside the telephone. So we have to take all these things into consideration.

But I just want to close by saying, and again, you might recognize that some of these things have been going on from you were there, and some of these measures to protect it were being put in place when you were there. And some of the racketeering was going on while you were there. We can't prevent that but we can try our best to see how well we put barriers around it so that it doesn't increase and cause us more problem.

Mrs. SIMPSON MILLER: Thank you Minister. The reason why I raised it though was the concern whether the ministry would be doing some perhaps checks, random checks with say a percentage of the pensioners. So, for example, the preference of monthly payment *versus* a fortnightly payment based on what is happening now and you are quite aware that a number of them they are dependent on these pension payments. So it was in that spirit that I am also asking. And I know that from time to time you will have challenges. It is not very often we detect people trying to get into the system and trying to corrupt the system, not very often that is happening. One thing I can say, you do have excellent staff Members at the ministry and they do try their very best in terms of assisting.

What I am saying is that I think what you are trying to do is to ensure that the pensioners will be comfortable and accept. And it is in that spirit that I ask the question.

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Thank you.

The SPEAKER: You want to respond?

A MEMBER: No!

The SPEAKER: Okay. Leader of Opposition Business.

Mr. M. PEART: Mr. Speaker, in the Report here, it speaks of the Ministry having three separate inter...

Mr. CHARLES: What page you talking, now?

Mr. M. PEART: I am bringing to your attention and the Minister, Mr. Speaker...

Mr. CHARLES: What page?

Mr. M. PEART: Findings. Page 5.

Mr. CHARLES: Page 5.

Mr. M. PEART: The findings and recommendations.

You use three (3) computerized systems that are not integrated, and as a consequence, you have payments being made – some people receiving payments that they ought not to receive. And if the computerized systems were integrated, you would eliminate those double payments. I didn't read it in your statement. I didn't get from your statement anything being done with regard to the integration of the computerized systems.

Dr. DAVIES: Andrew will handle that.

Mr. CHARLES: As I said earlier, Mr. Member, we are trying to find ways and means that can make the pensioners get the pension in time, and get it as safe as possible. And we are still making an appeal to anyone who can make presentations to us, who can get it and get it done. We have computerized, we have gone cheques, we have sent out books, we have been doing it fortnightly, if we were able to do it on a monthly basis it would save

us that amount of printing, that amount of distribution, and even probably cut down on the fraud that is taking place.

Mr. M. PEART: Mr. Minister, let me go to the specific detail on page 15, where it actually outlines inadequacies. For example, section 2.11:

“We found that the inadequacies of the system resulted in the overpayment of Sixty-three Thousand Dollars, (\$63,000), Four Thousand Eight Hundred Dollars (\$4,800) per fortnight to an NIS beneficiary, who was still in receipt of a widow's pension thirteen fortnights after the specified cessation of the entitlement.”

What it is saying here, if you just integrate the computerized system you knock out many of the double payments. But I am saying your statement didn't make any mention of that.

Mr. CHARLES: Mr. Member, many, if not all of these discrepancies were discovered by the Ministry staff right across the island. The Auditor General didn't go across the island to do her report, she did it from documents and things presented there. So all of what you see here is what was presented before her and her assessment of what was there. We have done the investigation, we have made the discoveries, we have been able to get back, where possible, money that was used. We arrested some of them who have fraudulently done these things, and we are trying, as I say, to set up the committee, as recommended by the Auditor General, to give us all the protection we need, so that the people's funds to them can be safe, and what we are holding can be in safe hands.

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The SPEAKER: Thank you, Minister.

ANNOUNCEMENTS

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

- **Ministry Paper Number 43,**
Cabinet Agenda Issues, dated May 30, 2011.
- **Self-Start Fund**
Annual Reports and Audited Financial Statements for the Financial Years 2007/2008, 2008/2009 and 2009/2010.
- **Micro Investment Development Agency**
Annual Reports and Audited Financial Statements for the Financial Years 2006/2007, 2007/2008, 2008/2009, 2009/2010.
- **National Water Commission Annual Report and Audited Financial Statements for the Financial Year 2009/2010.**

BILLS BROUGHT FROM THE SENATE

The following is a message from the President of the Senate:

To the Honourable House of Representatives:

I have the honour to report to the House that on the 17th day of June, a Bill shortly entitled The Custos Rotulorum Act, 2011, was passed in the Senate with four amendments.

Signed: Oswald G. Harding
President of the Senate.

Mr. HOLNESS: Mr. Speaker, I beg to signify, on behalf of the Prime Minister – well, I beg to signify the intention of the Prime Minister to take charge of the Bill.

Bill shortly entitled:

The Custos Rotulorum Act, 2011,

read a first time.

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

REPORTS FROM COMMITTEES

Dr. DUNCAN: Mr. Speaker...

The SPEAKER: Are you under Papers or Reports from Committees?

Dr. DUNCAN: Reports from Committees.

The SPEAKER: Reports from Committees, yes.

Dr. DUNCAN: You move so fast I have to time you.

The SPEAKER: No, man, I move very slowly. (Laughter)

Dr. DAVIES: Especially when it comes on to starting proceedings.

The SPEAKER: Yes, Dr. Duncan.

Dr. DUNCAN: Yes, Mr. Speaker. Attached to the Minutes of the Honourable House – Jamaica House of Representatives, for the 14th day of June, 2011, is a Report from the Committee to examine and recommend for approval proposed estimates for constituency projects.

The SPEAKER: Page, page!

Dr. DUNCAN: Page 5 of the Minutes. Page 5. The 14th day of June, 2011, the House met at 2:27. You see that Report of the Committee to examine and recommend for approval proposed estimates for constituency projects by respective Members of Parliament. And the Report I think which was tabled last week is that...

The SPEAKER: Yes.

Dr. DUNCAN: ...as I said – and I want to point out to you that the Report, as far as I am concerned for sure, in respect of one

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section of the Report, it is inaccurate, it does not reflect the facts.

I begin on Constituency Number 33, Hanover Eastern, where it states that:

“...funds approved and disbursed...”

The SPEAKER: Dr. Duncan...

Mr. WARMINGTON: On a point of order, Mr. Speaker.

The SPEAKER: ...the Report is not being debated at this time.

Mr. WARMINGTON: I was about to bring to your attention that the Report was laid, if the Member has concerns...

The SPEAKER: Dr. Duncan...

Mr. WARMINGTON: ...he must raise the concerns when the Report is being debated.

The SPEAKER: Yes. Dr. Duncan - I am just wondering when is it likely that the Report will be debated?

Mr. WARMINGTON: I cannot answer that. Issues were raised that have arisen right now, and we have asked for certain information before I am able to...

(Sotto voce comments)

The SPEAKER: Yes, Dr. Duncan.

Dr. DUNCAN: No, no, I am not allocating any blame. This Report, Mr. Speaker, is in the public domain in the parish of Hanover, in the constituency, with damaging information...

The SPEAKER: Yeah, yeah, Dr. Duncan...

Dr. DUNCAN: ...to suggest that we have not spent or put in funds to be approved for constituency development.

The SPEAKER: Yeah. Dr. Duncan...

Mr. WARMINGTON: Mr. Speaker, he has to await the debate!

(Heckling)

The SPEAKER: Hold it, Mr. Warmington.

Dr. Duncan, the only concern is that even though all the concerns you are likely to raise are genuine and substantive, it seems to me that they cannot be taken until the Report is debated. In other words, what you should really be requesting at this time is for this Report to be debated...

Dr. DUNCAN: Withdrawn!

The SPEAKER: ...as soon as possible - or withdrawn.

Dr. DUNCAN: To withdraw.

Mr. JACKSON: Mr. Speaker, if I may. The Member was merely attempting to indicate to you and the House that he knows that the Report is not being debated. But to the extent that it is a public record, he just wants it to be noted that there is an error in the Report...

Opposition MEMBERS: Several errors!

Mr. JACKSON: ...which will be addressed at due time when the debate – and for that to be reflected in the – several errors, Mr. Speaker, and that when the debate, which we wish to be very soon, that these can be addressed by the Chairman of the Committee.

The SPEAKER: The issue then, you are asking for the Report to be withdrawn?

Opposition MEMBERS: Yes!

The SPEAKER: Or for an early debate? Which is it?

Dr. DUNCAN: Yes, Mr. Speaker, for the reason that you know that Parliamentarians – already there is a deep skepticism and cynicism about the role that we play in terms of the management of funds, or recommendations made for funds to be disbursed. And this cannot be allowed to stand without adequate publicity in relation...

Mr. D. SMITH: What are you asking for?

Dr. DUNCAN: Therefore, I would like to move that the Report be withdrawn...

Mr. BUCHANAN: Yes! Yes! It is not correct!

Dr. DUNCAN: ...to be withdrawn and corrected...

Mr. BUCHANAN: And corrected.

Dr. DUNCAN: ...and then represented today to Parliament. (Applause)

Mr. BUCHANAN: Aye! Aye!

Mrs. NEITA-HEADLEY: Mr. Speaker...

(Sotto voce comments)

Mrs. NEITA-HEADLEY: No, I am agreeing with you.

A Government MEMBER: Did you sign the Report?

Mrs. NEITA-HEADLEY: I did not.

The SPEAKER: The problems you have, Dr. Duncan, the problems we have, you see – no, the problems we have is that this Report, unfortunately or not, was signed off by members of the Committee.

Now, it seems to me that the appropriate thing is to ask for the Report to be debated perhaps at the earliest opportunity...

Government MEMBERS: Today. Today.

The SPEAKER: ...so that - well, so that the matter – the concerns which you have can be raised. Yes, Miss Natalie.

Mrs. NEITA-HEADLEY: Mr. Speaker, just to say as a Member of that Committee, this concern was raised in last week's meeting, and I asked a question as it relates to the paragraph on page 5, which now...

Mr. D. SMITH: Did you not sign it?

Mrs. NEITA-HEADLEY: No, I did not sign, I did not sign. I did not sign – which now appears on page 6, where there is a discrepancy between funds disbursed and funds actually approved. And, therefore, the Chairman gave instructions to the Clerk to ensure that a review of same was done, and for it to be reported back to the Committee tomorrow morning, so that we may send the appropriate amendments to the Report as necessary.

Mr. BUCHANAN: Mr. Speaker, Mr. Speaker...

The SPEAKER: No, no, Mr. Buchanan, hold it one second.

Mr. BUCHANAN: No, but Mr. Speaker...

The SPEAKER: No, just a second. Mr. Warmington, are you prepared to debate this Report today?

Mr. WARMINGTON: As I said earlier, Mr. Speaker, there were concerns raised similar to those raised by the Member from Eastern Hanover.

The SPEAKER: Yes.

Mr. WARMINGTON: And the Member from East Central St. Catherine just enlightened the House that I have asked for certain information to be sent to us tomorrow - in tomorrow's meeting, for us to satisfy ourselves as to the complaints. We cannot debate this Report until those information are presented to the Committee tomorrow.

(Sotto voce comments from Opposition Members)

Mr. WARMINGTON: You can't have your cake and eat it. You asking questions and...

(Sotto voce comments)

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The SPEAKER: Mr. Warmington – all right, Mr. Warmington. One at a time, please. Yes, Mr. Buchanan.

Mr. BUCHANAN: Mr. Speaker, in light of what was just said, Mr. Speaker, re further information for this document to be a credible document, I propose we enter upon the reference of withdrawal, Mr. Speaker.

The SPEAKER: No. Mr. Buchanan, what I think I would propose - my understanding is that there will be a meeting of the CDF tomorrow morning. It seems to me that the appropriate time to debate it is at the next sitting of the House. If it is tomorrow, fine, if it is next week, fine. But the point is that at the sitting of the CDF tomorrow we will try to sort out the discrepancies.

Mr. WARMINGTON: I do not know if there are discrepancies.

The SPEAKER: If there are.

Mr. WARMINGTON: What we have done, as the Member has said, we have asked for clarification.

The SPEAKER: Yes.

Mr. WARMINGTON: If there are errors, they will be dealt with, but I cannot at this stage - and one cannot ask for withdrawal when we don't know if there are errors. Allow the Unit to...

The SPEAKER: One second... Dr. Duncan... Dr. Duncan...

Dr. DUNCAN: Mr. Speaker, bear with me.

The SPEAKER: Dr. Duncan, can I beg you...

Dr. DUNCAN: This is the subject of major propaganda by that side in Eastern Hanover.

The SPEAKER: Dr. Duncan.

Mr. BUCHANAN: Political...

Dr. DUNCAN: This Report...

The SPEAKER: Dr. Duncan... Dr. Duncan...

(Sotto voce comments)

Dr. DUNCAN: ...by representatives from that side...

The SPEAKER: Dr. Duncan...

Dr. DUNCAN: ...and I demand that we know that this is not true. It is not an error.

The SPEAKER: Dr. Duncan...

Dr. DUNCAN: It is not factual.

The SPEAKER: Dr. Duncan, can I beg you to be at the meeting tomorrow morning at 9:00 o'clock?

Dr. DUNCAN: At minimum, there is mendaciousness.

The SPEAKER: Can I beg you to be at the meeting tomorrow morning at 9:00 o'clock?

Dr. DUNCAN: Can I attend the meeting?

The SPEAKER: Yes.

Dr. DUNCAN: I am not a Member.

The SPEAKER: No... I...

Dr. DUNCAN: The last time I came to a meeting, you didn't want me to speak because I was not a member.

The SPEAKER: No. I am asking the Chairman of the Committee to allow you to be at the meeting.

Dr. DUNCAN: Can I come and make a presentation?

The SPEAKER: Yes.

Dr. DUNCAN: Can mine be the first items on the agenda?

The SPEAKER: You will be at the meeting tomorrow.

Mr. CHARLES: You are a Member; you are a Member of that Committee.

Dr. DUNCAN: No, I am not.

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A MEMBER: Yes!

The SPEAKER: (Gavels) Okay...

Mr. CHARLES: Well, Mr. Speaker...

MEMBERS: No, no!

A MEMBER: Read the Report; read the Report.

A MEMBER: No, no, it is not a matter of getting yourself involved, it is a procedure...

(*Sotto voce* comment by Dr. Duncan)

The SPEAKER: Dr. Duncan, even if they don't allow you to speak, speak to Members on the Committee.

Dr. DUNCAN: Are you going to be in that meeting?

The SPEAKER: No, I won't, I won't.

Dr. DUNCAN: You can't protect me?

The SPEAKER: No, no, but, there are other Members who you are very close to...

Dr. DUNCAN: Mr. Speaker, they say you haven't spent your money.

The SPEAKER: No, I said...

Dr. DUNCAN: Did you notice it?

The SPEAKER: There are other Members that you are close to who can speak for you.

Dr. DUNCAN: No, no, but I am not relying on that, Mr. Speaker.

The SPEAKER: No, no!

Dr. DUNCAN: I am relying on you.

Dr. RHODD: Quiet!

Mr. BUCHANAN: But you are not the Speaker.

The SPEAKER: No, no! Okay, Dr. Duncan, please...

(*Sotto voce* comment)

Dr. DUNCAN: Mr. Speaker, you know you are maligned in this report? You have only spent \$16.9 Million out of the \$20 Million...

The SPEAKER: Dr. Duncan, we have had enough; we will deal with that.

Dr. DUNCAN: What have you done with the \$3.1 Million?

The SPEAKER: I have concerns, Dr. Duncan. Please don't... (Laughs)
(Cross talk)

NOTICES OF MOTIONS GIVEN

ORALLY

(*Sotto voce* comments by Members)

The SPEAKER: Just a second. Mr. Bunting.

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

BE IT RESOLVED that this Honourable House debate the findings of the Report of the Commission of Enquiry into the extradition request for Christopher Coke, taking note of the recommendations contained therein, and making such observations and suggestions as may be necessary and relevant.

Mr. D. PEART: Read it over; read it over.

Mr. BUCHANAN: You have to read it over because the mike went down...

(Cross talk)

Mr. BUNTING: No, this is not the Mair motion, you know.

The SPEAKER: Questions... (Gavels)

Mr. BUNTING: Mr. Speaker...

A MEMBER: Mr. Speaker...

The SPEAKER: Sorry, sorry... Mr. Bunting, what's the point...?

Mr. BUNTING: Mr. Speaker, apparently this mike wasn't working and the Members

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said they haven't heard the motion. Could I...

The SPEAKER: We heard it.

Mr. BUNTING: May I be allowed to repeat it?

(Cross talk)

The SPEAKER: No, Mr. Bunting.

Mrs. NEITA-HEADLEY: Hansard didn't hear.

The SPEAKER: Mr. Bunting, we not only heard it, but it was okay.

A MEMBER: It was okay?

MEMBERS: I didn't hear it.

Mr. BUCHANAN: Mr. Speaker... Mr. Speaker, I don't think **Hansard** can record it because they didn't hear it.

The SPEAKER: No, no, Mr. Buchanan,...

Mr. BUCHANAN: The mike was not working.

The SPEAKER: Mr. Buchanan, if you can't hear, check with him.

(Laughter)

Mr. MAIR: Mr. Speaker...

The SPEAKER: Yes...

Mr. MAIR: Mr. Speaker, the fundamental reason why I Tabled motion 14, in my name, was that in my opinion...

(Sotto voce comments)

Mr. PICKERSGILL: What is that?

Mr. MAIR: ...was that in my opinion, the former Minister of National Security, which is the Member for East Central St. Andrew, had breached the Fundamental Rights and Freedoms of the People of Jamaica by signing two MOUs.

MEMBERS: Hold on, hold on...

(Heckling)

The SPEAKER: Allow the Member to speak.

Mr. MAIR: This, Mr. Speaker... this Mr. Speaker, has been found so in the Report

Tabled by the recent Commission of Enquiry, and has been confirmed to be unconstitutional. I therefore, find, at this time, no reason why - to pursue this matter.

Mr. PICKERSGILL: What! What's that? (Heckling)

Mr. MAIR: I also, Mr. Speaker, wish to give notice that the matters addressed in motions 13, 4 and 5, Tabled in this - in my name, that I no longer wish to pursue them.

Mr. BUCHANAN: You get cold feet, man.

(Laughter)

Mr. PICKERSGILL: So what, you are a mischief maker? You are a mischief maker.

(Laughter/Cross talk)

Mr. BUNTING: Mr. Speaker...

Mr. PICKERSGILL: Mr. Speaker...

The SPEAKER: (Gavels) House Leader.

Mr. BUNTING: But, Mr. Speaker, I was on my feet.

The SPEAKER: No, no, no! House Leader, House Leader...

(Cross talk)

The SPEAKER: House Leader, yes... no, no, one second, one second... (Gavels) Members, Members, if the Member wants to withdraw his motions, there can be no debate in it.

Opposition MEMBERS: No! No!

Mr. PICKERSGILL: No, Mr. Speaker, no, that's not my understanding.

The SPEAKER: One second... Mr. Pickersgill.

Mr. PICKERSGILL: Yes?

The SPEAKER: If the Member wants to withdraw a motion, that's the end of the matter.

Mr. PICKERSGILL: Not what I see here.

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Opposition MEMBERS: No, no, no!

Mr. BUCHANAN: That is not the end of the matter.

Mr. PICKERSGILL: Not what I see here. It says - reading from the Standing Orders.

(Sotto voce comment)

A MEMBER: Im can't withdraw, man.

The SPEAKER: Let me hear Mr. Pickersgill.

Mr. PICKERSGILL: Shut yu fly trap. Section 30...

The SPEAKER: Let me see it. Pass it...

Mr. PICKERSGILL: Section 30...

A MEMBER: One...

Mr. PICKERSGILL: (one): *A motion may be withdrawn by leave of the House.*

The SPEAKER: Yes. So, you want to debate it?

(Cross talk/Laughter)

Mr. PICKERSGILL: Well, I am not...

Opposition MEMBERS: Yes, yes.

(Cross talk)

Mr. PICKERSGILL: My answer to that, you asked me a question, yes, I want to debate it.

Opposition MEMBERS: We want to debate it.

Mr. PICKERSGILL: You see what is in this motion? You see what is in this motion? Comes here with his reckless, careless self and makes these allegations, and now just want to come willy nilly and withdraw?

The SPEAKER: No. Mr. Pickersgill... Mr. Pickersgill, the Member has decided that he is withdrawing a number of motions...

(Sotto voce comment)

The SPEAKER: One second.

Mr. PICKERSGILL: The Standing Orders do not allow him to be on a frolic of his own. It says here...

The SPEAKER: No... no, one second...

Mr. CHARLES: Take your seat. Bobby, take your seat.

Mr. PICKERSGILL: It says here, with the leave of the House...

Mr. BUNTING: No, no, no! Mr. Speaker, it is...

The SPEAKER: No, you want to debate it? You want it to start?

(Applause/Cross talk)

Mr. PICKERSGILL: You lucky, you lucky...

The SPEAKER: One at a time, please.

Mr. PICKERSGILL: Come here with your reckless something.

The SPEAKER: Yes, Mr. Peart.

Mr. M. PEART: Mr. Speaker, this is indeed a travesty.

The SPEAKER: Now, we not going to debate this thing, you know.

Mr. M. PEART: No, I am not debating this. I am just making a point on principle. We have been in this Parliament from February when the Honourable Member brought this motion to the House - from February. It flew off the Order Paper at the end of March.

(Cross talk)

The SPEAKER: Please, allow the Member. Yes, Mr. Peart...

Mr. M. PEART: The Standing Orders require that the motion be debated no later than 21 days after it is laid on the Table of the House. We have breached the Standing Orders...

The SPEAKER: No!

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Mr. M. PEART: ...and we have reached a stage now where the withdrawal of this motion leaves the Member with his character impugned.

The SPEAKER: No, no, not at all; not at all.

Mr. M. PEART: Of course.

The SPEAKER: Not at all.

Opposition MEMBERS: Yes, yes!

(Cross talk)

Mr. M. PEART: If you want me to explain, I will explain.

A MEMBER: No, no, no!

Mr. M. PEART: Oh, you don't want me to explain.

Dr. RHODD: Apologize to the Member.

The SPEAKER: Mr. Peart, Mr. Peart...

Mr. M. PEART: (Inaudible) ...to this House then.

The SPEAKER: Mr. Peart, Mr. Peart, let us face it...

(Cross talk)

The SPEAKER: Mr... you finish?

Mr. M. PEART: No, sir.

A MEMBER: Apologize to the Member.

Mr. M. PEART: From February until we are now in June - the 21st June, Jamaica has knowledge of this motion, you know.

The SPEAKER: Mr. Peart, Mr. Peart... Mr. Peart...

Mr. PICKERSGILL: We not divorcing it; the House must approve...

The SPEAKER: Now, Mr. Peart...

Mr. PICKERSGILL: ...so, meck we vote on it then.

The SPEAKER: No!

Mr. D. PEART: Out of Order. He must apologize.

The SPEAKER: Now, the position is...

Mr. PICKERSGILL: You ready for the vote. Let us vote. The House must approve. That's what the Standing Orders... you should know that.

(Mr. Bunting stood)

The SPEAKER: (Gavels) Now, Mr. Bunting, hold a second!

Mr. BUNTING: No, Mr. Speaker, Mr. Speaker...

Mr. PICKERSGILL: I am rising now to...

The SPEAKER: No, hold a second...

Mr. PICKERSGILL: ...to move a censure motion on Mair.

The SPEAKER: We can't have both of you on your feet. Please, both of you sit.

Mr. BUNTING: Mr. Speaker...

(Cross talk)

The SPEAKER: Mr. Bunting, one second, one second.

Mr. BUNTING: Mr. Speaker... no, Mr. Speaker. I have been trying to speak. The Member from North West St. Catherine already pointed you to the Standing Orders that requires the leave of the House. If this motion were just to be withdrawn without giving an opportunity - first of all, decency would demand that the Member apologize to the Member for East Central St. Andrew.

(Applause by Opposition Members)

Mr. BUNTING: Common decency would demand that. But, if he is allowed to withdraw it without comment then it would amount to an abuse of the processes of this House.

(Applause by Opposition Members)

Mr. BUNTING: Mr. Speaker, in withdrawing the motion, the Member repeated...

The SPEAKER: No, no!

Mr. BUNTING: ...repeated the falsehood. He repeated the falsehood that is alleged in this motion.

The SPEAKER: No, Mr. Bunting...

Mr. BUNTING: He spoke...

The SPEAKER: Mr. Bunting...

Mr. BUNTING: Mr. Speaker, he spoke to an unconstitutionality of something in which he has no competence to make that judgement.

A MEMBER: That's right.

(Applause)

Mr. BUCHANAN: He did; he did.

The SPEAKER: Mr. Bunting...

Mr. BUNTING: And, Mr. Speaker, I think...

The SPEAKER: Mr. Bunting, Mr. Bunting... Mr. Bunting...

Mr. BUNTING: And, Mr. Speaker, I think you should demand that he apologize.

(*Sotto voce* comments)

The SPEAKER: Mr. Bunting, please...

Mr. PICKERSGILL: I would like to second Mr. Bunting's motion.

The SPEAKER: No, no, no! The position is that I was told that - I was instructed....

Opposition MEMBERS: Instructed, instructed!

Mr. BUCHANAN: Mr. Speaker, you were instructed by who, sir?

(Cross talk)

The SPEAKER: I was advised that the debate cannot take place today.

Opposition MEMBERS: Why, why?

The SPEAKER: I indicated....

(*Sotto voce* comments)

The SPEAKER: Please, please...

Mr. PICKERSGILL: Who instructed you?

The SPEAKER: Would you please be quiet for a while. My understanding is that we agreed that the debate would take place today.

MEMBERS: Yes.

The SPEAKER: When I heard that the debate cannot take place today, I said it had to take place today.

A MEMBER: Right.

The SPEAKER: So, if it can't take place today, it has to be withdrawn.

A MEMBER: Right.

Other MEMBER: No!

The SPEAKER: All right. So, the understanding...

Mr. HOLNESS: Mr. Speaker, just... Mr. Speaker...

(*Sotto voce* comment)

Mr. HOLNESS: No, no...

The SPEAKER: Oh, no, hold a second. House Leader, let me just finish. The position is that what has been intimated to me by the Government side is that they are not proceeding today, and I said, withdraw it. And that is what has happened, that it is going to be withdrawn.

(Cross talk)

The SPEAKER: So, it is... listen! It is on my instructions that it will be withdrawn today - that it is going to be withdrawn.

(*Sotto voce* comments)

The SPEAKER: So, if you want it to be postponed, to be debated at another time, it can be done.

Mr. CHARLES: Mr. Speaker, Mr. Speaker... have a seat man and stop the foolishness. I was standing before you. Mr. Speaker...

(*Sotto voce* comment)

The SPEAKER: Yes?

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Mr. CHARLES: A Member had a motion on the floor. The Member addressed the House and advised the House accordingly as he has done. What are we debating?

The SPEAKER: I am not debating.

Mr. CHARLES: I understand that people are disrespecting the Member because the Member...

The SPEAKER: No, just a second.

(Cross talk)

Mr. CHARLES: ...because the Member...
(*Sotto voce* comments)

The SPEAKER: One second.

Mr. CHARLES: ...because the Member...

The SPEAKER: Mr. Charles...

Mr. CHARLES: ...the Member exercised his right.

The SPEAKER: Mr. Charles, Mr. Charles, hold a second. If it's the Members wish, which I am now putting to the House that it not be withdrawn, then we leave it to be debated at another time. So, the question before the House...

Mr. CHARLES: No, Mr. Speaker. Mr. Speaker...

Mr. HOLNESS: Mr. Speaker, Mr. Speaker, at this point... at this point, Mr. Speaker, I encourage you to proceed on the Order Paper.

The SPEAKER: Yes.

Mr. HOLNESS: I think this matter is closed.

The SPEAKER: No, House Leader, the motion before the House is in relation to what the Member has indicated, he would like the motion to be withdrawn. If you don't want it withdrawn, fine.

Mr. CHARLES: ...the Member has withdrawn the motion. The Member has withdrawn.

Mr. M. PEART: Mr. Speaker, we are not arguing about the withdrawal of the motion. What we are arguing about is the injustice played out on the Member for the past six months.

The SPEAKER: No, no, Mr. Peart. No, Mr. Peart.

Mr. M. PEART: And he has no redress, no redress. We sit here . . . on the Order Paper.

The SPEAKER: The Member might want to go on with the motion.

Mr. M. PEART: This is an accusation on the Member, you know.

The SPEAKER: Mr. Peart, the Member has asked for the motion to be withdrawn.

(Cross talk)

The SPEAKER: (Gavels) Now is it the wish of the House that it should be withdrawn?

Mr. BUNTING: Mr. Speaker, please.

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, I want to make it very clear on behalf of those who spoke....

(Cross talk)

Mr. BUNTING: Mr. Speaker, we are not objecting to the motion being withdrawn. In fact it's an out of order motion that should not be tabled.

(Applause)

The SPEAKER: No, no, please. (Gavels) Okay there is no objection to the motion being withdrawn. The motion is withdrawn. (Gavels) So ruled. Next point.

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. PICKERSGILL: How many motions withdrawn?

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Mr. HOLNESS: Three motions he withdrew.

The SPEAKER: Three motions are withdrawn.

Mr. HOLNESS: Mr. Speaker, the Minister of Transport and Works....

(Sotto voce remarks by Mr. Charles)

Mr. M. PEART: Mr. Speaker, the Member should be withdrawn.

Mr. HOLNESS: You are being mischievous now.

(Sotto voce remarks by Mr. Charles)

Mr. PICKERSGILL: You should be withdrawn.

Mr. HOLNESS: Mr. Speaker, the Minister of Transport and Works will now answer Question Number 8.

The SPEAKER: (Gavels) Members Question Number 8 from the Minister of Transport and Works. Reverend Thwaites.

(Cross talk)

The SPEAKER: Please, Members. Reverend Thwaites. Members, settle down. Reverend Thwaites, turn on your mike.

Rev. THWAITES: You know, Mr. Speaker, I am craving the answer to question 8. But I wanted to say that one of the great attributes of a leader is to be able to say sorry. Would the Minister answer the question listed at Number 8?

The SPEAKER: Minister Henry.

Mr. HENRY: Answers to question asked by Member of Parliament Reverend Ronald Thwaites of the Minister of Transport and Works, Honourable Mike Henry. Notice was given on Tuesday May 10.

Question 8: What were the amounts allocated and spent in Central Kingston for the first phase of JDIP?

Answer: The first phase of the JDIP Programme ended March 31, 2011. To that date no road works were completed in the Central Kingston constituency.

However, carried forward and listed in the second phase as of April 2011 are the following road projects:

Lower Elleston Road in Central Kingston - allocated \$735,000; East Queen Street which runs from West Kingston to Central Kingston - allocated \$735,000; Heroes Circle which is located in Central Kingston and borders West Kingston - allocated \$1,083,474.

The SPEAKER: Minister Henry, the answers, have they been circulated?

Mr. HENRY: I gave one to the questioner. If you want the other copies they....

The SPEAKER: No, we have had copies at the front here.

Mr. HENRY: Arnold Road falls in Central Kingston and St. Andrew South Eastern - allocated \$1,711,500. Paradise Street which borders Central Kingston and East Kingston - allocated \$840,000; Tower Street which falls between West Kingston and Central Kingston - allocated \$3,570,924.

The SPEAKER: Rev. Thwaites.

Rev. THWAITES: Mr. Speaker, will the Minister give the assurance that these itemized roads will be done during the current financial year?

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Mr. HENRY: Yes, I will and I will provide any further information, as the ministry had a problem with exactly which area the roads bordered and fell in, and I have clarified that with the MP.

Rev. THWAITES: Mr. Speaker, will the Minister say whether any allocation from the JDIP is given to the Municipal Authority, Parish Council, Municipal Authority in this instance, for the repair of community roads?

Mr. HENRY: Not in any of these allocations. Community roads fall under the contract, we checked and is qualified as per each community and this does not apply. These are roads recommended by the KSAC which are included in the programme.

Rev. THWAITES: I just want to clarify, sir? So the JDIP does not touch the community roads?

Mr. HENRY: It does touch selected community roads which form part of a major contract like in the area of Sangsters Heights in the country, *et cetera*. And these would not be community roads because they are under the KSAC, which came to us through the KSAC.

Rev. THWAITES: Mr. Speaker, I understand these particular roads and their character, but all of these are main roads and my concern is whether any of the severely degraded community roads would be considered in addition to these, and whether there is a provision for that in this instance?

Mr. HENRY: They will be considered as presented perhaps in year three or in any extra in terms of the budget overall.

Rev. THWAITES: I see. Thank you, Mr. Speaker.

The SPEAKER: Very well. House Leader, Questions 5 and 6 we had already

postponed. But I understand, Rev. Thwaites, the Honourable Edmund Bartlett and the Prime Minister they are not present today, so we were asking for a further extension of a week. We are also asking, Dr. Omar Davies, Questions 10, 11 and 12, for a further postponement of one week.

Rev. THWAITES: Mr. Speaker....

The SPEAKER: Yes, Rev. Thwaites.

Rev. THWAITES: What is the basis of this promise for a week's time onwards and onwards?

The SPEAKER: Well in this case the Members are not present, Rev. Thwaites. So, House Leader, both answers will be needed for next sitting of the Parliament at least by next Tuesday.

Mr. HOLNESS: We will ensure, Mr. Speaker that the answer for Question 5 that that will be ready next week and that question was asked by the Member from Central Kingston. I couldn't give an undertaking for next week for the Prime Minister's answer.

The SPEAKER: Question 6, Rev. Thwaites, might need additional time to collect the data.

Rev. THWAITES: Mr. Speaker, I am particularly concerned about Question 5 because it carries over from the last sitting of Parliament.

The SPEAKER: A commitment has been given for the answer next week Tuesday.

Rev. THWAITES: What it does also, I am telegraphing something to the government, I am urging them in the answer to this question to pay attention to section 4 of the Tourism Enhancement Act. Because the issue of the retroactive collection of the tax is a live issue and which is going to involve significant financial obligation, which the

longer it is postponed is the greater that will be and the more difficult it will be to be done. Could that be borne in mind when you expedite the answers to these long postponed questions?

The SPEAKER: The Minister of Tourism will have to deal with that. Dr. Davies.

Dr. DAVIES: Mr. Speaker, I have heard your - I assume it's ruling about questions....

The SPEAKER: No, no, it's not so much a ruling but it's the need to get your permission that it be postponed for a week.

Dr. DAVIES: Well, may I speak to the three questions? Question 10, Mr. Speaker....

The SPEAKER: They were due for answers today. A request is made for a week's extension.

Dr. DAVIES: Now to be precise, Mr. Speaker, question 10 was posed in the last Parliamentary year, in the last Parliamentary year, and I went and copied them and resubmitted them for the new Parliamentary year. So I know that the Minister had the answers then.

The SPEAKER: The Minister is not here today, unfortunately, Dr. Davies.

Dr. DAVIES: I have been faced with a variety of excuses every single time. So it doesn't really matter which one you bring.

Mr. BUCHANAN: He is in Paraguay?

Dr. DAVIES: Question 11, Mr. Speaker, Question 11, this question has been going around and around and the Minister at the last time around said he didn't have the information, he would get back to me. He has not and therefore I felt obliged to pose them again formally.

Question 12, the Minister is here. It is to the Minister of Transport and Works. What is

the excuse in this regard? He is not away?

The SPEAKER: It involves a lot of compiling of data.

Dr. DAVIES: Mr. Speaker, every single question I have asked about the JDIP has been ducked, has been postponed. I want to know, do they have no records?

Mr. D. PEART: Moving target.

Dr. DAVIES: Do they have no records?

The SPEAKER: No, my understanding is...

Dr. DAVIES: It is not possible to say here is half of it and we will come back. It cannot be, Mr. Speaker, and you cannot use your office to protect either these inefficiencies or others.

The SPEAKER: I would never do that.

Dr. DAVIES: You cannot be that accommodating, Mr. Speaker, because you are frustrating the whole nature of Parliament.

The SPEAKER: No, no! I would never do that. The answers were due today. Minister Henry.

Dr. DAVIES: This 21 day, Mr. Speaker, is a joke.

The SPEAKER: Mr. Henry, can we get the questions to Question 12. And indeed, Dr. Davies, Standing Orders 17(a) allows for a deferral of answer for 14 days....

Mr. D. PEART: He exceeded that long time.

Dr. DAVIES: ...with the permission of the House. Mr. Speaker, I am very much aware because I went and researched it. But the Standing Orders also provide to the Speaker some authority which you have failed to exercise in any of the questions I have posed.

The SPEAKER: To be fair, Dr. Davies, I

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thought the question would have been answered today. I was told by the House Leader they are asking for a week's extension. Minister Henry, can we get the answer to Question 12 by next week?

Mr. D. PEART: By today.

Mr. HENRY: I will more than have the answer next week, Mr. Speaker. Because indeed, most of the questions asked have been answered at the PAC, it's been answered in the PAAC, it's been answered in Question Time, and I will answer them more clearly for him next week.

The SPEAKER: Mr. Henry - next week Tuesday we will have the answer. Okay, very well.

Dr. DAVIES: Mr. Speaker, as the incoming Chairman of one of these committees I will have to exercise the authority which I wish the Speaker would exercise.

The SPEAKER: No, next week Tuesday.

**PRESENTATION OF BILLS WITHOUT
LEAVE OF THE HOUSE FIRST
OBTAINED**

The SPEAKER: House Leader.

Mr. HOLNESS: Mr. Speaker, on behalf of the Prime Minister, I beg to move to introduce and have read a first time a Bill shortly entitled the Interception of Communications (Amendment) Act, 2011.

Bill shortly entitled:

"The Interception of Communications (Amendment) Act, 2011",

read a first time.

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

PUBLIC BUSINESS

Mr. HOLNESS: Mr. Speaker, last week we were scheduled to take the Corruption Prevention Bill. On the recommendation of the Member from East Central St. Andrew, we formed an *ad hoc* committee of the House, small group of Parliamentarians, and we went through the Bill clause by clause.

We came up with certain recommendations, Mr. Speaker, which in fairness we would need to brief the House, the full Committee of the House on these recommendations. I am proposing that we use the Public Business session of our sitting today to go through the recommendations for amendments, brief all Members so that after this sitting, all Members will be properly briefed.

We have circulated, Mr. Speaker, by email the working - well, we call it the working document, the comprehensive revision and I am hoping, Mr. Speaker, that at the Committee Stage that we can go through in a speedy way and have the Bill, at least completed today in terms of bringing all the Members up to date, and then next week....

Mr. PICKERSGILL: No, better be thorough.

Mr. HOLNESS: Thorough, I accept that, thorough, yes, but thorough with a certain amount of expediency. We have to move quickly on this Bill, it has been lagging for some time.

So, Mr. Speaker, at Public Business we will resolve ourselves into the Committee.

The SPEAKER: Is there anything else, House Leader?

Mr. HOLNESS: No.

The SPEAKER: No, one second. My

understanding is that we need half an hour for every Member to be presented with a copy of the Bill.

Mr. HOLNESS: No, but, Mr. Speaker, just to be....

Dr. DAVIES: That was the agreement, no but, Mr. Speaker, that was the agreement.

Mr. HOLNESS: Mr. Speaker, to be clear. We have circulated by email this document.

Mr. WARMINGTON: By email?

Mr. HOLNESS: Hold on. Hold on. Hold on.

Mr. BUCHANAN: But Warmington, you are not a Member, you know. (Laughter)

Mr. HOLNESS: We have circulated, Mr. Speaker, we have circulated in the House the amendments. All Members should have the original Bill.

Dr. DAVIES: I have the original Bill.

Mr. HOLNESS: Right. So I believe, Mr. Speaker, we could start with the original Bill and the amendments until the working document is available, which would be in the next 30 minutes, the next 30 minutes. It is still being printed.

Mr. WARMINGTON: Mr. Speaker,....

The SPEAKER: Is there any other matter to deal with?

Mr. HOLNESS: No, Mr. Speaker, there is no other matter.

Mr. WARMINGTON: Mr. Speaker, Mr. Speaker, if I can recall, last week the understanding.....

Opposition MEMBERS: No, no!

(*Sotto voce* comments by Opposition Members)

Mr. WARMINGTON: ...the understanding was that this week we would have gotten a document combining the original document

laid on the House and the agreement that this little group came to. I don't want to hear about being printed now, it's one week since. The understanding was that we would have had a combined document this week and you yourself, Mr. Speaker- I watched it on a replay that you said it would have been easier to work with, if we had the combined document in front of us. It is not in front of us, that's an undertaking given to us by the House Leader and the House Leader's word must be taken as it is. I expect him to live by his word, and his word ought to be his bond, and any undertaking given to this House by any Member, any Member, that gives an undertaking to this House must live by it. And I expect to see a combined document in front of me for us to begin, that was the undertaking.

(Mr. Holness placed document in front of Mr. Warmington)

(Laughter by both sides)

Mr. WARMINGTON: What I would like to know, why then if we.....

No, no, Mr. Speaker, do I have to be on my feet to request that I be served with documents that I am entitled to, to ask for it?

The SPEAKER: Mr. Warmington of the House. Member.

Mr. WARMINGTON: And the other thing is - Mr. Speaker, you have not allowed me to conclude, please.

The SPEAKER: No, no, I am agreeing with you, so hold a while.

Mr. WARMINGTON: You gave a lot of latitude. Allow me to conclude, Mr. Speaker, I have a right to speak, please, please.

(Laughter)

I am saying here that the House Leader gave me his copy marked all over, I don't believe I

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want to have a copy that is highlighted and marked from cover to cover. (Laughter) I want my new copy so I am not going to take this. Pass this back to the House Leader for me.

(Document returned to Mr. Holness)

I am not going to take this. I want my original copy from which I can work and the other Members should get theirs, therefore he cannot move forward. Give us our copies.

The SPEAKER: Members, Members, Members, a small Committee of the House worked on this Bill thoroughly over two periods of time in excess of six hours. What I think is being presented - Members, please, Mr. Peralto - is a comprehensive inclusion of all the proposed amendments with one or two areas that need the attention of the House because the House has to make some decisions on one or two areas of concern.

My understanding is that the comprehensive document will be available in less than half of an hour. So in the circumstances I think it is in the interest of every single Member that we adjourn until 4:30.

Mr. M. PEART: Suspend.

The SPEAKER: So the meeting of the House is suspended until 4:30 p.m.

Rev. THWAITES: Mr. Speaker, I assumed, I am sure correctly, that this document, which I have a copy of, I secured this for myself yesterday, that this document would have been able, available to us in time for us to study it and take it as responsible legislators.

This Bill goes to the heart of our civil rights, our rights of privacy. In my view, there are issues that are in conflict with the Charter

of Rights. I happen to have gone through it and I am ready for the questioning, but if it - my friend from St. Catherine is perfectly correct. If we have not seen it and had a chance to study it, even the explanation that we are going to get now will be of limited usefulness if we ourselves have not read it. It is a complex piece of legislation that is going to affect everybody's rights hereto for. (Applause) This is not the way to do it!

Why these succession of mis-starts? We needed to have had this with at least three or four days notice, so that we could have gone through it, we would have been receptive to whatever explanation whoever is going to give that explanation that you are suggesting now, and that later on we could have given it our mature consideration. This is very important. Why not do it the right way?

I can tell you, having gone through this....

The SPEAKER: What is your proposal, Reverend Thwaites?

Rev. THWAITES: The proposal is that we be given at least two or three days in order to digest this, come for whatever explanation and then proceed with the Bill.

The SPEAKER: The position is that there is no doubt that this document was sent by email. We had hoped, we had hoped that it would have been in hard copy to Members.

Reverend Thwaites has raised a point that even though he has printed it from the Internet that he still needs more time to debate or at least to consider all the agreed amendments, the proposed amendments which were agreed on by both sides.

Now, Member, Leader of the House, Leader of the House, what was being proposed....

Dr. PHILLIPS: Mr. Speaker....

The SPEAKER: Reverend Thwaites, one second. One second, Dr. Phillips.

What was being proposed is that at least, this afternoon, not to agree comprehensively but at least to go through and to see exactly the arguments behind the proposals.

Dr. PHILLIPS: That was the point, Mr. Speaker. I mean, it's the Government's Bill, but I think that without even - since we are not being called upon.....

The SPEAKER: We are not going to decide this evening.

Dr. PHILLIPS:to agree to anything, at least we should take the opportunity to hear from the members of the subcommittee.

But I also want to urge, Mr. Speaker, that you don't suspend the sitting because you won't get sufficient Members. They can tell us in the interim, bring what maybe completed, tell us in the interim the considerations that went into considerations of the Bill. Whatever our differences of view, the fact of the matter is that there are national interests, there are national interests and implications for the whole thing. And I believe, I believe we should at least be diligent.

The SPEAKER: Okay. Leader of the House.

Reverend Thwaites, there is no doubt - Members, please. A small Committee, I must admit I was a part of that committee, (Laughter) we went through clause by clause and there was really, general agreement maybe except for three or four clauses that we thought we need some policy direction. Those three or four clauses we thought it was in the interest of the House to discuss them.

The Leader of the House understanding- and I think this was what he intended to do was to bring these three or four clauses to the consideration of the House, so that at least these three or four clauses could be given focus by all Members, so that at the next sitting of the House we could conclude once and for all. So really and truly....

Rev. THWAITES: Mr. Speaker...

The SPEAKER: One second.....what Dr. Phillips is saying, if both sides could highlight these three or four clauses.....

Rev. THWAITES: No!

The SPEAKER:that were of great concern, then, maybe it's something we should think about. Yes, Reverend Thwaites.

Rev. THWAITES: Respectfully, sir.

Is it wise to proceed with a piece of legislation that most Members have not read in its revised form? Question one.

Secondly, with all respect to your Committee....

The SPEAKER: That's not my committee, the Committee of the House.

Rev. THWAITES: There are many, many more than four issues. I don't know which four you are pointing to, but there are huge issues of conflict with the Charter of Rights and with the fundamental freedoms of the Jamaican people that are in this revised document. And I want to really recommend that we take the necessary time for each of us to study it in order to be properly educated about it when that time comes, and then to deliberate on it with finality.

The SPEAKER: Now Members, before you go, Mr. Mullings. No, just a second.

Mr. BUNTING: If I could just make a suggestion.

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The SPEAKER: There is no doubt - before you speak Mr. Bunting and Mr. Mullings, this Special Prosecutor Act affects not only Members of Parliament, every serving public official. There is absolutely no doubt about that. And particular focus and reference to every public official and perhaps to the private sector. It is a very important piece of legislation because it goes to the root of what we are trying to do in this country, the removal of corruption and the removal of any aspect of corruption in the public sector. So this is very important for all Members to consider.

So, I agree with you, we need special - every single Member should be focused on this legislation. And to the extent that, I think everyone has had a look at it, we must make sure that we get it right.

Mr. Mullings then Mr. Bunting.

Mr. MULLINGS: Thank you, Mr. Speaker.

Mr. Speaker, we are all agreed that the approach leaves a lot to be desired with this bit of legislation, and unfortunately, there are those who see it as black and white, that if you take issue with the legislation, that somehow you are counted among those who are not in support of the fight against corruption, which really is 'tommy-rot'.

This is technical work, Mr. Speaker. Looking at one particular amendment where something has been deleted from the Bill has an impact on the separation of powers and there is a reason why it was in the Bill that has now been taken out. These are technical things.

And so, what we have is a bit of legislation where the Select Committee has asked for the Public Service Commission to do

appointments, but in the amendment put together - well intentioned by the small Committee, they have unwittingly taken out something from the Bill, which runs counter to the Constitution of Jamaica. And so, it is very technical and we must be very careful.

We understand that there is some amount of 'haste'. There are other issues which are attendant upon the passage of this Bill, but we must be very careful that we uphold the Constitution and have good law, Mr. Speaker. I am very concerned, very concerned.

(Applause by Opposition Members)

The SPEAKER: Mr. Bunting. Okay, thank.....

Mr. MULLINGS: On, on, on - I'll soon take my seat and I'll soon leave it.

(Laughter by Opposition Members)

Mr. BUCHANAN: Yuh hear dat!

Mr. MULLINGS: But the fact of the matter is that what we have found, that we have paid fast and loose for too long with the Constitution of this country, fast and loose, and we have been too expedient, and sometimes we have been too creative. This bit of legislation has serious impact and I for one, and I know that many others here, would not want history to record that we passed atrocious law.

Thank you, Mr. Speaker.

(Applause by Opposition Members)

The SPEAKER: Mr. Bunting.

Mr. BUNTING: Mr. Speaker, I'd like to make a suggestion that may help speed up our ability to deal with this matter.

A number of - particularly the attorneys in the House have concerns regarding unconstitutionality of some elements of the Bill. I think it would be helpful if ahead of next week they will put those in writing to the

Parliamentary Counsel so that the research can be done. They can get the opinion of the Attorney General or whoever the appropriate person is, so that when we come here next week and these issues are raised, they would have had time to consider them and get advice where necessary. Because I think it's very important, Mr. Speaker, that the impression not be given that there is any attempt to frustrate this Bill. And my own sense is that certainly the vast majority of Members see the importance of this Bill and want to see it passed. But they want to see it passed properly. And they don't want just to get a Bill passed to pass bad laws.

So I think if the Members who raised the technical points would help the process by just penning an e-mail to the Parliamentary Counsel, or through the House Leaders, to raise the points that they believe are unconstitutional so that some research can be done by the time we come to deal with it next week in Committee.

(Applause)

The SPEAKER: Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Can I speak from a place not my own?

The SPEAKER: Permission granted.

Mrs. HENRY-WILSON: Yes. Mr. Speaker, my understanding is that in doing the legislation there are two of many components. One is the drafting of the law and the other is policy. Right? My understanding is that in changing some aspects of the actual drafting, policy may have changed. And I think it would be good if we separate the two and we get an appreciation for any changes in policy which there may be, as distinct from whether

it is unconstitutional or not.

I thought a part of the purpose of the briefing was not only for us to go over the technical drafting, but for us to get an appreciation of the policy changes. Is there going to be such an opportunity? Because you can go through line by line and have it perfected, perfect in terms of a legal document, but violation of what is the essence of the policy. And I think we need to be aware of both. So, how are we going to proceed? Just going through amendment by amendment? Or, are we going to get a sort of framework for the policy?

The SPEAKER: Doctor Davies.

Dr. DAVIES: Mr. Speaker, I want to join with the comments made by my colleague from South... I was going to say South St. Andrew.

Mrs. HENRY-WILSON: St. Andrew South-East.

Dr. DAVIES: St. Andrew South-East

The SPEAKER: South-East.

Dr. DAVIES: In addition to that issue as to the policy changes and the policy imperatives which have informed this Bill, Mr. Speaker, I think it would be a very good idea if you were to request a very frank appraisal of what went wrong in this whole presentation. In my...

Mrs. NEITA-HEADLEY: We don't need that at this point.

Dr. DAVIES: ...in my...

Mrs. NEITA-HEADLEY: Why does that make a difference...?

Dr. DAVIES: ...whatever it is, 18 years in Parliament...

Mrs. NEITA-HEADLEY: It doesn't make a difference now...

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Dr. DAVIES: ...I've genuinely, I've honestly never seen a Bill handled in this manner.

(*Sotto voce* comments by Opposition Members)

Dr. DAVIES: And even in an attempt to pass something - and I'm not being - as a very fair comment, just to pass something. There have been significant clauses where we have just simply said, tek it out.

Now, I'm assuming that the drafting was based on a set of policy indicators. And for us to simply, in an attempt to get a Bill passed, just say tek it out. Clause 12 was one. The one about the private sector was another. And so I would urge you...You don't need to share it with us, Mr. Speaker. But I think you should seek for an explanation of what went wrong in this. But whatever occurs at the end, this whole process has been an example of how we should not proceed.

So I would like to join with my colleague from South-East St. Andrew. But in addition, I think in order for us not to go down this road another time, it would be useful for us to go through and find out what went wrong. The policy issues which were raised which we simply crossed out because we couldn't have agreement, why were they advanced. Was it that this Bill was based on a mock-up from other countries or whatever? I would genuinely believe that it would be useful if you were to have that analysis carried out.

Thank you, Mr. Speaker.

Mr. HOLNESS: Mr. Speaker.

The SPEAKER: Yes.

Mr. HOLNESS: Mr. Speaker, with respect to all that has been said so far, and I will start by responding directly to the Member from St. Andrew South. Nothing

went wrong in the process of this Bill. We have been using the process that we have used to pass all Bills for this one. What we have found, Mr. Speaker - and I'm not here criticizing Members who have genuine objections. But this Bill seems to have attracted significant attention and concerns by virtue of some of the clauses presented in the Bill.

Opposition MEMBER: Which one?

Mr. HOLNESS: In this Bill. And we have, Mr. Speaker, on many occasions tried to take on board the concerns of Members. It is only fair to say that when we sat down as a whole Parliament, debating the Bill, the Government side, the Prime Minister in particular as the person leading this Bill and having policy direction of the Bill, had been very accommodating. It is not a matter of taking out and putting in. Members on that side raised concerns about certain sections and the Prime Minister was accommodating.

Mr. PICKERSGILL: And Members on your side.

Mr. HOLNESS: And Members on this side as well raised concerns and we... And as we rightfully should do in this House as the Members who are given the right to make laws in this country, we have basically by virtue of the right we have as Parliamentarians that privilege, we have tried to craft a Bill.

It has been very difficult, Mr. Speaker, in coming to a final understanding of what this Bill that will govern our service as public servants, civil servants and public officers, what this Bill should look like.

The Member from East Central St. Andrew made a suggestion which the Government accepted. Let us put it down to a small committee to go through in detail. We

did that. Granted a commitment was made that we would present documentation of our work. It so turns out, Mr. Speaker, that the process of printing the Bill, is not a simple one. And we were given commitments that the Bill would have been ready yesterday, the day before, it is still not ready.

(Inaudible comments by Mr. Thwaites)

Mr. HOLNESS: No, no, hold on! We took the opportunity to send out a digital copy. And I must commend the Member from Central Kingston. He took the initiative and he printed his digital copy that was sent to him. But, Mr. Speaker, in fairness, not all Members would be able to print this volume. It is a large Bill.

(Inaudible comments by Mr. Pickersgill)

Mr. HOLNESS: But, at the same time, Mr. Speaker, parliamentary time is precious.

Mrs. HENRY-WILSON: Really!

Mr. HOLNESS: It is precious, Mr. Speaker. So when we are here as legislators, it would appear that we are finding all the excuses not to proceed.

Opposition MEMBERS: No-o-o!

Other Opposition MEMBER: Withdraw that, sir. Withdraw that.

(Heckling by Opposition Members)

Mr. HOLNESS: Mr. Speaker, Mr. Speaker, Mr. Speaker, by the protest of the Members on that side it would appear that my comments are wrong.

Mr. D. PEART: Withdraw, withdraw!

Mr. BUCHANAN: Don't be disingenuous.

Mr. HOLNESS: Mr. Speaker, what has been said so far is that...

(Interruptions by Opposition Members)

Mr. HOLNESS: What has been said so far, Mr. Speaker, is that there are inconsistencies in the Bill...

Opposition MEMBER: Right.

Mr. HOLNESS: ...That there are issues in the Bill which speak to constitutional matters which we ought to tread carefully on.

Opposition MEMBERS: Yes.

Mr. HOLNESS: I, Mr. Speaker, would not disagree with that. But the process of doing it is for us to sit down in committee and argue these things out.

A MEMBER: True!

Mr. HOLNESS: But each time, Mr. Speaker, we come to do that we are being asked, postpone it for another week...

Mr. D. PEART: No.

Mr. HOLNESS: ...postpone it for another week.

Mr. BUNTING: That's a misrepresentation. That's a misrepresentation.

Mr. HOLNESS: Mr. Speaker, let me just be clear on the position of the Government.

(Inaudible comments by Opposition Members)

Mr. HOLNESS: Mr. Speaker, let us be clear on the position of the Government. We want to pass this Bill. But like the Member from West-Central St. James and from Central Kingston, we want to pass a Bill that respects the rights of the citizens of Jamaica, protects their privacy. So, Mr. Speaker, we will make sure that every Member of the House has the appropriate material...

Opposition MEMBERS: Yes.

Mr. HOLNESS: ...and time...

Opposition MEMBERS: Yes.

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Mr. HOLNESS: ...to go through the Bill.

Opposition MEMBERS: Yes!

Mr. HOLNESS: But, Mr. Speaker, there comes a point where this House has to make a decision. So, Mr. Speaker, at this point, Mr. Speaker...

(Inaudible comments by the Opposition)

Mr. HOLNESS: ...at this point, Mr. Speaker, I do so move...

Dr. PHILLIPS: Will the Member yield?

The SPEAKER: Before you move. Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Mr. Speaker, going through... I don't know, I think my point was... You haven't got my point. But the point is this. We can go through the amendments one by one, which is one process. Are there fundamental policy changes that will take place or have taken place...?

The SPEAKER: No.

Mrs. HENRY-WILSON: ...as a result of the changes?

The SPEAKER: No, no, no!

Mr. HOLNESS: With respect, Member, just to be clear. When the Bill was brought to this House in 2008, the Prime Minister would have delivered a presentation...

(Inaudible comments by an Opposition Member)

Mr. HOLNESS: Hold on...explaining the Bill It would have gone to a Joint Select Committee, 2008. It would have come back here and we would have been debating, debating. No policy changes have occurred.

Opposition MEMBER: Okay.

Mr. HOLNESS: Issues have been raised as to the consistency of the Bill and issues to do with constitutional matters. And we have tried to resolve them.

(Inaudible comments by Mrs. Henry-Wilson)

Mr. HOLNESS: And in that process of resolving them there are certain clauses that we may have to take out. Even the small ad hoc committee would have made certain changes. But the framework of the policy that was outlined in 2008 remains the same.

The SPEAKER: No, one second. Doctor Phillips, Members of the Opposition, Mr. Anthony Hylton, Mr. Peter Bunting and Senator Mark Golding went through this Bill with the Leader of the House, myself and Mr. Ernest Smith. There is no doubt that there were some areas that we left, because there were things to be discussed by the whole House. Okay. In other words, we agreed on 90% but there were a few areas that we said we would bring to the attention of the House so that the House can properly examine the full impact of those clauses. But what I would like to say, Members of the House, as I said before...

Dr. PHILLIPS: Pardon, Mr. Speaker...

The SPEAKER: Yes.

Dr. PHILLIPS: All I am seeking is whether - probably it's not appropriate for you but maybe the Leader of the House or some Member of the small committee who has a grasp of the - an overview of the discussions that took place, could enlighten us now in a paragraph or two what were the key issues identified as problematic, and just alert us to those particular clauses that may have caused you...

The SPEAKER: Doctor Phillips, there is no doubt that if I ask you to speak with Mr. Bunting and Mr. Hylton, there is no doubt that there are one or two areas as to the... Give

you an example. Should the private sector be affected by this Bill? Okay? Clause 12 as Doctor Davies has said.

Dr. PHILLIPS: Okay.

The SPEAKER: And there are one or two other small areas which Members should have under active consideration. I think the Members will alert you as to these little sections which we believe that the full House should have a consideration of. Okay. In other words, there are no major disagreements.

Dr. PHILLIPS: Okay.

The SPEAKER: Yes. It's just...some policy decisions as to whether the private sector should be affected, as to whether or not, you know. Leave it at that.

ADJOURNMENT

Mr. HOLNESS: Mr. Speaker, I believe we can't proceed any...Well, I don't think there is any benefit in carrying on the debate much further. So, Mr. Speaker, I therefore move that the House do adjourn to a date to be fixed.

(Inaudible comments by Members)

Mr. M. PEART: Those of us who are interested in procuring one copy, will we get it this evening?

(Inaudible comments by Members)

The SPEAKER: Yes. In fact if Members wait a short while they will be available. We'll adjourn the House, but we hope it will get to Members.

(Cross talks)

Mr. MULLINGS: No, no, no, no! Mr. Speaker, Mr. Speaker, Mr. Speaker...

The SPEAKER: (Gavelling) Yes, yes, ehm...

Mr. MULLINGS: Mr. Speaker, wouldn't prudence dictate that we have every Member

handed a copy of this document? Because we know that chances are next week we'll have other issues that persons left but didn't get. Let us just wait and get the copies. How long is it going to be? I don't particularly want to go over this again, and again, and again.

Dr. GUY: Speaker, Speaker.

Mr. BUCHANAN: Adjourn the House.

The SPEAKER: Yes, Dr. Guy.

Dr. GUY: If you recall -

Mr. HOLNESS: Mr. Speaker, this is on the motion for adjournment.

The SPEAKER: No, no, one second.

Dr. GUY: If you'll remember, Mr. Speaker, last week I was the one who raised the question of this merge document. It is instructive that the House Leader said earlier on, that an electronic copy was made available yesterday. He went further to suggest that based on the comments of some persons within, the House that they do not seem to want proceed with this particular Bill. Could you explain to me, why is it that that copy being available yesterday could not have been printed and Tabled prior—or for the sitting of this House this afternoon?

Rev. THWAITES: (*Sotto voce*) It was printed. I didn't print this myself.

The SPEAKER: No Dr. Guy, with due respect.

Rev. THWAITES: (*Sotto voce*) The Parliament gave me. The Parliament had it available yesterday.

The SPEAKER: There is no doubt that the working draft Bill was available from yesterday. There is no doubt that the Leader of the House thought that it would be available by Two o'clock today. When we got here Two o'clock, we heard it's not available.

Rev. THWAITES: Why?

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A MEMBER: Why not?

The SPEAKER: It has to be printed.

(Inaudible comment by Mrs. Henry-Wilson)

Dr. GUY: But, but, with the -

The SPEAKER: No -

Mr. HOLNESS: No, Mr. Speaker, just to answer the Member's question. When the request was made for the merger the CPC's office agreed and did the merger. The document had to be proofread several times, taken to the Printing Office. We were advised on Friday that the document was at the Printing Office. We even scheduled a meeting of the small committee for Friday. It wasn't possible because the document was not ready at that time. When we finally got a copy that we could use, Mr. Speaker, we scanned it and made it digitally available. It is unfortunate that we simply do not have the document here with us now, but it is no fault of ours. It is a matter of the technology being available to print it.

The SPEAKER: Reverend Thwaites.

Rev. THWAITES: Mr. Speaker, I just wanted to make a slight correction that may go to improving our procedure. I didn't print this from the electronic copy. The Parliament gave me this yesterday. If they gave me, they should have given every Member.

The SPEAKER: No, no, but they have to print it from the Printing Office, Reverend Thwaites.

(Inaudible comment by Mr. Holness)

Mrs. HAY-WEBSTER: It don't, then how?

The SPEAKER: We'll deal with.

Rev. THWAITES: But, you know, sir, it's the principle of how we proceed. If we knew that we wanted to take this today then it's incumbent that we should have made...

(Applause)

....every Member have available that which is so essential to the responsibility of law making.

The SPEAKER: Reverend Thwaites, that was requested but it was just not available.

Mrs. HAY-WEBSTER: But Ronnie has it.

The SPEAKER: We requested it, it just was not available.

Rev. THWAITES: But I have it.

Mrs. HAY-WEBSTER: He has it.

Rev. THWAITES: I have it.

(Inaudible comment by a Member)

The SPEAKER: (Gavelling) Okay, Members the motion before the House is that this Honourable House do adjourn to a date to be fixed.

Put to the House and agreed to.

The SPEAKER: This Honourable House stands adjourned.

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

SESSION 2011 – 2012

TUESDAY, July 12, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.42 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

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

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Industry, Commerce and Investment.

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

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

LAURENCE GEORGE BRODERICK, (JLP), Clarendon, Northern, Minister of State in

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the Ministry of Mining, Energy and Telecommunications.

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

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Reverend Ronald Thwaites.

The House resumed its sitting at 2:42 p.m.

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The CLERK: Members of the House here present, I invite your attention to two letters from the Honourable Delroy Chuck, Speaker of the House and Mrs. Marisa Dalrymple-Philibert, Deputy Speaker. And I'll read:

“The House of Representatives:

Dear Members,

I hereby tender my resignation as Speaker of the House of Representatives with effect from 12th July, 2011...”

Opposition MEMBERS: Aaah, aaah!

The CLERK:

“Please accept my expressions of gratitude for cooperation received from Members of the House in my capacity of Speaker.

Signed: Delroy Chuck,
Speaker of the House.”

“To the House of Representatives:

Dear Members:

I hereby tender my resignation as Deputy Speaker of the House of Representatives with effect from the 12th July, 2011.

You have been all, been very cooperative with me as Deputy Speaker and for that I am grateful.

Yours faithfully,

Marisa Dalrymple-Philibert

Deputy Speaker.”

Members, consequent on the resignation of the Speaker and Deputy Speaker, I call upon the Members of the Honourable House to elect from among you, a Member who is not a Minister or a Parliamentary Secretary to be Speaker.

Opposition MEMBERS: Warmington, Warmington! (Applause)

Dr. DAVIES: Experienced Chairman.

Mr. HOLNESS: Madam Clerk, it gives me great pleasure - thanks for the applause

prematurely, but Madam Clerk it gives me great pleasure to propose for Speaker of this House Mrs. Marisa Dalrymple-Philibert.

Mr. CHUCK: Seconded.

The CLERK: Are there any further propositions? There being no further propositions I hereby declare that Mrs. Marisa Dalrymple-Philibert has been elected as Speaker of the House. (Applause)

(Mr. Delroy Chuck, Mr. Tarn Peralto and Dr. Christopher Tufton escorted Mrs. Marisa Dalrymple-Philibert (protesting) to the Dais to the applause of the House)

The SPEAKER: Members of this House, I want first of all this afternoon to thank the Prime Minister and all the Members of this House for this great honour which you have bestowed on me here this evening.

MEMBERS: Hear, hear!

The SPEAKER: And by extension also the people of South Trelawny who elected me to represent them in this House. (Applause)

I must also place on record my thanks to my predecessor, now the Honourable Minister of Justice, who has mentored me these past three plus years, when I acted as his Deputy. I learnt much from him and I shall continue to endeavour to have equity in all our discussions here in this Parliament.

I must say at first though, and I want to do so at the very outset, that I recognize that as parliamentarians every Member of this House has a right to robust debate. But I say very clearly at this point, as I seek to carry out my role, that I expect that each Member will do so with absolute respect for the Standing Orders and with the dignity and the decorum that is required of each of us as members of this

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House. (Applause) I want us to be reminded as members of this Honourable House that the nation demands this of us. And as elected Members, we have a duty and a responsibility to set an example to the nation as a whole and particularly to our young people.

I therefore want to thank you all very much and I look forward to your support as I seek to carry out my role as Speaker in this Honourable House. Thank you all very much.

(Applause)

Mr. M. PEART: Madam Speaker, first of all let me congratulate you on your elevation to the post of Speaker. On behalf of the Opposition I want to wish you all the success in your new position and promise our support and cooperation.

Thank you.

Mr. HOLNESS: Madam Speaker, it gives me great pleasure to see your rise to the seat, the highest seat in this House, that of Speaker. You have set the tone, with your first presentation. We expect, Madam Speaker, that you will maintain throughout your sitting as Speaker of this House.

Madam Speaker, we agree with you that the nation is watching, and we know that you will ensure that this House represents the nation to the highest standards. (Applause)

The SPEAKER: I hereby call upon the Members of this Honourable House to elect from among you, a Member who is not a Minister or a Parliamentary Secretary to be the Deputy Speaker.

Opposition MEMBERS: Warmington, Warmington!

Mr. WARMINGTON: I don't want to move a muscle. I want to sit right here.

Mr. HOLNESS: Madam Speaker, I propose that Mr. Tarn Peralto be elected as Deputy Speaker.

Mr. CHUCK: Seconded, seconded.

The SPEAKER: Are there any other propositions? There being no further proposition, I declare that Tarn Peralto be the Deputy Speaker of the House. (Applause) I invite you to take your seat.

Mr. BUCHANAN: No worry, Frank, we gwine.... (Laughter)

Mr. PERALTO: Madam Speaker, I would first like to thank the Prime Minister for having bestowed this responsibility as Deputy Speaker on me and I further thank the House for conferring that on me. And I will discharge my responsibility as Deputy Speaker, similar to that which you did discharge; and I look forward to assisting you in any way as Deputy Speaker and working with this House to perform the responsibility of Deputy Speaker.

Thank you. (Applause)

Mr. PICKERSGILL: So help me God.

The SPEAKER: This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

Mr. HOLNESS: Madam Speaker, it is customary at this time that Members be given an opportunity to pay tribute and say thanks to the former Speaker. I will now move a motion to formally enable us to do so, Madam Speaker.

Madam Speaker, in accordance⁷ with section - with Standing Order 25 I hereby seek your leave and the assent of the Members of the Honourable House here present, to enable

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me to move a motion to express thanks and appreciation to the outgoing Speaker of the House.

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

The SPEAKER: The motion before the House is that we do allow Members of this Honourable House to pay tribute to the outgoing Speaker, as he demits office. May I have the permission of the House so to do?

Mr. M. PEART: I so move.

The SPEAKER: Thank you.

Mr. HOLNESS: Madam Speaker, I now beg to move the motion:

BE IT RESOLVED that the Honourable House of Representatives place on record its thanks and appreciation to the Honourable Delroy Chuck for his services as Speaker of the House, consequent on his resignation as Speaker, to assume responsibilities as Minister of Justice.

Put to the House and agreed to.

Mr. GALLIMORE: Madam Speaker, I would just like to add to that, the appreciation of I am sure, all the Members of the House, for the service that the now Minister of Justice, the Honourable Delroy Chuck, has given as the Speaker of the House for the last three and a half years. I think that the standard that has been set as a Speaker of the House is high. I think that Members, in particular on the Opposition benches, would agree that great latitude has been given and that there has been balance in the House under the leadership and the tenure of Delroy Chuck as Speaker of the Honourable Speaker of House. And so I want

to join the House Leader in showing appreciation for a job well done. (Applause)

Mr. M. PEART: Madam Speaker I wish to extend my own congratulations to the now Minister of Justice, and to express appreciation for his contribution to this Parliament having served for three and a half years as the Speaker. Madam Speaker, the only ominous thing that I notice is that the Minister has returned to his position that he used to occupy before he was Speaker.

Dr. PHILLIPS: No, no, him was on the other side.

Mr. M. PEART: But on the opposite side of the bench.

Dr. DAVIES: Him just practicing to return.

(Laughter)

Mrs. NEITA-HEADLEY: Draw mi nearer.

Mr. M. PEART: I know from firsthand knowledge of containing him whilst he was in that position. But he acquitted himself very well as Speaker, Madam Speaker...

Dr. PHILLIPS: But remember what he is.

Mr. M. PEART: ...and he was fair and balanced.

(Laughter)

Mrs. NEITA-HEADLEY: Wait deh...

Mr. M. PEART: He brought a united -

Opposition MEMBER: Hold on.

Mrs. NEITA-HEADLEY: Weh yuh say awhile ago?

(Laughter)

Dr. DAVIES: Speak the truth and speak it ever.

(Laughter)

Mr. M. PEART: He brought a unique style...

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Dr. DAVIES: Okay, okay!

Mr. M. PEART: ...to this Parliament...

Dr. PHILLIPS: (*Sotto voce*) In fairness. He brought a unique style in fairness.

Mr. M. PEART: ...and regardless of the circumstance he had a permanent smile on his face. I wish him all the best in his new position, a more testing position, as we have seen in recent past, by his predecessor. I wish him all the best in his new endeavours. Thank you.

(Applause)

Mr. MULLINGS: Madam Speaker, I wish to join in the tributes to the former Speaker. Truth be told, we did not make his job an easy one but his manner - his demeanour in terms of his accommodation when the debates became exceedingly robust is something that we, in fact, will remember with fondness because we tested his mettle, but he did not break. Indeed, Madam Speaker, it is indeed a pleasure to congratulate the Minister as well, bearing in mind that he was my former law teacher and we come from the same *alma mater*. It is indeed a time of pride and joy for us. But I want to say in tribute to him that he has set a trail and we must indeed see that we don't follow precedent but improve on our own discourse amongst each other to make your job that much more easier.

Thank you, Madam Speaker

(Applause)

Mr. BUCHANAN: Well said, mocking bird.

(Laughter/Applause)

Mr. HOLNESS: Madam Speaker, in closing, the contribution to this motion -

(Inaudible comment by a Member)

Mr. CHUCK: Andrew.

(Mr. Holness resumes his seat)

Madam Speaker, I'd just like to thank Members of the House, the persons - the Members who have spoken but also I would like to thank all of my friends and colleagues on both sides for the courtesies extended over the years and I look forward to the continued cooperation from where I sit. But I'd also, Madam Speaker, take this opportunity to congratulate you on your elevation to the Speaker of this House. And I know you will get the respect, cooperation from all of us here and I'm sure that from where I sit you won't hear me too often.

(Laughter)

Thank you.

Mr. JACKSON: We don't know about that.

Mr. HOLNESS: Madam Speaker, in closing the contributions to this debate the position of Speaker, especially in modern Parliaments, is a very difficult one. In Parliaments of old the Speaker could call on certain measures and readily so.

Dr. DAVIES: Where you get that from, Wiki Leaks?

Mr. M. PEART: Nuh bother go deh so.

Mr. HOLNESS: There is one coming out on you.

(Laughter)

(Inaudible comment by a Member)

Mr. HOLNESS: Madam Speaker, and they would call on certain measures to bring the House...

Dr. PHILLIPS: They had to wield a sword... (Inaudible comment follows).

Mr. HOLNESS: In those days, to bring the House to order. In modern times, we don't rely on that; we rely on the good behaviour of Members to cooperate.

Mrs. NEITA-HEADLEY: Oh, yes.

(Inaudible comment by Opposition Member)

Mr. HOLNESS: Madam Speaker, our Speaker could be characterized as a fair and balanced Speaker.

A MEMBER: What?

Mr. HOLNESS: Yes, he gave latitude to allow debate -

(Inaudible comment by Opposition Member)

Mr. HOLNESS: Yes, he did. He gave significant latitude.

(Inaudible comment by a Member)

Mr. PICKERSGILL: What about longitude?

Mr. HOLNESS: (Laughter) And Madam Speaker, he ruled with a sense of justice. It is, therefore, appropriate that he has been given the....

Mr. PICKERSGILL: Fundraiser of...

Mr. HOLNESS: ...ministerial position as the Minister of Justice.

Mr. PICKERSGILL: ...justice.

Mr. HOLNESS: We are, indeed, proud of him. And I think Jamaica is, of course, proud of him as well as a long serving Member of Parliament, and now moving from the position of Speaker to the Minister of Justice. We are, indeed, Madam Speaker, very proud and grateful for his service.

The SPEAKER: May we have approval of this motion by the Members of the House.

Put to the House and agreed to.

The SPEAKER: Let me at this point welcome all our visitors who are with us in this Honourable House this evening. Let me make special mention of students and their teachers from the Vaz Preparatory School, and students from the Summer Camp.

(Applause)

I also ask that you indulge me as I welcome this evening, particularly, Members of the community - the family, in Trelawny both in South and North Trelawny, councillors from the parish of Trelawny, North and South, and supporters from the constituency themselves. I welcome you all heartily this evening and I'm truly grateful for your continued support which has allowed me to be here this afternoon.

I also ask that you indulge me as I welcome also this evening my partner in my legal practice, DR. ANGELLA GALLIMORE. She has taken time off to be here with me and share with me this evening. Without her I would not be able to accept this post and do my duties as the Speaker, and I thank her for taking the time to share with us.

(Applause)

And also with her this evening sitting in the Well of Parliament is her husband, DR. GALLIMORE, who introduced me to the political arena and has been my political mentor. I thank you, sir, for sharing with us here this evening.

(Applause)

I want also, this evening, to welcome my own husband who is here with me this evening.

(Applause)

And I do so with great pride because indeed, he is the silent...

Mr. PICKERSGILL: Where is he?

The SPEAKER: ...and strongest supporter that I have had. He's sitting in the Gallery.

A MEMBER: Hear, hear!

The SPEAKER: He is the silent and strongest supporter that I had in this arena...

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Mr. PICKERSGILL: And where is your partner?

Mr. BUNTING: Tell him to stand.

The SPEAKER: ...and I welcome him and I thank him heartily for all his support.

A MEMBER: Hear, hear!

The SPEAKER: I want to welcome and mention my sisters, my son and other members of my family who are here with me.

(Applause)

Also here with me this afternoon are members of what I like to term my extended family in the constituency of South Trelawny, members of the Executive and the management team who called and said they wanted to share this moment with me. I thank you all for your support, without which I could never survive in the constituency.

May I also welcome with us, in the Gallery, Deputy Speaker's wife, MRS. PERALTO and the Deputy Speaker's two children, his brother and other members of his family. (Applause)

We both, as the new Speaker and the Deputy Speaker, are truly grateful to you all for the support you lend to us and for the time you have taken to come out and share with us. Thank you all very much.

May I remind you all, our visitors, and all of you in the Gallery, members of the Press, everybody, that you cannot participate in the proceedings of Parliament. You need to turn your cell phones off and enjoy the afternoon. There's always a lot of robust discussion and I ask and I remind as we start the sitting of Parliament this evening that as we look around as Members there are lots of young people sitting right here with us in our midst and we

need to make sure that the right signals are sent. So with that I ask you to enjoy the evening's sitting and we move right on into the agenda for the afternoon.

ANNOUNCEMENTS

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

- **Ministry Paper No. 44**

Adoption of the National Crime Prevention and Community Safety Strategy and Establishment of the Inter-Agency Committee to Oversee the Implementation of the Strategy and the Community Renewal Programme.

(Cross talk)

(The Speaker gavels).

(Cross talk)

The SPEAKER: No! (Gavelling)

(Cross talk)

No, I am going to repeat. I did say and I'm serious and I am earnest and I do not intend to make a mockery of what we do here. We have a lot of young people here and one of the first rules of the Standing Orders is that when you are on your feet and you're speaking you ought to be heard in silence. The Clerk is on her feet and I could hardly hear her. I ask, please, let us lend some example...

A MEMBER: Yeah, man.

The SPEAKER: ...to the people of this country.

Mr. HOLNESS: Hear, hear!

(Applause)

A MEMBER: Hear, hear!

The SPEAKER: Go ahead, Mrs. Cooke. Please, please!

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- **Ministry Paper No. 45**
An Annual Performance Report of Management Institute for National Development for the financial years 1999/2000, 2000/01, 2001/02, 2002/03, 2003/04, 2004/05, and 2005/06.
- **Ministry Paper No. 46**
An Annual Report and Audited Financial Statements of the Rural Agricultural Development Authority (RADA) for the financial year ended March 31, 2008.
- **Ministry Paper No. 47**
Cabinet Agenda Issues for June 13, 2011.
- **Ministry Paper No. 48**
Cabinet Agenda Issues for June 20, 2011.
- **Ministry Paper No. 49**
Reporting Status for Statutory agencies and Government-owned Companies in respect of the 2009/10 financial year.
- **Ministry Paper No. 50**
An Annual Report and Audited Financial Statements of the Jamaica Deposit Insurance Corporation for the financial year ended March 31, 2010.
- **Ministry Paper No. 51**
An Annual Report and Audited Financial Statements of the Culture, Health, Arts, Sports and Education Fund for the financial year ended March 31, 2010.
- **Ministry Paper No. 52**
Cabinet Agenda Issues for June 27, 2011.
- **Ministry Paper No. 53**
Government Guarantee of a loan of US\$37,000,000.00 from NCB Capital Markets Limited to the Central Wastewater Company for the refinancing of an existing loan facility currently being held with the National Commercial Bank Jamaica Limited.
- Bath Corporation Fountain, Hotel and Spa Annual Report and Audited Financial Statements for the financial year ended March 31, 2001.
- Early Childhood Commission Annual Report and Audited Financial Statements for the financial years 2007/08, 2008/09, and 2009/10.
- Jamaica Business Development Corporation Annual Report and Audited Financial Statements for years 2007/08, 2008/09, and 2009/10.
- National Council on Education Annual Report and Audited Financial Statements for the financial years 2008/09, and 2009/10.
- Tourism Enhancement Fund Annual Report and Audited Financial Statements for the year 2009/2010.
- Water Resources Authority Annual Report and Audited Financial Statements for the years 2006/07 and 2008/09.
- Women's Centre of Jamaica Foundation Annual Report and Audited Financial Statements for the financial year 2009/10 (and these are on compact discs).
- Report and Audited Financial Statements of the Integrity

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Commission Appointed under the Parliament (Integrity of Members) Act for the year ended December 31, 2010.

- The Council of Community Colleges of Jamaica Annual Report and Audited Financial Statements for the financial year 2003/04.
- Report of the Sessional Select Committee on Human Resources and Social Development on Picture Health Warnings and other Tobacco Control Measures to Safeguard Public Health.

Rev. THWAITES: Madam Speaker, on the tabling of these various Reports, I wish to draw your attention to Ministry No. 49, which indicates that of the public bodies who are obliged to report to this Parliament, those which are four years outstanding and more, approximate or come close to fifty per cent of all of the public bodies, and that regretfully, this number is not significantly different from that which it was a year ago. And I wish your directions as to how we will secure the compliance of these other bodies with their statutory responsibilities. My own view is that if they cannot report they should not exist and certainly they should receive no government money nor should their Boards be reappointed.

Mr. HOLNESS: Madam Speaker, I suspect that the Member is merely raising it for information because he has a question on the Order Paper which is due to be answered by the Prime Minister. This is just being tabled today and I'm sure that it will be referred to a Committee where further discourse will be had and the Prime Minister will answer the question, not today, but he will answer the question. So the direction requested by the Member, he will get such directions when we come to debate it.

The SPEAKER: Thank you very much.

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 24th day of June, 2011, the following Bills were passed in the Senate:

- AN ACT to Amend the Attestation of Instruments (Facilities Act), passed with two (2) amendments.
- An Act to Amend the Public Bodies (Management and Accountability) Act, 2011, passed with seven (7) amendments for which the Senate desires the concurrence of the Honourable House of Representatives.

And the amendments are:

In Clause 5, in the new section 3(2), delete the words, "*of directors*".

Clause 6: In the new section 4, delete subsection (4) and substitute therefor the following:

4. An annual financial distribution made by a self-financed statutory body or authority to the Consolidated Fund shall be in accordance with regulations made under section 24.

Clause 8(1): In the new section 5A(1), delete the words, "*No payment*" and substitute therefor the words "*Subject to subsection (4), no payment*".

2. In the new subsection 5B insert next after subsection (3), the following as subsection (4):

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(4) *Notwithstanding, subsection (1), guarantees which are still outstanding at the date of commencement of the Public Bodies Management and Accountability (Amendment) Act, 2011, may be paid from the Consolidated Fund.*”

1. Clause 14: Delete the words “*sections 13A, 13B*” and substitute therefor the words “*section 13A, 13B and 13C*”.

2 In the new section 13B (2),
 a) delete the word “*him*” and substitute therefor the words “*the Auditor-General*”; and
 b) delete the words “*and section 122 of the Constitution of Jamaica*”.

Clause 16: in paragraph (b)

1. Delete the word “*valuer*” and substitute therefor the words “*by him*”.
 2. Delete the words, “*director, officer*”, and substitute therefor the following “*including any director or officer who has provided such report in his professional capacity;*”

Also passed was AN ACT to Amend the Financial Administration and Audit Act, 2011, passed with two amendments for which the Senate also desires the concurrence of the Honourable House of Representatives.

And the amendments are:

In Clause 6:

In the new section 48C(2), delete the words “*effect on life, property or*” and substitute therefor the words “*impact on*”.

Clause 9

a. Renumber the new section 48F as subsection (1) of the section.

b. Insert next after subsection (1) of the renumbered section 48F the following as subsection (2) -

(2) “*In subsection (1)(b), the reference to discretionary waivers is a reference to waivers of tax liability that have been granted in the exercise of a discretionary power conferred on the Minister to do so, on the basis of a determination that it is just and equitable to do so or on similar terms, and not on the basis of the prospective beneficiary having satisfied statutorily specified qualifying conditions.*”

Signed: Oswald G. Harding, OJ; CD;

QC

President of the Senate.

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

BE IT RESOLVED that the Senate amendments to the Bill entitled AN ACT to Amend Public Bodies Management and Accountability Act, 2011, be approved; and

BE IT RESOLVED that the Senate amendments to the Bill entitled: AN ACT to Amend the Financial Administration and Audit Act, 2011, be approved.

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Mr. CHUCK: Madam Speaker, I beg to signify my intention to take charge of the Bill shortly entitled:

The Attestation of Instruments, Facilities (Amendment) Act, 2011.

Bill shortly entitled:

The Attestation of Instruments, Facilities (Amendment) Act, 2011, read a first time.

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

PAPERS

Mr. WARMINGTON: Madam Speaker, on July 20, 2010, Ministry Paper Number 64, 2010, was laid over the signature of the Prime Minister as a Green Paper, and on May 10, 2011, Ministry Paper Number 34, 2011, was laid again over the signature of the Prime Minister tabled as a White Paper. I would like you to ascertain from the Honourable Leader of the House, whether or not the House will be given an opportunity to discuss or to debate this new Paper. This has to do with the recommendation for the restructuring of ministries, departments and agencies, the Public Sector Master Rationalization Plan. Can the House Leader advise whether or not we'll be given a chance to discuss this?

Mr. HOLNESS: From recollection, the Ministry Paper was discussed in this House. The PAAC reviewed it and it was presented - the Green Paper - and it was presented here. In fact, the Prime Minister waited until it was discussed before any of the measures were implemented.

(Inaudible comments by the Prime Minister)

Mr. HOLNESS: And the Member from Westmoreland reported to the House on the matter. But, Madam Speaker, again, that is a matter of record that we can establish.

The SPEAKER: I'm just checking. I think the Green Paper was discussed in the House here but not probably the White Paper which we are not...But as you say it's a matter of record and that can be checked, and the...

Mr. WARMINGTON: Madam Speaker...

The SPEAKER: ...the Ministry Paper...

Mr. WARMINGTON: Madam Speaker, why I raise this subject is that the Green Paper contained recommendations from the Rationalization Committee. The White Paper is vastly different from that... the recommendation coming from the Rationalization Committee. I heard recently the Prime Minister made a statement that Cabinet has approved the gazetting of the recommendations. We in this House, we are not aware of what is supposed to be included in this gaz.. or what will be gazetted. It has not been shared with us.

Therefore, Madam Speaker, based on what is stated by the House Leader, I want to give notice that at tomorrow's sitting I'll be laying a Private Members' Motion recommending the discussion of Ministry Paper 34, laid on May 10, 2011, by the Prime Minister and I'll also request, Madam Speaker, if as is stated, the intention of the Cabinet and the Prime Minister to have recommendations gazetted, if they could extend the courtesy to the House to have it withheld until the House discuss this Green Paper.

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(Applause by Opposition Members)

I'm asking therefore, that when I lay this Private Members' Motion tomorrow it be given priority so that the House can discuss this before it is gazetted.

Opposition MEMBER: Good luck to you!

Mr. HOLNESS: Madam Speaker, the Member has made his case. We'll have to spend some time to review to see how that can be fitted into the schedule.

Mr. WARMINGTON: But the issue of scheduling, Madam Speaker, I appreciate the issue of fitting in the schedule, but I made a request also that the courtesy be extended to the House to allow us to discuss this before we go to the point of gazetting. Therefore, it should be given priority attention and have brought forward as early as possible. Therefore the Government business can move forward.

(Applause by Opposition Members)

Mr. WARMINGTON: Therefore, having discussed it early then they can go towards gazetting.

The SPEAKER: The point is well taken and the Leader of the House has said discussions will take...

(Inaudible comments)

The SPEAKER: No, the Leader of the House has indicated that he will give this matter attention.

REPORTS FROM COMMITTEES

Dr. FERGUSON: Madam Speaker, I beg to lay on the Table of this House a copy of the Report of the Sessional Select Committee on Human Resources and Social Development on Picture Health Warnings and Other Tobacco-control Measures to safeguard Public Health.

NOTICES OF MOTIONS GIVEN

ORALLY

Dr. FERGUSON: I beg to give notice that at the next sitting of the House I will move:

BE IT RESOLVED that the Report of the Sessional Committee on Human Resources and Social Development, on Picture Health Warnings and Other Tobacco-controlled Measures to Safeguard Public Health, which was laid on the Table of the House on Tuesday, July 12, be adopted.

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

The Committal (Proceedings) Act, 2011.

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

BE IT RESOLVED that this Honourable House consider:

(a) The enablement required by the Chief Parliamentary Counsel to complete legislative drafting required by Parliament in a more expeditious manner.

Mr. M. PEART: Hear, hear!

Rev. THWAITES:

(b) that the personnel, technical and financial resources required by the Director of Public Prosecutions to effectively handle the responsibilities which are the sole remit of that office under the Constitution be enlarged; and

(c) that having regard to the critical importance of these two departments to effective

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governance that these issues be resolved and recommendations made before the next Budget call.

May it please you.

(Applause by Opposition Members)

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

BE IT RESOLVED with reference to Ministry Paper Number 53 of 2011, dated July 7, 2011, which was laid on the Table of the House on July 12, 2011, that this Honourable House of Representatives approve the issue of a Government Guarantee under the provisions of the Approved Organizations and Authorities Loan, (Government Guarantee) Act, in respect of a credit facility of US\$37 Million from the NCB Capital Markets Limited to the Central Wastewater Treatment Company Limited.

Mr. WARMINGTON: Madam Speaker...

Mr. HOLNESS: No, I'm not finished yet. Madam Speaker, I beg to give notice - this again in behalf of the Minister of Finance - I beg to give notice that at the next meeting of the House I will move:

BE IT RESOLVED that in accordance with Standing Order 65(a) this Honourable House appoint a Committee on Tax Measures for the 2011/2012 Session of Parliament, comprising the following persons: The Honourable Audley Shaw, Chairman, The Honourable Dr. Kenneth Baugh, The Honourable Edmond Bartlett, Dr.

The Honourable Christopher Tufton, The Honourable Robert Montague, Dr. Peter Phillips, Dr. Omar Davies, Mr. Anthony Hylton and Mr. Fitz Jackson,

AND BE IT FURTHER RESOLVED that the Green Paper Number 1 of 2011, entitled, Tax Reform for Jamaica, be referred to the Committee for consideration and report within the timeframe stipulated in Standing Order 65(a).

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

Mr. WARMINGTON: Can I have a look at that?

Mr. HOLNESS: One moment.

(Inaudible comments by Opposition Members)

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

WHEREAS on the 5th day of April, 2011, this Honourable House of Representatives gave approval for the Sessional and Special Select Committees to continue in this Session with unchanged composition of membership except where necessary by further motion taken and approved by this Honourable House;

BE IT RESOLVED with reference to the Standing Orders Committee that:

1. The name Anthony Hylton be deleted and the name Fitz Jackson be substituted therefor;
2. The House Committee: that the name

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Ronald Thwaites be deleted and the name Donald Rhodd be substituted therefor;

3. The Regulations Committee: that the name Ronald Thwaites be deleted and the name Donald Rhodd be substituted therefor;
4. The Public Accounts Committee: that the name Ian Hayles be deleted and the name Noel Arscott be substituted therefor;
5. And the Public Administration and Appropriations Committee: that the name Ian Hayles be deleted and the name Omar Davies be substituted therefor,
6. The Internal and External Affairs Committee: that the names Anthony Hylton, Sharon Hay-Webster and Ian Hayles be deleted and the names Peter Bunting, Luther Buchanan and Noel Arscott be substituted therefor.

A MEMBER: Finally.

Mr. HOLNESS:

7. The Economy and Production Committee: that the name Lisa Hanna be deleted and the name Anthony Hylton be substituted therefor;
8. The Infrastructure and Physical Development Committee: that the names Derrick Kellier and Fenton Ferguson be deleted and the names, Omar Davies and Morais Guy be substituted therefor;
9. The Ethics Committee: that the name Sharon Hay-Webster be deleted and tire name Michael Peart be substituted therefor;
10. The Human Resource and Social

Development Committee: that the name Kern Spencer be deleted and the name Lisa Hanna be substituted therefor.

BE IT FURTHER RESOLVED that Mr. Peter Bunting be appointed Chairman of the Internal and External Affairs Committee;

AND BE IT FURTHER RESOLVED that Mr. Roger Clarke and Mr. Robert Pickersgill be removed from the position of Chairmen of the Economy and Production and the Infrastructure and Physical Development Committees, respectively, and that Mr. Anthony Hylton and Dr. Omar Davies be appointed Chairmen of the respective Committees.

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

Mr. WARMINGTON: Madam Speaker, the House Leader earlier on moved a resolution there for a Select Committee - a Tax Committee of the House - I wasn't hearing properly whether or not he asked leave as such, where the Ministers are concerned, notwithstanding section 68 subsection (3). Section 68 subsection (3) stated clearly that no Minister - that's the committee - no Minister or Parliamentary Secretary should be appointed to any of these committees. And I came here earlier on and asked that we need to delete this part of the Standing Orders, because each time we come here we say notwithstanding Section 68 subsection (3) of the Standing Order. I don't know if I'm incorrect in this.

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(Inaudible comment by Mr. D. Peart)

Mr. WARMINGTON: That's not my fault, that's not my fault, but the Standing Orders clearly state that no Minister...

(Inaudible comment by Mr. D. Peart)

Mr. WARMINGTON: Standing Order 67 subsection (3), subject to provision of Standing Order Number 71, a Sessional Select Committee shall consist of no less than six (6) Members including the Chairman, none of whom shall be a Minister or Parliamentary Secretary.

Mr. HOLNESS: May I be of assistance to you, Member?

Mr. WARMINGTON: Yes you can, that's why I'm standing here asking for your assistance, that's what I'm seeking. That's what I'm seeking.

Mr. HOLNESS: Madam Speaker, we are impressed with the Member's knowledge of the Standing Orders, but I believe that in this instance, that he is mistaken. The Committee that we have approved is not a Sessional Committee, it is an *ad hoc* Committee that we've...

Mr. WARMINGTON: I asked for assistance, that's why I asked for it.

Mr. HOLNESS: Yes, and you've received it.

The SPEAKER: And you're right to ask, Member...

Mr. WARMINGTON: Yes, it's my right to seek. I asked for clarification...

The SPEAKER: ...but if you look you'll see that under Section 16.

Mr. WARMINGTON: ...I asked for clarification, Madam Speaker, that's what I said.

Further, Madam Speaker, may I draw to your attention...

The SPEAKER: Turn on yuh mike.

Mr. WARMINGTON: Sorry, Madam. Did you turn my mike off? (Laughter)

Mr. PERALTO: No, sir. Stop accusing me. Mine yuh nuh.

(Laughter)

Mr. WARMINGTON: Madam Speaker, why I asked is, I know that it's an intent to muzzle me, so I want to know if it has started already - if it has started.

Madam Speaker, may I draw to your attention the fact that in June 7, the House unanimously accepted a Private Members' Motion tabled and moved by me, where we asked for the Speaker then, to summon the Standing Orders Committee to look at the dress code of Parliament and report to us urgently. That has not been done. Madam Speaker, may I ask that you place this on your agenda as an urgent matter and have it done as early as possible, Madam Speaker?

The SPEAKER: Your concern...

Mr. WARMINGTON: Thank you very much, Madam Speaker.

The SPEAKER: ...is being noted and I will do so.

Mr. WARMINGTON: Your consideration is greatly appreciated, Madam Speaker.

The SPEAKER: Very well, Mr. Warmington.

Rev. THWAITES: Madam Speaker, may I follow the worthy Member for St. Catherine South West. In respect of this committee on taxation, isn't it a settled tradition of this House - albeit a recent one - that Opposition Members should chair the committees? And if we are reviewing taxation policy, largely generated by the Minister of Finance, I would've thought that it would be specially

appropriate that he not be the Chairman, with all respect to him?

The SPEAKER: The Member - this is indeed a privilege that has been extended, but it is not a right and I would imagine that it is in the - within the rights of the Government to decide who chairs it. It's a privilege not a...

Mr. HOLNESS: Madam Speaker, I was away from my seat when the Member rose, but I gather that his concern would be the chairmanship of the Taxation Committee. The Committee sets up - it is - the Member should understand clearly that this is not a Sessional Committee, which would fall under the rules of Standing Orders relating to Sessional Committees. This is an *ad hoc* committee established generally, it is not - it doesn't have a specific role as it relates to the Standing Orders, it is set up to look at a matter of policy, which happens to be a tax matter.

QUESTIONS AND ANSWERS TO QUESTIONS

Rev. THWAITES: At the expiration of 21 days, I seek your leave to ask the following questions of the Prime Minister:

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

Question 2: Are the provisions of section 10 of the aforementioned Act, being utilized sufficiently so as to increase the issuance of Registered Titles to persons

who are in adverse possession?

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

Mr. FAGAN: Madam Speaker, on the expiration of 21 days, I'd like to ask the Honourable Prime Minister the following questions:

Question 1: Can the Prime Minister state what if any, is the protocol which governs in the determination that the NSWMA should compensate the families of the deceased staff members who died in the recent accident, to include paying for funeral arrangements?

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

Question 3: Can the Prime Minister state what are the protocols which govern with respect to insurance and licensing of the vehicles used to transport NSWMA teams and equipment across the island to do various projects?

Question 4: Can the Prime Minister finally

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state whether the appropriate insurance and licensing protocols have been adhered to?

Mr. HOLNESS: Who else is here? You want to ask questions?

Mr. CLARKE: Yes, am I gonna get answers to my question today?

Mr. HOLNESS: Let me answer all of you.

Madam Speaker, we have ready for answer today Question 13, standing in the name of the Member from Central Kingston, Question 14, standing in the name of the Member from Central Kingston and questions are prepared for - answers are prepared rather - for Question 17. The Member is not in the House. The other questions, Madam Speaker, I am requesting your consideration for extension.

Dr. DAVIES: Madam Speaker, let me - permit me to draw attention to Question 10, which was asked on the - the answer to which was due on the 21st day of June - can I draw your attention to question 11, the answer to which was due on the 21st day of June, can I draw your attention to question 12, the answer to which was due on the 21st day of June and Question 16, the answer to which was due on the 28th of June?

Madam Speaker, under your predecessor - and I've had reason to complain to him - I've had difficulty - and difficulty is a mild term - in obtaining answers to questions I've posed and it may be that I don't express myself clearly such that the respective Ministers have difficulty in garnering answers, but that is a kind interpretation. Madam Speaker, this cannot continue and I have complained about it before and I have sought responses and I've had difficulty. There has been no attempt - no

one has come to me indicating a reason for the delay in responding to these basic questions.

And I urge you, as you begin this tenure - and let me pause to congratulate you on your appointment - that this aspect of parliamentary business must be treated seriously. It cannot be.

(Inaudible comments by the Prime Minister)

Dr. DAVIES: May I speak to the Speaker?

(Inaudible comments by the Prime Minister)

Dr. DAVIES: May I speak to the Speaker and if you wanna do something get your Ministers to stop ducking the questions, answers to which the people of Jamaica demand. (Applause) If you want to contribute, that's the way you contribute.

Madam Speaker, let me return to you.

Mr. D. PEART: Foolishness!

Dr. DAVIES: I'm saying to you, Madam Speaker, that these questions have had more than the allowed period for answers to be developed. Nobody has sought to provide me with an explanation for the delay, nobody has asked me to agree to an extension of the time.

Mr. D. PEART: The Standing Orders...

Dr. DAVIES: I leave the matter in your hands.

Mr. HOLNESS: Madam Speaker, the Member has a right to complain and the Standing Orders are clear as to when questions are due and we expect that there should be answers and we're not arguing with that point, Madam Speaker.

Mr. D. PEART: So what's the problem?

Mr. HOLNESS: But I want to point out, Madam Speaker, that our record of answering questions...

(Inaudible comment by Mr. D. Peart)

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Mr. HOLNESS: No, no, no, no!

Mr. D. PEART: Nobody nuh waan hear bout yuh record.

Mr. HOLNESS: Madam Speaker, our record of answering questions is unassailable.

MEMBERS: Aah, aah!

Mr. HOLNESS: Because if we were to bring record for record...

Mr. D. PEART: Rubbish!

Mr. HOLNESS: ...with following the procedures of this House, that side, when they were here, would pay.

Miss HANNA: Jamaicans are tired of that kind of argument.

(Cross talk)

Mr. HOLNESS: Madam Speaker, the former Minister of Finance...

Mr. PICKERSGILL: That is unworthy of you.

Mr. HOLNESS: ...has asked questions of the Minister of Finance.

The PRIME MINISTER: They lay a Ministry Paper on this.

Mr. HOLNESS: The Minister is not here today, therefore, Madam Speaker, he cannot answer his questions. I will personally speak with the Minister of Finance to ensure that your questions, as it relate to those matters, are answered.

Mr. D. PEART: But every week yuh sey the same thing, every week yuh sey the same thing.

Mr. HOLNESS: There is a question here, Madam Speaker, posed to the Minister of Mining. Now, Madam Speaker, again the same situation.

(Inaudible comments by Members)

Mr. HOLNESS: Now, Madam Speaker, whilst I hear the Members complaints, there

are genuine reasons why questions are not answered as they are due...

Mr. D. PEART: What are your reasons?

Mr. PICKERSGILL: What are the reasons?

Mr. HOLNESS: ...but we are committed to answer them. Madam Speaker.

(*Sotto voce* comments by some Members)

The PRIME MINISTER: Madam Speaker...

The SPEAKER: If I might. I have heard the Member and I have advised myself and Section 17 of the Standing Orders that deal with this. Now it is the right of the Member to have his question answered and answered in a timely fashion. And from where I sit, two wrongs certainly don't make a right, but I will say, this afternoon, that the Leader of Government Business has given to us, what in my opinion as the Speaker, is a reasonable explanation. The Minister...

Mr. D. PEART: What? What is the explanation?

Mr. HOLNESS: Madam Speaker, Madam Speaker, just... Madam Speaker... Member...

(Inaudible comments)

Dr. DAVIES: Madam Speaker, the explanation provided by the Leader of Government Business is neither fundamental or is it valid. Valid is a very good expression. He has given that same explanation every time.

I tabled, Madam Speaker, in October 2009, a set of questions to the Minister of Transport and Works, those questions have never been answered.

Mr. PICKERSGILL: That portfolio has not changed.

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Dr. DAVIES: That portfolio - this is not a new Minister. I've tabled questions to the Minister of Finance and he has given partial answers with a firm commitment to return with the rest of the answers. He didn't. And so I formalized the questions...

Mr. D. PEART: And change it, change it.

Dr. DAVIES: ...and placed it again, on the Table of the House.

Madam Speaker, for the Leader of Government Business to try to explain this behaviour on the grounds that our records stand against any - is unworthy of him.

Opposition MEMBER: Rubbish!

Dr. DAVIES: It's unworthy of him. And if, Madam Speaker, there is a rule that the questions I posed won't be answered I can live with that. I can deal with it separately. But we cannot parade as if we are operating in an orderly and civilized situation and do this every time. (Applause) And the Minister's (high) explanation is not worthy of him. (Applause)

The SPEAKER: Member, I have heard you and your concerns are noted and I have advised myself and I ask you to indulge me this evening. My ruling is that the time be extended and I know I have the support of the entire House and that the answers to these questions are going to be forthcoming.

Dr. PHILLIPS: Indulge you this evening.

The SPEAKER: So I ask you to indulge me. I therefore move a motion to ask the House to...

Mr. HYLTON: Madam, I am on my feet. I wish to get your attention, Madam Speaker.

The SPEAKER: I did not see you, Member.

Mr. HYLTON: I am on my feet.

Mr. HOLNESS: Madam Speaker, I want to adjust the request that I made. Question Number 5 standing in the name of the Member from Central Kingston, the Minister is prepared to answer. So the extension would only apply to 10, 11, 12, 15, 18 and 16.

Dr. DAVIES: Only! (Laughter)

The SPEAKER: Member Hylton.

Mr. HYLTON: Madam Speaker, there is an aspect to this matter, Madam Speaker, that I wish to raise at this moment which is, that during the delay in responding to question, there is a particular question standing in my name regarding the matter of the JPSCo, the energy situation, the taxation on energy and the need to review the entire regime as it impacts on the energy situation. I have been in-touch and in discussion with the Leader of the House on this matter. I was advised that could not be taken up as there was not a Minister, a substantive Minister on the matter.

Mr. HOLNESS: Just for clarity.

Mr. HYLTON: Please! Please!

The SPEAKER: Just a minute.

Mr. HOLNESS: Is it a question? Is it relating to a question that is on the Order Paper, Madam Speaker?

The SPEAKER: I don't know.

Mr. HYLTON: Allow me to finish. Madam Speaker, may I finish, Madam Speaker. May I conclude on it.

The SPEAKER: (Gavels) The Member may finish his question. Go ahead.

Mr. HYLTON: Madam, the question I am posing, is it that these delays are in any way a part of any strategy whereby questions posed in this House are not answered, yet they arise in the other place in almost the same form, debated and the results of that

undermines the efficacy of the discussion to be held in this House, addressing the same subject matter for which there has not been a debate for many, many months?

The SPEAKER: The Member must have heard the explanation given by the Leader of Government Business that Ministers are not present. There has been a Cabinet reshuffle and I think that has answered your question. I ask the other Members and I ask you to indulge me. I know I have the cooperation of this House and I intend to see that the questions get answered and I have that assurance.

Thank you. Go ahead, Member Jackson.

Mr. JACKSON: Just a bit of record keeping. There is a question Number 18 standing in my name which was directed to the Prime Minister. In light of the Cabinet, just to note, would be redirected to...

The SPEAKER: Very well. Will be redirected.

Mr. CLARKE: Madam Speaker, my questions are already two weeks overdue. I know that there has been a change in the portfolio. Could I get an indicative time as to when those questions can be answered?

Dr. PHILLIPS: It could be answered now but when would they...

Mr. HOLNESS: The Minister of Agriculture has indicated that he would require two weeks extension.

The SPEAKER: That being so, we ask for the extension. Very well.

Mr. HOLNESS: Madam Speaker, so that we don't extend beyond reasonable limits, we have prepared answers to Question Number 13, the Prime Minister is ready, the Member can pose his question.

Rev. THWAITES: Madam Speaker, will the Prime Minister please answer the Question Number 13 on the Question Paper in my name?

The PRIME MINISTER: Madam Speaker, the question is:

Question: On what basis can a Minister exceed the remit of taxation of public expenditure approved by Parliament, vary the terms of that approval or *vire* or assign the designated proceeds of taxation or approved expenditure without legislative approval?

Answer: No such basis exists.

Rev. THWAITES: Madam Speaker, does the Prime Minister know of any instance where this has been done and can he make reference to the consequences therefor?

The PRIME MINISTER: Madam Speaker, Ministers do not have any authority in relation to the control of expenditure and therefore I am not aware of any such situation. Expenditure is controlled by the accounting officers of the various ministries who are responsible for the agencies that are attached to those ministries.

Rev. THWAITES: So, Madam Speaker, out of an abundance of clarity, I'd just like to be sure. When we pass an approval for a particular expenditure, whether it is in the big book, yellow book or otherwise, the terms of that expenditure are strictly binding, not to be exceeded by any subsequent action unless with approval of this House. And in respect of taxation which is imposed by *fiat* of this House, it may not be delayed nor may it be exceeded or interfered in any way other than by approval of this House? I just want to be absolutely clear.

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The PRIME MINISTER: Madam Speaker, I am attempting to answer the question with absolute clarity. The Member did not ask about ministries, he asked about Ministers. Ministers have no control over expenditure. Once Parliament authorizes expenditure that falls within the remit of the accounting officers who are responsible under law. There are situations where ministries may exceed the expenditure which was voted and authorized by Parliament. That is something that is anticipated could possibly happen in the Constitution where section 116 provides that where expenditure by a ministry is exceeded the Minister of Finance is required to present a Supplementary Estimate to Parliament outlining any such excess expenditure that may have occurred or is expected to occur.

In relation to the question of taxation, the Member ought to be aware that while Parliament has the ultimate authority and responsibility to approve taxation, taxation can be imposed by the Minister responsible for Finance under the Provisional Collection of Tax Act, a statutory provision, which I believe from my memory, was enacted in 1957. It's nothing new. It's an issue that I have raised before as to whether or not it's something that ought not to be revisited. But the fact is - and it's something that all Ministers of Finance, since independence, have used where taxation is imposed and I think that there is a requirement for the approval of the House to be sought - don't hold me precisely to it - but I think within 90 days or within six months afterwards.

Rev. THWAITES: Madam Speaker, will the Prime Minister agree that in respect of section 116 of the Constitution this Honourable House is placed in the vocative

and so is the people's pocket, because the expenditure has already been made in many instances and then comes to the Parliament for its stamp of approval which in effect is a Pyrrhic victory, a *passe* event because the money has been expended already. And would he express whether he thinks that this is an acceptable state of affairs in the situation of straightened national finances; and would he, having regard to his viewpoint on the Provisional Collection of Tax Act - which I respectfully agree, I think it's unconstitutional - is the Government proposing any examination and alteration of that legislation?

The PRIME MINISTER: Madam Speaker, we can only put ourselves in the minds of the framers of the Constitution who obviously envisaged the possibility that expenditure might (not) take place even though it was not authorized by Parliament. I mean, one could pull so many hypothetical cases. The police force is voted \$200 Million to provide petrol and to provide tyres for vehicles. They reach a point where they have exhausted that expenditure, what do they do? Do they simply wait for a week, two weeks, a month, six weeks, until Parliament votes additional sums? Do they shut down the police force? What happens in the Ministry of Health, for example? So there are examples. But the Constitution in section 116 requires that the Minister must come to Parliament with a Supplementary Estimate outlining where expenditure may have been exceeded and it goes on to say where it is anticipated that expenditure might be exceeded.

Just to be, again, to be absolutely clear I think it is section 117 of the Constitution stipulates that the Minister of Finance cannot issue a warrant for expenditure in excess of

that voted by Parliament and I saw an immediate conflict there. But that is covered by the provision in section 118 to which it is subject, which states “that there shall be a contingency fund out of which the Minister can authorize expenditure in excess of what Parliament has voted”. But again, it has to be reported to Parliament in the Supplementary Estimates.

On the question of the Provisional Collection of Tax Act, and I will concede that that’s an issue that I have raised publicly before and the constitutionality of it. The phrase ‘no taxation without representation’ sort of stares right at us.

The Member for South St. Andrew, I remember I had responded to the concerns that were expressed and pointed out some practical issues that have to be taken into account. It may be useful if in the review of the tax reform proposals maybe that committee should take a look at it. There are some practical difficulties.

I remember in the past before we had the kind of open economy we have now, in the past one of the concerns was if, for example, Government were to contemplate imposing an additional tax on, let us say for argument sake cigarette, it comes to Parliament and Parliament is asked to consider the matter. Parliament takes a week, two weeks, three weeks considering the matter, the hoarding takes place because everybody is holding on to what stocks they have to benefit from that new price when the price goes up. That was a concern. It may not be so much of an issue now that you have a more open economy but that’s an issue that perhaps need to be looked at.

A concern as well has to do with what protective or evasive action people may take if people are aware beforehand. We had a situation or a problem recently where the Minister of Finance announced that we were going to reduce the stamp duty on transfer of properties and it would become effective the 1st of January, and immediately we saw a holding back on development where developers were saying, since transfer thing is going to go down in January, let me hold off until January before I do my project.

These are things that you are going to have to take into account. I would love for the Committee to look at it to see whether there is a way to have Parliamentary consideration of it, and a decision taken quickly, so that at least you could narrow the window where action could be taken that would in effect be disadvantageous to the public interest.

Dr. PHILLIPS: Madam Speaker, if I may, through you to the Prime Minister.

In relation to the whole matter of taxation and the way we have approached it, and in light of the efforts to ensure greater levels of fiscal responsibility, do you consider it desirable, possibly, for us to revamp the whole approach to the implementation of taxation measures that has been practiced over many decades, over the fifty years, but where, in the context of a controlled economy, greater levels of control, there has been an approach of taxation by stealth, one might even say. Whereas, I think it could benefit the public generally, their understanding of the issues, and indeed, as in many other jurisdictions where there is an open debate about the ways in which the revenues would have to be raised to meet the obvious obligations of the State.

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And I wonder, in light of the efforts being made and the discussions to ensure greater levels of not only transparency and accountability to Parliament, but also fiscal responsibility which has been expressed by the Minister, whether a whole re-evaluation and review of the approach to taxation and Parliament's role in taxation, might not be appropriate at this time.

The PRIME MINISTER: Madam Speaker, the Government would be open to a discussion on the matter, it's one that is worthy of discussion. As I suggested, it is something that perhaps the *ad hoc* Committee that has been appointed today would take up. I would just like to, if I could, crave your indulgence just to reuse this opportunity to urge the Committee Members, the Members that have been appointed to that Committee, to take the assignment with the greatest seriousness. It's unfortunate that the Committee is being set up so close to when we would take the normal summer recess, but it is so important if we are to introduce the reform measures by the 1st of January, as we have indicated we would wish to do.

In pursuing the work of the Committee - and I don't presume to advise the Committee how to do its work, but I imagine the Committee will wish to receive submissions. We have initiated the debate already, the debate has, in my view, been proceeding with a fair amount of interest, but there are also interests that are vested. And I don't say this pejoratively, you know, they represent particular groups that want to protect the interest of that group. I am going to urge the Committee in considering it to consider what is in the broad national interest and not necessarily what may be savored by particular

interest groups, no matter how powerful they may be.

I do believe that our tax system that has sort of evolved over many, many years is a major deterrent to the kind of investment that we want to see. And I am hoping that the Committee can assist us in arriving at a system that is more equitable, and a system that is more conducive to investment and growth and job creation.

The SPEAKER: Motions that may be made...

Rev. THWAITES: Madam Speaker, I think there are two other questions to be answered. May I ask the Minister of Education to answer Question Number 14 on the Order Paper in my name.

Mr. HOLNESS: Madam Speaker, Question Number 14 -

Question 1: What will be the levels of auxiliary fees for high school students during the upcoming 2011/2012 school year?

Answer: Madam Speaker, we conducted a survey of auxiliary fees for the 2010/2011 school year to ascertain that amount that schools have been charging for auxiliary fees and what the auxiliary fees for various schools cover. The following example shows a breakdown of the information obtained. And I am going to read, for public knowledge, the fees for some schools that were involved in the survey.

For Marcus Garvey High, for example, they charge a Lab

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Fee of \$1,000.00, a Caution Fee of \$2,000.00, and a Registration Fee of \$200.00, in total, \$3,200.00. That's one end of the spectrum.

Westwood High School for Girls - your school, Madam Speaker - they charge a Lab Fee of \$500.00, a Caution Fee of \$4,500.00, and a Registration Fee of \$3,150.00, a total of \$7,650.00.

Mannings High School, they charge a Security Fee of \$1,000.00, a Maintenance Fee of \$1,500.00, Sports Development Fee of \$1,000.00, and Special Projects, \$500.00, a total of \$4,000.00, Madam Speaker.

St Hilda's High School for Girls, Madam Speaker, they charge a Computer Fee of \$4,000.00, that's for their lab., and an Orientation Fee of \$1,000.00, making it \$5,000.00 in total.

Port Antonio High, they charge a Security Fee of \$500.00 and a School Improvement Fund of \$500.00, a Lab Fee of \$750.00, Sick Bay Fee of \$300.00, and Extra-Curricular Fee of \$500.00. In total their fee would be \$2,500.00.

St. Andrew High School, they charge Technology and Support Services, \$10,500.00, Operations Development,

\$10,000.00, making it a total of \$20,500.00.

So you see, Madam Speaker, that the fees vary, but in general, most fees would hover at around \$4,000.00 on average.

An analysis of the tuition fees and auxiliary contributions suggest, Madam Speaker, that they range from a low of \$3,000.00 to a high of \$23,000.00.

We know, Madam Speaker, that there are some schools, very few in numbers, though, that charges above the \$23,000.00. Usually they have special arrangements with their PTA when they do this. But it is - I wouldn't say that all schools have such arrangements. So we have identified three schools that have fees higher than \$23,000.00, but they have special arrangements with their PTA.

Madam Speaker –

Question 2: Will The Minister state whether high school students on the PATH Programme are obligated to pay auxiliary fees?

Answer: The answer to that, Madam Speaker, is no. Students on the PATH Programme are not obligated or required to pay. It would be almost an inconsistency if...

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Mr. JACKSON: Not almost.

Mr. HOLNESS: Yes, it is an inconsistency if you are on the PATH Programme - and the reason why you would be on the PATH Programme would be your inability to pay.

We do, however, note that there are some persons who are on the PATH Programme who still make a contribution, and the Ministry would not discourage that.

Madam Speaker, the third and final question -

Question 3: Will the Minister commit to publish the required text and workbooks for primary and secondary schools for the upcoming academic year to state which of these will be provided by the Ministry to affirm that the books so prescribed are adequate without more for instruction?

Answer: Madam Speaker, this is a vexed issue. I find myself in a dilemma, as the Minister of Education. I can't very well say don't buy more books. But we understand the burden that parents are under, as it relates to the cost of books. And so, the advice we usually give is that parents should shop wisely for their books. And I believe the question is trying to say that the Ministry should provide enough information to the consumer parent, that that parent can make the wise decision as it

relates to purchasing the books on the booklist.

So, Madam Speaker, we have already posted the approved textbooks list on the website. We agree that this is not enough, not everyone in Jamaica has Internet access. So I will commit to the Member that we will be publishing in our local Dailies the approved list of books.

A mapping exercise is currently being conducted which will show the areas of the curriculum to which the core textbooks are aligned. For those books at the secondary level that the Ministry does not provide, for example, the literature books and those at the sixth form level, we ask parents to work directly with the schools to ascertain the particular books that will be required.

So Madam Speaker, what we will be doing is to say for this area of the curriculum, this is the book that is required. And that will give better information to the parents for them to make better choices to purchase books. I am not here saying that parents shouldn't purchase books. Purchase as many books as you can afford for your children, but do so wisely. You don't have to get every book on the booklist. If the booklist is ordered alphabetically, you don't have to start buying from A. Look for the books - sit with your teachers and select the most important text, the

text that covers the broadest areas of the curriculum.

Dr. HARRIS: Madam Speaker, I maybe do not understand what the Minister was saying a while ago.

(*Sotto voce* comments from Government Members)

Because I send my child to school to be advised by the teachers there. Now, if a booklist comes home to me, am I supposed to be discerning which books I should buy and which books I should not buy? That is one.

Number two. Minister, I am at a loss, because some high schools have a list of books that is so long, that they do not get by the book rental system, and other high schools, similar high schools, have but few books that you need to buy. And my question is, why couldn't the Ministry standardize the booklists so that the need on the parents becomes, if not uniformed in all schools where we know that it is not being provided, but the burden in some of the less affluent schools, then, is not as great?

Mr. HOLNESS: Madam Speaker, I appreciate the question that the Member asked, and it is the question that I am regularly greeted with.

The truth is, Madam Speaker, that the Ministry does set the minimum standard in terms of the approved list. So we do publish the approved list, we publish it on our website every year, this year we will publish it in the *Dailies*, in fact, we did so two years ago. So there is a minimum standard. But the Ministry cannot strait-jacket schools as to how they deliver the curriculum. So we give what our minimum standards are, as it relates to books, but schools have different standards, so some schools will want parents to get books that have other information.

As the Minister of Education, I am sure all Members here would agree you would not want to limit a school in the way in which they deliver the curriculum. We give the minimum standards, as long as the school meets that, then we should be fine. But we also have a duty to provide information to parents so that the parents can make a decision. Now, if I am a parent and I can afford the books, I am not going to discriminate, as it relates to purchase on the booklist, I will purchase everything. If I am a parent and I make the choice that my child should have all the books he needs regardless of the cost, regardless of my ability, and I still go out and try very much to do so, I say hurray to that parent. But if you are a parent and you are on a tight budget constraint and you have to economize, then you have to choose.

So what we are saying to parents is that you have to use the information we provide - and we will be providing information - to economize the best way you can to maximize the education outcome of your child.

Mrs. HAY-WEBSTER: Madam Speaker, the Member from Central Kingston has yielded.

Minister, one suggestion. I concur with the Member from North Trelawny who indicates the difficulty parents will have. If I may make a suggestion to be able to guide and have that reach - if every SDC parish office, and parish coordinator could have that list that they would be able to guide their CBOs and CDs in the field, that would allow the parents to have access because people go to them for advice because they are the same ones who come back to us as MPs too, and ask for guidance. So, if I may make the suggestion that you give that out to the SDC offices so that it is

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accessible, because Adelphi will not have the kind of web site that - access that you would want them to have. And, I suspect that my communities in Glade or Caymanas Estate may not have that too.

(Applause by Government Members)

Mr. HENRY: Very good maiden speech.

A MEMBER: Good.

Mr. HOLNESS: Madam Speaker, I am sure...

Mr. STERN: (Inaudible) ...independent. Congratulate her maiden speech.

(Applause)

Mr. HOLNESS: Of course... very good suggestion, Member; very good suggestion.

(*Sotto voce* comments)

Mr. HOLNESS: Madam Speaker, as I said, the hazard in this discussion is that we send a message that we can forego the purchase of books, and I really don't want that message to ever get out to the public. The Government endorses our parents in their quest for providing their children with knowledge and content. Purchase books as much as you can within the limits of your budget. Use the information that we give you to make the right decisions about the purchase of books.

Rev. THWAITES: Madam Speaker, is the Minister cognizant that the - at least something that approximates an average of a booklist for a grade five primary school student is running in cost close to \$15,000/\$17,000 this year?

Is the Minister aware that, for a third form high school student, it is running closely to \$25,000/\$27,000 every year?

And, will the Minister acknowledge that his quest to give parents and teachers the latitude to expand themselves intellectually,

puts an extraordinary and inordinate pressure....

(There was a break in the electricity supply)

Rev. THWAITES: Having regard to - if the Minister does agree with my estimates, carefully gleaned, will the Minister reconsider the need to put forward, in the clearest of terms, those books which are required for each class, for each subject, and that it should be clearly stated by him that there must be no pressure that is exerted on parents who cannot afford to do so, to purchase any more than that.

Madam Speaker, will the Minister acknowledge, that having regard to the figures that I have given - having regard to the auxiliary fees that he has himself set out here, and the other expenses that go towards sending a child to school, it is now running upwards of \$50,000 to send a child out to a high school, and probably \$10,000 less - \$40,000 to send a child to primary school, just to outfit them with all that is necessary by the school, and for the books.

Mr. HOLNESS: Just quickly on this point, Madam Speaker. The Ministry of Education, at the primary level, provides all the workbooks and all the textbooks that would be necessary. We have the Literacy 1-2-3 Programme, and we have other programmes that provide books up to Grade 6. Now, with the competition for space and the performance-based nature of our education system, schools are seeking - they use different ways to deliver the curriculum, and therefore they require different texts. The Ministry could not restrict schools to only one set of texts. And even then, if we were to do so, we would have to give options.

The point is, Madam Speaker, that the parents have to make their decision. We will provide further information, and we will use other sources, as suggested, to make sure that parents have the information so that they know what are the books we provide, and what are the books we recommend that they purchase. If they stick to the recommended and approved list, there would be - in my opinion, they would be fine at the primary level.

At the high school level, we operate the Textbook Rental Programme. In fact, the students pay, literally nothing for the books. The books are given to them and they return them at the end of the period. All core subjects, except literature and history, they would be provided texts.

Some schools require additional text books. I would suggest to parents that as much as they can, they purchase the text books. Sit with the teacher, and ask the teacher which text, in their opinion, because they know - they are the ones who recommend the texts to us for approval - which texts would make the most economical sense to purchase, that is, the text that covers the greatest aspects of the curriculum, and purchase those texts. I know what the Member is saying, but I cannot go to the point to say, do not purchase books. That is not in the best interest of Jamaica.

A MEMBER: Hear, hear!

Rev. THWAITES: But of course, Madam Speaker, I wasn't asking the Minister to do that. What I was asking him, was to be absolutely clear and firm in his recommendation as to what is the minimum, because otherwise, what you have - Madam Speaker, I am going to pose this into a question. Don't you know the situation where

the parent comes and tells you that they have been to the teacher, when they can find the teacher, to ask what is the book they should buy out of the list of seven, and you hear, hmm, you don't want your child to do well. Hmm, well, try this one nuh.

And, will the Minister agree that the Jamaica Library Service and the School Library Service could be used far more efficiently, and effectively to provide copies of those books which are recommended but which may be beyond the pocket of most - of many of the children. Could that - would he take that on? And for modest investment would he agree that this problem could be considerably allayed by such a deployment?

Mr. HOLNESS: Madam Speaker, the Library Service actually provides a significant service, in terms of the provision of access to books. Many of the books that we are on the curriculum could be found in the library. The Ministry - and I am speaking now on an advanced policy thought - the issue, really, Madam Speaker, is not so much the provision of books, rather, it is the provision of content, because one book doesn't always cover the curriculum. The challenge that we face now, is that parents have to buy three or four books to adequately cover the curriculum. But, that's just how books are prepared because the curriculum may be broad.

So, we are looking at the digital provision of content that would give you the material that you need, specific to the content required in the curriculum. So, we are not advanced, in terms, of how the policy will evolve, but I would want to assure Members here that we have started to look at the digital provision of content, and to deliver such content using

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tablets, the Internet and other such devices.

Dr. HARRIS: Madam Speaker, speaking of books, and content, and the cost of it, I was wondering, Mr. Minister, how quickly are we going to move to the differentiated learning experience that we must do, we must move to, to capture all our children and to raise them up all at once, one. And that is one part of the question.

The other part of the question is, how fast are we going to get to that individual learning experience where the boys, the girls, the slow learners will be - or they can be in the same class, but at the same time experience that individual learning experience. The second part of the question.

And the third part of that same question is, how quickly are the classrooms going to be configured to - so the teachers can provide that kind of differentiated learning and instruction.

Mr. HOLNESS: Madam Speaker, there is a section of the Standing Orders which clearly says that you can't pose a question that is too large.

(Laughter)

But I understand what the Member is saying.

(*Sotto voce* comment by some Members)

Mr. HOLNESS: I mean, the Member's question is well-intentioned, but may I ask your indulgence, Member, that we answer that question in a more comprehensive way at another time. The answer to your question would take several sessions of Parliament.

Dr. HARRIS: But, Minister, that is where the crux of the matter is because that is where the learning experience is going to be differentiated, and that is where our children are going to - the problem we have been

having, you know, Minister, is that our children have been having the same learning experience in the same class, but by teachers that do not discern the differences in the student's abilities.

Mr. HOLNESS: Member, your question cannot be assailed. We can't argue with it. The intention is correct and your assumptions are correct, but we simply couldn't engage that debate at this point.

The SPEAKER: If I might, if you want to explore - if the Members feel that we need to explore this a little further, probably the thing to do is, put it in a substantive question where we deal with it, or you bring a motion so that the matter can be debated. But, I think we have aired this point as far as we can go this afternoon.

Rev. THWAITES: Madam Speaker, I would like to draw your attention to the fact that there is such a motion that's been languishing on the Order Paper now for more than two years... brought back on various occasions, and... it is Number 12 on your list. I am sure that because the list is so long that it has escaped your kind attention.

Mr. HOLNESS: Madam Speaker, I am sure that we will be debating those education-related motions coming in September. But, Madam Speaker, we are still under Questions. I have question... Question 17.

(*Sotto voce* comments by some Members)

Mr. HOLNESS: You want me to hold it?

Rev. THWAITES: Madam Speaker...

The SPEAKER: Are we holding a question?

(*Sotto voce* comments)

Rev. THWAITES: Madam Speaker, may I ask the Minister of Tourism to answer the

question, Numbered 5, on the Order Paper?

Mr. BARTLETT: Madam Speaker, may I just add my short word of congratulation on your elevation.

Question: Will the Minister state when the Tourism Enhancement Fund contribution will be collected from cruise ship passengers?

Answer: The process began the first day of June this year, and the first returns have already been made.

Rev. THWAITES: Madam Speaker, I believe that the Tourism Enhancement Fund Legislation has been what, four or five years now, in operation. And, having regard to the Prime Minister's clear answer to my earlier question regarding the right - the lack of any right to vary a taxation that is enacted by this House, would the Minister state where is the authority, or will he state that the amounts from the cruise ship passengers, since the inception of this Act when they began to be collected from other passengers, where that money is, and whether it is available to Tourism Enhancement Fund?

Mr. BARTLETT: Madam Speaker, the fact is that there have been deliberations on the process for an extended period. And prior to my becoming Minister, the former Administration was unable to conclude any arrangements for the collection.

Since then, we have through Cabinet's instructions enabled a process to be developed with the Port Authority, and as a result of that we are able to announce that collections have in fact been made and remittance made to date.

Rev. THWAITES: So, Madam Speaker, can I get it clearly. From the inception of the Act when every land based passenger had to

pay, the cruise ship passengers have, contrary to the expressed will of this House in Section 4 of the Tourism Enhancement Act, they have had an arbitrary remission and the Tourism Enhancement Fund, under pressure to do all the things that we need to improve the tourism sector and carry out the provisions of this legislation has been deprived of that until June 1, 2011. Is that the raw fact?

And, Madam Speaker, well let me ask that question. I wonder if it can happen again and in what circumstances and how we possibly reconcile that with the earlier answer by the Prime Minister.

Mr. BARTLETT: I think the Member, perhaps asked a rhetorical question because he certainly didn't want me to say how to reconcile that which from another time was not dealt with. The fact is, however, that in this watch, we have corrected that flaw which had been there throughout the period. And it is fair to say that the country will now be the beneficiary of that flow starting the 1st of June.

PUBLIC BUSINESS

Mr. HOLNESS: Madam Speaker, at Public Business we have a very ambitious agenda, we will see how far we get in it. But, Madam Speaker, you will recall that I had given notices of two motions. We will take those first and then the Minister of Justice will take the amendments to the Interception of Communications Bill. And then time permitting we will start or re-start the Special Prosecutor.

We also have the Custos Rotulorum Bill. Those - the Custos Rotulorum and the Interception of Communications (Amendment) Bill will be taken by the

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Minister of Justice. The Minister of Justice is proposing to just open the Interception Bill. We won't close today, we will give Members time.

The Bill relating to the Custos Rotulorum that will be a short matter, that should not be long and the remainder of the time we will spend on the Special Prosecutor.

Madam Speaker, I now move for the suspension of Standing Orders to enable me to take the motion, notice of which I gave earlier. This is the motion in relation to the tax collection.

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow the House Leader to take the motion notice of which he gave earlier.

Motion put to the House and agreed to.

The SPEAKER: Go ahead.

Mr. HOLNESS: Madam Speaker, I now move that the motion be approved.

The SPEAKER: The question before the House is that the motion be approved.

Motion put to the House and agreed to.

Mr. HOLNESS: Madam Speaker, in relation to the changes made to the committees, Madam Speaker, I now move for the suspension of the Standing Orders to enable me to take the motion, notice of which I gave earlier.

The SPEAKER: The question before the Honourable House is that the Standing Orders be suspended to allow the House Leader to take the motion, notice of which he gave earlier.

Motion put to the House and agreed to.

Mr. HOLNESS: Madam Speaker I move that the motion be approved.

The SPEAKER: The question before the House is that the motion be so approved.

Motion put to House and agreed to.

Mr. HOLNESS: Madam Speaker, the Minister of Justice will now make his maiden presentation to the House. (Applause)

INTERCEPTION OF COMMUNICATIONS ACT

Mr. CHUCK: Madam Speaker, the first Bill I will be taking is entitled

“AN ACT to Amend the Interception of Communications Act”.

The Act that we are presenting today, Madam Speaker, is the Interception of Communications (Amendment) Act, 2011 and shall be read and construed as one with the Interception of Communications Act (hereinafter called the Act).

As a background, Members, the Government of Jamaica in proposing to amend the Interception of Communications Act sought to address two main features of the Act.

One, the absence of extra-territorial application to facilitate the sharing of intercepted material with a foreign state or agents of that foreign state; and that can be seen in section 4 of the Act.

And two, the need to provide for extra-territorial jurisdiction in respect of the offence of unauthorized disclosure of intercepted communication as set out in Section 15 (2) of the Act.

Now, Madam Speaker, in dealing with the absence of extra-territorial application that is the sharing of intercepted material with a foreign state, Section 4 of the Act allows an authorized officer to make an application to a Judge of the Supreme Court in Chambers for a warrant authorizing the person named in the

warrant to intercept communications, and for the disclosure of such communications to such persons, and in such manner as may be specified in the warrant.

The warrant must be necessary *inter alia* for the prevention or detection of any of the scheduled offences, where there are reasonable grounds for believing that such an offence, has been, is being or is about to be committed.

Secondly, Madam Speaker, the Judge, having been satisfied of the reasons for interception, would issue a warrant allowing the party named in the warrant to intercept conversations of the suspected person, and use it for the purposes of conducting criminal investigations. The intercepted communication should only be in the custody of the authorized officer who made the application and the persons named in the warrant. The Judge shall also issue such direction as he considers appropriate for the purposes of requiring the authorized officer to make such arrangements as are necessary for ensuring that *inter alia*, the number of persons to whom any of that communication is disclosed, is limited to the minimum that is necessary for the purposes of the investigations in relation to which the warrant was issued or of any prosecution for an offence.

In practice, Madam Speaker, the authorized officer swears to an affidavit that transcribed information is disseminated only to those individuals whose involvement in the investigation giving rise to the warrants necessitates the receipt of the information.

Thirdly, Madam Speaker, in the absence of an extra-territorial application a policy decision was made by the Government of Jamaica for domestic law to permit and facilitate the

sharing of information with external law enforcement authorities for evidential purposes that could assist in the prosecution of criminal offenders where such offences occurred in foreign countries or are being investigated by such authorities in foreign countries with whom Jamaica is a party to appropriate treaty arrangements.

In light of this, a proposal was made to amend the Interception of Communications Act so that when an order is made to intercept the conversation over a telecommunications network of persons who are suspected of being involved in crimes committed under the Act, the Judge will have the power to make an order which will allow the information to be used by foreign Government or agency thereof for the purpose of introducing it as evidence in court proceedings.

Madam Speaker, in the absence of extra-territorial jurisdiction in respect of the offence of unauthorized disclosure of intercepted communications, Section 15, (2) of the Act makes it an offence.

“If a who person intentionally discloses the contents of any communication, obtained by means of a warrant to a person to whom he is not authorized to disclose the communication, or the content of any communication obtained in contravention of the Act”.

The section, however, is applicable only in Jamaica.

Secondly in light of this the Government of Jamaica is now seeking to amend the Act to extend extraterritorial jurisdiction in respect of the offence of unauthorized disclosure set out in Section 15 (2) of the Act.

I will now, Madam Speaker, go through clause by clause.

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The Bill reads:

Bill entitled:

“AN ACT to Amend the Interception of Communications Act”

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Senate and the House of Representatives of Jamaica and by the authority of the same as follows:-

Clause I Short Title and construction provides:

This Act may be cited as the Interception of Communications (Amendment) Act 2011, and shall be read and construed as one with the Interception and Communications Act (hereinafter referred to as the principal Act) and all amendments thereto.

Section 2 provides for the amendment of Section 4 of the principal Act and states as follows:

Section 4 of the principal Act is amended -

a) by inserting next after subsection (1), the following as subsection (1A), for the purposes of subsection (1)(b), a warrant may authorize that the intercepted communications be disclosed by a person referred to in subsection (1)(b) to a foreign government or any agency of such Government.

(a) where there exists between Jamaica and such foreign Government for the mutual exchange of that kind of information, and the Minister certifies that it is in the public interest that such disclosure be made;

(b) if the Judge is satisfied that the foreign government, or any agency of such government to whom the communication is to be disclosed undertakes to –

(i) keep the information confidential in accordance with arrangements made pursuant to directions issued under section 11; and

(ii) use the communication, solely for the purpose of the prevention, detection or prosecution of criminal offence; and

c) subject to such other conditions as the Judge thinks it appropriate to impose with a view to ensuring the matters referred to in sections 11 (1)(a), and (b), subsection (b) in subsection (3) by-

(i) deleting the word ‘and’ appearing at the end of paragraph (a) (vi); and

(ii) deleting the full-stop appearing at the end of paragraph (d) and substituting therefor the word ‘and’,

(iii) inserting the following as paragraph (c)
 “where disclosure to a foreign government or any agency of such government is contemplated pursuant to subsection (1A) the certification of the Minister that is in the public interest that such disclosure be made”.

Clause 3 provides; Section 15 of the principal Act is amended in subsection (2) by inserting next after the words ‘commits an offence’ the words ‘whether the disclosure takes place in Jamaica or elsewhere’,

Madam Speaker, in the Memorandum of Objects and Reasons, it is noted that:

A decision has been taken to amend the Interception of Communications Act to provide that a warrant under section 4 of the Act may authorize that the intercepted communication be disclosed to a foreign government, or any agency of such government—

- a) where there exists between Jamaica and such foreign government an agreement for mutual exchange for that kind of information and the Minister certifies that it is in the public interest that such disclosure be made;
- b) if the Judge is satisfied that the foreign government or any agency of such government, to whom the communication is to be disclosed undertakes to—
 - (i) keep the information confidential in accordance with arrangements made pursuant to directions issued under section 11; and
 - (ii) Use the communication solely for the purpose of the prevention, detection or prosecution of a criminal offence; and
- c) subject to such other conditions as the Judge thinks it appropriate to impose with a view to ensuring the matters referred to section 11 (1)(a) and (b);

A decision has also been taken to amend the Act in or to provide for extra-territorial jurisdiction in respect of offence of unauthorized disclosure of intercepted communications set out in section 15(2) of the principal Act.

This Bill, Madam Speaker, seeks to give effect to those decisions.

We now, Madam Speaker, seek the approval of the House to facilitate the requisite amendments.

Madam Speaker, as was indicated after my opening presentation, I now move for the suspension of the debate so that others may make contributions at a later time.

The SPEAKER: The question before the House is that the debate on this Bill be suspended and be resumed at another sitting of the House to allow other Members to make their contributions.

Put to the House and agreed to.

THE CUSTOS ROTULORUM ACT

Mr. CHUCK: Madam Speaker, the second matter which I have the privilege of presenting is the Custos Rotulorum Act, which is of importance to the Custodes in all of our parishes.

(*Sotto voce* comment by Opposition Member)

Mr. CHUCK: I’m very pleased, Madam Speaker, to the House of Representatives the Custos Rotulorum Act, thereafter referred to as the Bill. This Bill establishes a legal framework for the existence and operation of the office of Custos. Custodes have operated, Madam Speaker, under custom and practice for centuries while playing a significant role in maintaining law and order in each parish. It is

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only fitting, Madam Speaker, that legislation be enacted to give support to that office.

Madam Speaker, by way of background, on March the 8, 2010, Cabinet considered **Submission No. 118, Ministry of Justice 3/2010** proposing the establishment of a legal framework for the office of Custos Rotulorum, hereafter referred to as Custos.

The submission further proposed the following:

- (i) the provision of office accommodation and basic office furniture equipment for the Custodes.
- (ii) An increase in the annual stipend allotted to Custodes.

By way of **Cabinet Decision No. 9 of 2010** on March the 8, 2010, Cabinet approved, in principle, the establishment of a legal framework for the office of Custos and the issue of drafting instructions to the Chief Parliamentary Counsel to prepare the necessary legislation. Cabinet also gave approval, in principle, for the provision of office accommodation and basic office furniture and equipment to Custodes by the State. It also approved an increase in the annual stipend allotted to Custodes to Three Hundred Thousand Dollars.

In accordance with the said Cabinet decision, a Bill entitled “The Custos Rotulorum Act 2011” was drafted by the Chief Parliamentary Counsel and gives effect to the approval granted by Cabinet. The Bill was presented to the Legislation Committee on May 4, 2011. On that occasion, the Legislation Committee approved the Bill subject to certain changes and recommended that the Bill be present to Cabinet for its approval and then for it to be laid in the Houses of Parliament. The

Bill as approved by the Legislation Committee was submitted to Cabinet and on May 30, 2011, Cabinet gave approval for the Bill to be introduced into the Houses of Parliament subject to one amendment. On June 17th, 2011, the Bill was passed in the Senate with four (4) amendments.

Madam Speaker, the existence of the Office of Custos can be traced back to the Fourteenth Century. However, legislation has never been enacted to formally establish and regulate that office. In that regard, custom has dictated matters relating to the qualification for appointment, tenure, revocation and termination of a Custos.

In 1963, Ministry No. 2, sought to outline the procedure for the appointment and functions of the Custodes. The Ministry Paper recited the customs and practices that had developed many of which are still relevant today. The Bill seeks to give effect, Madam Speaker, to most of these customs and practices and in some instances it has strengthened them to increase the efficiency of that office. The establishment of legal framework will create a formal structure in which Custodes are to operate and to standardize, promote and preserve the integrity and status of the office.

The Bill, Madam Speaker, has incorporated the characteristics that determine the selection of an individual as Custos. This includes the demonstration of the highest standard of professionalism, moral and ethical conduct and the provision of good service at the community and the national level. The Bill further dictates that the Custos must be a Justice of the Peace, as is customary.

By way of the extensive functions and responsibilities performed by Custodes, they

play a significant role in the administration of justice in facilitating public order and in maintaining the peace in the parish. Custodes represent the Governor-General within the parish to which they are appointed. They are the keepers of the role of Justices of the Peace and make recommendations for the appointment of persons as Justices of the Peace within the parish. A Custos is responsible for preparing the roster of Justices of the Peace for the Courts of Petty Sessions and other such courts in the parish as is prescribed by law. Custodes also act as the Chairman of various committees such as the Parish Disaster Preparedness Committee and the Parish Advisory Committee on Local Government Reform.

The Bill also incorporates the functions of a Custos under the Justices of the Peace (Official Seals) Regulations, 2004, and the Justices of the Peace (Appointment and Code of Conduct) Rules, 2006. The Bill further outlines, Madam Speaker, the procedure for the resignation, revocation and termination of a Custos. It provides for the official seal of the Custos and circumstances warranting its return. It identifies the grounds for the removal from office of a Custos and also imposes a penalty for the improper use of the seal.

Madam Speaker, I will now turn to the Bill and summarize each clause for our better understanding. **Clause 1**, short title and commencement. The Bill is entitled, "**The Custom Rotulorum Act, 2011**" and will come into operation by ministerial notice published in the *Gazette*.

Clause 2 - interpretation. Clause 2 defines certain key words used in the Bill. The

definitions adopted are consistent with the natural meaning of the words, and are used in other legislations which touches the concerns of the office of the Custos.

Clause 3 - the establishment of the office. This clause creates the legislative authority for the office of the Custos.

Clause 4 provides for the appointed of Custos. Clause 4 provides that a Custos is appointed by the Governor-General on the advice from the Prime Minister. This is most fitting, Madam Speaker, as a Custos is a representative of the Governor-General in the parish for which he is appointed. To be appointed a Custos, Madam Speaker, the person must take and subscribe the oath of allegiance and the official oath referred to in the Oath Act.

Clause 5 provides that a Custos is to hold office until he reaches the age of seventy-five years. This is subject to the provisions of the Bill which provide for the removal or resignation of a Custos.

Clause 6 - this clause lists the criteria for eligibility for appointment of a Custos. It indicates that a person, or the person must be a Justice of the Peace. Traditionally, Madam Speaker, a Custos is considered the chief Magistrate in the parish and his functions include the general supervision of the Justices of the Peace. In addition, the Custos must display the high standard of professionalism, moral and ethical conduct and must command the respect and confidence of the local community of which he or she is a member.

Madam Speaker, **Clause 7** provides for the disqualifications of an appointment of Custos. Neither a Member of the House of Representatives, nor the Senate, or a person

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convicted of any offence involving dishonesty, or moral turpitude can be appointed Custos. In addition, a person who is a party to a contract with the government is also disqualified unless disclosure of the nature of and the interest in the contract was disclosed prior to appointment.

Clause 8, Madam Speaker, indicates that the office of Custos is vacant when the Custos resigns or the appointment is terminated.

Clause 9 gives the power to the Governor-General acting on the advice of the Prime Minister to appoint a person to act as Custos until a certain date where an office of Custos is vacant. The person appointed must be eligible by virtue of the criteria laid down at Clause 6 of the Bill. In addition, Madam Speaker, where a Custos is unable to perform the functions of the office the Governor-General acting on the advice of the Prime Minister may appoint an eligible person to act as Custos.

Clause 10, Madam Speaker, indicates that where any of the circumstances referred to in **Clause 7** arises while that person is Custos, the person is deemed to have vacated the office of Custos.

You may recall, Madam Speaker, that Clause 7 lists the circumstances that disqualify a person from being appointed a Custos.

A Custos is also deemed, Madam Speaker, to have vacated office where he transfers residence to another parish or attains the age of 75 years. It is noted, however, that a Custos may continue as Custos past the age of 75 years where specifically requested to do so by the Governor-General on the advice of the Prime Minister. The extension, Madam Speaker, must not exceed two years and must

be for the purpose of enabling the Custos to complete any matter engaged or to facilitate the selection of a successor.

Clause 11, Madam Speaker, dictates the circumstances in which a Custos may be removed from office. It provides that a Custos may be removed for misbehaviour, where he or she is unable to carry out the functions of the office or fails to perform those functions in a competent manner. Where the Governor-General, Madam Speaker, decides to investigate the question of removal of a Custos from office, the Governor-General must first appoint a tribunal to enquire into the matter and provide him with a report and a recommendation.

The tribunal must consist of the Permanent Secretary in the responsible ministry, a retired Judge and a person from civil society selected by the Governor-General. The Commission of Enquiry Act will be applicable to this tribunal. Where the tribunal recommends that the Custos ought to be removed from office, the Governor-General must remove the Custos by instrument under the broad seal.

The clause further provides, Madam Speaker, that the Governor-General may suspend the Custos whose removal is a question referred to a tribunal.

Clause 12, Madam Speaker, provides that a Custos may resign by writing to the Governor-General advising accordingly.

Clause 13, Madam Speaker, provides as is customary, that Custodes receive an annual stipend from the State, and as I indicated earlier, \$300,000.00 annually. This assists in paying the expenses incurred in the exercise of the functions of the office of Custos. This

clause dictates that the Custos is to receive an annual stipend prescribed by the Minister with the prior approval of Cabinet, and is to be published in the *Gazette*.

Clause 14 identifies the functions of the Office of Custos. The clause indicates that in addition to those functions conferred by the Justice of the Peace (Official Seals) Act and the Justices of the Peace (Appointment and Code of Conduct) Rules, 2006, there are other functions that are to be carried out by a Custos.

The list stated as in subclause (1) reflects the functions that are currently being performed by Custodes as is customary, but it also recognizes that other functions may be conferred on a Custos by any other law. Subclause (2) gives the power to the Minister to amend the functions of Custodes that are listed in subclause (1) by way of affirmative resolution.

Clause 15 gives effect to the decision made by Cabinet. It stipulates that the Office of the Custos must be located within the main court building in the parish appointed or such other place provided by the Government.

Clause 16 requires that every Custos must be assigned an official seal by the Governor-General. The official seal must be affixed to every document attested to or authenticated by the Custos in the execution of the functions of that office. The Custos must preserve and maintain the safe custody of the official seal and must report any damage, destruction, loss or theft of the official seal to the Governor-General.

Clause 17 provides for the return of the official seal. So in order to prevent fraud the Custos is required to return the official seal

where the Custos resigns, retires or is removed from office. In addition, the Custos may be directed by the Governor-General to return the official seal. This may be in circumstances where the Custos is suspended. Clause 17 further dictates that the official seal must be returned within three days of retirement, removal, resignation or on direction. In the event of the death of a Custos, the personal representative of the Custos must return the official seal to the Governor-General.

Clause 18, Madam Speaker, requires that the Custos submit an annual report to the Governor-General and the Minister. The report must include information relating to the appointment, resignation, removal and death of Justices of the Peace in the parish. It must also include the activities in which the Custos is involved in the parish and a summary of major projects and plans in the parish.

Clause 19, Madam Speaker, gives the power to the Minister to make regulations. The regulations may provide for the description of the Official Seal of the Custodes and the manner of affixing it to documents. They may also impose penalties on summary conviction in the RM Court not exceeding a fine of \$500,000 or imprisonment for a term not exceeding six months or both fine and imprisonment.

Clause 20 empowers the Minister to alter any monetary penalty by way of order subject to affirmative resolution.

Section 21, Madam Speaker, provides that it is an offence for a Custos to use an official seal for an unlawful purpose or to allow any other person to do so. It is also an offence for a Custos to use the official seal after resigning, retiring or being removed from office. This

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clause further provides that it is an offence for any person to tamper with an official seal or to use it for an unlawful purpose. It is also an offence to be found in an unlawful possession of an official seal.

Any person, Madam Speaker, who destroys, makes away with or allows a person to obtain possession of an official seal by wilful neglect also commits an offence. Further, Madam Speaker, a Custos who fails to return the official seal within three days of his or her resignation, termination or retirement, commits an offence under this section. Likewise, Madam Speaker, any person who having charge of the official seal on the death of the Custos fails to return the seal forthwith commits an offence. Any person, Madam Speaker, who commits an offence under this clause is liable to summary conviction in a Resident Magistrate's Court to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding six months or both fine and imprisonment. This, Madam Speaker, brings me to the end of the clauses in the Bill.

This Bill, Madam Speaker, is important in establishing a clearly defined platform from which the office of the Custos will operate. It will regularize the procedures and standards of Custodes and provide the legal framework that is necessary for that office.

Madam Speaker, I now commend the Custos Rotulorum Bill to the Members of this House for their approval. (Applause)

Mr. WARMINGTON: Madam Speaker, Madam Speaker, I have no problem with the Bill itself being brought here. I think the former Minister of Justice first introduced it in the Senate. And I read where the former Minister of State in the Ministry of Finance

asked - you know, refused to allow the disclosure of a part of this. Members of the Senate who were from the Opposition, asked the question then about the salary of the Custodes.

(Mr. Warmington pronounces Custodes as Custodeez)

Opposition MEMBERS: No, man, no!

Mr. WARMINGTON: Whatever it is.

Opposition MEMBERS: No, no!

Mr. WARMINGTON: Bobby, Custodes.

Mr. M. PEART: Very good, very good.

Mr. PICKERSGILL: All right, all right.

Mr. WARMINGTON: And then the Minister then in charge for Minister of State in the Public Service Ministry said it wasn't appropriate to disclose the salary for Custodes. This was left to the discretion of the Governor-General. My salary, your salary, Madam Speaker, the salary of the Prime Minister, the salary of the Governor-General and all public servants in this country are disclosed. What's so secretive and important about these Custodes why they can't disclose the salaries that they receive?

A MEMBER: Him get crafty bredda!

(Inaudible comments and laughter by Members on both sides)

Mr. WARMINGTON: I want to know what's so important or so secretive why this salary is being kept close to the breast, covered up under the whisker, what is it, the waistcoats and jackets and what-have-you? It must be disclosed.

Mr. PICKERSGILL: No, no!

Mr. WARMINGTON: Let me speak. I ask no questions of anyone here. I was sent here by South-West St. Catherine and I am speaking on their behalf. So no one tells me what is going to be said.

(Inaudible comments)

Mr. WARMINGTON: It was not said.

A MEMBER: Yes, it was said, \$300,000.

You must have been out of... (Inaudible)

Mr. WARMINGTON: I want to know what's so secretive that it can't be disclosed. My salary is known. The salary of everybody in this country is known.

Mr. CHUCK: Madam Speaker, Madam Speaker, on a point of order...

Mr. WARMINGTON: Whatever allowance or stipend...

Mr. CHUCK: On a point of order, Madam Speaker, on a point of order.

Opposition MEMBER: Sit, sit!

(Teasing Mr. Chuck as in his former role)

Mr. CHUCK: ...I repeated the annual salary of the Custodes at least three times. It's a stipend.

A MEMBER: How much?

Mr. CHUCK: It is \$300,000. So the Member, unfortunately, was not here and therefore he did not hear the annual stipend.

The SPEAKER: Unfortunately, the Member took leave of absence from the House at the time because the amount... And it is not a salary, it is an allowance.

Mr. WARMINGTON: Madam Speaker, I accept the intervention of my good friend who is now Minister of Justice. But you know, sometimes you need to have some life in this House.

(Laughter)

Sometimes it's so dead and lifeless. Had I not been on the backbench, there wouldn't have been so much life in the House these days. So I do accept the intervention of my good friend down there... (Points to Mr. Chuck) ...who is now Minister of Justice, even

though he is at the last end of the bench down there.

(Laughter)

The SPEAKER: Very well, Member Warmington.

Dr. HARRIS: Madam Speaker, Madam Speaker, I think this Bill will not be contentious. But I have – ah don't know, I have not parused (perused) it and I do not have a legal mind like yours.

(Inaudible comments)

But there is a part of it that I think will be worrying, because I think that we should all be in a mood to take out the justice and the administration of justice, or anything that has to do with justice from out of the political arena. And I hear that the Custodes are now going to report to the Minister...

A MEMBER: Why not?

Another MEMBER: No.

Dr. HARRIS: relax man, relax man. Listen man!

(Inaudible comments by a Member)

Now... No, you mus' listen man, listen! There is a part there that says that the Custodes should report as well to the Minister.

The SPEAKER: (Gavels) Allow the Member to make his point so that we...

(Interruption by a Member)

....no, I'm asking that each Member be allowed to make the point...

Dr. HARRIS: Thanks for the protection, Madam Speaker.

A MEMBER: Parisheena!

(The Speaker chuckles)

Dr. HARRIS: (Laughs) Madam Speaker, that portion, overall, all of us will agree that the Custodes need some kind of...

(Inaudible comments by a Member)

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Dr. HARRIS: No, that we can argue as to the quantum and so on, but the enforcement in law, we will all not argue. But the reporting of the Custodes to the Minister as well as to the Governor-General, I think that now will be overlapping. And I think if we look at it carefully, it may be unnecessary.

The SPEAKER: Member, I think it's Section 18 it says, It's just an annual report yuh nuh. It's not a matter of reporting to the Minister, it's an annual report and the stipend - the allowance - is paid from the public purse.

Dr. HARRIS: Madam Speaker, Madam Speaker, I hear you and I agree with you, but allow me to differ on that particular point.

Mr. D. PEART: Yuh agree but yuh differ? (Laughter)

Dr. HARRIS: No - relax man - on that issue. I think the Report could come through the Governor-General's office to the Minister, if he so desire.

Dr. A. BARTLETT: All right, sit down now.

Dr. HARRIS: But then the chain of responsibility and command would be very clear, if the Custodes were to be reporting to the Governor-General and to the Governor-General alone and then the Governor General could share that information with whomever he so chooses.

(Inaudible comments by Mr. Peralto)

Mr. PICKERSGILL: Listen nuh, you're the Deputy Speaker, please behave yourself.

Mr. JACKSON: Madam Speaker, I rise in support of the Bill before us. I think it's a bit long in coming. From my own experience and association with two Custos...

A MEMBER: About how long it was?

Mr. JACKSON: This should be in place for some time.

My association with a couple of Custodes in my parish of St. Catherine, Madam Speaker, I'm aware of the depth of work that they perform in the parish and the many communities throughout the length and breadth of the parishes throughout Jamaica; and they do it out of mere commitment to public service. It is no secret that most of the persons who serve in these offices are indeed persons who've had a long history of service to their respective communities over the years prior to and I think that is what has really kept them in the job.

The support in carrying out the function has been quite minimal and in need of much support and as we seek to pass this Bill, I hope that the requisite support for adequate administrative functions be in place. As is provided in the Act, there will be an office at the main courthouse, or any other such designated place. I'm hoping that it is properly staffed with qualified persons to provide the quality support that our Custodes will need to perform their function. And in this regard, as we seek to codify their office in law, that we perhaps try to even use our Custodes some more in terms of bringing communities together at a higher level. I think that it will help to create a greater bit of harmony than we have seen before.

I give my frill support to this Bill, Madam Speaker, and look forward to the further development of the services in our parishes. (Applause)

Mr. MONTAGUE: Madam Speaker, I rise to support the Bill, but to make note that one, Custodes are not just the chair of the Disaster Committee, they are the co-chair, as they co-chair with the Mayors; and what was read earlier, stated that they were the chair.

Secondly, Madam, for those who have served and have served this nation well, I believe that it is a courtesy to the family, that when they die while serving, an official funeral is accorded.

Mr. PICKERSGILL: Official?

Mr. MONTAGUE: Yes.

I am asking that it become mandatory that even after your service – because I believe that this Bill puts an age limit that you can't serve beyond a certain age – I am therefore asking that as a courtesy to their family, that an official funeral be accorded whether you are serving, or you would have served...

Mr. D. PEART: Before they die?
(Laughter)

Mr. MONTAGUE: No, when they die.

For a minimum – there should also be a minimum number of years.

In addition, Madam, I do know of circumstances – and I believe earlier in the sitting, the first and second reading of a Bill, giving the powers of a Justice of the peace and to Councillors was read; and it therefore speaks to the lack of access to many communities and members of the public to Justices of the Peace and many Custodes have refused or have stretched out the process of appointing JPs.

A MEMBER: Yes.

Mr. MONTAGUE: And in many instances some have not even appointed a JP for many years and therefore there should be some mechanism, some formula to say... (Applause) ...that the role of JPs should be reviewed, whether every year or there should be a formula that X amount of persons in a parish, you should therefore have X amount of JPs for the parish.

And within this Bill I'm commending to the House that within this Bill that formula be placed there so that the people of Jamaica in the various communities who have a photograph to be certified and a form, a driver's licence application...

Mr. D. PEART: Very good, very good!

Mr. MONTAGUE: ...that they have persons in their communities that can do this and to take the – to make criminals of our JPs, because many times they are being asked to certify documents for people who they don't know. But they sometimes do it as a courtesy, because somebody with a student's loan application and they need a JP, many times the JPs don't really know them, but they're trying to help out a situation.

So with those recommended amendments, madam, I am in full support.

Mr. PICKERSGILL: But the police are the ones to be blamed, they don't send back the record.

Mr. MONTAGUE: Some of them don't even send no record.

Dr. GUY: I too rise in support of this Bill to give legal status to the Custos Rotulorum for the respective parishes. However, there is - and unless the Honourable Minister can point out to me, but I have some concerns that in many cases, or unless other legislation provides for this, there is nothing in this Bill that speaks about a Custos acting in the post of Governor-General in the absence of the Governor-General as a part of the duties.

(Inaudible comment by Mr. Montague)

Dr. GUY: No, no! I'm saying - in indicating what the duties are here, unless a particular section of another piece of legislation covers that, then it is deficient in

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this piece of legislation that is being proposed here.

Mr. MONTAGUE: Based on seniority?

Dr. GUY: Well irrespective of what it's based on, but it does not detail in this Bill here, that particular function that may be ascribed to a Custos in the absence of the Governor-General.

But if that is supported in the other legislation, then, Madam Speaker, I fully support this Bill.

Mr. PICKERSGILL: There is no post that... (Inaudible)

Mr. CHUCK: Madam, Speaker, let me first of all thank the Members who have contributed to this legislation and to deal with them quickly. My good friend from St. Catherine...

Mr. JACKSON: He's over here now.

A MEMBER: South West.

Mr. CHUCK: ...South West, was not aware of the information, but he kindly - he understood after.

The Member from Trelawny North, must recognise that what the Act is providing in Section 18...

Mr. M. PEART: We get it man.

Mr. CHUCK: ...is for a report to be sent to the Ministry. This, Madam Speaker, is useful, not that the Ministry is directing the Custos, but at least you get an annual report and a good or an efficient Ministry of Justice could certainly have a good collation of how many Justices are acting, or exist in each parish, to get a fairly good idea whether or not there's an oversupply, or what is happening now, Madam Speaker, an under supply of Judges - sorry Justices of the Peace in these parishes.

I think, Madam Speaker, as the Member from St. Catherine South, and also from St. Mary Western indicated, the Custodes and the JPs are giving voluntary service. And in giving voluntary service, we really should not overload anyone in any community. And it is therefore, Madam Speaker, incumbent on the Ministry of Justice, working with the Custodes, to recognize that there are some areas of the country where there is a shortage of JPs. (Applause)

And in those circumstances, Madam Speaker, when you get a report, you're able to send back to the Custodes, that how is it, say in a particular district, you only have one, and you have 5,000 or 10,000 people in that particular community? Those are the sort of administrative assessment that a Ministry of Justice could participate in and give advice - not direct - advice to the Custodes, that we need more JPs in that particular area. (Applause)

Mr. MONTAGUE: No, on a point of order, Madam.

Mr. WARMINGTON: You can't point of order with the Leader.

Mr. CHUCK: Go ahead.

Mr. MONTAGUE: Point of clarification.

Miss HANNA: Right.

Mr. MONTAGUE: The point I was making is not for the Ministry to give advice on the appointment, but that there should be an impartial and objective formula contained in the Bill, to say that there should be - whatever is the formula, of the number of JPs per parish. And that the Custos by law, should appoint these, because there are many instances, Madam, where they do not even recommend to the police to do an investigation.

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Mr. CHUCK: Well, Madam Speaker, I certainly believe that we have to be very careful about setting limits, minimum and maximum. These are functions which as I indicated, are voluntary functions and it is done, in my view, by an assessment and recommendations rather than mandatory direction on Custodes.

Madam Speaker, the Member from Central St. Mary indicated that there's nothing here indicating how a Custos can act for the Governor-General. If he - the Member from Central St. Mary if he looks at Section 14, if he looks at Section 14, the Custodes - usually the senior Custos - can always act for the Governor-General and indeed, there is a residual clause subsection (h), which says:

“Any other functions as are conferred on the Custos under any other law.”

And I'm sure that covers where he has to act for the Governor-General.

(Inaudible comment by Mr. Montague)

Mr. CHUCK: Well it is under the Governor-General's Act. Okay.

So, Madam Speaker, with those few comments in response, I now ask for second reading. I ask that the Bill be read a second time.

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

Put to the House and agreed to.

Bill entitled:

“AN ACT to Establish the Office of the Custos Rotulorum”,

read a second time.

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

COMMITTEE STAGE

Mr. CHUCK: Madam Chairman, I just want to put Members on notice that there will be a slight change in - not change, but a rearrangement of Section 7. When we get to Section 71 will indicate to Members the slight rearrangement, not - just a rearrangement of the Section 7, Madam Chairman.

The CHAIRMAN: I now put to the House Clause 1.

Put to the House and agreed to.

The CHAIRMAN: I now put the clauses - are the Members of the House with me? We are in Committee Stage to consider the Bill. Let us look at the Bill.

Clauses 1, 2, 3, 4 and 5 put and agreed to.

The CHAIRMAN: I put Clause 6.

Mr. KELLIER: Madam Chairman, could I just enquire of the Minister. The Custos is the -
(*Sotto voce* remarks by Government Member)

Mr. KELLIER: Yes, yes. A person which is appointed as Custos, when you become appointed you are a public servant as is stated in the...

Government MEMBER: Public official.

Mr. KELLIER: Public official. Where does it say in here that as a public official you will be required to do all the things that we see in the Special Prosecutor Bill?

Mr. CHUCK: I don't think you would see it here.

Mr. KELLIER: Where would you see it?

Mr. CHUCK: It would be a part of the Special Prosecutor Corruption Act, it wouldn't be a part of this Bill. It doesn't have to describe or say that a Custos is a public official?

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Mr. KELLIER: Yes, but would we not have to say here that the Custos is deemed as a public official here so as to allow that Act to have effect?

The CHAIRMAN: I don't think so, Member, because in the Special Prosecutors Act you would have a definition of who is a public official.

Mr. KELLIER: Yes, but certainly the Custos would have to be a public official. Once you get money from the coffers one way or the other you become public official.

Mr. CHUCK: That is correct. But if you look at the definition of a public official in the Special Prosecutor's Bill any person holding an executive, legislative, judicial or administrative officer, so it includes the Custos. It automatically includes the Custos.

Dr. GUY: No, but, Madam Chairman - Minister you quoted a particular section of a Bill which is still before us for deliberation and we have not settled on that particular aspect of it yet.

Mr. WITTER: If and when...

Mr. CHUCK: No, but what I am saying is that once the person is appointed and is performing a public function the Special Prosecutor Act immediately embraces...

Mr. PICKERSGILL: Aren't they aware of that?

Mr. CHUCK: They better be.

Mr. KELLIER: Before...

The CHAIRMAN: But even before the Special Prosecutor's Act comes into place, there are Acts that would deal with, like the Prevention of Corruption Act that would deal with persons who are public officials. So even before, although we have mentioned the Special Prosecutor's Act, there are Acts in

place now that would deal with the conduct and how we govern the office of a public official.

Mr. KELLIER: Will they be required - as of right now, Minister, can you say whether or not they are required to present integrity reports?

Mr. CHUCK: I don't think they would be. Remember is only a limited class of persons who send in annual returns, for instance Parliamentarians, and there is a threshold if you are earning above a certain limit. If your stipend, honorarium or salary is above a certain limit. I rather doubt they would be required to send in integrity report.

Mr. KELLIER: But in light of the sensitive nature of that office which they hold...

Mr. CHUCK: So do Judges.

Mr. KELLIER: Then Judges don't do integrity report? Judges do integrity report.

Mr. CHUCK: Because of the amount, their salary. It has to do with the stipend and

Mr. MONTAGUE: No, but, Madam Chair, as a public official, believe under some of the Acts it is not dependent upon your salary, it is also dependent upon the position you hold. I support the Member from South St. James that we should be very clear that the Custos is a public official and therefore subject to the other Acts including the Special Prosecutor Act.

Mr. CHUCK: There is no doubt that the Custodes are subject to the Special Prosecutor Act. What I think my colleague was asking, the Member from South St. James was asking is whether or not they have to send in annual integrity reports.

Mr. MONTAGUE: I believe they should.

Mr. CHUCK: Remember now that will be a provision that the Special Prosecutor can indicate that Custodes should...

Mr. MONTAGUE: No, but I am saying we are writing new legislation, so let us just put it in there. If I am required as a Member of Parliament and I can be accused of illicit enrichment, let the Custos be so placed under the magnifying glass.

Mr. CHUCK: May I suggest to the Member from Western St. Mary, let that be decided by the Special Prosecutor.

Mr. JACKSON: Madam Chair, I have heard my friend from St. Mary made the point about the declaration. But my understanding or my recollection is that one of the reasons why the declarations are required from public officials is to the extent that they exercise authority that can cause enrichment, whether as a Member of Parliament or as a police officer or any of those other public service. When we were deliberating that Act those were some of the considerations why- in fact it is why you set a threshold level as to where the declaration trips in. The question I am putting forward for a consideration is it the case that these persons in carrying out their duties as Custodes, could they cause any body to become enriched and by extension enriched themselves? So just bear that in mind.

Mr. MONTAGUE: Madam Chair, in responding to that you have some persons who becoming a JP may be so valuable to them that they are willing to pay for it and I am saying they may even give you an X6.

Miss HANNA: I want to agree with both colleagues, Madam Chairman. Because in my mind if you are a public official and defined as such, particularly if you have to get certain

approvals and seals from a particular person in authority which could lead you to financial prosperity and gain, then that person I think has a direct link to giving that person some degree of benefit. And if that is the case then perhaps the legislation needs to state specifically what some of those terms of references are as it relates...

(Sotto voce remarks by Mr. Jackson)

Miss HANNA: No, but in terms of the recommendation that is also there and it is actually a possibility. What the Member from St. Mary was actually saying...

(Sotto voce remarks by Government Member)

Miss HANNA: No. What the Member from St. Mary was saying in terms of having proof for some persons and making it a criminal offence for certain JPs, depending on evidence coming forward. Now if the evidence comes forward that a JP or a Custos gives the seal of approval to a known criminal to get certain benefits.

Mr. CHUCK: But that's an offence.

Miss HANNA: It is an offence but what we were saying, Minister, is moving forward whether or not because they have that leverage and because they have the possibility of making those determinations that they should also be upheld to the same scrutiny that all public officials are held to, regardless of stipend or salary.

The CHAIRMAN: My own view on that, I hear what everybody says but there has to be a balance because we have to be so careful. Remember you are talking about the type of salary that somebody comes in in. And if we are not careful we are going to get to a point where the type of persons that we would like

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to hold certain offices are not going to be inclined to accept it if in fact they are going to -

Miss HANNA: What I am saying to you, Madam Chair.

Rev. THWAITES: This is crazy.

Miss HANNA: What I am saying, Madam Chair, I don't support that view. I do believe that at some point we have to get to a point where we are to attract the best talent to the public service and the best character. Now if it means that persons who are coming into the public service should have a particular kind of character, integrity and a certain accountability then whether we legislate it or not is irrelevant because you can legislate it and still attract the wrong persons. So I don't know if it is that...

Mr. CHUCK: May I say, Madam Chairman, the Special Prosecutor Bill provides a wide definition of who a public official is and also Section 54 of the Special Prosecutor Bill, the Director of Investigations can decide who sends in a report. I don't think we should fetter this particular Bill before us with declaring that a Custos is a public official or for that matter to say that he should send in an annual return. It can be dealt with by the Special Prosecutor Act.

Dr. GUY: Can we then therefore, Madam Chairman, in the same vein when we were discussing public official and the post of a School Board chairman comes up who is non-salaried.

Rev. THWAITES: Foolishness!

Dr. GUY: ...nor stipend, what is the consideration then?

Mr. CHUCK: No.

Dr. GUY: With respect to the Special Prosecutor Bill...

Mr. CHUCK: My understanding is that in the Special Prosecutor Bill there is nothing there to say that School Board chairmen and members must provide statutory declaration.

Rev. THWAITES: Of course they must, they fit the definition.

Dr. GUY: It's the definition.

Mr. CHUCK: No, but who provides annual return will be a decision of the Special prosecutor.

Rev. THWAITES: What an arbitrary thing. We are not discussing that Bill now, but we could never place our people at the fate of some particular investigator.

Mr. CHUCK: It may well be, Member from Central Kingston, as the Member from South East St. Ann say, it may be that some of these public officials are in special position that they can enrich themselves and then the Special Prosecutor can make that decision.

Rev. THWAITES: Chairman, if we are going to go in that direction when we get to this Bill, this is why it is complex and so controversial we will have to be very, very careful. But as it is now the Custos is going to be a public official and therefore he must prepare himself to do all the things that any one is...

Mr. CHUCK: There is no doubt about that.

Rev. THWAITES: ...and it will affect people's willingness to affect the office just as it will for other offices, a variety of..

I have a question though, not being puckish. But when we tell the Queen thanks what are we going to do with the Custos? When we tell the Queen thanks, what are we going to do with the Custos? We will have to call them "Servorum" instead of Custos Rutolorum

The CHAIRMAN: All right. I now put section 6 - Clause 6.

Mr. JACKSON: I have a different clause, point in that never related to what was discussed.

Mr. CHUCK: Clause 6.

Mr. JACKSON: In Clause 6(e), Minister, I am inviting your consideration. The Custodes are not elected so there is a verdict by the broad cross-section of the community they represent. It is by appointment. A thought that came to my mind, because we want persons of high moral standing and all that set out under (e), do you think it would be good that the persons to be appointed there is a period of notice; so if anybody in the parish knows of any reasons why those persons might fall below these threshold levels...

Mr. CHUCK: No.

Mr. JACKSON: Hear me out, Minister. ...the Prime Minister who makes the recommendation to the GG can become aware so that those things may be taken into consideration, to the extent that there is some proof.

Mr. CHUCK: No, Member, two points.

The CHAIRMAN: No, except that the Custos would already be an appointed JP, you know.

Mr. CHUCK: That's the first point.

The CHAIRMAN: And if he is of the standard that he is holding the office as JP and doing that, to me the horse has gone through the gate.

Mr. JACKSON: Madam Chairman, I hear you much but I am inviting you to pay attention to the reality of what prevails. As a matter of fact, all of us, or many of us can attest to many persons who are currently JPs

who should not be JPs, and there are actions or deeds that they are indulging in that is not worthy of the office, worse to put them to an elevated position of being the Custos of the parish. All I am saying to you, Minister, and I really would like us to take it very seriously, when we are elevating persons to these high positions and we declare here in the Act:

“displays the highest standard of professionalism and moral and ethical conduct, commands the respect and confidence of the local community of which that person is a member”.

Why do we want to deliberately deny ourselves or the persons appointing such persons to be sure and certain that these conditions are, in fact, being met?

The worst thing to happen is that you end up appointing someone in this office where it is known but kept quiet, that the person doesn't belong at that standing.

The CHAIRMAN: I couldn't agree...

Mr. PICKERSGILL: Madam

Chairman, I think I know where my friend is going, but...

The CHAIRMAN: I know where he is going.

Mr. PICKERSGILL: ...you would also expose the person to possible - how shall I put it...

Mr. CHUCK: Humiliation.

Mr. PICKERSGILL: Yeah, humiliation. Because...

Mr. CHUCK: Putting them on probation is not a good thing.

Mr. PICKERSGILL: Yes. If the name were to be publicized and then it is withdrawn on the basis of - and it can be an irresponsible member of the society. I see where you are

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going, but it's not a safeguard.

The CHAIRMAN: We have to be very careful, because in wanting to attract, Member, in wanting to attract the right type of person with high standards, exactly the route that we are taking is just what might deter them from it.

Mr. JACKSON: No, Madam Chair, with all due...

The CHAIRMAN: There is a level of privacy; there is a level of self esteem that you don't want to break up.

Mr. JACKSON: Madam Chair, I hear you and I hear my colleague from North West St. Catherine. If I am being invited - the Prime Minister calls me to say he is considering appointing me, but I know that for that appointment to go through any person in the community will have the opportunity to say to the Prime Minister, these are the things that he is known for in the various communities - I know that I am going to be subject to that scrutiny, it is in my interest to say to the Prime Minister then, I don't wish to be considered. So the question about being humiliated, to me is null and void.

Mr. CHUCK: No, but...

Mr. JACKSON: If you know you are clean and clear, you should not have any reservation for anybody, because you know that the facts and the truth can substantiate any false claim.

Mr. CHUCK: Now, you see, Mr...

Mr. JACKSON: I really think, Member, you should think long and hard about this.

Mr. CHUCK: May I say, Member from South St. Catherine, what you are saying certainly is important and significant. But that is where the Prime Minister and the Governor-General, in deciding whether or not to appoint

a person, would do the necessary checks. And I mean, it would really be a dereliction of duty on the Prime Minister and the Governor-General if they did not do the necessary checks as you are intimating.

Mr. JACKSON: But we know, Mr. Minister, in the case of Justices of the Peace, right, the police will make a check, they will check for any legal infringement, *et cetera*, they will make some enquiries within the communities. The question is the extent - because the Prime Minister not doing the investigation himself, you know, he is going to cause that to happen by some other persons, right. It is the extent to which those enquiries are made. All I am saying, why not give everybody in the community who will have knowledge of these persons by way of their long period of service or association in the community, to say to the Prime Minister, Prime Minister, before you appoint these persons, give consideration to these whether allegations or what. Satisfy yourself before, rather than appoint somebody and then you hear all the quiet whispers about all the deeds that this person has been indulging in. And it stains the office.

Miss HANNA: That's true. They hold the highest position in the parish.

Mr. PICKERSGILL: That is one of the reasons why I am worried about the Special Prosecutor Act, that people can go and make mischief.

Mr. JACKSON: So I believe, Members, we should, we should. We are not saying - we are not accusing anybody, you know, but we want to preserve the integrity of that office, the sanctity of that office as much as is possible. And nothing wrong by giving members of the parish an opportunity to...

Mr. CHUCK: No. With...

Mr. WITTER: Madam Chair, Madam Chair - what level would you have that consultation at? What level within the parish?

Mr. JACKSON: No, no, Member Witter, I am not talking about holding any consultation in any public area.

Mr. WITTER: But how you really get the information?

Mr. JACKSON: All I am saying, is that these are the steps that would be taken. The Prime Minister considers my friend Bobby Montague to be appointed, right, even if he is drunk. He considers Mr. Montague for appointment in the parish. He would have called him and indicated his intent. Mr. Montague would be aware that for this appointment to go through there will be an opportunity for any member of the community to proffer any objection or any concerns that the Prime Minister should bear in mind. If Mr. Montague knows - he knows what he has been involved in or not involved in, he could quietly say before it is even public, to the Prime Minister, Mr. Prime Minister, for whatever reasons, I don't wish to be considered.

Mr. CHUCK: But that's an opportunity.

Mr. JACKSON: But, having cleared that hurdle, all that would happen is that a notice would be given - and I see them in newspapers and other things - if you know of any reasons why this person should be, then you indicate. What is wrong...

Mr. WITTER: But what about mischief?

Mr. JACKSON: ...why this person who is going to hold this high public office...

Mr. PICKERSGILL: No, sah.

Mr. WITTER: What about mischief?

Mr. CHUCK: No. With due respect, it couldn't work. Okay, let's continue.

Mr. JACKSON: I realize I am falling in the minority, but I regret it, I regret it very much.

Mr. WITTER: Too much mischief might come into that.

Mr. JACKSON: But what mischief?

Mr. WITTER: It will, it will!

Mr. JACKSON: The Prime Minister would be the final judge of the arguments coming forward...

Mr. WITTER: But he will be...

Mr. JACKSON: ...to determine if it's credible or not.

Mr. WITTER: He will be the final judge in any instance.

Mr. JACKSON: But he - judge of what him don't know. It gives him an opportunity to...

Mr. WITTER: But the Prime Minister will be in a position to do that investigation before he would have considered that person. And the Prime Minister must have that...

Mr. JACKSON: We know the realities of this - of our society.

Mr. WITTER: ...before giving it his consideration.

Mr. JACKSON: I will concede I am in the minority, but I regret it, and I painfully regret it, because I think all of us or most of us will come to regret it later on, unfortunately.

Mr. PICKERSGILL: If I come to regret it I will apologise to you.

The CHAIRMAN: Member, your point has been noted. And I know we need to lift the bar, but there is a - I think there is a balance that we have to - and it is really a delicate balance that one has to maintain in this situation.

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Mr. JACKSON: I am subject to public scrutiny when people are going to vote for me at election, I am subject to that. Why is it that you can't say to the public, if you have any reason, just quietly tell the Prime Minister, you don't have to publicly go out there and announce it.

Mr. PICKERSGILL: No, no, no, no, that's a ballot behind the screen.

The CHAIRMAN: Okay. Anyhow, Members, I now put the clause number 6.

Put to the Committee and agreed to.

The CHAIRMAN: Clause number 7, I now put clause number 7.

Mr. CHUCK: No, no, Clause 7, Madam Chairman, is just a rearrangement.

Members, if you look at Clause 7 under subsection (d), in subsection (d) (ii), where you continue –

“...that any contract...”

Should be dropped and put over the left hand side, okay. And also, in roman (i) we should insert an ‘or’, ‘o-r’, so that it should read like this –

“either a

i) party to or;

ii) partner in a firm or director or manager of a company, which to the person's knowledge is a party to...”

And then all of the remainder qualifies (d). So party to any contract, so the remainder also qualifies subsection (d)(i), okay. So you move “any contract with the Government” out to the left hand side, to the extreme left. Is that clear? Like this – have a look at this, Derrick. (Mr. Chuck sends document to Mr. Kellier)
Madam Speaker, with that amendment, including the insertion of “or” after (i)...

The CHAIRMAN: I now put Clause 7.

Mr. JACKSON: Madam Chair, before you put the clause - Minister, having read through it together, I didn't get a sense that it also covers instance where the person, or connected person becomes party to a contract, and so would make for a declaration to the Governor-General.

Mr. CHUCK: Well, what...

Mr. JACKSON: Much the same way as we are trying to do for ethics in the House. If you were and you become a party to, then you have to advise the House. This only deals with prior to, but it doesn't deal with subsequent to.

(Sotto voce comment by a Member)

Mr. JACKSON: No, well state it.

Mr. CHUCK: Well, the point is that...

Mr. JACKSON: You see the point I am trying to...

Mr. CHUCK: Yes, yes, yes. But that doesn't stop a Custos from getting into contract afterwards. I don't know how that would work, but I mean, he does have to declare afterwards.

Mr. JACKSON: That's what I am talking about...

Mr. CHUCK: He doesn't have to.

Mr. JACKSON: ...not the preventing, but the subsequent declaration.

Mr. CHUCK: In other words, before he is appointed he must declare all his interests.

Mr. JACKSON: Right.

Mr. CHUCK: But now that he is a Custos, it doesn't stop him from getting a government contract if he is engaged in that sort of activity.

And not only that, if you look at Clause 10, if you look at Clause 10...

Mr. JACKSON: But remember, you know, while we are looking at Clause 10, we

have to seek even in this House, we have to seek exemption for...

Mr. CHUCK: Yes, but look at Clause 10(2), he has to disclose all of his interest to the Governor-General. So when we get there you will see that it covers the after. So he can enter into a contract, but now, instead of disclosing it to the House, he discloses it to the Governor-General.

Mr. JACKSON: Yes, I see that, it deals with the declaration going up to. But if you will recall, Minister, in our deliberations on some exemption requests that came to the Ethics Committee, we had - in fact, one of the recommendations we made was that even though you grant the exemption, where the person exempted subsequently enters into some contract, some note must be sent to the House.

Mr. CHUCK: And, in my view, I think that that section covers it. If you look at it carefully, that section covers it, because he has to disclose the nature of the contract to the Governor-General.

Mr. JACKSON: But that is the contract up to then.

Mr. CHUCK: No, after, after.

Mr. JACKSON: After?

Mr. CHUCK: If you read the whole of section 10, he has to disclose everything to the GG.

Mr. MONTAGUE: Subsection (1).

Mr. JACKSON: Okay.

Mr. CHUCK: Okay? So we have - put the amendment to...

The CHAIRMAN: I gather it was amended, it's merely an editorial, as it is.

Mr. CHUCK: Okay. Very well, very well.

The CHAIRMAN: So I now put Clause 7 with the editorial.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 8
Put to the Committee and agreed to.

(Sotto voce comments by some Members)

The CHAIRMAN: Beg your par... - it does, it does. It does, it does, it does.
I now put Clause 9.

Dr. GUY: Madam Chairman - Minister...

Mr. CHUCK: Yes.

Dr. GUY: Clause 9, how do you - how does one determine under subsection (2)(a) - what process...

Mr. CHUCK: I would imagine a medical report.

Dr. GUY: So that they would be medical boarded?

Mr. CHUCK: Well, let's face it, I mean, in most of these functions it's a medical report. Whenever you see these clauses of disability it's usually a medical report.

The CHAIRMAN: I now put Clause 9.
Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 10.
Clause 10 put to the Committee and agreed to.

Miss HANNA: Do you really have an age limit on the Custos?

The CHAIRMAN: Yes. You don't want to go home and enjoy retirement?

Mr. JACKSON: She said she wanted to extend it to Parliament.

Mr. MONTAGUE: No, no, no, it couldn't work because the parliamentarians regularly go back to the people for extension of...

The CHAIRMAN: I now put Clause 11.

Mr. CHUCK: No, no, one second, hold it. Yes, Mr. Kellier, Clause 11?

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Mr. KELLIER: Yes.

Mr. CHUCK: Go ahead, nuh.

Mr. KELLIER: I just need some clarifications. What exactly do you mean by *misbehaviour*?

Mr. CHUCK: Mean by what?

Mr. KELLIER: What exactly is meant by *misbehaviour*? As a reason to remove him, what *misbehaviour* entails?

Mr. CHUCK: Remember now...

Mr. KELLIER: It was used in a funny way somewhere else, but I want a proper clarification.

Mr. CHUCK: But remember if there is any question of the removal of the Custos, you set up a tribunal, or the Governor-General investigates, gets a report and if he deems necessary he sets up a tribunal. So, the question of *misbehaviour*, you can't really spell it out. So, what the Act provides is for the Governor-General to investigate if there is an allegation of *misbehaviour*. And if he thinks it is of such a sort of abuse, then he refers it to a tribunal. Okay? I don't think you can really say what *misbehaviour* is.

(Sotto voce comment by some Members)

Mr. CHUCK: No, no, no, the point is that if there is *misbehaviour*, then he gets a report - the Governor-General would ask for an investigation, gets a report, and if he thinks it is of such a grave *misbehaviour* he sends it to a tribunal.

(Sotto voce comments by some Members)

Mr. CHUCK: I think it's a normal everyday term. *Misbehaviour*, you must know what *misbehaviour* is.

The CHAIRMAN: It is standard in most of these Acts when it relates to public servants, yes.

Mr. CHUCK: Yes. I mean, *misbehaviour* can be one that...

The CHAIRMAN: Everything...

Mr. CHUCK: ...is of such a manner that you ignore it. The man, you know...

(Sotto voce comment by Members)

Mr. CHUCK: No, no, or he... it may be that the man yawns at a public function, that might be *misbehaviour*. But that should not cause him to be removed from the Office. But suppose the *misbehaviour* is one of moral turpitude?

(Sotto voce comments/Laughter)

The CHAIRMAN: Members, I now Clause 10.

Put to the Committee and agreed to.

Mr. CHUCK: No, Clause 11.

Clauses 11 and 12 put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 13.

Mr. PICKERSGILL: (Inaudible) How often...

Mr. CHUCK: This is 13.

Mr. PICKERSGILL: Yes. It says: "The Minister, with prior approval of the Cabinet..." Well, you are new in the post, but it is now, what, \$300,000 annually?

(Sotto voce comment by Members)

Mr. CHUCK: I suspect it will be revised on a regular basis, whatever *regular* means.

Mr. PICKERSGILL: Okay.

The CHAIRMAN: I now put Clause 13.

Mr. KELLIER: No... hold a sec, not yet...

The CHAIRMAN: We are at 13.

Mr. KELLIER: Minister, just for clarity. You indicated that the State would provide an office within the Courthouse for the...

Mr. CHUCK: Or...

Mr. KELLIER: ...or provide an office elsewhere. And based on this enormous list of things that the Custos has to do, do you provide him with anything else - the Office of Custos...?

Mr. CHUCK: Can we leave that to 15?

Mr. KELLIER: You have it in 15?

Mr. CHUCK: Yes. Let's get to 15 first.

(*Sotto voce* comment by Mr. Kellier)

The CHAIRMAN: I am going back, I now put Clause 13.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 14.

MEMBERS: Clause 14...

Mr. MONTAGUE: Clause 14.

Fourteen speaks to the function of *Office*, but I don't see anywhere in there - maybe I am not seeing it - where the Custos is responsible for the appointment of JPs - or some role to play.

The CHAIRMAN: I am sure I saw it somewhere; I saw it somewhere.

Mr. MONTAGUE: At 14(g)...

Mr. CHUCK: No, not only that, Madam Chairman, but functions conferred upon a Custos under the Justices of the Peace (Official Seals) Act.

(*Sotto voce* comment by the Chairman)

Mr. MONTAGUE: Madam, Section (e), *prepare a roster of the Justices so there are sufficient Justices to carry out its sitting of the Petty Session*. What about preparing a roster to ensure that there are sufficient Justices in the communities to discharge their duties in the parish? Why is it just the Petty Session Court?

(*Sotto voce* comment by Members)

The CHAIRMAN: I think probably it was because of the emphasis on trying to clear the backlog of cases in the Resident Magistrates Courts, and thinking that the

Justices would help to bear, you know, the burden, and so, for that reason Petty Sessions. But, I agree with you, parish, because it is not just Petty Sessions matter; it's not just Court matters, there are other matters in the community that need to be addressed. I do agree with that.

Mr. CHUCK: Madam Chairman, I will just ask the CPC, we could put sufficient Justices to carry out, *inter alia*. Would that be offensive if we put after *sufficient Justices*, to carry out, *inter alia*, the Justices functions at each sitting of the Petty Sessions Court? No?

Mr. PICKERSGILL: No, that wouldn't suffice.

The CHAIRMAN: I think, what it is Minister, is that the way we are now, the needs of the community, we need more Justices to satisfy the various needs, so many things that require the input of a Justice of the Peace. So, it is more for the needs of the community in general.

Mr. CHUCK: I think, Madam Chairman, it is something which you - bear in mind the Attestation Act will provide for more, in terms of councillors. Even that, in my view, would not even make them sufficient. What the Member from Western St. Mary is saying, I certainly - and all Members of Parliament can attest to the fact that there is need for more JPs. And, I think all of us should encourage the Custodes to really look about - the truth of the matter, Madam Chairman, is that very often, there are lots of good people who don't want to act as JPs, and a lot of these good people should be encouraged to take on the role of JPs.

Mr. MONTAGUE: Madam, I am hearing the Honourable Minister, but from harsh

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experience in my constituency where persons make the complaint - those of us from rural constituencies, where you may find - for example, in my own constituency, one household in one community has three persons appointed JPs and within five miles of that same community, there is no JP.

(*Sotto voce* comments by some Members)

Mr. JACKSON: Madam Chairman and Minister, I want to strongly support, not just what the Member from Western St. Mary has said, but the concerns therein. I believe that to the extent - and it affects us as Members of Parliament, because the people who need these services end up coming to us to complain. And we are now setting up the offices that will cause them to come into being, and we are making no provision to remedy that problem that we know exists.

For example, many of the Justices of the Peace - you might get appointed in Kingston, my constituency, in most part, is a migratory one. People move come to it and they move out. They are appointed in Kingston and they are on the register as a Kingston JP, the fact is that they will be of no service to nowhere in Kingston. But, you will have a list showing you have so many JPs. The Custos should be able to have an on-going roster whether or not these appointed persons are still in those offices, and *vice versa*. I have some appointed in Portmore. Are they still there? So, they should be required to keep track of the sufficiency of the JPs in the respective communities, and we don't leave it to chance.

Mr. MONTAGUE: And that is why, Madam Chair, that is why, Madam Chair, (g)(i), we should add the word, right after *suitable*, in regard to *suitable* persons, and put '*and sufficient*'.

(*Sotto voce* comments by Members)

Mr. MONTAGUE: Yes, "*suitable and sufficient persons for appointment as Justices of the Peace*".

(*Sotto voce* comment by the Chairman)

Mr. M. PEART: So, you run the risk when you say *sufficient*. You just gave a classical example, one house has three. So you might have the actual numbers, but you don't have the dispersion.

Mr. MONTAGUE: Well, at least, give me the numbers, because the parish I am from, we neither have the numbers nor the distribution.

Mr. PICKERSGILL: Madam Chairman...

(*Sotto voce* comment by the Chairman)

Mr. PICKERSGILL: Madam Chairman, is the Police Record a condition, precedent for someone to become a JP?

A MEMBER: Yes.

The CHAIRMAN: Minister of Justice, can you help us?

Mr. CHUCK: My understanding is that the - it has always been a hindrance. And the question is whether or not - why is it a requirement? I must tell you, I don't know.

Mr. PICKERSGILL: No, for the same reason that Mr. Jackson was speaking about.

Mr. CHUCK: So that, you see, I would not necessarily - you don't want to put it here. I mean, at the Government...

Mr. PICKERSGILL: No, well, I heard my friend from St. Mary... Madam Chairman, I have recently been in-touch with my Custos because the complaint came about Justices of the Peace. She said she sent in a whole lot of applications to the police and got no response. And she was being blamed for something she had no control over. That's why I am asking if

it is a condition precedent - which I think it should be - because you appointing a JP and you don't know anything about... and you sending through recommendation to the GG. That would be reckless.

Mr. CHUCK: I would say, Madam Chairman, this is a matter that could be brought to the attention of the Minister of National Security to ask why is it taking so long, or whether it is actually the case and where is it...

(Sotto voce comment by some Members)

Mr. CHUCK: In other words, if it is a requirement - and you think it should be a requirement...

Mr. PICKERSGILL: Yes.

Mr. CHUCK: ...the question is how we can get the police to speed up these reports so that it is not a hindrance to the process.

Mr. PICKERSGILL: I don't know if it is because the police - they are not paid for this. Are they paid for it?

Mr. CHUCK: I have no idea.

Mrs. HAY-WEBSTER: But, Chairman, the Member from North West St. Catherine spoke to that issue. I have had to have discussion with the same Custos on that matter. And I am aware that the police reports had been done and there has not been action taken. I am speaking particularly of Central Village; I am speaking of Gregory Park; I am speaking of Christian Pen.

Mr. PICKERSGILL: Well, it could...

Mrs. HAY-WEBSTER: So, I hear you, Member, but I am also aware too, of that. So, maybe there needs to be, either a special desk within the police force itself that handles those matters, where if we know that those matters are in, where we can go and ask directly, have

those reports been done, and how we move with it from there.

Mr. PICKERSGILL: But, Madam Chairman, the report could be a good report or a bad report. The fact that the report comes in doesn't say it is automatically good. So, you have to find that out...

Mrs. HAY-WEBSTER: No, no, Chair, but for six (6) years, seven years, eight years, you hear that you are waiting on this report. The police say they sent report and the Custos says, well, they haven't seen it and then there is nothing done to remedy the situation. And you start over again. It's ridiculous. And you have the communities sitting, 6, 7, 8 years without a JP in place. And as the Member from Western St. Mary said, you have another community like Greendale that has 14 JPs in there.

Mr. CHUCK: And you see, Madam Chairman, this is...

Mrs. HAY-WEBSTER: And you have none in other places where they have died, or cannot work.

Mr. CHUCK: This is why, Madam Chairman, this Act now requires the Custodes to send in an annual report to the Governor-General and to the Ministry. Here is an opportunity for the Ministry to examine the number of JPs actually operating. So, to the extent, Madam Chair, that the present Minister can hear the complaints of the MPs and exhort Custodes to appoint more JPs...

Mr. PICKERSGILL: Madam Chair...

Mr. CHUCK: ...I hope it can be done.

Mr. PICKERSGILL: Mr. Minister, I am therefore going to ask the Custos to come to you because she was going to your predecessor in office because she can't get

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through. So, I am going to tell her about what transpired in here.

Mr. CHUCK: Absolutely. And if it a question of the police reports, we go with... I'll take her straight to the Minister of National Security.

Mr. PICKERSGILL: All right, okay.

(Sotto voce comments)

Mr. MONTAGUE: Madam Chair, Madam Chair... In my case, from I was a Mayor 2004, I have been begging, beseeching, writing - write the GG, write Prime Minister, Minister of Justice, everybody for the appointment of JPs and until now - until now, they still investigating. And when I check with the police - as a matter of fact, when the former Minister of Justice wrote to the police, now the police say they have not received anything from the Custos. So, I would like to know who else can appoint the JPs.

Mr. CHUCK: Madam Chairman, there is absolutely no doubt that virtually, every single MP can make this complaint. I can say that in the 15 or so, years that I have been a Member of Parliament, notwithstanding that I have made dozens of recommendations, I have not had one JP appointed.

(Sotto voce comments by Members)

Mr. FAGAN: Madam Chairman, I can be associated with all...

The CHAIRMAN: Members, listen, the Minister said something that we share in common, but we are not going to spend all evening complaining about our individual experiences in our constituencies because it is a known fact, and we are going to do it. What I hear the Minister saying now, is that he is going to deal with the situation, speak to the Minister of National Security.

Mr. CHUCK: And not only that...

The CHAIRMAN: The one thing I had asked, Minister, where the Minister from St. Mary asked about sufficient - suitable and sufficient persons, is there any...

Mr. CHUCK: Madam Chairman, I have just been given a note from the CPC where we can address the issue in Section 18. When we get to section 18, I will deal with it.

(Sotto voce comment by Members)

Mr. MONTAGUE: Madam Chairman, in 14 (g)(vi) the Custos is not the chairman he is the co-chairman of the Parish Disaster Committee.

The CHAIRMAN: Yes, on page 7...

Mr. PICKERSGILL: Who is the Chairman, the Mayor?

The CHAIRMAN: The Mayor.

Mr. PICKERSGILL: The Mayor is the Chairman.

The CHAIRMAN: The Mayor. So in that one, Minister, he is the co-chairman of the Parish Disaster Preparedness Committee.

Mr. FAGAN: Madam Chairman, I see a little conflict and I was looking at it, I was trying to - maybe you can help me, Madam Chairman, the Municipality of Portmore has its sworn jurisdiction with respect to how it operates. So the Mayor and for most part, would have had its own committee similar to that of the parish. How do you deal with matters concerning the Municipality of Portmore in respect to the Custos as *via-a-vis* the parish?

The CHAIRMAN: I am not sure what you are asking. You want your Custos of the municipality - what are you asking?

Mr. FAGAN: I am recognizing that it is a Parish but in the parish you have the

municipality with its own jurisdiction. And I am saying that all of these functions in the municipality, the municipality would have these functions operating and I am asking in respect to the Custos how you - what is the relationship and how you deal with that particular matter?

The CHAIRMAN: I would think that just in the same way he would co-chair the Parish Disaster Preparedness Committee in that situation where there is a municipality he wouldn't chair but he or she, would co-chair on that.

Mr. MONTAGUE: Madam, I may have a solution. Within the charter, the Municipal Charter and Act it speaks specifically of a citizen's group, the CAC, the Citizen Advisory Council and I believe the head of that committee, the Citizen Advisory Committee which is that body to help to bring wider consultation within the municipality.

Mr. FAGAN: But you could say the same thing about the Parish Advisory Committee?

Mr. MONTAGUE: Right now, but what I am saying the Chair of the Citizen's Advisory Committee because they are mentioned in the Charter and in the Municipal Act as playing a vital role with the Council. The Chair of that body could co-chair, do the function in the municipality that the Custos would do.

Mr. JACKSON: I want to suggest, Madam Chairman and Minister, if you recall, in the deliberations on the Portmore Municipal Act some years ago, it was always contemplated that all the offices that are afforded each parish be afforded the municipality. The municipality came about because there was a recognition that the population of that area was at least equal to

any of the averaged size parish and islandwide. But we recognize the uniqueness of having the municipality within the parish.

I would suggest that while there is no clear stipulation, and Minister don't worry preempt negatively, given the demand for adequate State support, that the consideration be given to appoint a Custos for the Municipality of Portmore, in much the same way that we have a Municipality for all the other local authorities.

Mr. CHUCK: No, I think it would be - remember now, the custodes are appointed with parishes. The only way you can do it is to join with the Prime Minister and make the Municipality of Portmore a Parish.

Mr. JACKSON: No, no! We are seeking to be functional here.

Mr. CHUCK: No, I don't think we can go there.

The CHAIRMAN: The custodes are for the Parishes.

Mr. JACKSON: Fine, it might be so, but we can make it so. No, no, no! All the laws here we make them you know. Don't tell me that because it is so it has to remain that way. We can amend it.

Mr. CHUICK: It is going to affect not only this Act but maybe others because custodes deal with parishes.

Mr. JACKSON: But we just amend the same Act that say they deal with parish to say they deal with municipality. The CPC can advise us on that.

Mr. CHUCK: Portmore is a part of St. Catherine, and until it becomes a parish we continue it being a part of the parish of St. Catherine.

Mr. JACKSON: With all due respect that argument is redundant because Portmore is in

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fact a part of a parish but it has its own municipal authority.

Mr. CHUCK: Yes, but then you see with due respect, as you know under the Municipality Act, there are other areas that can be declared municipality. Do we then appoint a Custos for each municipality?

Mr. JACKSON: We only have one more municipal authority which is Portmore.

Mr. CHUCK: No, but under the Municipality Act it allows for the appointment of more Municipalities in other parishes or even in St Catherine. Suppose you make Sligoville a municipality, do you appoint a Custos for Sligoville?

Mr. JACKSON: If there are good reasons, Madam Chairman, Madam Chairman, if there are good reasons to establish Sligoville as a municipality, then you make it so. But because there is no good reason why there is not one. There was and is good reason why there is a Portmore municipality that has been established. Let that fact dictate what next we do, to support the municipality in its total function.

Mr. CHUCK: I must say that I cannot support the suggestion at this time; it opens up a door that you might not be able to close. So let's move on, Madam Chairman.

Mr. FAGAN: Madam Chairman, I think it was my question and I really wanted to get a resolve. I am not very sure if I have gotten an answer to the question. The question was, how are we going to deal with these other committees within the municipality, considering that Portmore has its own authority?

The CHAIRMAN: Members.

Mr. CHUCK: The Custos undoubtedly

has to have extra work in St. Catherine. It means that in a Municipality the Custos will have to come down there and chair some of those committees. It is simple.

Mr. JACKSON: Madam Chair, let me give you a practical example. Let me help the Minister. At the Independence Celebration ceremonies they can't come to Portmore they go to Spanish Town, but yet we have our own civic function everything in Portmore and Custos can't come because there is one in Spanish Town.

Mr. CHUCK: The Custos can send a senior JP to that function.

Mr. JACKSON: No, we are talking about a Custos we are not talking about any senior Justice of the Peace. Now tell me now, Madam Chair, what is the injury, what is the harm in affording Portmore all the other support that is afforded all other municipalities? In fact you have other parishes with smaller population than Portmore that have the full support of a Custos. Why is it that Portmore, with that high population density....

Mr. CHUCK: Go the route of making it a parish.

The CHAIRMAN: Member Jackson, it seems as if you are going to be in the minority this evening because it looks like a policy decision that cannot be dealt with here this evening in terms of this Act. I don't see us - unless we are going to be here until late.

Mr. MONTAGUE: Madam Chair, we are sent here to make the laws and the laws, Madam Chair, must bring remedy to situations.

The CHAIRMAN: Yes.

Mr. MONTAGUE: And, Madam Chair, we

are faced with problems in our various constituencies, that is why we were sent here to bring remedy.

The CHAIRMAN: Yes.

Mr. MONTAGUE: And this country, this government by policy established the municipality to bring remedy and in doing the Municipal Act Madam, we are forward looking. And I believe that we should continue this trend and to be innovative and novel in applying the law to solve the problems of the people, rather than stick to the hard core dictates.

The CHAIRMAN: Members, I hear you loud and clear, but this is a matter of policy and I am going to say that this is a Custos Rotulorum Act, the Act that deals with custodes and there is a Justice of the Peace Act that can be addressing in all of these issues. What we have before us this evening is An Act - A Bill to establish the office of the Custos Rotulorum. These issues can be dealt with under the Justice of the Peace Act. So I don't think that we should really deliberate on that. And notice is duly taken.

Mr. JACKSON: I serve you notice that I will move a joint motion with my colleague from Western St. Mary that the relevant amendments be made to establish a Custos for the Municipality of Portmore.

The CHAIRMAN: And I have no doubt that you will.

Mr. CHUCK: Let us continue, Madam Chairman.

The CHAIRMAN: Members, I now put Clause 14.

Dr. GUY: No, Madam Chair, no, no! Madam Chair, I have the Constitution right here in front of me. Chapter 5, the Governor-General and no way here, in response to the

question I asked the Minister about the job description of a Custos Rotulorum as to acting as a Governor-General; and he indicated that this particular piece of legislation spoke to it. I want some clarification here, and can we not include that as part of the duties. I raised the question earlier on under 14, yes. Function of office, and I raised the concern that in this function, as job description there is no itemization of a Custos acting as a Governor-General. The Minister indicated that it is spoken to in the Governor-General's Act and I am quoting from the Constitution that I don't see it there.

Mr. CHUCK: But with due respect, remember it is a convention.

Dr. GUY: It was a convention to have the Custos Rotulorum appointed in each parish as well we are giving legal status to it, Minister. Why do we not include this as part of the legalization of it then? From you said, from the 14th Century even before Jamaica was discovered that convention has been there.

Mr. CHUCK: But with due respect, Dr. Guy - Member from Central St. Mary, the Deputy or Acting Governor-General doesn't have to be a Custos it can be the Chief Justice. It can be anybody that the Governor-General wants to appoint to act as a Governor General. In most countries like, and it used to be that the Chief Justice act for the Governor/ General so it doesn't have to be a Custos. So don't impose it on the Governor-General that he must appoint a Custos as an Acting Governor-General.

Let's move on, Madam Chairman.

The CHAIRMAN: Members, I am putting Clause 14 with the amendment and I am going to read the amendment to you in (g) (iv) it says:

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“The Community Consultative Committee for the parish”;

And we are going to add the word ‘*and*’ and then

(v) *the Prime Minister’s Values and Attitudes committee for the parish.*

We are deleting ‘*and*’ then,

(vi) becomes (*h*) and a new subsection where he will act as co- chairman, of the Parish Disaster Committee. And after the word “*committee*” include the word “*and any other functions as are conferred*”. And (*h*) now becomes “*and any other functions*” and (*h*) becomes (*i*).

So, Members, I now put the amendment to Clause 14.

Motion put to the Committee and agreed to.

Clause 14 as amended put to the Committee and agreed to.

Mr. MONTAGUE: Madam Chairman, can I ask you a question for my own edification.

The CHAIRMAN: Sure.

Mr. MONTAGUE: Is there an age limit for service as a JP?

Mr. CHUCK: No, my understanding is that there is an age limit in the appointment. So you can’t be appointed if you are over 70 unless there are special circumstances, but you can - but once you can carry out your functions there is no age limit.

Mr. MONTAGUE: But Madam, if I may? Indulge me, Ma’am. Is there anybody

else who can appoint a JP but the Custos? Only the Custos can appoint? Minister, who else can appoint a JP?

The CHAIRMAN: Isn’t it the Governor-General on the advice of the Prime Minister.

Mr. MONTAGUE: Yeah, but can anybody else advise the Governor-General like the Minister of Justice?

Mr. CHUCK: Even the Minister of Justice has to pass it through the Custodes.

Mr. MONTAGUE: That’s odd.

The CHAIRMAN: Yeah.

Members, I now put Clause 15. Those in favour?

Mr. KELLIER: No, no!

Mr. CHUCK: Madam Chairman,

The CHAIRMAN: Mr. Kellier.

Mr. KELLIER: You have some questions to answer.

Mr. CHUCK: I think the Member to ask some questions on 15. What we would say, Member from South St. James, is that obviously, whatever Secretarial stationery assistance that can be given say from the public purse to the Custodes, will be supported. In other words, what we’re saying is that what is in the Act is for the provision of office space.

Mr. PICKERSGILL: Is there a Custos... an office.... (Inaudible comment follows).

Mr. CHUCK: At the moment, I suspect not.

(Inaudible comment by Mr. Montague)

Mr. CHUCK: But -

A MEMBER: Or any other, yes.

Mr. KELLIER: But, Madam - Minister, based on the requirements that the Custos ought to perform and undertake if he doing his work satisfactorily. You can’t just get an office fullstop. Somewhere there should state

that him have an office and staff or something. You must provide him with that.

(Sotto voce comment by a Member)

Mr. KELLIER: You can't expect the Custos to provide his own staff.

Mr. CHUCK: May I say, Mr. Kellier, this is only the beginning.

(Sotto voce comment by a Member)

Mr. KELLIER: Yes, but put it in from now.

Mr. CHUCK: No, no, but - no, you can't start listing he must have one secretary, one messenger. *(Laughter)*

Mr. KELLIER: No, no, adequate staff. Adequate staff. *(Laughter)*

Mr. CHUCK: No, I don't think you should impose it on the State at this time.

Mr. KELLIER: No, no, so why you giving him an office for? The Office of Custos shall be located within the main court building. Located. Or such place as may be provided by the Government. What does that mean?

The CHAIRMAN: Mr. Kellier.

Mr. KELLIER: You cannot give the man basket to carry water.

The CHAIRMAN: Mr. Kellier, I agree with you. Over all this time they have had no provisions made for them, they have served and served us well. Rome wasn't built in a day. We have given them an office. I'm sure those holding the offices of Custodes will be willing to lend efforts to making the office functional. So don't let us deliberate and hold it over.

Mr. KELLIER: While I understand where you're coming from, Madam Chair, this legislation is for the future, is not for the past.

Mr. CHUCK: No, but let's face it, Mr. Kellier, there is no doubt -

Mr. KELLIER: So if we making a legislation for the future....

Mr. CHUCK: Mr. Kellier, there is no doubt that -

Mr. KELLIER:we need to put it more succinct in these as something that indicates -

Mr. CHUCK: No, but Mr. Kellier it may well—it can be addressed in terms of the stipend, if funds are available. The stipend can be increased, but don't say that he must have a properly outfitted office with secretary, messenger, driver.

Mr. KELLIER: So is a window dressing. No, no, I think that if we setting up a new piece of legislation...

Mr. VAZ: ...you want the job?

Mr. KELLIER:we giving a man an office or a woman, whoever the person is as Custos, just to say that they must have an office is a little -

Mr. CHUCK: You want us to - would you like us to remove the section?

Mr. KELLIER: Ehh?

Mr. CHUCK: You want us to remove the section?

Mr. KELLIER: If you give him an office...

Miss HANNA: The truth is, Madam Chairman.

Mr. KELLIER: ...you have to give him something man.

Miss HANNA: Madam Chairman.

Mr. KELLIER: You can't just do that.

Miss HANNA: Minister. The truth is -

Mr. KELLIER: The Custos must function efficiently. Give him a good office man.

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Miss HANNA: If it is that you're putting the Custos in the main court building.

Mr. KELLIER: Eeeh!

Miss HANNA: I don't even know if it has space because even sometimes we can't even find the space...

Mr. CHUCK: I think it's an attempt to -

Mr. PICKERSGILL: They don't have any space.

Miss HANNA: ...for court.

Mr. PICKERSGILL: They don't have any space.

Miss HANNA: Yeah

Mr. CHUCK: If it - no, but -

Miss HANNA: No, but here's where I agree with the Member. If we're attempting to give them the proper tools, which as the Member from St. Mary is saying will help to remedy the situation then perhaps we need to give them a stipend for administration.

Mr. CHUCK: They do get a stipend, you know.

Miss HANNA: So, but I don't know -

Mr. PICKERSGILL: You mean the three hundred thousand? No, man nuh bother with that. That, you know -

Miss HANNA: The stipend is supposed to take care of administration as well?

Mr. CHUCK: No, listen. May I ask you a question?

(Inaudible comment by Mr. Lawrence)

Miss HANNA: No, but, Minister, we not trying to be - we support the Bill, you know...

Mr. PICKERSGILL: Othneil.

(Inaudible comment follows)

Miss HANNA: ...but what we're saying if you're going to legislation in place, which gives them a holistic approach to doing their jobs well, then let us look at it fulsome.

Mr. CHUCK: There is no doubt that this office should be provided with the prerequisites etcetera, but I don't think we should make it a part of the legislation. Please don't impose -

Mr. PICKERSGILL: Madam Chairman.

Mr. CHUCK: I accept - I accept that...

Mr. PICKERSGILL: You know...

Mr. CHUCK: ...provisions can be made, but don't make it a part of the legislation.

Mr. PICKERSGILL: ...what is causing all of this?

Mr. VAZ: Where would you put them?

Mr. PICKERSGILL: I just said to my friend.

Mr. CHUCK: Leave it at the moment.

Mr. PICKERSGILL: This business of Custos, you know, first time the office was held by people who could afford it. So if we reaching the stage now that they have all the other qualities but can't afford it, then you have to deal with this.

Mr. CHUCK: Then that is where the stipend -

Mr. PICKERSGILL: Yes.

Mr. CHUCK: It can be addressed in the stipend.

Mr. PICKERSGILL: Yes.

Miss HANNA: Divide twelve into Three Hundred Thousand Dollars.

Mr. CHUCK: Okay, but for the moment leave it in the stipend and the stipend can, over a period of time, be adjusted to deal with it.

Miss HANNA: Divide twelve into Three Hundred Thousand Dollars.

(Inaudible comment by Mr. Kellier)

Miss HANNA: Divide Three Hundred Thousand by twelve.

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The CHAIRMAN: Members, I now put section 15.

A MEMBER: Aaah boy!

Put to the Committee and agreed to.

The CHAIRMAN: I now put section 16 - Clause 16.

Put to the Committee and agreed to.

Dr. GUY: Madam Chairman, I can't help but comment on this.

Miss HANNA: The seal?

Dr. GUY: Yes, and I want to crave your indulgence to go back to 15. Not that I'm seeking any -

Mr. CHUCK: You want to recommit 15?

(Inaudible comment by Miss Hanna)

Dr. GUY: Yes - no, no, you know...

The CHAIRMAN: What?

Dr. GUY: ...all we're telling by this legislation is that all we need to do is to give the Custos a room with a big seal inside deh and then he operates out of that. No staff, nothing else. And I think really if the Minister is telling us that the stipend will be...

Mr. CHUCK: The stipend.

Dr. GUY: ...adjusted.

Mr. CHUCK: May I just say this legislation for the first time is giving Custodes an office. It is a start.

(Laughter)

Dr. GUY: No, no, I'm not disputing that, Minister.

Mr. PICKERSGILL: (Inaudible comment). Give them a room.

Dr. GUY: All I'm saying and I'm seeking - and you may need to satisfy the Member from South West St. Catherine...

Mr. CHUCK: No -

Dr. GUY: ...that the stipend will need to be more than the Three Hundred Thousand

Dollars because you need to ensure that that will cover -

(Inaudible comment by Mrs. Neita-Headley)

Mr. PICKERSGILL: But what the MP get? What the MP get?

Dr. GUY: No, no, by regulation.

Mr. PICKERSGILL: Don't dem promise MP all kind of things, you get it?

Mr. KELLIER: Give the man dem a proper office, man.

Mr. PICKERSGILL: They can't afford it. Him don't - you don't have anything in your budget for that.

Mr. CHUCK: Absolutely.

Mr. KELLIER: Tek out the absolutely.

Mr. PICKERSGILL: Because an office befitting a Custos is a pretty penny.

Mr. KELLIER: You can't...
(Inaudible comment follows)

Mr. M. PEART: Leave it alone fi now.

Mr. PICKERSGILL: Yeah, leave it for a while. Mek dem -

The CHAIRMAN: Members, I now put Clause 16.

Mr. CHUCK: No, it was - to be fair it was put already.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 17.

Opposition MEMBER: Yes, Madam. Speaker.

(Laughter)

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 18.

Mr. CHUCK: Madam Speaker -

Mr. PICKERSGILL: No, Clause 18. Clause 18 now.

Mr. CHUCK: Madam Chairman, to address the concerns of the adequacy...

Mr. PICKERSGILL: Yes.

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Mr. CHUCK: ...we're suggesting that there should be a Clause (d) to be added.

The CHAIRMAN: To where?

Mr. CHUCK: So that in the report being submitted by the Custos he or she - what we would put *a statement as to the adequacy of the Justices of the Peace in the parish to serve the needs of that parish.*

I repeat. We're going to add (d) *a statement as to the adequacy of the Justices of the Peace in the parish to serve the needs of that parish.* Okay? 18, 18(d).

Mr. MONTAGUE: Can we add a -

Mr. CHUCK: Sorry?

Mr. MONTAGUE: I agree with your - so I would like to add an (a) that if the Minister having reviewed the report - the Minister having reviewed the report - the Minister having reviewed the report believes that the adequacy of JPs are not enough he can make that recommendation or direct the Custos or something. I don't know the language.

Mr. CHUCK: No, don't put it in the Act. I mean you don't want a Minister to be dictating to Custodes.

Mr. MONTAGUE: No, recommend I said.

Mr. CHUCK: No, but in due course the Minister should, but don't put it in here.

The CHAIRMAN: No, it was the same thing that Patrick was -

Mr. MONTAGUE: No common sense nuh so common, you know.

Mr. PICKERSGILL: You have to leave that to the GG.

Mr. MONTAGUE: All right, withdrawn.

Mr. CHUCK: So that's the proposed amendment.

The CHAIRMAN: I now put the amendment, 18 (d) -

Mr. CHUCK: One other thing, Madam, this is typographical subsection (2) should be annual put a *u* in the ann -

The CHAIRMAN: Yes.

Mr. CHUCK: Okay, that's a typographical. Subsection (2) 18(2). Not the annal, the annual.

The CHAIRMAN: I now put the amendment to Clause 18(d). Those in favour those against?

Mr. CHUCK: No, it's those in favour, aye.

Put to the Committee and agreed to.

The CHAIRMAN: And the editorial - the typographical error to subsection (2) instead of A-N-N-A-L, annual.

Mr. PICKERSGILL: Very unfortunate error.

The CHAIRMAN: I now put Clause 18 with the amendments.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 19.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 20 with the amendments.

Put to the Committee and agreed to.

Mr. MONTAGUE: Madam, before you go any further, the regulations. How soon will the Minister published the regulations? Because my recommendation I had make earlier - a suggestion rather than an official funeral be accorded maybe after ten years service. I think maybe - I don't if that one could be in the regulation rather than in the Act.

Mr. CHUCK: We will look at it as soon as possible.

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Mr. MONTAGUE: Thank you, sir.

Dr. FERGUSON: No, no....

Mr. PICKERSGILL: Better you tek that money and give them the office.... (Inaudible comment follows).

Dr. FERGUSON: No, no....

(Inaudible comment by Mr. M. Peart)

Mr. MONTAGUE: I'm not a JP.

Mr. CHUCK: No, we'll look at it as soon as possible.

The CHAIRMAN: I now put Clause 20.

Put to the Committee and agreed to.

The CHAIRMAN: I now put Clause 21.

Put to the Committee and agreed to.

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

Put to the Committee and agreed to.

The CHAIRMAN: The question is that I do report the Bill as having passed Committee Stage with two (2) amendments.

Put to the Committee and agreed to.

RESUMPTION

The SPEAKER: I do report the Bill as having passed Committee Stage with two (2) amendments.

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

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

Put to the House and agreed to.

Bill entitled,

“AN ACT to Establish the Office of Custos Rotulorum”,

read a third time and passed.

(Applause)

(Cross talk)

Mr. HOLNESS: Madam Speaker, I'd like to move for the recommittal of the item

Notices of Motions Given Orally.

The SPEAKER: The question before the House is that we have recommittal of the item, Notices of Motions Given Orally.

Put to the House and agreed to.

NOTICES OF MOTIONS GIVEN

ORALLY

(Recommitted)

Mr. HOLNESS: Madam Speaker, on behalf of the Minister of Tourism, I beg to give notice that at the next meeting of the House I will move to introduce and have read a first time -

Bill shortly entitled,

“Travel Agencies Regulations (Amendment) Act, 2011”.

And Madam Speaker, I beg to give notice on behalf of the Minister of Finance that at the next meeting of the House I will move to introduce and have read a first time.

Bill shortly entitled,

“Debt Management Act, 2011”

Mr. PICKERSGILL: Warmington not on.... (inaudible comment follows).

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today. We will, however, Madam Speaker, resume our sitting tomorrow.

Mr. PICKERSGILL: Why?

Mr. HOLNESS: You don't have to come, you know, you don't have to come - (Laughing) as scheduled.

Mr. PICKERSGILL: You're becoming ungracious and that's not like you. That's not like you. Apologize.

(Laughter/Cross talk)

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Mr. HOLNESS: Madam Speaker, I therefore move that the House be adjourned until Wednesday, July 13, 2011 at 2.00 p.m.

The SPEAKER: The question is that the House do adjourn until tomorrow Wednesday, the 13th of July, 2011.

Put to the House and agreed to.

The SPEAKER: This Honourable House is now adjourned.

The House was accordingly adjourned at approximately 6:45 p.m. to resume its sitting on Wednesday July 13, 2011 at 2.00 p.m.

WEDNESDAY, July 13, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.46 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Industry, Commerce and Investment.

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

OTHER MEMBERS

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

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

DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North.

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

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

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

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

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

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

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

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

THE HONOURABLE HOUSE OF REPRESENTATIVES

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

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

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

PRAYERS

Prayers were offered by Mrs. Sharon
Hay-Webster.

The House resumed its sitting at 2:46 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its
sitting.

CALL OF THE ROLL

(See Listing)

The SPEAKER: I would like today to
welcome the visitors we have in the Gallery
and to remind us all, those of us sitting in the
Gallery, visitors and all of us as Members, that
we need to turn our phones off. And for those
in the Gallery, you cannot participate in what
takes place.

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

NOTICES OF MOTIONS GIVEN

ORALLY

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

WHEREAS on July 20, 2010 the
Prime Minister caused to be laid in

this Honourable House Ministry Paper
No. 64/2010 entitled “**Public Sector
Master Rationalization Plan:**

Recommendations For

**Restructuring of the Ministries,
Departments and Agencies”;**

AND WHEREAS it further stated that
this was prepared by the Public Sector
Transformation Unit of the Cabinet
Office;

AND WHEREAS it was tabled as a
Green Paper;

AND WHEREAS on May 10, 2011,
the Prime Minister caused to be laid a
revised version of the said
recommendation;

AND WHEREAS this was tabled as
Ministry Paper No. 34 of 2011;

AND WHEREAS the Prime Minister
has announced that the Cabinet has
approved for gazetting sections of this
reported recommendation;

AND WHEREAS this Honourable
House has not been given the
privilege to be informed of what is to
be gazetted:

BE IT RESOLVED that Ministry
Paper No. 34-2011 be debated in this
Honourable House;

AND BE IT FURTHER RESOLVED
that no gazetting of any section of this
recommendation contained in the
Ministry Paper No. 34 of 2011 or
anything related to it, until this
Honourable House has an opportunity
to debate the contents of Ministry
Paper No. 34 of 2011.

(Applause by the Opposition)

(MR. PETER MURCOTT BUNTING, (PNP), Manchester, Central, entered and took his seat.)

(MR. ANTHONY GEORGE HYLTON, (PNP), St. Andrew, Western, entered and took his seat.)

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Madam Speaker, the Government has two answers for questions, question posed by the Member from Eastern Portland, Question 17 on the Question Paper, that is ready for answer. The Member isn't here so...

Mr. M. PEART: The Member isn't here.

Mr. HOLNESS: So you would want me to defer the question again?

(*Sotto voce* comment by Mr. Michael Peart)

Mr. HOLNESS: All right, we will defer it until Tuesday.

The Minister of Transport and Works has answers for questions. He is not in the House now but he will be here shortly. We will recommit at that time when he arrives.

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

Mr. HOLNESS: The Minister of Transport and Works, Madam Speaker, has questions for answer that were posed by the - answers for questions that were posed by the Member from St. Andrew Southern. He is not in the House today obviously, but I gather that the Minister had discussion with the Member and it was agreed that he would Table the

answers and then the Member would ask questions next week.

(*Sotto voce* comment by Mr. Michael Peart)

Mr. HOLNESS: Would you want us then to defer that question as well?

Mr. HENRY: If I may. I was able to get hold of Dr. Davies just before I got here, to tell him I was ready with the answers. He said he would not be in the House. I said I would send him the answers so he could raise any follow-up questions. But we want to Table them and then next week I am ready to answer any follow-up questions that he may have. Okay. So I am not making an issue of it, but that's my understanding with him. And if my Leader of Government Business wants me to Table them I will hand him the questions and then next week Dr. Davies can ask any follow-up questions.

And, Madam Speaker, that's important because it's a whole lot of figures on some of them overall.

Mr. HOLNESS: Well, Madam Speaker, it wouldn't - it's not for the business of the House if the Minister would want to send a copy informally to the Member who asked the questions, that's not the House's concern. And so he may want to do it that way informally so that the Member can be prepared with supplementary questions, and I suspect that is the route that we will go. So we will defer it. What we will be doing today then is to defer the answers. So for the record, Madam Speaker, the Government has deferred two answers. (Laughter)

(*Sotto voce* comment by Government Member)

Mr. HENRY: And in order to keep

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everything in proper perspective I have invited the new Opposition shadow minister to visit with me so that I can explain the integrated multi-modal transport plan. (Laughter)

**PRESENTATION OF BILLS WITHOUT
LEAVE OF THE HOUSE FIRST
OBTAINED**

Mr. CHUCK: Madam Speaker, I beg to move to introduce and have read a first time a Bill shortly entitled, “**The Committal Proceedings Act, 2011**”.

Bill shortly entitled:

“**The Committal Proceedings Act, 2011**”,

read a first time.

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

Mr. HOLNESS: Madam Speaker, on behalf of the Minister of Finance I beg to move to introduce and have read a first time a Bill shortly entitled, “**The Public Debt Management Act, 2011**”.

Bill shortly entitled:

“**The Public Debt Management Act, 2011**”,

read a first time.

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

And, Madam Speaker, on behalf of the Minister of Tourism I beg to move to introduce and have read a first time a Bill shortly entitled, “**The Travel Agencies Regulations (Amendment) Act, 2011**”.

Bill shortly entitled:

“**The Travel Agencies Regulations (Amendment) Act, 2011**”,

read a first time.

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

PUBLIC BUSINESS

Mr. HOLNESS: Thank you, Madam Speaker.

At Public Business today we have three matters to address. We have Item 8 under Government Business on the Order Paper, that is The Government Guarantee for Central Wastewater Treatment. That will be taken by the Minister of Water and Housing and we will be going with that item first. It actually stands in the name of the Minister of Finance but the Minister of Water and Housing, whose agency it is that will be the beneficiary of the guarantee, will take charge of it for the Minister of Finance. And then, Madam Speaker, we propose to continue debate on the amendment to the Interception of Communications Act, the amendment Bill; and if we can close today we would do so. I expect it is a Bill that we could close today. It is very important and it is urgent as well, Madam Speaker.

And then we will continue at Committee Stage with the Special Prosecutor Bill.

Those are the three (3) matters.

Madam Speaker, as a housekeeping matter to conform with the Standing Orders, I would like to move suspension of the Standing Orders to allow the Minister of Water and Housing to take charge of the Bill - to take the motion today.

The SPEAKER: The question before the House is that the Standing Orders be suspended to allow the Minister of Housing and Water to take the motion on behalf of the

Minister of Finance, today - to take the motion today.

Put to the House and agreed to.

The SPEAKER: Dr. Chang.

**LOANS – GOVERNMENT GUARANTEE –
NCB/CENTRAL WASTEWATER
TREATMENT COMPANY**

Dr. CHANG: Thank you, Madam Speaker.

It's a very simple matter, Madam Speaker. It is seeking for the - inviting the House to approve the request for the grant of a Government Guarantee under the provisions of The Approved Organizations Authority Loans (Government Guarantee) Act, for a loan of some US\$37 Million from NCB Capital Markets Limited, to refinance an existing loan between the National Commercial Bank of Jamaica and Central Wastewater Treatment Company.

The Central Wastewater Treatment Plant, otherwise called Soapberry, was built by a loan from NCB. Some five years ago it was started. It was commissioned in 2008. Some US\$37 Million was borrowed as part of the required capital development facility from NCB Bank. It was borrowed as bridging finance and therefore the rate was rather onerous. In fact we were operating at about 11.7%, and which was retained in the system for quite some time. Additionally, the Housing Trust and UDC had put in additional capital and the actual cost of facility was some \$51.5 Million.

The Government has taken the decision to consolidate the ownership of the operation in the Water Commission, which is the sole customer of the facility. Indeed, MOU was

designed between the company and the Water Commission, but the reality is that without - at the current rate there will be great difficulty in servicing that particular loan. And it was necessary not only to consolidate the ownership of the company within the Water Commission as the primary government entity that deals with wastewater collection, but to seek to refinance the loan on long-term financing. We have ended up with three bonds through NCB Capital Markets, which will average about 8%, compared to the former 11.76%. And because of the shift from NCB bank to NCB Capital Markets we need to redo the Government Guarantee, but there is no additional loan to the Government. It's replacing what was already there and therefore will not affect our loan balance or the fiscal bonds.

It's a matter of tidying up. It's a very untidy situation in terms of the cost of the money and in terms of the ownership and responsibility for Central Wastewater.

(Sotto voce comment by Mr. Bunting)

Dr. CHANG: I will give that to you.

The bonds are spread over - three bonds which are valued - Tranche A is a four-year facility of US\$12.3 Million at 7.75%, Tranche B is over a period of six years, another US\$12.3 Million, 8.125% payable quarterly. Tranche C is an eight-year facility, 8.25% paid quarterly. Default interest, of course, is 5% above the interest rate prevailing at the time.

It is significantly lower than what we had before. It's not ideal but the Commission will be in much better position to finance this particular facility. Indeed, had we not gone this route I think we would have to activate the Government Guarantee, which was put in

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place some two years ago, for this loan. But we think at the current rate and current terms and conditions we will be able to carry this within the framework of the National Water Commission and prevent the taxpayers from having to carry the responsibility some time.

The Central Wastewater facility otherwise called Soapberry is an excellent wastewater collection facility. Bear in mind that prior to this, much of the wastewater that was being collected went through Western and Greenwich, actually went into the drainage system almost totally untreated. They had become old, rundown and they were initially, primarily secondary treatment anyway. At the stage they were functioning they were really down to primary and they were contaminating the harbour. So this has made a significant contribution to the improvement in environmental situation. And it has the capacity to be expanded to 30 million gallons per day and therefore, we can expand the wastewater collection system between South East St Catherine and the Corporate Area to take out additional wastewater from getting into our drainage system for treatment. And it operates the tertiary level which will allow us some time in the very near future to actually reuse that water in irrigation facilitates. We cannot do so now because the Corporate Area requires a septage treatment plant and for some time septage is deposited in there although illegally. But once you put septage into the plant it becomes the major problem in terms of the quality, and therefore you will not use it for irrigation at this stage.

Septage is what the trucks collect from the septic pits around the Corporate Areas and that is high bacterial content and we have to treat it

differently. So, it is not designed to treat that, and they are allowed to use mechanical plant where it has been available from time to time. But we need a central septage treatment plant before we can recycle. But the plant is designed to allow for recycle, recycle of the use of the water and it can do so. It is really a very valuable asset adding to the infrastructure of the Corporate Area and South St Catherine and allowing for the build out of sewer collection system throughout the Corporate Area, not only in new areas where we have predominantly septic tanks and pits, but we will be able to fix a lot of the Downtown areas which currently have very old and dilapidated systems.

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

The request therefore, Madam Speaker, is a very reasonable and necessary request and we just urge my colleagues, support. I have had the opportunity of outlining - the Member from St Catherine is a bit late - the purpose of this. But it certainly is the kind of thing that you have to do to put our financing in good order and, also to manage this facility effectively and properly at the place where it belongs, namely the Water Commission.

There would be some time before this facility is available for possible private participation. It is a private partnership-public/private partnership including Housing Trust, UDC, Ministry of Water and Housing, the Water Commission and Ashtrom Construction. For the future it is possible to have it privatized but not currently because the volume of wastewater going in there is too

small to make it viable and it would mean the buyer would have to carry a very high opportunity cost over a long period. The intention is to expand the collector system to ensure we get the required volume and at which point the returns could be justified and we examine that. But at this point in time the purpose of this loan is to get us off the high interest rates bridging finance which is overwhelming and unbearable and to create this new financial instrument of three bonds four, six, and eight years that is more affordable and at a much better interest rate and in terms of cost anyway, at this point in time. And we think we should be able to manage to service these bonds without going into the Consolidated Fund.

That is my opening statement, Madam Speaker, and I will invite the Members who may wish to ask questions or seek further clarification.

(HON. DARYL WESLEY PHILLIP VAZ, (JLP), Portland, Western, Minister without Portfolio in the Office of the Prime Minister, entered and took his seat.)

Mr. BUNTING: Madam Speaker, as a former chairman of the National Water Commission, I can speak to the importance of the Soapberry Plant. It is something that was on the books in the planning from my days about a decade ago. And it was really very important for the quality of the environment in Kingston Harbour that we implemented this facility. So I have no problem with that capital expenditure nor do I have a problem with the refinancing, the idea of the refinancing the facility as outlined by the Minister.

I would just ask a couple questions around the specifics of the financing. In terms of the

fact that NCB Capital Market has got this in a sort of in-house transition from a NCB Bank, I assume, National Commercial Bank loan, was there any competition to see whether these facilities and rates were the most competitive because rates internationally have fallen quite a bit in the five years since the original facility was done as well as rates locally. So I would like an idea of where above the GOJ yield curve do these current bonds prices fall? They seem particularly at the shorter end, Minister, at the four year, they seem substantially above the current yield curve of GOJ instrument and I was wondering what level of premium. And I would therefore ask in closing if just to ensure that we get the best deal if we could introduce some level of competition, because I think these bonds can be sold to the retail market which I am sure is where they are going to end up at very substantially lower yields than this. And therefore rather than the intermediary getting all of that margin, I think there may be some room for the government to negotiate a better rate at this time given current market conditions.

And I would support the guarantee but with the caveat that the National Water Commission attempts - well I am assuming now when you say consolidated the ownership that it will now become a subsidiary, Central Wastewater is becoming a subsidiary of the National Water Commission. Therefore Central Wastewater/National Water Commission, I believe could go back and ask NCB to sharpen the pencil on these rates because I believe that there are better rates available in the markets. But in concept, I have no problem with it. It will save money so it is something that is needed to be done and I think we can get even a slightly better deal for

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the taxpayer if we do that little negotiation at this time.

Thank you.

(MR. TARN ANDREW PERALTO, (JLP), St. Mary, South Eastern, Deputy Speaker, entered and took his seat.)

Dr. FERGUSON: One quick one to you, Madam Speaker.

Minister, let me ask who are the partners in the Soapberry Project presently? And what is the equity of your ministry in that project?

Rev. THWAITES: Madam Speaker, will the Minister say when it is likely that the build-out of the infrastructure that will make full use of the Soapberry Scheme will take place? And specifically he referred to the alteration of the archaic sewage arrangements in Downtown Kingston. May I remind the Minister that the pipes that are now - that are still using, still being used were laid in 1919 and some before eh?

And further, will the Minister state, does government have a policy as to the extent to which capital expenditures as the one referred to are to be recoverable by rates? Is there a formula as to the amount of subsidy from public funds or is all of it to be recovered from rates overtime; particularly, having regard, Madam Speaker, to the fact that we pay one hundred per cent of our water bills as sewage charge.

Mrs. HAY-WEBSTER: Last question, Madam Speaker.

Minister, as MP where Soapberry falls, just one small concern in respect of the infrastructure. There are two inward dykes in there that have been severely damaged overtime. There were some work that was

done to repair that but given the extension that is going to be doing there in terms of solidifying the plant to pull-in from Southern St. Catherine that is the Portmore area there is going to be need to be review of those two dykes or we are going to have major problems on the Mandela Highway. I would ask that you have a look at that please.

Dr. CHANG: Let me start at the bottom. The dykes, some work was done on them recently, but they certainly have to be examined. And part of the problem we have been having in dealing with Soapberry and its maintenance and development was the scattered ownership. We really had - Soapberry was brought on stream to provide wastewater collection for innercity housing which was an excellent attempt. But in setting up the financial structure was a little bit unusual because UDC and NHT has no interest in wastewater management, but because at the time they were doing, the NHT was doing the inner-city and they were a bit more cash rich and the Water Commission, as my friend will tell you, had serious problems ownership went there. Of course, they have very little interest in what was to be done so that was part of it to consolidate within the NWC ownership who is their sole customer and they should provide more effective maintenance and management. In fact there is a leak at the gully down in the west that we are - what is it now Shoemaker Gully that has not yet been fixed because it wasn't sure whether it was Central Wastewater, NHT, UDC who is to fix it. We are about to fix that because it does involve raw wastewater getting back in the drain. And some other pipes were damaged by scrap metal traders which we

have to fix and so forth, serious problems.

In terms of the downtown situation we are acutely aware of the problem down there and any attempt to redevelop downtown involves redevelopment of the wastewater collection. It is one of those fundamental infrastructure problems which we cannot ignore, if we are doing any serious development.

Work has been going on and interest is being shown I know Digicel - in Harbour Street that particular collector main was redone by the UDC on some maybe within the last decade that is in very good condition. The other two major collector system running across town is Law Street and North Street and the Law Street one is extremely - it may be totally blocked by now. And that will have to be redone whether we do it there or we do another street parallel to Law Street, I am not sure. Works engineers are looking at it.

One of the problems running in old sewer mains is just the cost of not only the cost the inconvenience of digging up in the middle of a town because sewer lines are far more difficult than water lines. The average depth of the sewer line is eighteen and thirty feet compared to water lines which is three feet and running on top.

There are some new technologies which they are looking at and once we commit the required finance we may get that kind of technology. It requires a new machine which actually burrow underground and then come up at the required manhole point and so forth. Because it is a very untidy situation when you have to dig up the entire main in the middle of the road. But it is a challenge we have to take on and we have to find a way to do it effectively because the proper redevelopment

of downtown hinges on that kind of activity.

North Street interestingly is not a pipe. I found out when they had a leak recently that it is a tunnel built with bricks, the main line that runs across. That was sometime in the late 19th century, build with bricks, and it is about 32 feet down and all going there. But we are consciously aware part of what we are doing and as I recall in the most recent rate adjustment which we had which was in 2008 which we had applied to. The ministry with the Water Commission through the ministry did apply for what we call of K-factor and the K-factor in your bill is dedicated money for infrastructure improvement. So we seek to recover that our - that money cannot be touched by the Water Commission without the approval of the OUR. And part of that is to improve sewer collection, sewer treatment plants to upgrade them from the old plants which treated to Level 2 to tertiary treatment and also to replace the leaky pipes all over the place and that is the programme embarking on, a nonrevenue water development. But that money is in there and it is taken back out by the X-factor as you gain efficiency so your rate remains stable and ultimately we hope to retain the rates stable for a long time as we improve the efficiency. We may have to extend the time a little bit, but it is critical that we do that in what we are doing and make the public be aware of this because that K-factor money, is significant sum, we are looking at about \$40 Billion over 10 years. Part of that and what we hope to do is to borrow against that to do the repairs up front and pay it back with the K-factor. But it is money, as I said, which cannot be used by the Water Commission for any other thing, it is capital

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specifically designated for this. But we have to monitor it, the OUR monitors it very carefully but the public should be aware that is what we are doing with their money.

The current owners of the - of the owners of the Central Wastewater Treatment UDC and NHT had just over 75 - I think they had over 37.5 per cent each. I'm not sure of the numbers here, but they had a bulk of the shares. NWC had 7 per cent. Ashtrom had 7 per cent, and the Ministry had the rest which came to about 6 or 5 and a half per cent. The Ministry of Housing input was - equity was the land that it was built on because the Ministry of Water and Housing owned that property. So it was valued and they put in the actual cash they were given that percentage. UDC and the NHT at the time put up Seven Million each, and Ashtrom and NWC a Million US each and that was then added to the loan to construct the facility. The Government has then took the decision to consolidate all government ownership in the NWC, so that we can now hold one person accountable and begin to, if any refinancing is necessary, we have one place to look and discuss, and to hold as I said, liable and accountable.

The plant is still managed by contract by Ashtrom, which is called WMCU and it's a management company, as they were the contractors who built this and brought in the technology in the system. We're continuing that relationship, but it is fairly standard technology and if necessary the Water Commission will have trained people to take it over. What we're more concerned with now, Madam Speaker, is to ensure we can - there are three things that contribute to the

completion of this process. One, is to maintain such a standard that we can do irrigation. So we'll be reusing the water. We're getting currently ten million gallons per day and that would make a significant difference to the Bernard Lodge plains once we have gotten that done. In addition to that, as I have said we have to build a new septage plant which we expect to begin in the new financial year. Not this year, next year. We're discussing with the IDB how to proceed because that's critical to good quality environmental management. And thirdly, we're going to be doing an artificial well recharge line out of the Rio Cobre in to the plains of Innswood, so that the underground aquifers will continuously have the required supply of fresh water, and you don't end up with any kind of undue contamination even from any of the facility out there or overuse of the underground supply.

In terms of the financial rate, which is the critical issue here and why I left it for last, we did seek participation from other banks, but we started this discussion over a year ago and the interest from the other banks was not much. Although, the advice to go this route, in fact, was from a banker, and bear in mind, what you call may a utility bond is a pretty new instrument to the market from what I gather. It's the first time the Water Commission is going this route. They did do something with a Nine Hundred Million loan about a year ago, but doing it on this scale and the manner they were doing it was fairly new. But when the interest rates were coming down, we were advised by bankers that this was the best road to go and everybody agreed to that. But the interest by other bank institutions was not particularly -

Mr. BUNTING: (*Sotto voce*) You know why? A year they were introducing the JDXP.

Mr. CHANG: Yes, yeah, it was just beginning to turn, so NCB had a definite interest in doing it and at the time when we negotiated it these were reasonably good rates. But it's a 4/6/8-year bond and we have a working relationship and we can certainly talk to them about what we can do. At the time we did it, I think we were doing pretty well and there was a little bit of insecurity both ways. The JDX was just coming in; the people were uncertain how to go and all of that.

Mr. BUNTING: No, I understand, but I'm saying now.

Mr. CHANG: No, I'm with you, you know. We're on the same page here. So we're going to talk to them and I must also say part of - the banks that would be really keen, the two big banks, we were in the middle of a negotiation which we should conclude this month with Bank of Nova Scotia for a US\$115 Million water production loan, which will be used to expand the capacity in the Corporate Area and satisfy our needs for some time. And so they would not be keen on any major bond outside of that right now. So these were a number of factors that worked there, but as I said it was the timing. It was a year and half ago. And we're under some pressure despite of the time it took to settle, because we had reached the stage with the bridging financing where we are beginning to pay back capital on a quarterly basis at the expensive rates. So it was costing government because we couldn't pay it and we weren't sure what to pay it either. At the NWC level US\$2 Million every quarter, which was not part of our budget programme. So we were under some

pressure. And, in fact, a payment is due literally this week that's one of the reasons for bringing it here. So we appreciate the comments and we'll certainly talk to NCB Capital Markets but at the time we started it this was an interesting and good approach.

(Inaudible comment by Mr. Vaz)

(*Sotto voce* comment by Mr. Bunting)

Mr. CHANG: So, Madam Speaker, I now move that the motion be approved. I'm sure that as we go into the marketplace for future events this mechanism - Madam Speaker, this mechanism - Madam Speaker, with the current interest rates that government has been able to achieve the chances are that the utilities and the water company may very well reenter the market place for bonds of this nature, and I'm sure that Proven will be one of the companies that will be available to serve.

Madam Speaker, I now move that the motion be approved.

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

Put to the House and agreed to.

Mr. CHUCK: Madam Speaker, I understand that we want to continue - yesterday we suspended debate on the Interception of Communications Act, so we'd just like to reopen that debate at this time, Madam Speaker.

Madam Speaker, it appears there will be no further contribution to this Act entitled, The Interception of Communications Act. So at this time, Madam Speaker, I now move that the Bill be read a second time

The SPEAKER: The question before the House 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 Interception of Communications 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: Clauses 1, 2, 3, and 4 put to the Committee and agreed to.

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

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

Put to the Committee and agreed to.

RESUMPTION

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

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

Bill entitled,

“AN ACT to Amend the Interception of Communications Act”,

read a third time and passed.

(Applause)

Mr. HOLNESS: Madam Speaker, two weeks ago we decided that we would have put off further discussions in Committee Stage on the Special Prosecutor Bill. It was decided that we would give Members time to review the working Bill, if we could call it that, that has all the amendments. And now, Madam Speaker, I'm proposing that we resume Committee Stage to continue our deliberations

on the Bill. And I'm proposing in the Committee Stage, Madam Speaker, that a presentation of the proposed amendments that were made by the *ad hoc* committee be presented to the House as a starter, so that Members are aware of these proposed changes. And then, Madam Speaker, we could hear a general discourse from Members who have specific concerns. I gather that the Member from Central Kingston may have some concerns that he would wish to raise, we would then take them; and then providing that we have enough time then we could go clause by clause afterwards.

So, Madam Speaker, we will resume at Committee Stage.

The SPEAKER: Members, the House will now resolve itself into a Committee of the whole House to continue the deliberations clause by clause on the Special Prosecutor Bill.

THE SPECIAL PROSECUTOR BILL

COMMITTEE STAGE

Rev. THWAITES: (*Sotto voce* comment)

Mr. BUNTING: Last week Minister, this week Prime Minister.

Mr. PICKERSGILL: The initiation period is over now. You going to get some things.

Mr. M. PEART: The rise and fall...

Mr. CHUCK: Madam Chairman, in the absence of the Prime Minister...

Mr. HOLNESS: Ask for permission first.

Mr. CHUCK: ...I ask for permission to first sit in the Prime Minister's seat.

(Laughter)

Feels very comfortable.

(Laughter/Cross talk)

And, Madam Chairman, I just want to tell Members there are - really the main Bill before us is the Corruption Prevention (Special Prosecutor) Bill. Please, bear that in mind. It is the main Bill, but over a period of time we have due to the number of changes that have been made we have put together a working document only. It's only a working document. Okay, Members? So we're going to work with the working document but at the end of the day if we pass anything, it is the main Bill, the Corruption Prevention (Special Prosecutor) Bill that we're dealing with. It seems to me, Madam Chairman that we first must ask for a recommittal of the whole Bill.

The CHAIRMAN: Members, of the House the question is that the whole Bill from the start, from Clause 1 right to the end - the final clause be - to the point at which we had reached be recommitted for deliberations among us as Members.

Mr. PICKERSGILL: W-H-O-L-E and not O-L-D.

(Laughter)

The CHAIRMAN: Yes, W-H-O-L-E, yes.

Put to the Committee and agreed to.

Mr. CHUCK: Madam Chairman, we could put Clause 1, I don't think there are any changes to Clause 1.

(Inaudible comment by Mr. Pickersgill)

(Inaudible comment by Mr. M. Peart)

Mr. HOLNESS: No, you have to give an overview.

Mr. CHUCK: Oh, we're going to do the overview first.

Mr. HOLNESS: Right, right!

Mr. CHUCK: Madam Chairman, may I

just say that since the last Committee Stage of this Bill, the Members of the Opposition and Members of the Government met on two occasions and we tried, as best as possible, to go through all the different clauses. We have agreed, if I might say so, on ninety per cent of the sections, but we recognize that there may be another ten per cent, which we must bring back to the House for further consideration, so that alternatives or a decision can be made on these sections.

I am aware, however, Madam Chairman, there may also be concerns of those who were not in that meeting, and at this stage it would be useful to hear the concerns so that, if necessary, this afternoon, my proposal is that the persons who have concerns, highlight the sections that they have concerns with. And what I'm proposing is that those sections could be delayed for confirmation, and where there are no concerns on the sections we finish those sections. And I believe, Madam Chairman, if we go through the Bill, the likelihood is of the 80-odd sections, we might be able to confirm close to 80 of these sections, and the ones that are in dispute, have concerns, feel should be dealt with again, we postpone from today, have further consideration between now and next week, and hopefully, next week a final decision can be made.

It may also mean, Madam Chairman, that even though we finished 75 or 80 sections, if when we examine the remaining sections we have to recommit one or two of those sections that we have agreed on, we should do so next week. But I think to ensure that we proceed in an efficient manner, we can go through clause by clause and then if a section needs

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explanation or mere editorial change, we can deal with that this evening, finish it. But if it requires major reconfiguration or major concerns, we put it off and say, section 'X' will be dealt with next week, and the likelihood is that we may have anywhere -10 to 15 sections - that we may have to put off until next week. But if we can finish up the major portions of the Bill, and if necessary, recommit next week, then let us try and do that at this time.

Mr. PICKERSGILL: Madam Chairman, why can't we hear the ten per cent that you're having problems with first?

Mr. CHUCK: Well, first of all, in terms of the working group, it might be five per cent. But there are other sections that other Members have brought to my attention...

Mr. PICKERSGILL: By the time you finish it might be zero per cent. Let us hear the...

Mr. CHUCK: Well, no, that's the point. The point about it is that we have had discussions with the Member from Central Kingston and he has a number of concerns which we hope, either can be addressed this evening, or if necessary, we put it off to have further discussions between now and next week.

Mr. PICKERSGILL: I understand that, Madam Chairman, but you differentiated between a 90 and a 10 per cent.

Mr. CHUCK: Hmm-mm.

Mr. PICKERSGILL: Just tell us the ten per cent that...

Mr. CHUCK: As we go along, as we go along.

Mr. HOLNESS: Well, just to be clear, Madam Chair, just to assist. There really seems to be two matters that are of concern.

One is the structure of the Office of the Special Prosecutor relative to the DPP. That is a major one which the Member from Central Kingston, Mr. Thwaites will - is a matter that he has said that he would like to address. And we look forward to his address on that.

Mr. PICKERSGILL: How is it captured?

Mr. HOLNESS: It is under section....

Mr. BUNTING: The whole structure? (Inaudible)

Mr. HOLNESS: Well, there is a part of the Bill that deals with the administration of the Bill. Yeah. There are some other ones that are not so controversial which I believe that the *ad hoc* committee had agreed, which is the inclusion of the private sector elements in the Bill which we have come to a position on. The other one is the extent to which knowledge is required of the public officer, for him to be guilty of an offence of not disclosing. And we have come to some agreement on that. But the House itself would have to agree. The *ad hoc* committee came to a position. The House would have to agree on that. I think those were the critical ones. There is also the business of Government contracts.

Mr. BUNTING: I think there was also some - two positions - appointment and removal.

A MEMBER: And the private sector.

Mr. BUNTING: How you go about appointing and removing...

Mr. HOLNESS: The Special Prosecutor.

A MEMBER: That was also advanced.

Mr. HOLNESS: The Special...That wasn't resolved either. (Inaudible)

Mr. BUNTING: The only difference though.... (Inaudible)

Mr. HOLNESS: All right, well... So those are areas that at least we now understand what the differences are. The positions are documented and we can now properly articulate them. So, the suggestion is that the Minister of Justice who was part of the *ad hoc* committee would give a report, not just so much a report on what we discussed, but also some insight into the policy workings, why we arrived at the positions that we arrived at. And then we could move to hearing the positions that were not included in the *ad hoc* committee, particularly those of Reverend Thwaites. And then we could, if time permits, go into the clause by clause examination of the Bill. So...

Mr. CHUCK: Just a final comment. I must say that in the light of the passage of the Charter of Rights, too, I'm getting further briefing in terms of section 13. Okay. So if it has to be reconfigured, or redrafted, section 13, we may well have to...So, I'm...

(Inaudible comments by Mr. Pickersgill)

Mr. CHUCK: Yes, yes.

Mr. BUNTING: Renumber section 13...?
(Inaudible)

Mr. HOLNESS: Well, remember now, section 13 dealt with the offence of illicit enrichment which...

Mr. CHUCK: Illicit enrichment, so that to the extent...

Mr. HOLNESS: ...which reverses the burden of proof.

Mr. CHUCK: Right. So, I'm trying to get further briefing from the Solicitor General to determine if it is in conflict with the Charter of Rights, then we have to reconfigure it. Okay. So that will also be a section that we may delay until next week. So either we redraft it

or we say it is in conformity or it is not unconstitutional, whatever the decision is. Okay. Reverend Thwaites. Sorry, Madam Chair.

(Laughter and inaudible comments)

Rev. THWAITES: Madam Chairman, thank you, and may I say two things as preamble.

First of all, I'm deeply respectful of the Government's willingness to allow the time for full consideration of everyone's concerns regarding this Bill. It could have been done another way. It wouldn't have been right to do so. But I'm very sensitive to the care and accommodation that's being given.

Secondly, I'd like to express my own strong support for legislation which enacts a properly equipped investigatorial arm for all instances of corruption. It is clear, given our recent history and the concerns of the people, that this is most necessary.

However, Madam Chairman, there should be serious concern regarding any proposed law which even implicitly derogates from the exclusive jurisdiction of the Director of Public Prosecutions in the Constitution. I believe that this Bill is contradictory in its recognition in section 6 for the final authority of the Director of Public Prosecutions, and at the same time, its attempt to set up an independent prosecutorial right in the Special Prosecutor's office. There is an inherent conflict in that, and operationally, it would seem to me to be unwieldy. At the end, there is always going to have to be a reference to the DPP in any serious issue of law. And therefore, the preferred way of approaching this issue, should be to, indeed, style this new creature as a special investigator for corruption, and side

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by side with that, a proper enabling of the Director of Public Prosecutions.

No doubt the designation of a deputy director for corruption prosecutions who would carry out such prosecutions as the investigator of corruption, would bring to him or her and which the DPP deemed appropriate. This is a fundamental issue. It goes to the Constitution. I believe that as it is conceived now, it's going to be subject to all kinds of challenge. And as has been indicated in previous discourse, we should mark what is incipient in the difficulties between INDECOM and the DPP.

This is the reason why, Madam Chairman, you gave me leave yesterday to move a motion for the increased enablement of the Director of Public Prosecutions' department, because I believe what is at base motivating this Bill, is the overwork and the delays occasioned in the DPP's office which will be cured, not by creating another source and hub of prosecution, but rather by fixing what is wrong or inadequate in that department. Extensive issues about separation of powers arise. If you really drill this down, Madam Chairman, in the present legislation, although they are different personalities, the investigative arm and the prosecutorial arm are in the same office, are part of the same department. Do we really want that? And so it appears to me that the outline of the Bill needs to take into account these genuine concerns which I am putting forward.

Further, Madam Chairman, the entire Bill, I'm so glad to hear the Minister of Justice, accepts, ought to be read with reference to the Charter of Rights legislation. I don't know if it was drafted after we passed that monumental

piece. And it is submitted that several clauses in the Bill are inconsistent or prone to be inconsistent with the rights to privacy, freedom from arbitrary State action and other entitlements under the Charter. And I think a detailed study of this, not only with respect to section 13, but with respect to all sections of the Bill ought to precede enactment to prevent the likelihood of multiple legal challenges and the possibility of damages as well as injustice to affected citizens.

Madam Chairman, I have a number of queries on specific sections of the Bill. I would like to draw at this point attention to just one, which is the issue of how complaints - this is section 45 - how complaints are going to be handled, which I believe are extremely sensitive and where the lack of congruence with the Bill of Rights is - the Charter of Rights - is very likely.

I also would wish to conclude these opening remarks to invite the House to look very carefully at the definition of 'public officer', because I believe that it is extremely wide.

There is in the present draft, the remit to the Director of Investigations and the Director of Administration in the Special Prosecutor's Office, the authority really to designate anybody and everybody to fall under this Act. And having regard to its strictures and the penalties that are attached, I fear that as presently drafted, it is going to kill volunteerism in this country. Because persons who are paid or unpaid, people who are carrying out any function that this office thinks involve public concerns, is going to be caught by it. And this is likely to be a grave deterrent to public service, and which is

unnecessary, in my respectful opinion, to deal with the instances of corruption that we wish to curb.

With those preliminary remarks, Madam Chairman, I look forward to the exercise this afternoon.

Thank you.

Mr. CHUCK: No, Madam Chairman, my concern as I listened to the Member from Central Kingston, is whether or not he has read the working document.

Rev. THWAITES: Read it very carefully, Madam.

Mr. CHUCK: You see, why I ask you is, when you look at section 45, I understand your concern about section 45. But look at the working document. We tried to correct the very mischief you complained about in section 45 in the working document.

Rev. THWAITES: Perhaps the Minister of Justice would point out the corrective sections for me.

Mr. CHUCK: No, you see, we added a subsection (3) to make it a criminal offence for anyone to... In other words, it's not anybody who can just come and make complaints. They must know that if they make false allegations, mischievous allegations, that they could be charged with a criminal offence.

You know, Madam Chairman, that is there, but respectfully, that fails on two counts. One, if you put in that section, which you probably have to, it is going to negate the usefulness of this Bill, because nobody is going to make any report against anybody for fear that their report may turn out to be deemed as false, and therefore, it make criminals out of them. And secondly, Madam Chairman, even if that were not the case, who

will initiate such an action? And at what stage, and will not damage already have been done to the person against whom such malicious or such careless allegation has been made? It doesn't cure the problem.

The CHAIRMAN: Member Henry-Wilson and then Member Holness. Go ahead.

Mrs. HENRY-WILSON: I just...

Mr. HOLNESS: Madam Chair, just before - I just wanted to have a clear understanding of Mr. Thwaites' concern.

You're saying that from a - is it a legal objection or a policy objection?

Rev. THWAITES: Well it's actually both, Madam Chairman, and I'm reinforced in that view, when the issue is that the person may orally make a complaint, which the Director of Administration may decide not to disclose, but take some action in relation to. How you're going to then go back to that original person and prosecute them if you think it's mischievous? But I rely most of all in my concern of this section as redrafted, with the first point I made, that if you have something like this, you're putting in a fatal brake on people wanting to report, because they're going to do so, fearing the penalty of themselves being considered to be mischievous.

The CHAIRMAN: But isn't that the general idea, that you ought not, because of the seriousness of this Act?

Mr. HOLNESS: Frivolousness, yes.

The CHAIRMAN: I figure that that is achieving exactly what we want, because we don't want people to simply willy-nilly report something and put somebody's reputation at risk. So if, in fact, it is a breaker, I'm just wondering, isn't that what we want? I thought

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that was the original complaint when it came, that people would not be able to just get up and make a complaint. So that in fact to me, addresses the situation, it means that when you're going to do something like that, you will have been...

(Inaudible comment by Mr. Chuck)

The CHAIRMAN: That's right, which is what I think we wanted to achieve.

Mr. M. PEART: Madam Chair, I think the...

Mr. HOLNESS: It's not your time now, I think you should ask Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: No, I'm raising a separate point, a point from...

Mr. M. PEART: No, on the same point, on the same point.

Mrs. HENRY-WILSON: Yeah, yeah!

Mr. M. PEART: I think the concern is with regard to the oral aspect of things.

Mr. CHUCK: But with due respect...

Mr. M. PEART: Because if you have the janitor passing the manager's office one morning and just mention that he suspects somebody...

Mr. CHUCK: No, but with due respect, I would expect that if the person comes in and makes an oral complaint to the...

Mr. HOLNESS: It would have to be reduced.

Mr. CHUCK: ...it has to be reduced to writing...

Mr. HOLNESS: Eventually.

Mr. CHUCK: ...or to a videotape, or to a tape-recording of the thing.

Rev. THWAITES: Section 46(a) say it provides for just that. It doesn't take away the problem, but Section 46 say it provides that it must be recorded...

Mr. CHUCK: Exactly.

Rev. THWAITES: ...on a prescribed form.

Mr. CHUCK: So the question of a person just willy-nilly passing by and giving an oral complaint doesn't arise.

Mr. HOLNESS: But just to be clear though, the investigator could not just act upon what somebody says to him, he would have to invite the person and take a statement on the prescribed form.

Mr. CHUCK: Yes.

Mr. HOLNESS: Does the law say that?

Mr. CHUCK: Yes, it does.

Mr. HOLNESS: It does, okay.

Rev. THWAITES: And at what point? I think we probably prescinding - not really anxious for the general comments to be taken before the specific sections. And perhaps - just for order - we could take this issue when it falls in sequence.

Mr. HOLNESS: Sure.

Mr. WITTER: Madam Chair...

Mrs. HENRY-WILSON: Sorry, sorry.

Mr. CHUCK: Mrs. Maxine Henry-Wilson.

Mrs. HENRY-WILSON: Yes, I - this - well it's a more specific, you're on to a more general, but since we're - the definition of the public official, to what extent is this virgin territory? I asked this question because it is a recurring factor in all of these Bills - all of these Acts - and...

Mr. CHUCK: No and unfortunately, unfortunately both the working paper and the original draft have the last two lines, but does not include a Parliamentarian or a person who holds a judicial office, those two lines should be deleted in both the working paper and the original document, okay.

Mrs. HENRY-WILSON: Well that wasn't even my contention.

Mr. CHUCK: Oh!

Mrs. HENRY-WILSON: My contention is...

Mr. CHUCK: Definition of public officials.

Mrs. HENRY-WILSON: ...my contention is how does this - this could not be virgin territory, this definition of public official, because this would be - this would occur in other legislation, the Corruption Prevention Act, et cetera. So if this is how it is there, then what would then be the problem with just putting it in this Bill? I'm just trying to clarify whether - I know when the Corruption Prevention Act was promulgated, there were concerns about people being on boards who are reluctant to make domain declarations. I don't think its fully materialized that we have fought voluntarism.

Mr. CHUCK: I think the difficulty, Member, is to find a definition that is both inclusive and at the same time exclusive. So the question arises, you're going to have a general class undoubtedly, but where do you say cut off the line, say in the Corruption Prevention Act, it was a monetary cutting off, only persons earning over certain sum of money would say you have to send in statutory declarations, but that doesn't stop them from being investigated under this Act. In other words, if you're a public official and you're earning less than \$1 Million - let us say the cut off is \$1 Million - so you don't have to send in a statutory declaration, but under \$1 Million you can still be investigated for corruption.

So the real question you might - to have an embracive definition to cover all public

official, or to say you're going to exclude school chairmen and board members, or Custodes - as we discussed yesterday - at the end of the day once you are a public official, you could be investigated. You could be investigated even if you're not required to send in integrity reports.

Mr. HOLNESS: But just to reaffirm that the that the definition is more of a policy position as it relates to how the law hangs together, and it is intended to be - to capture everyone who acts in the name of a public institution, or carries out a function that affects the public. So...

Rev. THWAITES: Madam Chairman, would the House Leader or the Minister of Justice, then, tell me what is the definition of public services referred to in the definition clause?

(Inaudible comment by Mr. Holness)

Rev. THWAITES: Under public function. What is a public service? A body - this is someone - a public function is described as a body, whether public or private, providing public services. Could you define that for me?

Mr. HOLNESS: Yes, and that is different from the public official.

Rev. THWAITES: No, but tell me what public services are.

Mr. HOLNESS: The definition of the public service, for example, also include something like telecommunication.

Rev. THWAITES: Well no, no but it includes much more than that, because a public service is a service which is offered to the public.

Mr. HOLNESS: Yes, yes.

Rev. THWAITES: And therefore at churches we offer public service, eeh?

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Mr. HOLNESS: No, no by a public official.

Rev. THWAITES: Why not?

Mr. HOLNESS: By a public official.

Rev. THWAITES: Who is a public official?

Mr. HOLNESS: Certainly not, that would not be a public official.

Mrs. HENRY-WILSON: You can't say it's not a public official.

Mr. HOLNESS: No, no!

Rev. THWAITES: You really need to understand. Once there is any kind - once there is any question of a pastor who distributes public charity...

Mr. HOLNESS: No, no, no!

Rev. THWAITES: How is he excluded from this?

Mr. HOLNESS: No, no first of all...

Rev. THWAITES: This thing is too wide.

Mr. HOLNESS: ...first of all there would have to be a statutory - first, you would start from the statutory definition of the service, that's number one.

Rev. THWAITES: Beg your pardon, I don't understand that?

Mr. HOLNESS: I said you would start from the statutory definition of the service.

Mrs. HENRY-WILSON: I don't understand that.

Rev. THWAITES: What statutory definition?

Mr. HOLNESS: So for example, is the provision of telecommunications regulated statutorily, does it give a right to access to the public?

Rev. THWAITES: Unless an action...

Mr. HOLNESS: That's one way of defining it.

Rev. THWAITES: Well please exhaust your definitions then.

Mr. HOLNESS: So that's one way.

Rev. THWAITES: Tell me more, because it seems to me that every striking individual who offers a service to the public is offering public services.

Mr. HOLNESS: No, because a pastor isn't.

Rev. THWAITES: Why?

Mrs. HENRY-WILSON: It is an agent of a particular activity.

Mr. HOLNESS: Yes.

Mrs. HENRY-WILSON: He's not an agent of the State.

Mr. MULLINGS: If I may, Madam Chair.

Mr. MULLINGS: If I may, Madam Chair. Madam Chair?

Rev. THWAITES: Read the Bill fully, Member and understand what the Director of Administration has powers to do.

(Inaudible comment by Mrs. Henry-Wilson)

Mr. PICKERSGILL: The pastor marries people, that's by law when he's doing a public duty.

Mr. MULLINGS: If I may, Madam Chair. Madam Chair?

The definition of the public service is in the Constitution....

Mrs. HENRY-WILSON: Yes.

Mr. MULLINGS: ...which is why I raised a particular issue some time ago. The public service, being subject to the provisions of subsections (5) and (6) of this section - this is the definition - the service - that is something done - the service of the Crown in a similar capacity in respect of the Government

of Jamaica, including service as a member of the Judicial Service Commission, the Public Service Commission or the Public Service Commission. The reason why - which is why when we deleted, 'except a parliamentarian, or a judicial officer', what that section was really doing was mirroring what the Constitution had indicated.

In other words, the public service would be someone like a public office who is the emoluments of the Crown, you're paid by the Crown. They made an exception, because cognisant of the separation of powers, they said that save and except subsections (5) and (6), which dealt with the House of Representatives and dealt with the Judicial Officers. So that was to be consistent with the Constitution. Now, if you're going to have a definition of the public service in legislation - ordinary legislation - it has to be consistent with the Constitution.

Rev. THWAITES: Yes, but then the definition of a public official is inconsistent with that, and this is the mismatch of the whole Bill. Because the question of receiving emoluments and remuneration from the Government, is far more restrictive than those who are categorized on page 9, as public officials.

Mr. MULLINGS: That arises, Member, because when we also look to the Public Service Commission having jurisdiction, it is grounded in this.

Rev. THWAITES: Well you see, I am quite prepared for the definitions and the restrictions set out by the Member for St. James, but that is not what is here.

Mr. HOLNESS: No, no!

Mr. CHUCK: No, because if you look now at section 2 (2)...

Mr. HOLNESS: Yes.

Mr. CHUCK: ...Section 2 (2), all that it really does - apart from a general understanding of the term public service, we've veered it in this section to include provision of electricity and telecommunication as important service.

Mr. HOLNESS: But let's be clear. The interpretation that is being used for the public service, is not that which is constitutionally defined. The term that comes closer would be the public function...

Rev. THWAITES: I'm sorry, could...

Mr. HOLNESS: ...and public function, in this Act, would be...

A MEMBER: Broad.

Mr. HOLNESS: It's very broad, but it is....

Rev. THWAITES: It leaves nobody out.

Mr. HOLNESS: No, but let's get it clear. So a public function - and that is what we really want to regulate - would incorporate the public service.

Rev. THWAITES: And go much further.

Mr. HOLNESS: Precisely, this is what we have said.

Rev. THWAITES: By what right?

Mr. HOLNESS: Yes, let's use the example, Reverend, let's use the example. You use the example of inherently private activity that of the church, someone and their religion but the pastor, or the reverend is, by law, empowered to carry out a public function, that is a function of marriage, he's not in the public service and he wouldn't be captured in the Constitution. But if he were corruptly marrying persons and issuing false documents, then that is an act that should be captured under the Corruption Act. And that is the intention of the Act, it is to capture the public

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function, which includes the public service as well. And that is why the Act has a private sector definition, that there are some persons operating in a private capacity, but yet delivering a public service.

For example, the delivery of telecommunication services, that is in the private sector, but it is inherently public service.

Rev. THWAITES: You know, Chairman, I really wish I - I confess it's my inability, but I really don't understand what the Member said. And may I, in any event, refer him to the very broad powers that are given, I think consistent with the wildness of the definition section, with the - on page 47 of the revised draft section 54 (9) (b), because the Director of Administration can, it appears to me, specify anyone who he defines as a public official to furnish the statutory declaration. And there are other sections which I'll identify in respect of this also.

Mr. HOLNESS: No, no. Member, could you restate the section so that we can examine it?

Rev. THWAITES: Before I do that may I just ask you again to clarify what is this difference between public official? How do you reconcile the limited definition of what is a public service, yes, which Minister Mullings sets out, with the breadth of who is a public official?

Mr. HOLNESS: No, Mr. Thwaites, the definition of the public service that is used in this Act is not the one that is captured in the Constitution. That is not it. The definition that you are relying on would more fit under the definition of the public function.

Mr. CHUCK: Reverend Thwaites.

(*Sotto voce* remarks by Rev. Thwaites)

Mr. CHUCK: No, no, look at the restriction. Would you say under the definition of public official Reverend could be, I mean, a pastor could be captured, can be captured in (a) "any person who is employed in a public body or performs a public function".

Rev. THWAITES: Where are you?

Mr. HOLNESS: The definition.

Mr. CHUCK: Public official.

Rev. THWAITES: Public official is any person holding an executive or administrative office whether appointed or elected, whether permanent or temporary, or whether paid or unpaid. Yes, any other persons - listen to this, "any other person who is employed to a public body or performs a public function".

Mr. CHUCK: Suppose we put 'and' there, would that satisfy you?

Rev. THWAITES: It would go some way. As it is drafted here and as we were about to pass, anyone who performs a public function, so go back to the definition of public function and see the breadth of that and tell me who is excluded.

Mr. HOLNESS: No, Mr. Thwaites, this is what we need to understand clearly. The purpose of this Bill is not to deal with corruption solely in the classic definition of the civil service or Parliamentarians or the security forces.

Rev. THWAITES: Exactly!

Mr. HOLNESS: Let's just be clear from policy...

Rev. THWAITES: Now that is the clearest statement I have heard.

Mr. HOLNESS: That's not the purpose of the Bill.

Rev. THWAITES: Yes, it is to catch every striking person.

Mr. HOLNESS: The purpose of the Bill is to capture corruption in the public functions wherever it occurs, whether it is in the private sector, if it is in the church as long as it impacts upon the public delivery of a service and that is a policy issue. So if you are - let us be clear with what you are saying.

Rev. THWAITES: Let us be clear.

Mr. HOLNESS: Are you saying that this should not be the policy position of this Bill?

Rev. THWAITES: Yes, I am saying that that is far too expansive. I am saying that that definition which we really should be indebted to the House Leader for stating as baldly as he has done for the first time, yes, given that definition if that is the policy of the Government that this is an omnibus Bill that is going to fight corruption everywhere, anywhere, and is going to do so by requiring that which is contained in this Bill at the behest of a Special Prosecutor, yes, who can demand all of the things from anyone and invade and do all these things, if that is the position then we could have a far more spare piece of legislation, less convoluted. If that is what you want. That, in my view, is not what is required to fight corruption in this country.

Mr. CHUCK: No, but with due respect, Rev. Thwaites, it has to be able to fight corruption at every single level whether it is in the churches, the schools, everywhere.

Mr. HOLNESS: No, this is fundamental to the Bill.

Rev. THWAITES: Very fundamental.

Mr. HOLNESS: Let's go a step further, Reverend, just to be clear.

The CHAIRMAN: Member Bunting.

Mr. HOLNESS: Somebody else wanted to speak.

The CHAIRMAN: Member Bunting.

Mr. HOLNESS: All right. I will yield to Member Bunting.

Mr. BUNTING: Thank you very much, Madam Chairman. I think we need to go back to the title of the Bill or the Memorandum of Objects and Reasons. It's really about corrupt conduct and establishing offences related to corrupt conduct, not specific to the public sector or to government officials. So this Bill I think is being seen more in the light of the previous Corruption Prevention Act which was really focused on public servants. This is a much broader Bill which applies to the entire society, private sector solely in the private domain but corrupt conduct regarding their employer or some other stakeholder, the shareholders, *et cetera*, or in the public's sphere. So I think we have to start off by reorienting ourselves, establishing some offences relating to corrupt conduct which will apply across-the-board and then dealing with corrupt conduct generally.

(Sotto voce remarks by Members)

Mr. BUNTING: But there is one other. But that's what the Bill is about.

Mrs. HENRY-WILSON: No, but it can't be for anybody.

Rev. THWAITES: There is no shortage in common law or statutory law...

Mrs. HENRY-WILSON: It must relate to the relations with the public sector.

The CHAIRMAN: (Gavels) Members, we can't all talk at once.

Mr. BUNTING: No, no, it does not.

Mr. HOLNESS: We are going to argue the point.

Mr. BUNTING: You can argue whether it should be or not but this is what it does.

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Mrs. HENRY-WILSON: But it relates...

Mr. BUNTING: No it does not relate specifically to the public sector. It's about corrupt conduct and establishing offences related to corrupt conduct whether in the private sector or in the public sector.

The other issue I wanted to comment on goes to the structure, and since we have a new Minister of Justice maybe there may be some openness, new openness regarding the structural level.

Mr. CHUCK: I think this Government has always been open.

Mr. BUNTING: But essentially, and in this particular role, I support the Member from Central Kingston in terms of the structure. We are here making this innovation to create the Special Prosecutor but perhaps we should back up and see what is the mischief we are trying to correct by creating it. Is it that we are saying the ineffectiveness in prosecuting corruption up to this point is because of the Office of the DPP? And if that is what we are saying then, is the way to correct it not by strengthening the existing Corruption Unit within the DPP? Why are we creating a whole new thing?

Mr. HOLNESS: Could I say to the Member that on that particular issue we on this side would be prepared to look at it. I don't think we need to say further on it until - in other words, we could reserve that as on one of the items that we don't discuss today and then...

Mr. PICKERSGILL: Except that that's very fundamental.

Mr. HOLNESS: It's fundamental, we agree.

Mr. CHUCK: Yes, I don't think we need

to debate it further. Whether we have a special section under the Special Prosecutor that deals directly with the DPP or they sit in the DPP's office or the Special Prosecutor's office can be settled. But let me just say this. The question at issue here, and I want us to go back to the definition of public official, are we saying that any other person, look at (b) we are talking about now who does this Bill capture. Is it any person who is employed to a public body?

Rev. THWAITES: No, not if Member Holness is correct. If Member Holness is correct, if his philosophy, contained in what he just said very clearly for the first time, if that is correct, then what is in (b) here is intended to be just as it is. And I maintain my contention that I don't necessarily oppose that philosophy but I am saying that this Bill is not the way to achieve it.

Mr. HOLNESS: Member, and apologies to - okay, Member Witter, you go first.

Mr. WITTER: I just wanted to give an example of the explanation as it relates to who you want to capture in this Bill and in terms of capturing not only persons who are employed to the public sector. I just want to give a little example of - for example, Member Thwaites made mention of a pastor. The Government gives concession to churches for tax relief and so on. What if a pastor were to apply for a concession for a motor vehicle for himself and uses the church to get that motor vehicle? He would be depriving the public purse. And therefore under those conditions he could be regarded as doing something that is affecting the public purse and those are the areas that we have to look in terms of considering this.

Mr. HOLNESS: Member, you are very correct. But just to reinforce the point, you

see, we keep looking at the people who would be captured. It's not the people or the body. It is the offence of corrupt conduct that is what we are after, wherever it occurs.

Mr. CHUCK: Wherever it occurs.

Mr. HOLNESS: There is reasonable argument when it comes to the persons and I know that the Member from St. Andrew South East would be saying, well, why would you want to capture a school board chairman?

Mrs. HENRY-WILSON: I am for has a relationship.

Mr. HOLNESS: Perfect. I am glad to hear. So there is, however, an argument to be made, Reverend Thwaites, if I may have your attention, Rev. Thwaites, there is an argument for limit to be made and I have made the argument.

Rev. THWAITES: Not according to your philosophy.

Mr. HOLNESS: No, no, no. I have expressed the policy, I have expressed the policy. But there is an argument that Government should not seek to be everywhere, that there is such a thing as private domain. So for us, in examining this Bill and putting any argument as to limiting the scope of the Bill, you must be saying that the action that is an offence is an impact on the public's interest or on the public good and that is the limiting factor, not the person.

Rev. THWAITES: That's not what the Bill says.

Mr. HOLNESS: That's what the Bill says. If you are acting in a public capacity...

Rev. THWAITES: Look here I act in a public...

Mr. HOLNESS: If you are carrying out a public function...

Mrs. HENRY-WILSON: Public function who!

Mr. HOLNESS: Precisely. So the Bill limits it. So if the pastor is in his church stealing the tithes weekly that is not the business of this Act, but it is the business of the Act if he is selling marriage certificates.

Rev. THWAITES: If that is your position then you have to redraft this Bill. Because Member Witter's point is very apposite and your own example defeats your own writ.

Mr. HOLNESS: I don't see that point, respectfully.

Mr. MULLINGS: Madam Chair, the question I ask is this, if the Bill is seeking to capture persons in the public sector and the private sector, why are we proposing to define the public service which would run counter to that in the Constitution. Because if you were to arrest someone and the basis of that charge is that you are doing something in the public service, that person can assert that they are not in the public service because they are not within the confines of this definition in the Constitution.

Rev. THWAITES: That's contrary to what Mr. Holness is saying.

Mr. MULLINGS: So if you are seeking to capture persons in the public and private sector then do so, but do not give a definition which runs counter to the Constitution. I am simply saying that. So you set out what you are doing without seeking to ascribe to it a term of art which is in the Constitution.

Rev. THWAITES: Chairman, as Jamaicans say I will follow back a him. Minister Mullings is quite correct and therefore this would require a complete recasting. It will. It may not be comfortable

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you know, Chairman, but there are two irreconcilable positions between the House Leader's position and the far more integral position, with great respect to him, offered by Minister Mullings. You cannot have the two things together. What we are doing here is riding horses in different directions.

(*Sotto voce* remarks by Mr. Charles)

(Cross talk)

The CHAIRMAN: (Gavels) Member, go ahead.

Mr. HYLTON: Madam Chair, I just wish to say that I want to join the discussion at the point.

(*Sotto voce* remarks by Mr. Charles)

The CHAIRMAN: Members, please allow the Member who has permission to speak to be heard.

Mr. HYLTON: I want to join the discussion at the point where the Member from West Central St. James makes the point, an obvious point to me in law, that if the Constitution defines a particular function, and if you attempt to reproduce that said term in a legislation and it has other meaning, then at a minimum it's going to create confusion, and secondly, it's going to give rise to a conflict and a subsequent attempt to clarify that, *vis-a-vis* the Constitution. So that is - on a technical basis, I believe that that must be the case, and wrong.

Secondly, I think the issue here is the need for limiting the scope of the Act in some way in the sense of the power of the State and the ability of the State to go anywhere, do anything. Because when you look at what - so defining the offence is one thing, and that's the start. Where that offence leads, what are the powers that it then gives to the Special

Prosecutor is really something that we are not familiar with in this country, we are not - this is beyond anything that we are familiar with in this country. And it therefore causes, just at the first blush, causes a tremendous concern.

But it crosses some other more fundamental principles, because it trespasses not only on some constitutional principles, it is trespassing on some very cherished other principles, and it is going to cause fundamental concern. And when the House Leader attempts to address that by simply asserting that that is policy, then we are entitled to say the assertion that that is policy, all you are really saying is, this is what the Government wants.

Mr. CHUCK: But, with due respect, Mr. Hylton, the question as to who is captured in this Bill has to be - it has to be a policy direction. When it comes to Parliament you might want to say maybe you are too wide or you are too narrow.

Mr. HYLTON: And this is what we are saying.

Mr. CHUCK: Exactly. But don't say, for instance - where we capture in this Bill, I think if you ask me, we want to be as wide as possible. Speaking as a Parliamentarian...

Mr. HYLTON: As possible, yes, as possible, yes.

Mr. CHUCK: ...I want to be as wide as possible.

Mr. HYLTON: As possible. That's the operative word. The issue is, aren't we to take cognizance of constitutional limit? Conventional limit?

Mr. CHUCK: No, but with due respect, you might say the definition of public service, you take it as the Constitution defines it. But

in this Act we are not using the term public service as the border, you know, we are using the term public function.

Mr. HYLTON: Yes. And I am saying and then the powers of the Special Prosecutor allied with that...

Mr. CHUCK: No. Where for instance, we may well agree, and where - I can see the concern is where, for instance, say on statutory declaration, where do you draw the limit? Because you can't have a director of investigations say everybody should be sending, you know, so you need to draw a limit there.

Mr. HOLNESS: You raised an important point and Minister Mullings raised an important point. And my understanding of the point raised is that the definition of the public official and the public service should be constitutionally directed, right, that's the point. All right.

Mr. HYLTON: Correct.

Mr. HOLNESS: The policy of the Government is that corruption, as defined, is an act of misallocation of public resources, okay. And the public resource is not necessarily a physical resource, in terms of money or assets, but it could also be deprivation of a benefit or access...

Rev. THWAITES: It's not necessarily government...

Mr. HOLNESS: ...or giving undue advantage, okay. So that's corruption.

Rev. THWAITES: No, no, wait, wait. You have to clarify, because according to this and according to your earlier statement, it's not necessarily the property of Government at all.

Mr. HOLNESS: Precisely. And if someone owns property, in the general sense

of property, and that property is depended on by the public, then there is a link between the private use of the property and the public benefit, which gives a door for the State to enter for regulation, and we have to get that clear, right. So if people are providing telecommunication services privately...

Mr. HYLTON: Hold on a minute. Hold on a minute.

Mr. HOLNESS: ...but it has to be regulated by the State.

Mr. HYLTON: Wait a minute, wait a minute.

Madam Chair, may I...

Mr. HOLNESS: But I wasn't finished my point, Member. I wanted to respond to you, I was diverted.

Mr. HYLTON: From my limb, can I respond? Therefore...

Mr. HOLNESS: But I haven't finished my point.

Mr. HYLTON: But I hadn't finished mine either. (Laughter)

Mr. HOLNESS: Go ahead, go ahead.

Mr. HYLTON: I - House Leader, when I hear you, then this tramples on - because, let's take the...

Mr. HOLNESS: Remember, I didn't get to respond to you.

Mr. HYLTON: Well, you assert, you assert that the broad policy is about the misallocation of resource. Therefore, it immediately brings into question the operation of say, the Fair Competition Act, right, the Fair Competition Act. And so, what I am imagining is that in the operation of this Bill, it crosses and tramples on - it threatens to trample on the Constitution, but it tramples on any other piece of legislation...

Mr. HOLNESS: Let me just finish.

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Mr. HYLTON: ...that touch and concern some specific other things that...

Mr. HOLNESS: And that's the beauty of the Bill, even if you see it as a weakness. The beauty of the Bill is that finally there is now a framework nationally for defining the offence of corruption. Now, whether or not the Special Prosecutor decides to prosecute an area which rightfully should be that of the Fair Trading Commission, or - for example, I give you the classic case, Payola. Now, Payola is inherently a private matter, it happens between the radio station, the disc jockey and an artiste. But the problem is public airwave. So the person playing the music has access to the public airwave. And the proposition by the Broadcasting Commission is to define a special Act to capture this business of Payola.

Now, are you saying to us that what the Broadcasting Commission is saying is that you should not intervene in that? And that's the problem we face. Corruption is...

Rev. THWAITES: He didn't say that.

Mr. HOLNESS: No, but that's the essence of your argument. In other words, if you were to say that this Bill should not extend to the boundary...

Mrs. HENRY-WILSON: No, no!

Mr. HOLNESS: You are not saying that?

Mrs. HENRY-WILSON: No.

Mr. HOLNESS: Okay.

Mrs. HENRY-WILSON: Because in that case - first of all, the Broadcasting Commission is the regulator...

Mr. HOLNESS: Yes.

Mrs. HENRY-WILSON: ...and they are using, as you say, the spectrum from the public, and it interfaces with the public.

Mr. HOLNESS: Yes, yes.

Mrs. HENRY-WILSON: So that the regulation covers that.

Mr. HOLNESS: So the same principle is operating here, that there are other areas without a regulator, but the provision of the service impacts on the public. And this Bill will provide the over-arching framework to capture all those areas that do not have a regulator.

Mr. HYLTON: Can I finish my point.

Rev. THWAITES: If yu wife say yu tief her, or your girlfriend.. .that's what you want to do?

Mr. HYLTON: Ronnie...

Mr. HOLNESS: No. As long as it's not a public function.

Mr. HYLTON: Please, please, please. House Leader, House Leader, House Leader, House Leader...

Mr. HOLNESS: Sorry, sorry, Member.

Mr. HYLTON: Is it then the principle that where there are other bodies set up to prosecute or to vindicate the public interest, say the Broadcasting Commission, Fair Trading...

Mr. HOLNESS: Sorry - and that's where the discussion is when we discuss about the structure. Which is why I said to Member Bunting, we could take that off the table for now, because those are issues that will have to be defined properly. Because this Act is broad, then would there be an overlap between the Special Prosecutor and the regulator for broadcasting, the regulator for unfair advertising...

Mr. HYLTON: Right, right.

Mr. HOLNESS: ...the *fiat* of the DPP.

Mr. HYLTON: Right, right.

Mr. HOLNESS: So that has to be discussed, we are not arguing that point.

But I want to finish the other point, the substantial point you had made regarding whether or not this Bill tramples on the constitutional definition. This Bill does not trample on the constitutional definition, no, it doesn't. What it does is to say that everyone, everyone who is a public official, as defined, performs a public function.

Rev. THWAITES: That includes everybody.

Mr. HOLNESS: No.

Rev. THWAITES: Who does it exclude?

Mr. HOLNESS: But let me make the point, let me make the point. Everyone that is a public official performs a public function, but not all public functions are performed by public officials.

Rev. THWAITES: Where is the distinction?

Mr. HOLNESS: Hold on. In this Bill only public officials earning a certain level of income...

Rev. THWAITES: Oh, no!

Mr. HOLNESS: ...will be required to report.

Rev. THWAITES: Which level of income?

Mr. HOLNESS: Whatever is set by the regulation or the Minister.

Rev. THWAITES: That section in the Bill is so vague as to be completely understandable.

Mr. HOLNESS: Well, let's make it clear, let's make that section clear then.

Rev. THWAITES: Remember the argument we had about the Custos yesterday evening? You are putting yourself in a minefield for no good reason. You do not need to do this to fight corruption.

Mr. MULLINGS: Madam Chair, I might be helpful to be unhelpful. What do I mean by this? It seems that there is a typographical error in the working draft.

Mr. CHUCK: Where?

Mr. MULLINGS: In relation to page 10?

Mr. HOLNESS: Page 10.

Mr. MULLINGS: Page 10.

Mr. HOLNESS: Section (2).

Mr. MULLINGS: Section (2).

For the purpose of the definition of "public function", the term "public service" includes...

And it says provision of electricity, water and so on.

The old Bill, it says, for the purpose of the definition of "public function" - "public services".

Mr. HOLNESS: That's a different concept totally.

Mr. MULLINGS: And which is why we have to be so very careful, so very careful so it is consistent with the policy.

Mr. HOLNESS: Yes.

Mr. MULLINGS: It is the definition based on this public services, would not offend this.

Mr. HOLNESS: It should be services.

Mr. MULLINGS: But if it is public service it would offend this, the Constitution. So the query or the concern would not be in law but in policy, possibly impinging on the Charter.

Mr. HOLNESS: Basically, which is what we are defining. So which is why we are pointing to you, Reverend Thwaites, that what you were looking for in public service is more adequately captured in the function. The public service is in the function as relative to the Constitution, and even those persons who

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are not public servants, civil servants in the police force, they are also captured if they perform a public function, a function which is in the interest of the public.

Rev. THWAITES: And my concern, Minister, with all respect, is that I am trying to capture your definition of which function does not constitute or does not have an element of being a public function. And I am saying that the breadth of that definition opens itself to mischief and will kill the quake of volunteerism in this society. People are going to be concerned about extending themselves in any way, not only in activities which are not related to government resources, but particularly in relation to government resources - whether it is the distribution of poor relief or whatever - in ways that are going to be inimical to the development of the land and which are an overkill to what are appropriate, appropriate offences when there is malfeasance. And when you go on and not only take - move beyond the precinct of the definition, but move into the mechanism by which this is going to be dealt with...

Mr. HYLTON: And investigated.

Rev. THWAITES: ...and investigated, and prosecuted, you are placing a burden upon the citizen which goes way beyond the necessity of quelling the mischief that we have.

Mr. HOLNESS: That's an essential point of the Bill.

Mr. CHUCK: Let me just say this. Reverend Thwaites, I would agree with you that there are certain areas of public function that it would be a burden to ask them to say, put in an annual statutory declaration.

Rev. THWAITES: Who would stop that?

Mr. CHUCK: Well, we can say that maybe only persons who are employed to a public body. I am not saying - just to give a limit as to whether you are required. But that, Reverend Thwaites, must not, not, not stop this Bill from embracing everyone performing a public function to be open to investigation if they are engaged in corrupt conduct.

Rev. THWAITES: But nobody is - I began by saying this. No one is opposing this.

Mr. CHUCK: Well, what I am trying to say, Reverend Thwaites is, those sections...

Rev. THWAITES: If you are opposed to the death penalty that doesn't mean that you are pro-crime, you know, Delroy.

Mr. CHUCK: Absolutely.

Rev. THWAITES: Yes. Therefore, there has to be a proportionality that is not evident in this Bill.

Mr. CHUCK: No, no, no! But Reverend Thwaites, what I am trying to say, I understand your position where persons who are performing a public function but not receiving any great benefit from the State, should not be required, as a burden, to be putting in statutory declaration. But...

Mr. HOLNESS: That's not what the Bill says.

Mr. CHUCK: The Bill doesn't say that either, but it does...

Rev. THWAITES: No, it doesn't say what you are saying.

(Sotto voce comment from Mr. Holness)

Mr. CHUCK: It doesn't say that, it only opens that possibility. But all I am really saying to you, Reverend Thwaites...

Rev. THWAITES: We must go there, you know.

Mr. CHUCK: No, no, no, no! All I am really saying, Reverend Thwaites, is that we need to embrace everyone, so that anyone performing public function should be open for investigation if it is felt that he is engaged in corrupt conduct.

Rev. THWAITES: No contest. But, that is inherently contradictory to the caveat you began with, Minister, with regard to restricting those people who will have to go through the processes of this Act. No criticism of this Bill is to be construed as a defence of corruption.

Mr. CHUCK: No, no, and we are not saying that.

Rev. THWAITES: Well, I hope not. The important thing is for us to work the art of crafting definitions, and circumstances for investigation methodology which indeed, will deal with those persons in whatever capacity, who are corrupt. In my view this goes way beyond that.

Mr. HOLNESS: But you haven't demonstrated that, Member, and that's my problem.

Rev. THWAITES: I haven't demonstrated what?

Mr. HOLNESS: You have required us to demonstrate how far the definition goes, and we have. We have said, as long as you are in the public service, constitutionally defined, you are captured in this Bill.

Rev. THWAITES: No, no, you have gone beyond that.

Mr. HOLNESS: As long as you perform a function which is considered to be a public function; a function administering public affairs, you are captured in this Bill. Now,

your concern, in my interpretation, is what is the limit of the public function? And where do you move out of it into private? If you want to have a discussion on that...

Rev. THWAITES: Yes, I do.

Mr. HOLNESS: ...I am fine with that, but I want the acceptance of the principle, that as long as you are defined to be in the public domain, administering public affairs, you ought to be captured.

Rev. THWAITES: Yes. Well, I don't know how often to say it, and if it becomes my obligation to suggest a re-draft, then I will attempt.

Mr. HOLNESS: What I am suggesting, Member Thwaites, is that we could - if we cross the hurdle of accepting public/private, and then it is just to define what it is, then we would have made significant progress today.

Rev. THWAITES: If we have crossed the divide of determining what? So all...

Mr. HOLNESS: In other words, whatever '*public*' is defined to be; whatever '*private*' is defined to be.

Rev. THWAITES: Everything?

Mr. HOLNESS: Whatever it is, right, if we can accept that as long as you are in the definition of '*public*', you are captured in this Bill, and then we move the debate to defining what exactly is '*public*', what is not?

Rev. THWAITES: Well, the second point of the debate impinges on the first.

The first is required in order to establish that all moral men and women are against corruption. But how you define it...

Mr. HOLNESS: That is what I am saying.

Rev. THWAITES: ...is integral to what you are accepting.

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Mr. HOLNESS: You mean, how you define corruption, or how you define private or public?

Rev. THWAITES: Both. And the definitions that are in here allow for a free for all.

Mr. HOLNESS: Of corruption?

Rev. THWAITES: No, a free-for-all of proscription of conduct, which may or may not be. Now, I am a libertarian; I am anxious to preserve the liberties of the subject, and I am anxious to make sure that legislation only proscribes the rights of the individual to that extent and no more. That it is absolutely necessary in order to forswear a public mischief. And the definition of public official, yes, spanning as it does by what you have offered here, to almost every aspect of human conduct in Jamaica.

Mr. HOLNESS: That's unfair, Reverend Thwaites, it does not. It does not; it does not.

Rev. THWAITES: Well, if that is unfair, you will make it fair by describing for me, in precise terms, what those elements of conduct are that would be excluded. We have had a waffle of discussions as to whether they represent - in some way, touching Government's resources.

Mr. HOLNESS: Well, it's clear here. It's clear here. It says:

*A person for, or on behalf of or
under the direction of a public body.*

So, if you are employed to a public body which is the body defined in statute...

Rev. THWAITES: Where are you?

Mr. HOLNESS: Sorry, forgive me, Reverend Thwaites. That would be Page 8...

(*Sotto voce* comment by Members)

Mr. HOLNESS: No, no, that's Page 8, under the definition of '*public function*'.

That's one aspect, so let's go through. So, if you are employed to any public body, whether the public body is defined in the Constitution by virtue of the public service or...

Rev. THWAITES: No contest. Agreed fully.

Mr. HOLNESS: ...or defined by statute.

Rev. THWAITES: Perfect.

Mr. HOLNESS: Perfect, so that's no problem, all right.

A body, whether public or private providing a public service - sorry, providing public services, and we go around... on Page 10(2) where it says that it includes the public services, includes water and electricity, and phone and... but this is public function.

(*Sotto voce* comments)

Mr. HOLNESS: Hold on.

Rev. THWAITES: Don't stop there.

Mr. HOLNESS: Then it goes on to say:

*'A Member of the House of
Representatives, or of the Senate, or
a holder of a judicial office in that
capacity'.*

(*Sotto voce* comment by Members)

Mr. HOLNESS: So, what is the problem?

Rev. THWAITES: Clearly, you gloss over the problem most...

Mr. HYLTON: Ronnie... Ronnie... May I help you, Ronnie? May I help you...

Rev. THWAITES: Yes, please...

Mr. HYLTON: May I help you. House Leader?

Mr. HOLNESS: Yes?

Mr. HYLTON: We agreed that if you occupy any of these offices...

Mr. HOLNESS: It is a public function.

Mr. HYLTON: ...it is a public function. But, you said - and we quite agree - that you

don't have to perform a public function to be a public officer.

Mr. HOLNESS: No, no, no, in other words...

Mr. HYLTON: You can provide a public function.

Mr. HOLNESS: A public service. Yes, you can carry out a public function without being a public official.

Mr. HYLTON: Agreed.

Mr. HOLNESS: Now, by the way, it is only public officials that are under the obligation of reporting.

Mr. HYLTON: Yes man. No, no, that's agreed.

Mr. HOLNESS: That's basically...
(Inaudible)

Rev. THWAITES: Not any longer.

Mr. HOLNESS: No, that is agreed.

Rev. THWAITES: Not after this.

Mr. HYLTON: The bone of contention centres around that which comes within the public function, but is not performed by anybody in the public services. And that is...

Mr. HOLNESS: Sorry, I am lost a little bit. I am sorry about that.

Mr. HYLTON: There are two issues. If you are employed in any of these capacities in the public service, you know, if you provide a public service - perform public services, we agree that that comes within the public function.

Mr. HOLNESS: Yes.

Mr. HYLTON: That is settled. The issue that we have been debating - I understand we have been debating for the last X period of time, here, is where - who else - no, where do you draw the line between the public function, and the private function.

Mr. MULLINGS: Do you need to do that? With respect, you don't need to do that because if the policy...

(Sotto voce comment by Mr. Holness)

Mr. MULLINGS: ...sorry, House Leader - if the policy is that you are getting corruption in the public and private sector, then the definition become moot.

A MEMBER: It is everywhere.

Mr. MULLINGS: It is everywhere. That clearly is the policy. The question is how you work it through the legislation.

Mr. HYLTON: It's the function.

Mr. HOLNESS: Let me help you out here. Let's agree on (a), and (c), those are clear.

Mr. HYLTON: Agreed.

Mr. HOLNESS: You will agree with that. The real problem is in (d).

Mr. HYLTON: Agreed.

Mr. HOLNESS: You will agree with that. The real problem is in (d); A body, whether public or private, providing a public service, how do you define - sorry, providing public services, let's use that. So, the public services, right, would be defined - and there are many ways to define them - those that are already defined in statute, so, you have an industry regulator; you have laws that protect and define their access, other than access by price.

Mr. HYLTON: Okay.

Mr. HOLNESS: So, everyone who wants to get a marriage certificate, you just need to go to a pastor, that's regulated. You want a birth certificate, that's regulated. There are some market-delivered products that are also protected by law. One of them...

Mr. HYLTON: Like what?

Mr. HOLNESS: Telecommunications.

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Mr. HYLTON: That are protected by law, or would be captured...

Mr. HOLNESS: So, for example, you can't disclose person's information. There's privacy to... there is the right of privacy protected by - even though you pay you market price for it, but there are certain regulations to protect the public.

Mr. HYLTON: Agreed. Yes.

Mr. HOLNESS: So, you can use those definitions in the grey - because we are now in the grade area - to satisfy what is private and what is not. So, for example, if, you know, myself and Ronnie, are in a business deal, right, and something goes wrong in the business deal, it won't be captured here. It's a private matter between myself and Ronnie. I still have recourse to the law outside of this Act. Let us say there was some kind of matter there happen, I can still go to the law and bring a civil case.

Rev. THWAITES: That's the truth, but who - suppose this hypothetical deal is construed by the Director of Investigation, or the Director of Administration as impinging upon some public issue? Maybe the shareholders in your country - in your company...

Mr. HOLNESS: Well, then, Ronnie, the... would know who, not with the principle of the breadth and definition of the offence, but rather now, let's focus on how the prosecutor of the offence must be properly regulated and captured in law. Maybe that is where we really ought to focus our attention.

Rev. THWAITES: What you are doing is leaving every door wide, wide open to him...

(Sotto voce comment by Mr. Hylton)

Rev. THWAITES: ...utterly wide, wide

open, even to the point where you are sending him hurtling down Caymanas Track on his own speed, until he is stopped in midstride by somebody called the Director of Public Prosecutions. We can't do this man.

Mr. HYLTON: ...On the basis that nothing is agreed on until everything is agreed.

(Sotto voce comment by Mr. Holness)

Mr. HYLTON: ...on the basis that nothing is agreed until everything is agreed.

(Sotto voce comment by Mr. Holness)

Mr. HYLTON: Until... (laughs) ...until everything is agreed.

Mr. HYLTON: No, no, nothing is agreed.

House Leader, I ask one question for clarification, just to help me. Is it that - we accept on this side that the issue of corruption is - it is a serious one that we all have to come to grips with. But so, we are not the only one faced with that challenge. Other countries have addressed this issue. What is it? Is it that Jamaica is viewed to be more corrupt than anywhere else in the world, not requiring us to look at how other countries have dealt with this issue, that we can't use some examples and learn from some other areas where the matter has been addressed, so that we can... some of these issues that we are now debating and arguing only because in the Bill, they are so at large that - and really, in other constitutions and perhaps with the Charter of Rights just being passed, it may be - one of the arguments lawyers are going to mount on this Bill, given the penalties and what is at stake is just void for vagueness. It is void because it is too vague.

The CHAIRMAN: You know, if I might...

Mr. HOLNESS: May I say, Madam Chair, just to be clear. Now, I don't know of any legislation that is drafted that doesn't have a certain amount of grey area in it which we leave up to the Courts to decide.

Mr. HYLTON: Yes, but when the grey areas so envelope...

Mr. HOLNESS: I am just making that one point. I am not saying that this Bill, we should leave everything grey and have the Court decide. But you ask now, for example - if you were to compare, for example, the situation happening in the UK now, with Murdoch, and you are saying - how would we treat with that in - could that be dealt with? Could that be captured as an offence in this jurisdiction?

Mr. HYLTON: You know what my answer is, it is obvious to me that the prosecutor - if this goes through the Special Prosecutor would already have a law ready to grab him.

(Sotto voce comment by Members)

Mr. HOLNESS: Yes.

Mr. HYLTON: But, it is more than that.

(Sotto voce comment by Mr. Holness)

Mr. HYLTON: But we would need no more laws. If you get this, we would need no more laws. Anything you catch if you don't catch him, you say, go for the Special Prosecutor.

Mr. HOLNESS: And that's how it is structured, so that the Special Prosecutor...
(Inaudible)

Mr. HYLTON: Is a catch-all.

(Sotto voce comments by Mr. Holness)

Rev. THWAITES: And that is the... that's your notice.

Mr. HOLNESS: *(Inaudible)* ...let's go there, but don't argue...

Mr. HYLTON: But we must; we must.

Rev. THWAITES: That's your concept of justice...

The CHAIRMAN: Members...
Members...

Rev. THWAITES: ...after passing the Charter of Rights?

The CHAIRMAN: No...

Mr. HOLNESS: It's not a concept of justice, but it is...

Rev. THWAITES: It is a forward one.

The CHAIRMAN: Members, we are arguing and arguing, and I think what we have to ask ourselves, as Members of the Committee, is whether or not in earnest, in simple language, are we prepared, as a Parliament to pass an Act that will, in fact, be able to deal with corruption at all levels where you find it?

And remember now, one of the objections we had in the first instance to this, was that it seems that at a drop of a hat, somebody could report and you would be in trouble. Now, we are looking at the sections and we are saying, it's making it so difficult, and somebody has to be careful how they make the report. If not they could be liable for a criminal offence. So, I think, basically, what we have to decide is in policy, what it is we are prepared to do. If not, we are going to keep going around, and around in circles.

Dr. GUY: Madam Chairman... Madam Chair, I... right here, I just have a little concern - housekeeping. I think we are operating below the quorum.

(Sotto voce comment by Members)

The CHAIRMAN: I am sure some Members are just within the precincts - Well, Member, therefore, the deliberations on the Committee has how been suspended.

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The question before the Members who are sitting in the House now that I do report progress on this matter to the House.

The question...

(Members enter the Chamber)

Mr. HOLNESS: Before you put the question, Madam Chair we suddenly seem to have the quorum, but the intention of the Member is well understood.

Mr. CHUCK: So bring them in here.

Dr. GUY: The intention of the Member, Madam Chair, was that we needed a time out because we have not been going anywhere for the past two hours.

Mr. HOLNESS: What I would suggest, Madam Chair is that once again, we will have to put together another *ad hoc* committee. We will have to do that, and I will invite the Leader of Opposition Business to - we will meet and suggest a time before next week's sitting so that we can iron out these very weighty issues that have been raised here probably over the weekend we will sort that out privately. So Madam Speaker...

The CHAIRMAN: Members the question before you, is that I do...

Mr. M. PEART: Madam Chair before we leave on that note. I think we have to be a little more specific on exactly what this *ad hoc* subcommittee is going to deal with. Not...

Mr. CHUCK: There is no doubt that Reverend Thwaites have brought up a number of issues which were outside of the remit of the previous committee or were not considered. And I would like if possible...

Mr. HOLNESS: No, no let's be clear, sorry, all these matters were considered. The purpose of this, *ad hoc* committee is to, Madam, if I have your attention, Madam

Chair. The purpose of the *ad hoc* committee is that clearly the length of debate that we need to have on these matters is not an efficient use of Parliamentary time. So, we could have that debate outside of Parliament. We will return on Tuesday and return to the Committee of the House to continue, clause by clause; whatever the outcome of the *ad hoc* committee, because we have to proceed with this Bill. At the end of the day Members will have to vote, at the end of the day after discussions, Members will have to vote or we agree and move on.

So, I am giving time for airing of the issues, but we must proceed with this Bill.

Mr. CHUCK: Accept it once and for all, next week.

The CHAIRMAN: The question before the Members is that I do report progress to the House.

Motion put to the House and agreed to.

RESUMPTION

The SPEAKER: Members, the question before the House I - Members, the report, I hate to say the progress report because I am not sure how much progress we have made. But that the debate on the Act be suspended and we will continue our deliberations at the next sitting of the House.

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, I am very happy with today's meeting of the Committee. One of the problems with the Bill is that the philosophy and policy positions were not clearly understood by Members. I believe that the discourse that we had today would have clarified and would have focused the minds of Members, as to exactly what it is

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that the Bill proposes to do. So I am of the view that we made significant progress today, Madam Speaker.

It is not proposed to do any further business, therefore, Madam Speaker, I move that the House do adjourn until Tuesday, 19th of July when we will resume our business.

The SPEAKER: The question before the House is that we do adjourn until Tuesday next the 19th of July.

Motion put to the House and agreed to.

The SPEAKER: This Honourable House is now adjourned.

Adjournment taken at 4.56 p.m. until Tuesday, July 19, 2011 at 2.00 p.m.

 THE HONOURABLE HOUSE OF REPRESENTATIVES

 SESSION 2011 – 2012

TUESDAY, July 19, 2011

Pursuant to Notice of Adjournment the Honourable House of Representatives resumed its sitting at Gordon House, Kingston at 2.22 p.m.

PRESENT**THE SPEAKER**

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

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

MEMBERS OF THE CABINET**THE HONOURABLES:**

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

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

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

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

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

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

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

MINISTERS OF STATE**THE HONOURABLES:**

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

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

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

OTHER MEMBERS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PRAYERS

Prayers were offered by Rev. Ronald Thwaites.

The House resumed its sitting at 2:22 p.m.

The SPEAKER: Please be seated.

This Honourable House now resumes its sitting.

CALL OF THE ROLL

(See Listing)

Mr. HOLNESS: Madam Speaker, we will have two Statements by Ministers. First we will have a Statement from the Minister of

Mining and Energy, followed by the Minister of Transport and Works.

JPS – SALE OF SHARES, ETC.

Mr. MULLINGS: Thank you, Madam Speaker.

Madam Speaker, the House is being advised that Cabinet yesterday granted consent to Marubeni Corporation to transfer 40% of the shares in the Jamaica Public Service Company to Korea East-West Power Company Limited, commonly referred to as EWP. Following the transfer, Madam Speaker, the Government of Jamaica will own 19.9% of the shares in JPS, Marubeni will own 40% and EWP will own another 40%. Some three thousand shareholders own the remaining 0.1% of the shares.

Madam Speaker, EWP is expected to significantly improve the operations of the JPS. The company is wholly owned by the Government of South Korea and ranks as the largest thermal power company in the Republic of South Korea, owning and operating in excess of 9000 megawatt of power generation facilities in the country. It provides 11.5% of Korea's electricity on a nationwide level. As a power generator, the company has experience in the use of all fuel types. Quite significantly, it provides 24% of the electricity supply by the use of Liquefied Natural Gas in South Korea, that is, some 2100 megawatt of electricity from LNG.

(DR. OMAR LLOYD DAVIES, (PNP), St. Andrew, Southern, entered and took his seat.)

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

(MR. LUTHER BARTLEY MONTEITH BUCHANAN, (PNP), Westmoreland, South Eastern, entered and took his seat.)

By contrast, Madam Speaker, the total electricity demand for Jamaica currently stands at 800 megawatt.

EWP, Madam Speaker, is a member of the Korea Electric Power Corporation which transmits and distributes power to almost 19 million customers throughout South Korea. EWP also operates power facilities in the US, Haiti, Philippines, South America and throughout Asia. The company reported assets of United States \$4 Billion in 2010 and carries an A1 rating from Moody's Investors Service. Madam Speaker, the House is to know that, notwithstanding the impressive resume of EWP, the Government deliberated long and hard on the application by Marubeni to sell the 50% of its shares to EWP, as all factors had to be carefully considered. The main purpose being to aggressively pursue the best strategy to significantly reduce the high prices local consumers have to pay for electricity.

Among the factors, Madam Speaker, was the need by EWP for the Government to formally include in the JPS Licence, the extension of six years granted by the last administration in July 2007 to the term of the JPS Licence.

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

Security and Deputy Leader, entered and took his seat.)

The House will recall that in July 2007 when Mirant sold its 80% stake in the JPS, certain operational measures were agreed in principle, with the details to be worked out between JPS and the Office of Utilities Regulation. In exchange, the then Government contracted with JPS that the Licence was to run until 2027 instead of 2021. The OUR has implemented a number of these operational measures and has agreed to timelines for the implementation of the others. Madam Speaker, this is not a blame game.

The provision of electricity services is a capital intensive business that demands substantial investments. An investor usually requires and receives a contract for 20 years, as it allows for the recovery of the investment to be spread over a reasonably lengthy period of time. This reduces the sum to be recovered annually. A shorter arrangement, Madam Speaker, would mean that the sum to be recovered each year could be so high that most consumers could not afford the services.

It is against this background, Madam Speaker, that Marubeni and EWP requested that the Government honour the commitment given by Mr. Paulwell in the then Cabinet. After careful consideration, Cabinet decided that it was in the best interest of the country to honour the commitment. The JPS was the sole respondent to a request for proposals issued by the OUR for the generation of the 480 megawatt of new generating capacity. Madam Speaker, the generation of electricity as we all know, must be undertaken by way of a

competitive process that is administered by the OUR.

(Mr. FRANKLYN ROBERT WITTER, (JLP), St. Elizabeth, South Eastern, entered and took his seat.)

At this point, Madam Speaker, I must say to all the Members of this House and every citizen of this country, that the only real solution for significant and meaningful reduction in the price of electricity lies in the use of modern, efficient generating plants to generate the bulk of our electricity, that is what is called the base load, from cheaper energy sources other than the heavy fuel oil.

(HON. EDMUND CURTIS BARTLETT, (JLP), St. James, East Central, Minister of Tourism, entered and took his seat.)

Madam Speaker, the dependence on oil over several decades without the necessary investments to install modern, efficient plants is the source of our energy crisis. Indeed, Madam Speaker, the generation of electricity takes up 80% of the total cost to generate, transmit and distribute electricity islandwide - 80%. Hence, Madam Speaker, the replacement of these plants by modern, efficient units burning natural gas, is the strategy that has been adopted by this Government and commands our primary focus.

(HON. OTHNEIL DAMION ST. ELMO LAWRENCE, (JLP), St. Ann, North Western, Minister of State in the Ministry of Transport and Works, entered and took his seat.)

Madam Speaker, I do believe that there was a suggestion in some quarters that the

Government should have used the circumstance of EWP's desire to invest in JPS to negotiate for competition in the transmission and distribution of electricity throughout the island. Such a suggestion, Madam Speaker, would offer no real savings or reduction in price to consumers, since the transmission and distribution of electricity only accounts for 20% of the cost of electricity. We do not have time to undertake risky experiments, indeed, we are obliged to consider the following factors:

- JPS and its shareholders have committed to install the 480 megawatt of urgently required electricity, without a Government Guarantee. There is need for a degree of certainty that the electricity to be generated will get to a sufficient number of customers in a reliable and consistent manner to make the project affordable for consumers and feasible to JPS. No company is likely to risk the substantial investment, by being dependent on other transmitters and distributors to reach paying customers, without requiring government support or indemnity.

(DR. ESMOND VERNAL PATRICK HARRIS, (PNP), Trelawny, North, entered and took his seat.)

- Madam Speaker, the JPS would likely require substantial compensation for giving up or foregoing investments in the transmission and distribution system to lessen service interruptions and blackouts that plagued the supply some years ago. The recovery of these

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investments would have been projected over the remaining term of the Licence, including the six years extension granted in July 2007.

- There are many communities or residential districts that have few customers spread over a relatively large area. At present, these customers are able to afford a supply of electricity because they are not required to bear the total cost for the transmission and distribution system that supplies their electricity. To break up, Madam Speaker, the distribution and transmission network could result in these communities being left stranded without service. Investors are not likely to consider them attractive. Indeed, alternatively, the cost of electricity to these communities could become so high that it is totally prohibitive, much worse than the prices that they now have to pay.
- Significantly too, the OUR has advised that the breaking up of the transmission and distribution network would not likely lead to a reduction in the price of electricity. Rather, given smaller pools of customers who would be required to absorb the cost of different transmission and distribution systems, it could actually result in an increase in electricity prices. It should be recalled that the transmission and distribution network of the country is a continuous physical infrastructure and not wireless technology. Indeed it requires significant capital

expenditure to maintain the electricity being sent over hard wires.

- Of course, Madam Speaker, the practical option to the Government is to ensure that the JPS, backed by its shareholders, undertakes the most expeditious installation of the 480 megawatt of electricity, burning LNG.

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

In the interim, Madam Speaker, the Government will continue to press JPS into implementing measures aimed at improving the efficiency of its operations and passing on the benefits to consumers. In this regard, we have negotiated the additional amendments to the JPS Licence. These include:

- a) the modernization of its transmission and distribution system towards the build-out of a Smart Grid so customers can better control their demand and supply of electricity,
- b) also, Madam Speaker, we are allowing power wheeling along the transmission and distribution system so that customers who are able to generate electricity at one point of the system, they are able to take it off or use it at another location, and
- c) we have also gotten them to the facilitating of net billing for self generators of electricity; and the JPS is also required to agree that the threshold for additional renewable energy to the Grid without the need for competition will be increased from

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15 megawatt to 25 megawatt, Madam Speaker.

Madam Speaker, in keeping with the consent granted by Cabinet for the transfer of the shares to EWP, a number of housekeeping matters will be necessary. These include the execution of an amended Shareholders Agreement to reflect that the shareholders in JPS will be the Government of Jamaica, Marubeni and EWP. The JPS Licence will also be restarted to include the amendments that were outlined above.

Mr. WARMINGTON: Madam Speaker -

The SPEAKER: Just, just -

Mr. WARMINGTON: Madam Speaker, the Minister made a statement and I just want to get some clarification here. It's a statement by the Minister but unfortunately - sadly, what I'm hearing is a protection still of the Jamaica Service Company. The issue is that these arguments were put forward when it came to Cable and Wireless before, and we cut out the monopoly that we had with Cable and Wireless. We need to have -

The PRIME MINISTER: (*Sotto voce* comments to the Speaker).

Mr. WARMINGTON: Please, do not try to muzzle me.

Mr. CHUCK: No, let the man -

Mr. M. PEART: No, let the man talk, man.

Mr. WARMINGTON: Do not try to muzzle me, House Leader. You were instructed just now to keep me quiet.

Mr. HOLNESS: Madam Speaker.

Mr. WARMINGTON: You were just instructed to keep me quiet.

Mr. HOLNESS: Madam Speaker.

Mr. WARMINGTON: Do not keep me quiet. I'm speaking for the poor people of

Jamaica. Do not keep me quiet, Mr. House Leader. Do not do it. Please, do not do it.

The SPEAKER: (Gavelling) Mr, -

Mr. WARMINGTON: Do not do it. You were instructed to shut me up. Don't try to do it.

The SPEAKER: Member, just before I had hoped to have been able to speak just before you made that point. And I'm asking -

(Cross talk)

(The Speaker gavels)

Now, Members of this House, it is the right of every Member of this House to speak. But just before the Member got up to speak he preempted me because I wanted to advise the House that I have a particular manner in which I like to proceed in this House when Statements are made by Ministers.

(Cross talk)

(The Speaker gavels)

The SPEAKER: I would also like -

Mr. E. SMITH: Hi, unno shut up over there no man. Bobby.

The SPEAKER: You know, Members, I would like - I would like for us to conduct ourselves in a dignified manner.

(Inaudible comment by Mrs. Neita-Headley)

The SPEAKER: No, I'm going to ask you to allow me to speak freely. I would like us to conduct ourselves in a dignified manner. And I have been reacquainting myself with the Standing Orders and I am aware that the Speaker ought to be heard in silence and I expect that you will allow me to speak in silence.

Now, just before the Member rose I was going to say as far as Statements are concerned when they are made by Ministers, I have looked at it and in the interest of us proceeding in an orderly and an efficient

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manner in the House, I would like us to - of course, there is a courtesy to the Leader of the Government Business, toward the Leader of the Opposition, I would like in the interest of efficiency and good order that the questions that are going to be asked could be asked by the Opposition, if you channel your questions through the person who shadows the Ministry that is being dealt.

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

Opposition MEMBERS: No, no, no!

The SPEAKER: And I - if, of course, there is a problem and you think that there's a real right there is a way that we can proceed, but really and truly we cannot continue behaving in the fashion that we are. Members of this House, whether we are on one side or the other the nation - the nation is looking at us. And if something is going wrong, there is a way in which we can address the problem and every Member has a right to speak, but not to speak as you choose. There must be - and I will decide. I did. I did bow my head. The Member got up just before I spoke and I said the Statement has been completed by the Minister of Energy and Mining, and I wanted to speak with the House and indicate that in the interest of moving forward in an orderly fashion we have to have some guidelines.

Dr. DAVIES: What are the guidelines, what are the guidelines?

Mr. HOLNESS: Madam Speaker -

Mr. BUNTING: The guidelines are the Standing Orders.

Mr. HOLNESS: Madam Speaker, the Standing Orders is very clear on Statements. We allow questions for clarification.

Dr. PHILLIPS: But not from everybody?

Mr. HOLNESS: Well, it doesn't say from everyone, but...

Mr. WARMINGTON: You didn't give me a chance to -

Mr. HOLNESS: ...but, but -

Mr. PICKERSGILL: The Prime Minister promised more than that.

Mr. WARMINGTON: You never gave me a chance to.

Mr. HOLNESS: May I? May I?

Mr. PICKERSGILL: The Prime Minister promised more than that.

The PRIME MINISTER: And we did.

Mr. HOLNESS: But questions for clarification of a statement made a Minister may be asked. What the Speaker is saying is that if there is -

Mr. D. PEART: You're clarifying the Speaker.

Mr. HOLNESS: My interpretation of the Speaker's statement...

Dr. DAVIES: What language you're speaking in?

(Inaudible comment from Opposition member)

Dr. DAVIES: Interpretation?

Mr. HOLNESS: ...is that without establishing some principles by which the questions are allowed, then we could very well have open-ended sessions as it relates to questions by Ministers. Now, what - I find the statement by the Speaker a very rational and reasonable one - and I would encourage that we accept it. I find it rational and reasonable,

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and I think we should accept that.

Mr. M. PEART: Madam Speaker.

Mr. WARMINGTON: Madam Speaker, I was on my feet first so I was recognized before and I was interrupted by the House Leader.

Mr. M. PEART: I'd like to respond to the Leader of Government Business.

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

Mr. WARMINGTON: No, no, I was on my feet before - I was on my feet and was interrupted by the House Leader. And I'm very upset, very disappointed that I'm not allowed to speak on this side of the House. The Prime Minister himself allowed a lot of latitude to the Opposition to speak. And each time I rise to speak on this side of the House, my own side trying to prevent me from speaking.

Mr. BUCHANAN: Don't cry.
(Heckling)

Mr. WARMINGTON: And I'm sick of this now. I'm sick of this now. I have a right to speak.

Opposition MEMBER: Yes.

The SPEAKER: Member Warmington, you may speak.

Mr. WARMINGTON: Yesterday, a constituent came to me with a light bill. She went and she paid Five Thousand Dollars on a bill -

The PRIME MINISTER: Madam Speaker, on a Point of Order.

The SPEAKER: Yes, Prime Minister.

The PRIME MINISTER: The House is governed -

Dr. DAVIES: Sit down, sit down, Warmie!

(Inaudible comment by Mr. Warmington)

The PRIME MINISTER: The House is governed by the Standing Orders -

Mr. WARMINGTON: No, man. I know that when I speak that my side is preventing me from speaking in here.

(The Speaker gavels)

The PRIME MINISTER: The House is governed, Madam Speaker -

(Inaudible comment by Mr. Warmington)

(Cross talk)

(Mr. Warmington attempts to leave the Chamber)

The SPEAKER: The Prime Minister is speaking.

(Cross talk)

Mr. PICKERSGILL: Meet me downstairs, Warmie.

Dr. DAVIES: Delroy, check with the Government office.

The PRIME MINISTER: The House is governed by Standing Orders and where the Standing Orders are silent by convention. The Standing Orders are very clear as to what is allowed in response to statements. The Chair has been very generous in its latitude. What it does not do and what has become a practice that must be curtailed...

(Inaudible comment by Mr. Warmington)

The PRIME MINISTER: ...is that it is used as the pretext for a debate. And people get up and they make statements sometimes going on for five, ten minutes and someone else gets up and does the same. And the House for the tradition that it must preserve, must

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insist that even if we veer away from the strict Standing Orders we must not go so far that we can see no sight of it.

(Inaudible comment by Mr. Pickersgill)

The PRIME MINISTER: And all that I'm asking that as Speaker of the House you insist - the Member is perfectly entitled to raise any issue with the - in relation to the Statement that is made, subject to your discretion, but he must ask questions. Not make a speech. And if he wishes to make a speech then he must have the opportunity to bring a resolution here or wait until the appropriate resolution is before Parliament before discussion.

Opposition MEMBER: But as the man get up so.... (Inaudible comment follows).

Mr. WARMINGTON: Madam Speaker, it is unfortunate that the Prime Minister has not taken this line when the Opposition speaks; alright. He has never taken this line, and I was never even given a chance to even ask my question.

(Inaudible comment by a Member)

The SPEAKER: Member, I want you to understand that my ruling is very clear and everybody must understand that the Member has a right to ask a question, but as indicated in the Standing Orders, it is not a debate.

Mr. WARMINGTON: I did not intend to debate.

The SPEAKER: I'm making a ruling that you, that you may... a short enough statement to make to get the question that is being asked and you do have a right like every Member does, but it is the ruling of this Speaker as I sit here that when we are dealing with questions and Statements there are Questions I'm asking that you channel your questions through the spokesperson -

Opposition MEMBERS: No, no, no!

Mr. M. PEART: No, no, Madam Speaker.

Mr. WARMINGTON: Am I permitted to speak?

Opposition MEMBERS: No, no!

Mr. BUCHANAN: Reject that, reject that, dictatorship? We flatly reject that.

(Cross talk)

Mr. M. PEART: Madam Speaker, the Standing Orders, as the Prime Minister just alluded, allows for questions for clarification. Earlier, the Prime Minister offered in proposing changes to the Standing Orders, Madam Speaker...

Mr. PICKERSGILL: Yes.

Mr. M. PEART: ...that the Opposition spokesperson...

Mr. PICKERSGILL: Spokesperson, yes.

Mr. M. PEART: ...would be allowed a brief statement -

Mr. HOLNESS: No, no!

Opposition MEMBERS: Yes, yes, yes!

Mr. M. PEART: See the Prime Minister deh!

Opposition MEMBERS: Yes, yes!,

Other Opposition MEMBER: I recall.

Mrs. HENRY-WILSON: Hansard is there, you know, yes.

Opposition MEMBER: I do recall, I do recall.

Mr. M. PEART: Ask him nuh. Ask him nuh, man!

Mr. PICKERSGILL: He said that. That's the point I was making.

Mrs. HENRY-WILSON: It was said, it was said.

Mr. PICKERSGILL: The Prime Minister said the Opposition person...

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Mr. D. PEART: Listen to Bruce nuh. Listen to Bruce before you talk.

Mr. PICKERSGILL: ...if you don't remember...

Mr. M. PEART: Madam Speaker, the Prime Minister -

(The Speaker gavels)

The SPEAKER: The Leader -

Mr. M. PEART: Let me finish.

(The Speaker gavels)

The SPEAKER: The Leader of Government Business is on his side - is on his feet...

Opposition MEMBERS: Yes, yes!

The SPEAKER: ...and he can't hear himself.

Mr. M. PEART: Madam Speaker...

(DR. CHRISTOPHER CHARLES TUFTON, (JLP), St. Elizabeth, South Western, Minister of Industry, Commerce and Investment, entered and took his seat.)

The SPEAKER: The Leader of Opposition Business - I beg your pardon...

Mr. M. PEART: Thank you, thank you for the clarification.

The SPEAKER: And the behaviour is not good. He cannot hear himself and I cannot hear him.

(DR. DONALD K. DUNCAN, (PNP), Hanover, Eastern, entered and took his seat).

Mr. D. PEART: The House Leader is misleading the House.

Mrs. HENRY-WILSON: Yes.

Mr. PICKERSGILL: But the House Leader is misleading the House.

The SPEAKER: But you can get up, Member, and make your point. There is no need for us to behave like rowdies.

Mr. M. PEART: Madam Speaker, the Prime Minister made that concession and it was exercised by the Opposition on many occasions, where the specific spokesperson on the matter would make a brief response and then other Members on both sides of the House are allowed to ask questions for clarification. That is the rule, the practice.

Mr. HOLNESS: Madam Speaker, whilst I hear what the Leader of Opposition Business has said - and, indeed, in conferring with the Prime Minister, the Prime Minister confirmed...

Mrs. HENRY-WILSON: Yes.

Opposition MEMBER: Yes.

Mr. HOLNESS: Hold on, the Prime Minister confirmed that his statement was that the Opposition would be able to initiate their own statements, but not to make Statements in response to Statements made...

Opposition MEMBERS: No, no!

Mr. M. PEART: Don't talk rubbish now.

Mr. HOLNESS: ...by a minister. No, no, and that is a - Madam Speaker, that is very important to note.

(Cross talk)

The point of debate, Madam Speaker, is how the House should proceed to allow Members to respond to Statements made by Ministers.

Mr. PICKERSGILL: What is that?

Mr. HOLNESS: The heart of our debate now is how the House should proceed...

Mr. M. PEART: Correct, correct!

Mr. HOLNESS: ...to allow Members to respond to Statements by Ministers...

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Dr. DAVIES: Right.

Mr. HOLNESS: ...and we're trying to resolve that. If we allow open-ended questions and questions with pretext debate, we may very well spend the entire time of Parliament on Statements. So, like it or not, we will have to come to some understanding as to how we limit questions asked in response to Statements.

Mr. BUCHANAN: You want to muzzle the Press. You want to muzzle everybody.

Mr. HOLNESS: Wait, wait, wait!

(Inaudible comment by Mr. Buchanan)

Mr. HOLNESS: Wait, wait. The Speaker has placed for our consideration, I believe, a fair, I think just solution.

Opposition MEMBERS: No, no!

(The Speaker gavels)

Mr. WARMINGTON: Madam Speaker -

The SPEAKER: Just a moment, Member.

(Cross talk)

There is not going to be no dictatorship in here. I have not recognized any Member to speak. I am speaking. I have not asked anybody to stand.

Government MEMBER: The Speaker is on her feet, don't stand when she on her feet.

Mr. BUCHANAN: You see her on her feet.

(Cross talk)

(The Speaker gavels)

Mr. WARMINGTON: Madam Speaker?

The SPEAKER: Just a moment, Member.

I am very sorry I have heard comments about dictatorship. There is going to be no dictatorship. This is a Parliament in which we're all entitled to engage in robust debates, but order there is going to be because whether or not we want to accept it this nation, the

public that has put all of us here has been criticizing us and has been demanded that we behave in an orderly and dignified fashion.

This is the highest Court of the land and I do believe that if there is a ruling that you have a problem with and you think it infringes the rights, then we have a way to deal with it. But this type of behaviour is unacceptable and this Speaker who sits in the Chair has no intention of endorsing it. I do believe, though, that as parliamentarians and as leaders we ought to do better than we are doing.

Yes, Member Thwaites.

Rev. THWAITES: Madam Speaker, may I invite you to attend to the Report, the latest Report of the Standing Orders Committee of the House, which, in fact, dealt with this matter and where suggestions were - proposals were made regarding the protocol for responses to Statements by Ministers. They were, in fact, to the best of my belief and I have confirmed that with the former Speaker, now Minister, were accepted by this House, and, in fact, have gone for drafting. It is such a pity that it has taken so long that sometimes we forget. And we took the further decision, Madam Speaker, if I may remind you, that while this process was taking place we would abide by those recommendations. And, therefore, in those circumstances I do believe that we do have a protocol that it is a reasonable one. And may I respectfully state that the proceedings that were ongoing before this unfortunate intervention were quite in keeping with that with we have recommended. So, perhaps?

The SPEAKER: Thank you very much, Member. I will certainly... I haven't recognized you yet, Member. I will inform

myself and we will act accordingly. But this unfortunate incident would not have taken place if we had all behaved as we ought to with dignity. In the very manner that the Member has got up and made the point, that is how I expect us to behave as Members of this Parliament.

Mr. WARMINGTON: Madam Speaker.

The SPEAKER: Go ahead.

Mr. WARMINGTON: I was not allowed to ask the question I wish to ask. Each time I stand in this House, I've shown respect to everyone in this House. And, unfortunately, I am not shown the respect that I show to others. And what is clear today is that even though I sit on this side, I'm not treated as one on this side.

Mr. PICKERSGILL: But that is what you have to discuss with them. We can't help you with that...

Opposition MEMBER: Come over here come sittung.

One Opposition MEMBER: Come, come!

Mr. WARMINGTON: Madam Speaker, my question is, and I said that what I see here is a protection of the same monopoly. And I draw reference to a constituent who came to me yesterday with a light bill. She paid \$5,000 on a bill because that was what she paid the month before. And she came yesterday in tears that her light was disconnected yesterday because they claimed that that they have estimated bill that now they show has a next Fifteen Hundred Dollars. While at the same time she had a deposit of over Fifteen Hundred Dollars, and she asked to give her five minutes to go pay the bill, and they cut off her light right then and there. She came in tears.

What I want to know is what is being done to break up this monopoly we have in this country, whereby the poor are being oppressed daily by the Jamaica Public Service Company. Instead of approving the sale from one monopoly to another, are we doing anything...?

The issue is that we said - that the Government said that the Government is honouring whatever agreement that there was between, that they said Phillip Paulwell signed then, but circumstances alter cases. There are a lot of changes since then. We can't look back. We must look at what is happening now and look at going forward. What I want to know, what do we intend to do about the monopoly that is here sucking the blood out of the poor people of Jamaica? Can we break up this monopoly to make life much easier for poor, suffering, destitute and oppressed Jamaicans? That's all I want to ask. And I won't be allowed to ask mi question...

Mr. PICKERSGILL: No baddah go back to dat.

Mr. WARMINGTON: ...because the House Leader won't allow - won't familiarize himself with the Standing Orders...

The SPEAKER: Member, you can ask the questions.

Mr. WARMINGTON: ...and allow himself to be misled, allows himself to be misled and dictated to instead of reading the Standing Order.

Mr. MULLINGS: I am obliged to the Member from St. Catherine because it is important for us to understand when we speak of a monopoly what in fact obtains. On the system you have the generation of electricity and you also have the transmission or distribution of it along the lines. In 2004, it

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was open competition to provide electricity in terms of generation. So you have the independent power producers like Jamaica Energy Partners and so on and so forth. What you have now is in terms of the transmission along the lines when you get the electricity it speaks of a monopoly.

And let me explain. Wireless telephony, in other words, mobile technology, does not utilize hard wires. It deals with a spectrum and therefore the capital expenditure on that is much lower. On a transmission network you are required to maintain the stability of a system of electricity along hard wires on a 24-hour basis. Now, you fit that within the demand of a country the size of Jamaica, and the question arises as to whether the breaking up of that monopoly over the wires, because the generation side is no longer a monopoly, whether that follows that prices will come down.

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

The argument is advanced, and has great merit, in that the OUR sets the rates and the tariffs. Bearing in mind the size of the grid in Jamaica and because of where you have the topography of Jamaica where persons live, it would not be economically feasible to have many transmitters on the system. Why? Because you could have cherry-picking, where entities would want to transmit over areas that are nearer and not want to transmit to further communities which of course would mean that if you tap into the system, the consumer has to pay that additional charge.

So, if the model is that you pay for access to the system, the consumer will have to bear it. If the model is that you are allowed to choose all from the system that you are going to supply, those areas that are far removed and having persons who are not congregated together will not find themselves high in the pecking order.

Now having said that, we must now see whether the question of a monopoly is the reason for the high energy prices. Eighty per cent (80%) of the energy cost is on the generation of electricity. Why is that? Because of the heavy fuel oil and the inefficient units that we have at Old Harbour.

A MEMBER: Hear, hear!

Mr. MULLINGS: This business requires tremendous capital expenditure. And therefore you'll need a long period of time for the recovery of that expenditure. And, indeed, the entities involved in the business must have Balance Sheets that they themselves can access funding. For instance, in 2001, monies were borrowed from the IFC. We had to get the consent of the IFC for this deal to take place. And so while the model, the pure economic model, would suggest that many players would drive down prices, the fact of the matter is you don't have many players. An indication of this is the fact that there was the request for a proposal of 480 megawatts of generating capacity, which is absolutely critical, and you had one bidder. Because it requires a tremendous outlay. And it's very important for us to understand that in terms of power systems, we're not speaking of apples and apples as against wireless telephony. It's apples and oranges. So it's a very relevant question that has been raised, so that we can see the debate in context.

Mr. PICKERSGILL: So you not breaking up the monopoly? As to...

Mr. MULLINGS: No. Because in 2000...

Dr. PHILLIPS: It is a lengthy debate...
(Inaudible)

Mr. MULLINGS: Indeed...

(Inaudible comments and laughter)

Mr. MULLINGS: ...but it is necessary. Because I think we need to widen the discourse to look at the issues and disaggregate the challenges.

With respect to the issue of the lady who lost her service, having paid, these are issues that can go to the OUR, and indeed, there is a penalty if a consumer is cut off when they ought not to do so. In fact, in fact many times the company has not paid over money because people are not claiming largely because of ignorance. So if you lose your supply and it is an unlawful disconnection, you have compensation that can be paid out to you. But it's very important that we understand the context in which we operate.

Mr. PICKERSGILL: So why you don't send out RFT for the distribution ...eh?
(Inaudible)...

Mr. M. PEART: Madam Speaker, The Minister states correctly that eighty per cent (80%) of the cost of electricity is services at the generation end, and we have heard from Mirant time through Marubeni and now we hearing the same argument again that they are going to be installing generation equipment to reduce the cost of electricity to the consumer. But critical to this is the source of energy.

Mr. PICKERSGILL: Yes.

Mr. M. PEART: The question is, what timeline does the Minister have where the consumer will start seeing a reduction because we have generation....

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

(Applause by Opposition Members)

Mr. PICKERSGILL: Diversity...

Mr. M. PEART: ...off of cheap energy?

Mr. MULLINGS: Thank you. The Leader of Opposition Business has raised a relevant question.

Now, it is proposed that by 2014 we will have 360 megawatts being brought on board and that by 2016 an additional 120 megawatts. Now, EWP is in the business of generating electricity from various fuel types, including liquified natural gas. And it is anticipated that with the project being at the stage that it is at, that we will be able to bring everything on line by the last quarter of 2014 in terms of the operations of the 360 megawatts at Old Harbour to tie that in with the provision of LNG. And so, it is very important that we get all of these factors aligned so that we can deliver to the consumer lower energy prices.

But I must make this point, Madam Speaker. The cheapest plant is no plant, in other words, when we as consumers seek to not only conserve but to be efficient in the utilization of electricity. And we need to reinforce this in our culture that every time we leave appliances plugged in and we go to work or go off to school, we are losing energy. And this transmits not only in the home, but when you add that cumulatively across the country it has a negative effect on the consumption of energy.

And so we need at this point in time to seek conservation as well so that the horse isn't starving while the grass is growing, that conservation must be our mantra not only in

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the business places but also within our homes so that we can see the real benefits of conserving and bringing down the demands on our pockets.

Dr. PHILLIPS: Madam Speaker, can the Minister... two questions really. Can the Minister indicate what would be the expected savings to result from the measures that have been outlined, that is to say, in relation to the modernization of transmission, net billing and power wheeling of the transmission? Has a study been done which could indicate to the House and or to the consumers what would be the savings that would result from this? And the second question, really, is the Government committed as a matter of policy, to having LNG being a single fuel source for the JPS, or, is it a matter of policy to allow a diversity of fuel sources to be used?

Mr. MULLINGS: Thank you. If I may answer the second question first. The policy of the Government is, indeed, diversification. And while LNG is seen as the base load support through the JPS, remember now that the generating side is competitive. And we do have other entities generating electricity from other sources. For instance, Wigton comes readily to mind. We also have small plants, hydro plants, also controlled by the JPS, so that the diversification is critical. And it's important because you don't want to have all your eggs in one basket.

Indeed, one of the things we negotiated to indicate that diversification is critical, is that we have lifted the ceiling from 15 megawatts to 25 megawatts for renewable sources of energy without having a competitive tender. So what that would mean that if you are able to generate from renewable sources anything

upwards of 25 megawatts, then you'd be able to tie into the grid. And this, of course, will bring down the cost over time. And it's important because what has happened is that we have - and when I say we, the country has failed to invest in the sector.

Mr. PICKERSGILL: In the what?

Mr. MULLINGS: In the sector. The plants at Old Harbour are woefully inefficient, I believe they're going in the region of maybe 20% in efficiency. So if you were to continue in the same way, you'll be pouring new wine into old wineskins. But that requires a tremendous capital outlay, and you have to look at worldwide. The fact is that entities that are engaged in the power of sector business normally have long licences because of the outlay and the recovery of that, that is required.

In relation to the issue of the power wheeling and so on, what is going to be embedded in the agreement are several things. For instance, something called merit order dispatch. What that essential is this. That if there is a demand in the system, which plants will be brought on board to meet the demand. And so in putting this in the licence, it is to ensure that the most efficient plants are brought on board. However, we must also bear this in mind, and which is why the fuel you use is critical in all of this.

The Bogue Plant in Montego Bay is easily the most efficient Plant, because it used what they call combined cycle, but it is not the cheapest Plant, because it utilizes diesel oil. So that if you're to dispatch that Plant to meet a demand, while you get more electricity your light bill is going to go up. And so you see the connection between what you provide as a

base fuel and also your efficiencies.

In terms of the power wheeling, what that essentially is that you produce here, you're competitive, you produce electricity on the generation side and you're able to utilize it elsewhere, then there'll be an evening out of the cost. A study has been done, I will make it available to the Member, so that we can really see what we're looking at and for purposes of continuity and for modernizing Jamaica, we can settle on those things that have to be done.

Dr. PHILLIPS: But am I to understand that...

Mr. WARMINGTON: Put yuh mike on.

Dr. PHILLIPS: Am I to understand from what you have just said at length, is that there is not an estimate currently in the Ministry as to the possible savings per kilowatt hour, which a consumer would benefit from on account of the measures that you have? I mean there's not a number, a figure that you can tell the consumers, as to how much they could look for a reduction on their bill, all things being equal, by virtue of these measures?

Mr. MULLINGS: Well bearing in mind that we are able to provide that figure, but it is contingent on the issue of the fuel that you use. So if the price of the fuel goes up, it will mitigate, if not overtake any savings you have. But there's a study and I'll make it available to you.

Dr. PHILLIPS: I take that to be a note, you don't have an estimate.

Mr. MULLINGS: No, I'm not saying that at all, I'm not saying that at all. I don't have it now here with me.

Mr. PICKERSGILL: Madam Speaker.

The SPEAKER: Member Thwaites was on his feet.

Mr. PICKERSGILL: Oh sorry, I beg your pardon, I beg your pardon.

Rev. THWAITES: Madam Speaker, will the Minister acknowledge the grave difficulty that consumers, in the instance of the case referred to by the Member from South West Clarendon, experienced...

Dr. DAVIES: St. Catherine.

Rev. THWAITES: St. Catherine.... experienced when they're making complaints to the Jamaica Public Service Company and indeed other utilities as well? And will he reflect upon the fact that there really is no consumer protection agency that is equipped to deal with instances of sheer cruelty, like the one he mentioned?

Mr. CHARLES: The OUR.

Rev. THWAITES: May it please you, Madam Speaker, the situation is this; the OUR is very clear...

The SPEAKER: Is it a question, Mr....

Rev. THWAITES: It is a question I'm answering.

Is the Minister aware that the Office of Utility Regulations says if...

(Inaudible comment by a Member)

The SPEAKER: Go ahead,

Rev. THWAITES: May I go ahead?

The SPEAKER: Yes, you may.

Rev. THWAITES: Is the Minister aware that the Office of Utility Regulations will tell you clearly that they're not a consumer protection agency, and that the first place you must go is to the company? And it is only after you fail to get redress does the Minister know, that the OUR will consider your complaint and in many instances they tell you to go to the Consumer Protection Division? It is a royal runaround, Madam Speaker, does the Minister

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acknowledge, and therefore will he commit to refining that procedure and giving the ordinary consumer - besetting the way that the Member described - a proper and fair recourse in a situation of monopoly, which he seems to wish to continue?

Mr. MULLINGS: I thank the Member for that observation, you're quite right. Because what has happened overtime, is that consumers have been informed, but consumers are not getting the redress, or sometimes they're so frustrated they don't bother. And point of fact, we need to ensure - and I will commit to see how best we can do that - so that we can have the fair complaints dealt with. Because, because as the Member from St. Catherine indicated, if you don't have that kind of response, then you build a groundswell of resentment that we may very well all repent of.

And so it is very important to see that as part of the mix - and I will speak of course, with my colleague Minister in Industry, I think the Consumer Affairs Commission comes under that - but maybe it is time for us to look very keenly at empowering a body through legislation and to outfit it with the appropriate resources to meet with these queries. But queries are.

The SPEAKER: Two more questions, Member Pickersgill and Member Hylton.

Mr. PICKERSGILL: Yes, Madam Speaker.

Minister, you've spoken eloquently on the generation aspect of things. Am I to understand that you're saying that in terms of the monopoly of the transmission it will remain? And if so, how comes you've arrived at that conclusion, have you sent out for any

RFPs to see if what you're saying is correct? And I'd just like to buttress what my colleague over there said, they did the exact thing to the Custos of St. Catherine, she having paid her bill they went and cut off the lady's light. And you have some very reckless workers and contractors in the system.

Mr. WARMINGTON: And you have some in Old Harbour... (Inaudible)

Mr. MULLINGS: What I would advise in terms of your last query, and I'm not quite sure that our people are fully apprised, or aware of some of the recourse and remedies they do have. In that instance and in the instance of the lady from St. Catherine...

Mr. WARMINGTON: Yuh shoulda elect me to speak to them.

Mr. MULLINGS: ...they should contact the OUR and indicate, because they will be able to get compensation if it's terminated. Because we know what happens, a lot of times they contract persons to go out to disconnect, and then you having paid, been to your bill payment agency or wherever, they're not listening to you when you say you've paid, you have recourse. So albeit it is not the perfect situation, you have a recourse and it urges them to deal with that.

In relation to the monopoly...

Mr. PICKERSGILL: Yes.

Mr. MULLINGS: ...and on the transmission and distribution side of it - as I'd indicated earlier, when it was extended in 2007, it was at the time to allow for the shares going to Marubeni from Mirant - the transmission and distribution side of it is 20% of it. In fact, it is the loss-making side of the business bearing in mind, rather, the size of Jamaica, while no RFPs have gone out, studies

and enquiries have shown that they're not what would take us to go into transmission and distribution, because you're not guaranteed any rate of return on either thing, either generation, or on transmission and distribution and, in fact, the danger you run. Because what you want is a complete physical network to ensure the stability of the grid.

So for instance, if there's a demand on one side of the network and you're not able to meet it, then you're in danger of having the system collapse. So bearing in mind the size of the country, bearing in mind the fact that you don't have persons who are expressing an interest in the T&D side of it - the transmission and distribution - it would not be wise; bearing in mind the need to have a modem system, from those companies that have the capital expenditure, to put on the system.

The SPEAKER: Member, the final question on this Statement.

Mr. HYLTON: Madam Chair, in the absence of the Minister - the Opposition spokesperson on Energy - the Minister went on record to say that there was in fact an extension, a six year extension, on the licence. The Opposition spokesman has been on record as denying that such extension occurred, having regard to the fact that there were specific conditions...

The SPEAKER: Member, is that a question?

Mr. HYLTON: It's a clarification, Madam.

The SPEAKER: No, you must ask a question if you're clarifying something. No, I want us to be...

Mr. HYLTON: Madam, Madam...

The SPEAKER: No, I am going to insist that whatever we do we abide by the Standing Orders. If you're asking a question, then you ask a question, and if it is that there is something that you need further clarification about, there is a procedure that you follow and you bring a substantive question and we deal with it. But I'm not going to allow us when we have an opportunity to ask a question, to stand up and debate the matter. It is a question, so if you have a question, pose the question, if it is not, then let us use the correct procedure.

Mr. HYLTON: Madam...

The SPEAKER: If it is a question, Member, then you must ask the question. If it is not a question I am not - I am ruling - that I am not allowing anyone to stand and make a statement like that.

Mr. HYLTON: Could the Minister...

The SPEAKER: Ask the question.

Mr. HYLTON: Could the Minister state whether in fact the condition that - the preexisting condition for the extension of the license, as at the time of the negotiation - the transfer of shared from Mirant to Marubeni, was there a fulfillment of those conditions as to allow for the further extension of the six years?

Mr. MULLINGS: I am obliged to the Member. Yes. In point of fact, in July 2007, when - and I have the Cabinet consent and submission - it was said that the licence would be extended for six years; that things like merit order dispatch and a code would be agreed upon, or the OUR, after nine months - if it is a failure so to do - the OUR would implement them. So therefore, it was not an obstacle to the extension.

(Inaudible comment by a Member)

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Mr. MULLINGS: Indeed, no it was not. Because that extension was there to facilitate the transfer of the sales from Mirant to Marubeni. And that took place. So you can't now say that there was no extension, there was. What they wanted to deal with to ensure that the systems were improved. The failure was, not to have included those requirements in the licence. What we're now doing is putting them in the licence, because if you don't put them in the licence, the OUR has no legal recourse. When you have them in the licence, the OUR can now take legal recourse against the JPS.

Mr. D. SMITH: Madam Speaker, just a question to the Minister.

Minister, I didn't retain a lot of what you said based on the time, but quickly, what is the medium to long term benefit to the country and by extension the consumer, based on what you have just outlined?

Mr. MULLINGS: Thank you, Member. The medium to long term benefit is when you change your base load supply with a cheaper fuel source, you will bring down the cost - which is why we're looking at the last quarter of 2014 - and obviously not just to the country, but to the consumer. Because if you look at our light bills, the energy side of it - the fuel bill side of it is taking the majority of our money, so we have to deal with that. And I suspect that once we're able to get everything in line with the new Plant at Old Harbour, then in addition to the change in the dual type, we have more efficient plants, which will be an additional benefit to bringing down the cost.

The SPEAKER: Is there another statement? Oh.

Mr. BRODERICK: Just a question for the Minister, Madam Speaker.

Minister, would you agree that one of the major items which we tend to overlook is the need to introduce and develop efficiencies throughout - not just the domestic but the industrial sector and that if we are simply waiting for these upgrades - we don't want to face the fact, but the fact is you may be three to four years down the line, you're gonna have a lot of angry people...

The SPEAKER: Are you asking... Member, what is your question? What is your question?

Mr. BRODERICK: The question is in that, if you were following me.

The SPEAKER: I'm trying to decipher the question.

Mr. BRODERICK: Therefore I am now asking the Minister if he would agree with me that instead of us sitting helpless and waiting, that the country needs to mobilize in a practical way efficiencies and conservation measures.

Mr. MULLINGS: Indeed. Thank you, Minister. An indication of some of the challenges we face \$500 Million has been made available for energy efficiency and for energy audits. Of that amount, I understand, at least \$300 Million has not been taken up. These are the challenges we face and we have to ensure, as I have indicated before, that the cheapest plant is no plant. And so we need, for instance, to ensure not only that we are efficient but that we can indeed provide for ourselves. Jamaica is one of the few countries in the world where the greatest consumption of electricity takes place in the residential sections between Six and Ten at night. So the answer could also lie in us utilizing solar technology to come off the grid. These are some of the things that we have to do. The

challenges, of course, are the costs and we have to incentivize that to ensure that more persons are doing that and at the same time being efficient and so it is overlooked. Indeed, it is not seen as the grand answer or the silver bullet but, indeed, it would go a far way if we are efficient and we conserve energy. And we have to ensure that the public is sensitized and made aware as to how they can help themselves.

The SPEAKER: Leader of Government Business.

Mr. HOLNESS: Madam Speaker, the Minister of Transport and Works will now make his Statement.

The SPEAKER: Minister.

AIR VENTURES/REDJET/AIR JAMAICA

Mr. HENRY: Madam Speaker, Honourable House, today I am pleased to report that the approval has been granted by the Jamaica Civil Aviation Authority for Air Ventures Limited trading as REDjet to commence Air Jamaica operations.

Since 2007 Jamaica, through the Ministry of Transport and Works, has proceeded vigorously with an open-skies approach to the development and expansion of the aerospace industry. This has positioned us to take advantage of opportunities within the global marketplace for increased air cargo and passenger throughput impacting not only on aviation transport but on tourism, agriculture and other trade-related industries. For this Ministry to continue the work to expand our airports and increase operational efficiency while building on areas of competitive and comparative advantage within the marketplace, our reach and transformative vision must be able to accommodate all

aspects of air transports, including *inter alia*, general aviation services, cargo expansion, provision of air cargo services, transport interconnectivity and logistics and hub development.

(Cross talks)

The SPEAKER: (Gavelled) The Minister is on his feet and I can hardly hear him. Please, let us hear the Minister.

Mr. HENRY: All of this has been done with a clear appreciation of the fragility of the airlines to operate competitively within the marketplace, including their absorptive capacity for external shocks. Indeed, the World Bank recognizes and the Government of Jamaica shares the view that air transport has become an essential economic and social conduit throughout the world. Beyond the benefits of fast and inexpensive transcontinental travel, air transport also have to become a vital form of shipping for high-valued items that need to come to market quickly such as agricultural products subject to spoilage.

The granting of the approval for REDjet to commence operations in the Jamaican market follows through on Jamaica's open-skies approach. For some time now REDjet had been signalling their interest to and intentions of providing air services in Jamaica and the Caribbean. Within the context of open-skies aviation policy their interest was welcomed as an opportunity for expanded air services for the benefit of the travelling public generally and the Caribbean region.

Formal application from REDjet was submitted in March 2010 to the Jamaica Civil Aviation Authority to provide services for a one-year period according to the following schedule. Proposed schedule daily,

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Bridgetown/Kingston/Bridgetown, daily
Bridgetown/Port of Spain, Kingston/
Bridgetown.

I put to this Honourable House that during the course of the processing of the application various matters were raised that culminated with a meeting of the Ministers of Transport for Barbados, Jamaica and Trinidad and Tobago in June of this year. At this meeting which was held in Trinidad and Tobago on June 30, the matter of safety remained to be resolved. Subsequently the Flight Safety Department of the Jamaica Civil Aviation Authority has satisfied itself regarding any safety concerns. The approval was therefore being granted for REDj et to commence its operations which may be within the next six weeks. These services would add economic value to the aviation sector, the travelling public and the wider Jamaican economy. Additionally, the Norman Manley International Airport will gain from aircraft operations into that facility in light of the withdrawal of Virgin Atlantic at a later date. The travelling public will welcome and is indeed being clamouring for the added air-service options within the region with benefits in terms of frequency and value.

Madam Speaker, as we move forward with efforts to further develop and expand our air-service operations and services to meet the needs and surpass the challenges of the future, we do so with a commitment to quality, equity and openness.

Thank you very much, Madam Speaker.

Mr. HYLTON: Madam Speaker, can the Minister say whether there is any impact of this decision on the recent merger or acquisition by Caribbean Airlines which has the Jamaican Government owning a

percentage share in the airline? Can the Minister say what, if any impact, will there be on the operation of that airline?

Mr. HENRY: Both companies have presented to the Jamaican Government, certainly to the Ministry of Transport, what they consider to be the impact, which during the time of our discussion related to dilution of routes as it relates to the economic impact it would have, against the background of Barbados operating in Category Two, against the background of outreach and ownership and therefore CAL has assured me that whatever impact it is will be easily handled by them as a company. Correspondingly, we are first time entering to an area of low cost carrier. A low cost carrier, of course, blocks off seats, starts at a low price, charges you for a key to the bathroom, charges you for the packages of food you take on board, charges you for window seat, aisle seat, middle seat and the prices add up and then you come to an economic level; and it really speaks to how you wish to travel speed service, *et cetera*, and safety as the main aspect of it. Both airlines have assured me that they have looked at it. The Civil Aviation and I have looked at the dilution of the routes as it relates, and that is why we have to look at it against sustainability and outreach.

Mr. HYLTON: One last question, Madam. Is the Minister indicating by this decision that the safety concerns, whatever they may have been, that those safety concerns have now been resolved?

Mr. HENRY: I think, yes, it is clear. We have examined both aircraft. They have passed the safety needs as required by the Civil Aviation and the International Civil Aviation. And that is equally answered, too, by the fact

that Trinidad had their concerns and they have also settled that matter; and we have exchanged the information with the continuous fact that the safety is of paramount importance in an area with high safety record.

The SPEAKER: Member Davies.

Dr. DAVIES: Thank you, Madam Speaker. Mr. Minister, I heard an interview recently with COLONEL DARBY and he indicated that the technical issues have been resolved but there were issues at the Ministerial level and he couldn't speak to them. I found that separation interesting. Safety issues fell in which category technical or ministerial? And if they fell in the former what were the other issues which delayed the approval to REDjet?

Mr. HENRY: Well, firstly everything including safety and whatever Civil Aviation deals with the buck stops here. Therefore in that context I have to make sure, on behalf of the Government, that everything is addressed in its right perspective. Therefore safety is the Civil Aviation under the international agreements and the Civil Aviation is only person can let me know if the planes are safe. Following that, however, as you should be aware there are different issues that relate to air policies and air agreements. One of which is whether it's owned and controlled by a resident of a country, the share ownership, the business plan, all of that has to be part of what comes to the ministry and the ministry assesses the sustainability and the importance of the airline flying. So that ownership becomes one of the most important aspects under air-services agreement, whether it's 100% owned in that country or foreign owned. Because the ownership of airlines as it relates

to investment is very important, so is the aspect of the funding being invested. All of those are issues which are administrative and equally relate to air-policy agreements which are governed by international regulations.

Dr. DAVIES: Would you like to use this opportunity to totally refute the notion that the Governments of Trinidad and Jamaica had a vested interest in delaying the flights by REDjet?

Mr. HENRY: Coming from a former Minister of Finance I think what you recognize is the most important element to sustainability and investment. And indeed if both the Governments of Jamaica and Trinidad own an airline the taxpayers are the shareholders of that and therefore you may have it more incumbent on you to protect the shareholders than a simple investor who can be here today and be gone tomorrow. Therefore in that context I would refute it all. Because it is not a matter of mere competition as I have tried to intimate by whether you are running a low-cost airline or not. And indeed, as I have said, perhaps the failure is Ministers of Transport to look at the global context of movement of people within the Caribbean.

In fact I can predict another issue that will now arise. CAL has been trying to fly from Barbados to Grenada and Antigua and perhaps try to fly from a farther distance. They have not been allowed to do that very often, and they are going to be appealing for that. And you and I know historically, anyway, it is the communication and transport within the Caribbean that has retarded our own development. So I encourage that connectivity and nothing of that has anything else to do than good business sense.

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ANNOUNCEMENTS

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

- **Ministry Paper No. 54/11**
Annual Report and Audited Financial Statements of the Public Accountancy Board for the Financial Year April 1, 2009 - March 31, 2010.
- The Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011, Resolution under The Civil Service Establishment Act, and
- The Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011 under The Civil Service Establishment Act.
- The Constabulary Force (Interim Provisions for Arrest and Detention) Act (Extension of Duration) Resolution, 2011 Under The Constabulary Force (Interim Provisions for Arrest and Detention) Act 2010.
- **Certified Appropriation Accounts**
Attorney General's Department 2008/2009;
Ministry of National Security, 2009/2010;
Legal Reform Department 2008/2009;
Legal Reform Department 2009/2010;
Family Court 2008/2009;
Ministry of Education 2007/2008;
Director of Public Prosecutions 2008/2009;
Office of the Contractor General 2009/2010;
Ministry of Industry, Investment and Commerce 2009/2010;
Report of the Public Administration and Appropriations Committee of the

House of Representatives on its Deliberations on Ministry Paper No. 9 of 2011, "Reporting Status for Statutory Agencies and Government-owned Companies".

REPORTS FROM COMMITTEES

Dr. McNEILL: Madam Speaker, I beg to lay on the Table of the House a copy of the Report of the Sessional Select Committee on Public Administration and Appropriations on their deliberations on Ministry Paper Number 9 of 2011, titled Reporting Status for Statutory Agencies and Government-owned Companies.

NOTICES OF MOTIONS GIVEN

ORALLY

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

BE IT RESOLVED that the Report of the Sessional Select Committee on Public Administration and Appropriations on their deliberations on Ministry Paper Number 9 of 2011, titled Reporting Status for Statutory Agencies and Government-owned Companies, which was laid on the Table of the House on the 19th day of July, 2011, be adopted.

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

WHEREAS Parliament has ultimate authority to levy all taxes in Jamaica;
AND WHEREAS in practical terms taxation has been levied on the basis of executive decision without adequate parliamentary examination;

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and considering that Jamaica has maintained persistent fiscal deficits and has a distorted taxation system;

BE IT RESOLVED that this Honourable House, as part of an overall effort to achieve a greater level of fiscal responsibility, requests the House Committee on Tax Measures to review the country's approach to taxation with a view to -

- a) ensuring greater parliamentary consideration of tax proposals to be included in each budget;
- b) allowing for greater consultation with the public and especially affected stakeholders in defining and approving taxation;
- c) allowing for greater equity in the sharing of the tax burden;

BE IT FURTHER RESOLVED that this matter be referred to the Committee on tax measures for consideration with its deliberations on the Tax Reform Measures.

THE TOURISM ENHANCEMENT ACT

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

The Tourism Enhancement (Amendment) Act, 2011.

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

THE CIVIL SERVICE ESTABLISHMENT ACT

Mr. SHAW: Madam Speaker, I beg to give notice that at the next meeting of the House I will move The Civil Service Establishment Act, the Civil Service Establishment (General)(Amendment) (No. 2) Order, 2011, Resolutions.

WHEREAS section 3 subsection (1) of the Civil Service Establishment Act, (hereinafter referred to as "the Act") the Minister may exercise the power to constitute or abolish offices in the Public Service by Order;

AND WHEREAS the Civil Service Establishment (General) Order, 2010, was affirmed by the House of Representatives on the 14th day of September, 2010, and has subsequently been amended;

AND WHEREAS the Minister considers it necessary or expedient to further amend the Civil Service Establishment (General) Order, 2010, and made the Civil Service Establishment (General)(Amendment) (No. 2) Order, 2011, on the 19th day of July, 2011;

AND WHEREAS section 3(2) subsection (c) of the Act provides that an Order made under that section may from time to time make such incidental, consequential and supplemental provisions as the Minister thinks necessary or expedient to give full effect to the order;

AND WHEREAS section 3 subsection (4) of the Act provides that an order made under that section shall

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be subject to affirmative resolution of the House of Representatives;

AND WHEREAS it is desirable that the Civil Service Establishment (General)(Amendment) (No. 2) Order, 2011, be affirmed:

NOW THEREFORE BE IT RESOLVED by this Honourable House as follows:

This resolution may be cited as the Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011, resolution.

The Civil Service Establishment (General) (Amendment) (No. 2) Order, 2011, which was laid on the Table of the House on the 19th day of July, 2011, is hereby affirmed.

THE CONSTABULARY FORCE ACT

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

The Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, The Constabulary Force (Interim Provisions for Arrest and Detention) Act, (Extension of Duration) Resolution, 2011:

WHEREAS the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, came into force on the 23rd day of July, 2010;

AND WHEREAS it is provided by section 2(1) of the Act that that the Act shall continue in force for a period of one year from the date of its commencement and shall then expire, unless its duration is extended by

resolution of each House of Parliament;

AND WHEREAS Mt is provided by section 2(2) of the Act that a resolution under section 2(1) of the Act -

- (a) shall be in the same terms for each House;
- (b) shall specify the period for which the duration of the Act is extended; and
- (c) may amend any provision of the Act;

AND WHEREAS the Act has been a critical tool employed by the Jamaica Constabulary Force in reducing serious crimes, and it is therefore expected that an extension of the duration of the Act will contribute further to the reduction of serious crimes;

NOW THEREFORE, BE IT RESOLVED by this Honourable House as follows:

1. this resolution may be cited as the Constabulary Force (Interim Provisions for Arrest and Detention) Act (Extension of Duration) Resolution, 2011;
2. the duration of the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, shall be extended until the 22nd day of July, 2012;
3. the Constabulary Force (Interim Provisions for Arrest and Detention) Act (Extension of Duration) Resolution, 2011, which was laid on the Table of the

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House on the 19th day of July, 2011, is hereby approved.

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

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. HOLNESS: Madam Speaker, It is past the time for questions.

The SPEAKER: Motions that may be made at the...

Dr. DAVIES: What does that mean?

Dr. PHILLIPS: Is it...

The SPEAKER: It means that it is now 3:45...

Dr. DAVIES: I know that.

The SPEAKER: ...and according to the Standing Orders, section 17, for us to have questions past that time a motion needs to be moved by the...

Dr. PHILLIPS: But the - if I might...

The SPEAKER: No motion has been moved, so now I...

Dr. PHILLIPS: Well, would you entertain a motion for questions to be put?

Dr. DAVIES: But I don't understand that.

(Sotto voce comments)

Dr. PHILLIPS: Would the House Leader entertain a request?

Mr. HOLNESS: Madam Speaker, the job of the House Leader is first and foremost to ensure that the business of the nation is completed.

Rev. THWAITES: Yes, that's exactly it.

(Sotto voce comments)

Mr. HOLNESS: No. Madam Speaker, we have to manage our time efficiently. We were

asked to play by the rules. The rule is that when it is 3:15 and the time has passed, unless there is a motion, then you take questions. Madam Speaker, there is no motion on the floor.

Dr. PHILLIPS: Madam Speaker, I would urge the Leader of the House to reconsider his po...

(Sotto voce remark from the Prime Minister)

Dr. PHILLIPS: Yes, but - no, no, I agree. Except in this instance I would suggest that it is not the Opposition that has derailed the rhythm, to use your phrase. Because - well, we know what extended the questions on the Statement by Ministers.

The PRIME MINISTER: Cheered on by the Opposition.

(Sotto voce comments)

Dr. PHILLIPS: And if I daresay myself, the Minister was quite extensive, quite extensive in his answers.

MRS. SIMPSON MILLER: Thank you. Madam Speaker, I am sure you will permit me to congratulate you first, having the position. But, will we be able to recommit after?

The SPEAKER: I - I - I - it's left up to the Leader of the - of Government Business, and I saw him indicate to the Member that there will be an opportunity after Government Business.

Mr. HOLNESS: Madam Speaker, after we have completed Government Business and we have the quorum...

Dr. DAVIES: Come Andrew, do better than that.

Mr. HOLNESS: This is the best we can do with the time we have. If Members would cooperate, Madam Speaker, we would be able to achieve much more.

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(Sotto voce comments)

The SPEAKER: Members, Members (gavels) Members, I am urging...

Dr. DAVIES: We are crossing a dangerous line.

(Sotto voce comments)

The SPEAKER: I heard the Member say we are crossing a dangerous line.

I would like to suggest that as Members of Parliament we have crossed a dangerous line in the way we behave in Parliament. And I am asking, I am urging...

Mr. D. PEART: This can't be right.

The SPEAKER: ...I am urging that we abide by the Standing Orders and we operate in an efficient and orderly fashion. We are going to move on, and the House Leader has said we will recommit after Government Business.

PUBLIC BUSINESS

Mr. HOLNESS: Madam Speaker, at Public Business today the Minister of Tourism will take two matters, 7 and 8 on the Order Paper. And providing we have time, Madam Speaker, the Minister of Justice will take item number 4 on the Order Paper.

THE TRAVEL AGENCIES ACT

Mr. BARTLETT: Madam Speaker, we will begin with item 7, which is AN ACT to Amend the Travel Agencies (Regulations) Act, and for Connected Matters Thereto. Madam Speaker, the Ministry of Tourism is in fact in the process now of reviewing the entire Act relating to the Travel Agencies...

The SPEAKER: Member, you keep saying 7, but I think it's number 8 on the Order Paper, isn't it? A Bill entitled AN ACT to Amend No. 8.

Mr. BARTLETT: Thanks for the correction, Madam Speaker - reviewing the entire Act as it relates to the operations of the Travel Service sector within the industry. The fact is that since 1956 to now, when the sector began in fact to operate, very little has been done to amend the legislation relating to it, and indeed, Madam Speaker, so much has transpired in that sector over the period. For example, the number of agencies have reduced, in fact, from 170 down to 50 registered agencies. And this is primarily as a result of the decrease in commissions from airlines, which is now down from the 9 per cent that it was, to 3 per cent.

This reduced commission, Madam Speaker, has caused a number of closures, and some mergers in some cases. So with the decline in the number of travel agencies some staff cuts occurred and former travel agents plus some new entrants decided to set up a number of unregistered agencies all across the island.

Indeed, they are unable, in some cases, to access tickets by sharing commissions, or piggy-backing with registered travel agents, buy tickets online, or directly from airlines. This has resulted in a raft of unregistered travel agencies operating in the sector.

These entities, therefore, operate in contravention of section 3(2) of the Act which states that from and after the appointed day, no person shall operate or be concerned in the operation of a travel agency, whether or not it was in existence before that date, unless it is registered.

So, several of these unregistered travel agents, therefore, have gotten into trouble with customers who pay them for travel which did not materialize. Three of the more famous

cases are well known. There is the issue of Scott's Travel and Magical Vacations, and Travel Zone and Tours, which have all become matters of legal involvement and are - in fact, are pending in the courts today.

Under the Act, each registered travel agency must secure a bond with surety in the sum of \$100,000 which is kept by the Registrar of Travel Agencies. This bond is used to offset claims in the case that the entity develops financial difficulties, or there are issues concerning refund or cancellation of tickets. As a result of not being registered, there is no bond or insurance, and therefore, no protection for the client.

So, section 3 of the Act now outlines that sanctions be levied against those unregistered entities that have contravened the Act. It states, *inter alia* that any person who contravenes the provisions of subsection (2) shall be liable on summary conviction before a Resident Magistrate Court to imprisonment, with or without hard labour for a term not exceeding twelve months, or to a fine for each day during which the contravention continues, not exceeding \$20 for each such day, and in default of payment of any such fine, to imprisonment with or without hard labour for a term not exceeding three months, or to both penalties. That is to say, imprisonment with or without hard labour for a term not exceeding 12 months, and a fine not exceeding \$24 for each day during which the contravention continues.

That, Madam Speaker, represents a very light response to a very difficult and heavy contravention. So, section 22 of the Act now sought to dissuade persons from obstructing the Registrar and the Inspector from carrying

out their duties. It states *inter alia* that such persons shall be liable on summary conviction before a Resident Magistrate to a fine not exceed \$400, or to imprisonment with or without hard labour for a term not exceeding six months.

You will notice, Madam Speaker, from this, that all of these fines are really so minuscule that it offers very little by way of any deterrent to those who are operating outside of the remit of the law. So, therefore, the intention is to amend Section 3 of the principal Act, and to allow for increase in penalties to a maximum fine of \$1 Million, or to a maximum custodial sentence of 12 months, or to both such fine and imprisonment, and to remove the continuing offence.

The second amendment to section 22 of the Act will increase the penalties to a maximum fine of \$1 Million, or to a maximum custodial sentence of 12 months, or both such fine and imprisonment.

The provision will also include new provisions in the Act that will allow the Minister to amend monetary penalties in the Act by order, subject to affirmative resolution, and increase the penalties that may be imposed in Regulations made under the Act.

And fourth, an amendment to Regulation 11, to increase the penalties to a maximum fine of \$500,000, or to a maximum custodial sentence of six months, or to both such fine and imprisonment, including a new provision in the Act to exempt it from the provision of section 29 of the Interpretation Act.

Let me speak now, Madam Speaker, to the purpose of this amendment. Of course... the purpose is, of course, to increase the penalty

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for operating unregistered travel agencies. And there has, in fact, been a raft of unregistered travel agencies operating in the sector in contravention of section 3 of the Act. Several of these unregistered travel agents have taken money from unsuspecting customers for travel arrangements which did not happen. The amendment will therefore act as a deterrent to persons who support, or purport, rather, to operate unregistered travel agencies.

In the case of the amendment to section 22 of the principal Act, this amendment will serve two purposes. Firstly, to increase the penalties for assaulting or obstructing the Registrar and/or Inspector of Travel Agencies in the course of their duties.

And secondly, to increase the penalty for travel agencies, who, without reasonable cause, fail to comply with the requirements of the Registrar or Inspector specified in the Act. We hope, Madam Speaker, that these increases in penalty will be a deterrent to travel agencies that have, from time to time, obstructed the Registrar and the Inspector in the performance of their duties.

Section 22(a) of the principal Act speaks to the power of the Minister to amend monetary penalties by order. And it indicates that the Minister may, by order, subject to affirmative resolution, which we will do today, amend any such monetary provision. And therefore, the Minister will act in accordance with that.

Section 23 of the principal Act, Madam Speaker, indicates that notwithstanding Section 29(b) of the Interpretation Act, regulations made under this section may provide, in respect of a breach of any

provision therefor, for the imposition of penalties of a fine not exceeding \$500,000, or imprisonment for a term not exceeding six months, or of both such fine and imprisonment.

This new provision in the Act, serves to exempt it from the provisions of Section 29 of the Interpretation Act which prevented the Minister from increasing any fines in the Regulation above \$1,000. So, that is the purpose of this amendment... is to give the Minister now, the power to increase the fine from \$1,000 to the amount prescribed.

The Travel Agency Regulations therefore, of 1958, Madam Speaker, are amended in Regulation 11 by, one, deleting the words '*one hundred*,' and substituting therefor, the words, '*five hundred thousand*.' And in (b), deleting the word '*three*' and substituting thereafter, the word '*six*.'

It has also been decided to amend the Travel Agency Regulations 1958 in order to increase the penalties of breaching the requirements that a travel agency:

- a) fully refunds, deposits or advances on passages, except in the circumstance where the depositor cancels the passage and applies for the refund of his deposit or advance, and
- b) issues a receipt for each deposit or advance.

This is a very important provision, Madam Speaker, because what it does now is to force that the agencies do, in fact, operate with integrity in relation to their customers. So that if for any reason at all, the arrangements cannot go through, that the customer must be refunded his deposits, or advances on the passage that he has paid for. And indeed, that

appropriate receipts before that, should be issued ahead of - in fact, just after accepting deposits or advances.

Madam Speaker, the fact is that we are aware that the travel agency industry has changed significantly. We recognize the impact of technology on the whole matter of distribution in the whole tourism industry. And the fact that airlines are now being able to make their own bookings, that customers can make their own bookings online, that, in fact, they can make their choices without even having to go to some of the travel agents for the usual consultation that we have known about.

But, notwithstanding the technology, the records are showing that there is still a very strong demand for travel agency services. And funnily, we went through to look at some reports on what has happened as a result of the advent of technology. And we found, Madam Speaker, that travel agents continue to play a key role in the whole business of reservations. And that, in fact, it was found in 2006 that travel agents book 80 per cent of all air travel, and that 30 per cent of all hotel reservations were done through them, and 95 per cent of all cruise reservations. And then, in fact, last year, 77 per cent of the cruise vacations were booked by travel agents and 73 per cent of hotel...

So, we are seeing a decline in use of the travel agents, but nonetheless, a significant place that they have in the distribution chain. And therefore, we want to encourage that all the necessary steps be taken to protect the customers, but also to give them a real opportunity to re-invent themselves in the context of the new architecture that now obtains in tourism distribution.

They have to look at how they can give value - added value to the customer. How much more of consultancy services you can provide, as they are relied upon to give solid information based on the integrity of the process, and the strength of their knowledge and experience in the marketplace.

So, we want to continue to look at the overall Act, and to make further amendments to the Act so as to give the travel agents a real place in the system because there is a real place for them. With all the technology, nothing replaces the one-on-one, the eyeballing, and the confidence that you can have from personal interaction.

So, Madam Speaker, these are the proposed amendments to the Act as indicated here, and may it please you as we put it forward.

Dr. McNEILL: Madam Speaker, the amendments to the Travel Agencies Regulation Act and for connected matters; this is not a controversial Bill. We agree - the Minister and ourselves agree on the fact that although the industry is changing and technology is taking an important role with the whole Internet and the increased role that point-to-point marketing is having now, the travel agents still play an important role. A lot of people still like to go and sit down with somebody and discuss the vacation that they are having, and to hear... and at the end of the day if there is a problem, they know that they will have somebody that they can blame. So, they still have a very important role in it.

So, it is very important for us to ensure that the regulations are in place, and not just regulations but the penalties. And when we look at some of these penalties, as the Minister pointed out, the original penalty for section 3

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was to a fine for each day during which the contravention continues, not exceeding \$20. So, as you would know that is not really going to act as a major deterrent.

So, Madam Speaker, the Opposition supports that the amendments to this Act. It's something that we have to ensure that the regulation of this industry which is so important to all of us is maintained.

Thank you.

Mr. BARTLETT: Thank you very much for your very strong support for a measure which is so important.

(Sotto voce comments by Dr. Davies)

Mr. BARTLETT: Yes, but, I recognize how we have worked together.

(Sotto voce comments by Dr Davies)

Mr. BARTLETT: No.

Madam Speaker, in closing the debate, I'd just like to thank the Member for the comments that he has made. The fact is that the travel agency industry in Jamaica is undergoing some difficulty primarily because of the very Internet. One of the things that has been of great concern to them is the action of scammers and the impact that that is having on the integrity of their whole process. As a matter of fact, I give you an example. When we were trying to connect with some of them ahead of this debate my secretary called and she had to give a great detail about why she was calling, because one of the persons was saying that they have had bad cases of people purporting to be what they are not and scamming has been taking place.

So, we really have to move to protect them and to ensure that we put in the kind of regulations that will give them protection from unscrupulous fly-by-night agents who are

operating from the back of a car or indeed the back of their houses and to make sure, that they are able to operate well.

Madam Speaker, I move for the second reading of the Bill.

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

Motion put to the House and agreed to.

Bill entitled:-

"AN ACT to Amend the Travel Agencies Regulation Act and for connected matters",

read a second time.

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

COMMITTEE STAGE

Clauses 1, 2, 3, 4, 5 and 6 of the Bill put to the Committee and agreed to.

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

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

Motion put to the Committee and agreed to.

RESUMPTION

The SPEAKER: Members, I do report the Bill as having passed Committee stage without amendment.

Mr. BARTLETT: Madam Speaker, I beg to move that the Bill be read a third time.

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

Bill entitled

"AN ACT to Amend the Travel Agencies Regulation Act and for connected matters"

read a third time and passed. (Applause)

Mr. HOLNESS: Madam Speaker, the Minister of Tourism will now take the second Bill.

Mr. BARTLETT: Madam Speaker, I now move to introduce and have read a first time the Bill shortly entitled, The Tourism Enhancement (Amendment) Act, 2011.

The SPEAKER: The question is that the Standing Orders be suspended to enable the Minister to introduce the Bill, have it read it a first time, give second notice of the reading and take it through all its stages.

Motion put to the House and agreed to.

Bill shortly entitled:-

“The Tourism Enhancement (Amendment) Act 2011”

read a first time.

Mr. BARTLETT: Madam Speaker, I beg to give notice for the second reading of the Bill.

Madam Speaker, the passage of the Tourism Enhancement Act of 2004 was in fact a significant development in - the tourism industry in Jamaica, and it gave energy to Jamaica's tourism moving forward into what I call a sustainable growth path.

The Act provides, Madam Speaker that the Tourism Enhancement Fund as a body corporate administers the fund emphasizing critical areas of heritage and culture and environment and community development and to do those things which inure to the development and growth of the Tourism Industry.

Interestingly for us, Madam Speaker, the fund came to Jamaica at a critical time in the development of the tourism industry, not only locally but globally. And indeed in the recessionary climate that we experienced in

the last three years or so; it provided a critical opportunity for the industry to be able to use its facilities to enable growth and to continue to expand within that difficult climate. The fact is that the Fund operated in respect of project activities, and the requirements to enable the industry to respond to the shock that not only Jamaica and the Caribbean was undergoing, but indeed, the entire world as tourism arrivals plummeted from across the globe 6% to 7% was the global figure of decline. In the case of the Caribbean, we had our own issues, but Jamaica was able to maintain growth every single year during the recession, not only growth in terms of earnings over the period as well as growth in terms of employment and that was critical. Indeed, the figure is suggesting, that we added some 3,000 jobs, during that critical period as the employment in accommodation sector alone moved from some 34,000 odd to 37,000 plus in 2010.

(Sotto voce comments by a Member)

Mr. BARTLETT: These are our figures which are verified. Go to STATIN and you will find it is very much there, yes.

The fact is, Madam Speaker that, because the fund had to respond in this wide and broader way to the demand of an industry that had significantly changed. We had to look at how do we reconfigure ourselves and how do we enable this excellent construct. And I want to pay tribute to the past administration for bringing the Tourism Enhancement Fund into being because indeed it has been a salvation to the industry over these difficult periods.

(Applause)

But we have to look to enable ourselves to make that facility do more for us, and to be

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able to build on that foundation and to do more.

But other things have happened in the interim as well. Aviation industry which is central to tourism has undergone significant changes and you are familiar with terms such as rightsizing, downsizing, rationalizing and even capsizing. There have been mergers and acquisitions and root rationalization all around. The effect of it, however, is that, it means connectivity from destination to destination became more of a challenge. And it required in most cases for partnership to be developed between the airlines and destinations, partnership between the airlines and hoteliers, partnership between the distribution network and the destinations as well. And indeed, in some cases it meant also reviewing markets as well as going into new markets. And therein I think lies the real challenge, the challenge for island states such as ours that have issues as a result of the inflation, that we have experienced throughout the region, issues in relation to earnings, issues in relation to employment, issues in relation to job creation, and more importantly, issues of finding fiscal space to enable some key areas of promotion and advertising and airlift security to be realized.

And so, Madam Speaker, the Tourism Enhancement Fund has been called upon to contribute more to these key areas now of marketing and advertising and promotions, and airlift security. And indeed I will accept very readily that when the thinking was first brought together, to bring together this fund, the predominant view that guided, it was not about marketing support and airlift support and advertising support. It was, as we

indicated, more to do with environmental product and the product defined in terms of the areas of culture and heritage and the coastal management and all the key areas that are critical to infrastructure for tourism and to building what is called the carrying capacity for the industry.

So last year, for example, and the year before, well over J\$2 Billion, had to be dedicated to the marketing, airlift and other such activities which was key, pretty close to 50% of the intake. And we found that that wasn't a situation, Madam Speaker, that was going to disappear. And whilst all of that was happening, however, we had growth and growth to the extent in fact that this year, and I am very pleased to be able to say that because, the tourism industry continues to be a strong performing industry in Jamaica. And the first quarter of this year we had growth of 4.7 % and we had revenue growth of some 2%. The second quarter, Madam Speaker, that is the quarter ending June of this year, we are recording a whopping 8.5% increase in tourism arrivals for stopover and cruise. (Applause) And for the first time we are seeing, an increase of...

(Sotto voce comment by a Member)

Mr. BARTLETT: An increase of 2.7%, in earnings.

And that earning, Madam Speaker, in terms of this quarter is US\$485 Million as opposed to \$472 Million last year.

But, perhaps significantly for us, is that the first six months of the year, the first six months of the year, Madam Speaker, we record a growth of 6.4% overall in tourism arrivals in Jamaica for stopover and cruise. And we earn in the process One Billion and

Seventy-Eight Million Dollars, 1.7% increase over last year.

(Applause)

These figures, Madam Speaker, are against the background of significant contraction also in the seat capacity from our existing markets. And this is very important to consider, because we were able to do this against the background of some 18,000 less seats out of the United States of America for the first six months. And a total - in fact, across the world, of some 3,768 seats less overall.

I think we can probably, quickly say that this reduction was occasioned by the strong performance out of Canada, where the Canadian seat capacity expanded by some 6.7%. Indeed, there were 16,000 more seats coming out of Canada. And all the projections out of Canada are suggesting that this is going to continue into the winter season.

So, having regard to that reduction, what did we see happen? What we saw happen, was that the load factors coming out of these destination now began to increase. So, instead of 75% load factors, you are now seeing 92% and 95% load factor. Every plane that is coming into Jamaica now is full.

The fact is, however, that less planes will be coming, bigger aircraft, bigger load-factor, but less rotation. And so we have to deal with that, because what it means is that some passengers are being left. It means that you have unfulfilled demand. Meaning that the destination is doing well, but the capacity to be able to bring them here is missing.

That now invites us to go to the table and to have discussions as to how can we have more rotations so that the growth that we are projecting can continue? And so, that, Madam

Speaker, requires for us to find new capital, to find new resources.

Then the second thing that we need to do to enable this growth is to look at the new markets. And the new markets that are available to us now are what is called the emerging economy.

The projection is that in the next five years, 700,000,000 middle-class will emerge from these emerging markets. That is, Russia, China, India, Brazil in particular, and of course, the satellite countries around them. Those 700,000,000 middle-class are now the new travelers that we have to look to.

The problem with us, Madam Speaker, is that they are all from long haul destinations. They are all from 10 hours away, 13 hours away, 9 hours away and further. And what it means therefore, is that we have to now go and to engage the tour operators and the airlines in these destinations and to do two of three key things quickly.

One is to get your collaterals in and your advertising and marketing activities and promotional activities in. And the second, which is key, is to make arrangements with the airlines and the tour operators to partner with you, so as to secure the seats and the capacity that is required to bring your people here.

All of these - my colleague on the other side understands very well what it cost to start a market and the investment that has to be put into ensuring that we get a market going. After it is going and doing well, then we can withdraw a little and it takes care of itself as we go along.

So therefore, Madam Speaker, the need for us to look at our fees, our revenue flows into the Fund to enable us to do these things became very, very acute.

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And on the basis of that, we decided to examine carefully what was happening to us. Earlier this year, the Member from South St. Andrew asked a question at the Standing Finance Committee when his discerning eye noted that there was a disconnect between the increase projected for arrivals and a slight reduction in the intake from payable passengers. And he was right, and he asked us to look at it and we did. And what we found so that we can let him know in this debate is that there were really two key factors.

One was that there is an exempt group of passengers that represents some 21% of the total number of packs that we have on a yearly basis. And the second was a practice, which some of the airlines were engaged in, which really manipulated a loophole that was in our Act in terms of the designation of return ticket. And so, they recognized that if you bought a one-way ticket from any point of origin or otherwise, you wouldn't have to pay the enhancement fee, because the enhancement fee said that it should be on the basis of return tickets. So we found that a number of them were exploiting this, and we were losing out in that regard.

And I want to say to the Member from South St. Andrew that, for the first six months of this year, for example, we lost some \$23 Million from this loophole and so we have to close it. And so, we decided that we would come to this Honourable House with three simple amendments. One, which would bring clarity to the definitions of the Act, and the second, which would allow for an increase in the Tourism Enhancement Fee paid by airline passengers. And the third, which is what section 6 we would amend, to broaden the category of eligible travel documents to enable

the collection of the Tourism Enhancement Fee. That is to say that, now, any ticket, whether it is e-ticket, right, or paper ticket or whatever would apply, and whatever the technology that is used to generate any document which enables you to travel, that the fee would be applied thereto.

So, Madam Speaker, the definition of carrier also in paragraph (c) of the principal Act, which refers to an agent in Jamaica - this section we are trying to amend so as to broaden the scope of agents to those persons operating outside of Jamaica, who are authorized to issue travel documents.

So, by inserting the following definitions in the appropriate alphabetical sequence - and follow me on this -

- *“destination”* we define here to mean a place to which a traveller journeys; and
- *“point of origin”* to mean the place from which a traveller departs from any destination to Jamaica.
- *“specified travel document”* means a ticket, a travel voucher or any other travel document issued or made available to the traveller by instrument in writing, electronic or other means by a carrier, which pertains to travel by the traveller to Jamaica, from Jamaica, or to both such travel.

And thirdly, by deleting the definition *‘traveller’*, and substituting therefor the following:

That traveller here would mean a person, who travels by sea or air from any point of origin.

So, the definition of traveller in the principal Act, defines the traveller's intention to return evidenced by the possession of a

return ticket. The competitive landscape within which the airline industry has changed in recent months to reflect the issuance of one-way ticket with the aim of achieving lower price points, it is the practice of the airlines in selling on-line ticket to issue two one-way tickets, rather than a return ticket.

So, with the proliferation of the issuance of one-way ticket, it becomes difficult to establish intention. So scheduled carriers have not been collecting the fees from passengers travelling to Jamaica on their airline with a one-way ticket. These carriers claim that there is no obligation on the airline to collect the fee on one-way tickets that are issued.

The term therefore '*destination*' and '*point of origin*', are now being added to minimize the need to establish the traveller's intention to depart to any place outside of Jamaica by sea or by air.

Section 4, Madam Speaker, of the principal Act is amended in paragraph (a) of subsection (1) by deleting therefrom the symbols and numerals "US\$10" and substituting therefor the symbols and numeral "US\$20".

Madam Speaker, revenue flows from the Tourism Enhancement Fund as imposed on air travellers could be increased if the fees were not being imposed only on airline travellers who purchase return tickets to and from Jamaica. These revenue inflows would increase if the Tourism Enhancement Fund were also to be collected from persons who purchase one-way airline tickets, those who travel by means of authorized documents and persons who purchase return or one-way airline tickets *via* the Internet or any other electronic means.

The amendment to section 4(1)(a) of the principal Act, therefore, increases the Tourism Enhancement Fee to be paid by each traveller to allow for an increase in revenue inflows to make the government more able to support tourism marketing initiatives undertaken by the Jamaica Tourist Board and airlift support into Jamaica carried by JAMVAC in addition to financing other tourism related product enhancement products, emanating from the Tourism Master Plan.

These, Madam Speaker, represent in broad terms, the reason behind the move to make the amendments as indicated and as requested of you.

But finally, section 6(1) of the principal Act currently legitimizes the requirement of the carrier to issue a return ticket or other documents to a traveller in order to collect and pay over applicable tourism enhancement fee. The Act is silent on the treatment of one-way tickets.

The amendment to section 6(1) is to allow the collection of the Tourism Enhancement Fee upon the issuance of a return ticket, that is a one-way ticket, on-line ticket or any other approved document issued by a carrier for the purpose of travel on a carrier.

Finally, Madam Speaker, we recognize that there have been concerns, and we have spoken to those concerns. We have had discussions, extensive discussions with our stakeholders and our partners. Only last week, we had further discussions with the airlines and so on, and whereas, it is a difficult time generally for us to look at anything relating to increase in cost of travel. There is a general understanding however, of the need for us to be able to move into new markets, to drive the

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growth that is so important to Jamaica, to enable the continued increase in revenue and more importantly, to keep the jobs, jobs, jobs, which I spoke about and we have spoken about so well.

(Applause)

And so, Madam Speaker, it's against that background, may it please you, that I make this presentation and to ask the House to consider the amendments as stated.

Dr. MCNEILL: Thank you, Madam Speaker.

Madam Speaker, the Minister before he went into the body of his presentation spoke to something that I really want to reply to. He spoke about the fact that this Fund, the Tourism Enhancement Fund, was able to assist with the marketing and was part of the thing that buttressed us to during the period of the recession and to keep our figures up. But, Madam Speaker, I just want to be very clear that I have heard this statement made over and over. And one of the things that we must recognize is that during the period, between 2004 and 2007, we had a number of changes that took place in our tourism industry.

The first thing was we had certain infrastructural developments like the North Coast Highway which came on-stream. We had a phenomenal expansion in attractions...

Miss HANNA: Yes, that's true.
(Applause)

Dr. McNEILL: ...which were made available to our tourism industry. We had the airport...

Miss HANNA: Hear, hear! That's right.
(Applause)

Dr. McNEILL: ...the Sangster International Airport, expansion. We had a

tremendous regeneration within our local industry, re-expansion within the industry.

Miss HANNA: That is true, Wykeham.
(Applause)

Dr. McNEILL: And we also had eight thousand new rooms that came on stream during that period of time.

Mr. BUCHANAN: Hear, hear!
(Applause)

Dr. McNEILL: So when you looked at what happened in 2008/2009, take it in the context that we had thirteen per cent increase in stopover visitor arrivals during 2007, and a lot of it was not just the marketing, but also the changes that had taken place in the infrastructure and the product that we had in this country.

(Applause)

Miss HANNA: That's right. Hear, hear!

Dr. McNEILL: So, Madam Speaker, in terms of the Tourism Enhancement Fund, it's something that came into place under our watch and we thought was very important because we understand the importance of developing the product. It is not just marketing. As we know nothing kills a bad product like good marketing. We had to ensure that we had a good product in place.

Madam Speaker, we have this Bill - the amendments - this Bill that's before us has amendments that deal with two separate issues. One thing is it closes the loopholes in terms of certain loopholes that were in place in the Tourism Enhancement Fund fee, whereby certain persons by buying tickets online, by buying one-way tickets, have been able to get around paying the Tourism Enhancement Fund fee. And as the Minister stated, we recognized early this year that while we have

an increase in arrivals - visitor arrivals in the country there has actually been a decrease in the revenues collected by the TEF.

The second thing that this Bill seeks to do is to increase the actual fee from, Ten Dollars to Twenty Dollars. And, Madam Speaker, I would like to just deal with both of these things in two separate ways. The first thing I want to deal with is the amendments that are in place to close the loopholes.

Madam Speaker, we, as the Opposition, are fully in favour of the moves to close the loopholes and we recognize this as something that has to be done. However, I just want to warn the Minister and I'm sure it's not the intention but if we look at the original Act, Madam Speaker, it says

“AN ACT to provide for a tourism enhancement fee to be paid by incoming airlines and cruise passengers where the journey originates outside the island, and for matters incidental thereto and connected therewith.”

The reason why we put that in place in that way was that it was never the intention for Jamaicans resident in Jamaica to be captured in this. And what I would like to warn the Minister and for us to be careful about, is that in making these amendments especially where it speaks about one-way tickets and otherwise, it may very well be that Jamaicans will now end up having to pay this tourism enhancement fee, and that was never the intention. And I would like to recommend to the Minister and to the legislature one of the things that may very well have assisted in your definition of a traveller would have been to say:

“A traveller means a person who travels by sea or air from any point of origin, and

who is not presently a resident in Jamaica.”

So it would have - in some way might assist it. And I'm not saying that I am able to do the necessary changes; we want a lawyer. However, we have to ensure, Minister, that in making these changes and the fact that we're doing it fairly quickly - because the Bill was placed before the House today and we have not had a chance to look at all the ramifications. We want to ensure that the intention is not that Jamaicans will pay the Tourism Enhancement Fee. And secondly, to ensure that these changes that we've put in place, especially where it speaks to the electronic purchasing of tickets, *et cetera*, that you are not going to get it automatically placed on and that this fee will now become applicable to Jamaicans.

So, Madam Speaker, in the first case in terms of how it affects the loopholes, we, on the Opposition side, support the Minister with the condition that we are ensuring that Jamaicans are not captured in that loophole.

Now, Madam Speaker, we come to the second issue, the issue of the increase of the Tourism Enhancement Fee. Madam Speaker, the Minister had indicated at the AGM of the JHTA that this was something that was going to happen and we know that this was a move that was proposed by the government for some time. Because when you look at the budget that's in place for the Ministry of Tourism it has been so severely cut that without revenue from another stream - at present, I suspect that the only thing the Minister can do is to pay salaries because there was very little left given the cuts. So hence the speed with which we have had to move to pass this Act to allow for collection. However, we, on the opposite side,

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are on the record, and I want to reiterate it, that we have some strong concerns about these increases. The first thing was - the first reason we have the concern is a matter of timing. We now that you need the money to come in for the Minister's marketing. However, when you double the tourism enhancement fee, you're making our industry less competitive, and at this point in time, the market is very tight. Out there you have Mexico, Dom. Rep., all the other countries are aggressively marketing and our competitiveness is very important. So number one, the timing of this is difficult because it is going to make our industry less competitive.

(Applause)

The second point, Madam Speaker, is that last year we went through a protracted discussion - negotiation with the British government. The Minister was there, other Ministers from other islands, the Prime Minister, himself, went and lobbied the British government with regard to their airport passenger tax. And for us, now, to increase ours immediately after we have spent a protracted period of time lobbying them not to increase theirs because it was going to decrease the travel to Jamaica and make us less competitive also, for us to increase it really is a bit hypocritical. It's something that has been pointed to by the industry itself, the Opposition has been speaking about it. And what it means is that at the end of the day whatever further lobbying we put forward is going to have no credibility. So when we go to the British to discuss it they're going to turn to us and say, but you have just increased yours. And the Minister may point to the fact that you may have another island or two that might do a similar thing, but the fact of the matter is

that it doesn't matter the credibility of our country will be affected by the fact of us doing this immediately after we have gone into discussions with them for them not to do the same thing.

But, Madam Speaker, the third point to me is the most important point, by far the most important point and I have spoken to the Minister about it. It is something that we have articulated on this side openly for a good period of time. Madam Speaker, we are concerned about the Tourism Enhancement Fund. We are concerned about how the Tourism Enhancement Fund has been managed over the last few years.

Mr. BUCHANAN: Hear, hear!

(Applause)

Dr. DAVIES: Serious questions.

Dr. McNEILL: Madam Speaker, you have a situation where the Fund was set up - the fund was set up initially where the primary mandate was to address the issues of the product - to enhance the product. Over the last three years, we have seen it used for every other thing other than the enhancing of the product.

Opposition MEMBER: That's right.

Dr. McNEILL: To date the Tourism Enhancement Fund has still not done one major transformational project in this country.

(Applause)

When the fund was set up and we had the vision for the fund, we thought with Fifteen, Sixteen, Seventeen Million US Dollars coming in each year that we would be able to deal with things like Port Royal. We would be able to deal with things like doing a proper Museum for our athletes. Do a proper museum for our entertainment sector. Something like the resort development plans which we left on

the books that this would be addressed. To-date none of these major transformational projects have been accomplished by the Tourism Enhancement Fund.

You know, Madam Speaker, it's ironic because the Minister - when the Act was first debated in 2004, the Minister, himself, said he had a serious problem because he wanted to make sure that it was not used for other than the purposes for which it was intended.

Madam Speaker, we have had these concerns about how these funds have used and we have said to the Minister repeatedly that there are some things that we would like to see put in place. And it becomes more important now because even with the concerns that we have about how the Tourism Enhancement Fund is being administered, you're now going to double the amount of revenues that are going to this fund with no changes put in place to ensure for better governance.

Madam Speaker, some of the things that we feel that need to be done are, number one there has to be something in the Act or an assurance by the Minister to ensure that a portion a percentage of the revenue collected is dedicated towards product and a percentage is dedicated to advertising. It cannot just be one big mix and whatever you want to spend, wherever you want to spend it you just do it. And I make, Madam Speaker, I make that point because over the last three and half years where we have expected money to be spent on the product it has been diverted to marketing and we have not seen it utilized in the way that we would like to see. So number one, we would like to see the Minister give an assurance of the percentages that will be used on the Fund.

The second thing that we want the Minister to assure us of, is that the money that is going to be spent on the product that a plan be brought to Parliament for approval so we know over a three-year period that if we're going to be getting US\$15 Million a year and is \$45 Million what is that plan, what are the projects that are going to be done; and it should be approved by the Parliament of this country. (Applause)

And the third thing is that the funds that are going to marketing, that these funds should be... how it is now, you have funds that go from the Consolidated Fund. Now what will happen is a portion of the funds is going to come from TEF to go to the Jamaica Tourist Board for marketing. We want to ensure that the Minister of Finance gets at least a quarterly report of what is happening to these funds that are coming out of the Tourism Enhancement Fund and going to the various agencies for airlift and for marketing, so that there is some accountability. We have to ensure that the accountability, the transparency and the oversight of these funds are going to remain intact because the funds will be going from the TEF to the agencies and departments. They are not coming through the Consolidated Funds. So there is a process there where they will not fall under the oversight of the Parliament of this country. So I'm asking the Minister of Finance to ensure that that is done, and also that the Minister of Tourism ensures that that is done.

Madam Speaker, there are just two quick points I want to make in closing. The first is, these problems that we have with the Tourism Enhancement Fund and how it has been operating over the last three years, are well

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documented. But I think that they may very well get worse because we now understand that there is a move to merge the Tourism Enhancement Fund with the Tourism Product Development Company. This was brought to the Public Sector Transformation Unit, was brought to the Public Administration and Appropriations Committee where it was looked at. The industry has stated its objection to the merger of the Tourism Enhancement Fund with the JHTA. The Opposition has stated its objection of the Tourism Enhancement Fund to the JHTA.

Opposition MEMBERS: Yes, yes, yes! (Applause by Opposition Members) ...to the JHTA?

Opposition MEMBER: Talk, talk!

Dr. McNEILL: And the JTB, sorry, sorry. The J... sorry.

Mr. BARTLETT: Why you won't get yuh facts?

Dr. McNEILL: Sorry, the Tourism Enhancement Fund with TPDCo. Both the Opposition, the JHTA have expressed their opposition. And also at the PSTU, the PSTU stated that they had reverted to their original position in stating that the Tourism Enhancement Fund and TPDCo should not be merged. But we hear now that it's going to be merged. It is in this light, the fact that you're going to be increasing the revenues to the Fund, doubling it, without putting in place the proper governance structures that we have been asking for and moving ahead with this merger, that the industry and the Opposition have objected to that we have grave concerns. And, Mr. Minister of Finance, let me say something. The Minister spoke of an 8.5% rise in stopover on cruise arrivals. Let me just say something. I'm very concerned, because for

the last two-and-a-half months we have been off the airwaves. We're off TV. Jamaica is not out in the market at all, and this is very serious. The industry is very concerned because we are off the air altogether. And part of the reason for that is...

A MEMBER: Because the Minister is in the air.

Dr. McNEILL: Part of the reason for that is that last year, I think we may have gone ahead and spent the additional money. We might have spent the additional money after the post-West Kingston affair. They were promised \$10 Million and by July they were told to spend five. It is quite possible that they spent the ten. So what is happening now is that for the beginning of this year, now, we don't have any money for marketing. And you know, it was very interesting, because the Minister came and said 8.5% stopover on cruise.

Now, I'm very happy to hear the Minister starting to talk about stopover and cruise because for two years he never said the word cruise. But in the last year now, we are back on track with cruise shipping. It is quite possible, Minister - I'm not able to get the figures because you know that I've been trying to get the preliminary figures from the Tourist Board. But I would suspect that June and July stopover arrivals could be quite negatively affected by what has happened with us coming off the air. And I'm still waiting to see those figures, to see what the stopover arrival figures are during that period of time. So, I believe that it's very dangerous for us to be off the air completely.

And I suspect that maybe what, Minister, you need to do is to talk to the Minister of Finance and see if something can be worked

out. You will not be getting the collection for these funds for a number of months. You may... Audley, you might have to look and see whether you could forward a little something to the Ministry of Tourism because we are off the air and back it up with some guaranteed revenues.

However, Madam Speaker, with those short...

A MEMBER: Very brief.

Dr. McNEILL: ...With those very brief comments, we say that in terms of closing the loopholes, they have our unreserved support. In terms of the increase with the TEF, we still have concerns that the Minister has not taken the opportunity to correct the problems that we feel have been in the TEF and that this would have been the opportune, the perfect moment for us to have looked at the TEF Act and really resolved those problems that have given us concern over the last couple years.

Thank you, Madam Speaker. (Applause)

Dr. DAVIES: Thank you very much, Madam Speaker. I'm going to be brief.

The Minister mentioned my questions during the Standing Finance Committee, and I'm pleased that the amendment which will close the loophole is being brought today. And let me congratulate him on taking action. However, my main comment, Madam Speaker, relates to the issue of the governance of the TEF and the manner in which decisions are taken about the allocation of resources. And my colleague, the Opposition spokesman on Tourism and Member from Western Westmoreland, raised in his contribution the issues as they apply to the Minister of Finance. Madam Speaker, I was Minister of Finance when the TEF was established, as also Minister of Finance when the NHF was

established. And there is an interesting issue which hopefully - and I am a member of the Tax Policy Committee, chaired by the Minister of Finance - which will have to be raised. On the one hand, we have these dedicated funds ostensibly established to address specific issues in particular sectors. The NHF is one, the TEF is one. And we raised fundamental objection when funds from the NHF were diverted to the Consolidated Fund during Fiscal Year...to the end of 2009/2010. It's wrong. Similarly, where we have a situation where expenditure or responsibilities which belong to Central Government ministry are being increasingly funded by resources from these dedicated funds. And hence, you may have a dilemma and we will have to decide which way we are going to go.

What happens if you have a board which takes its independence seriously? And the Minister of whatever says to this board, you should take on the following responsibilities and the board said no. Madam Speaker, I have just considered that possibility.

Therefore, unless the words and the suggestions of the Opposition spokesman are taken seriously, you run the risk of having the whole integrity of these dedicated funds being questioned. If it is that these funds are merely substituting for resources from the Consolidated Fund, but perhaps we should then take the ultimate action and bring them under the Consolidated Fund, if that is what is happening in practice. But let us not retreat and circle the wagons.

The questions and the points raised by the Opposition spokesman are very serious points. Either we identify very precisely the conditions under which resources from these

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funds can be utilized - and I say whether it be the NHF or whether it be the TEF or the UAF - or, let us end the charade and pull them all under the Consolidated Fund into one big pool. But to pretend that we have these independent funds when they are being used, in the case of the TEF to carry out activities which traditionally have been funded from the Consolidated Fund, and then at the same time you have a situation whereby the Consolidated Fund calls on - and my good friend and colleague, the Minister of Health, knows how I feel very strongly about what happened with the NHF, whereby funds were transferred from the NHF to the Consolidated Fund. That was wrong. It will always be wrong.

And if, therefore, the Consolidated Fund believes that these resources ought to be channeled directly into the Consolidated Fund, let us do that. But let us not play games in terms of identifying these as dedicated funds, and then treating them as a supplement to the resources given to the Ministries.

Madam Speaker, with those few words, I end my contribution. (Applause)

Mr. KELLIER: Thank you, Madam Speaker.

I wish to put a few points on the Table for the Minister to consider and reply to when he's closing the debate on this matter before us. Indeed, my colleagues have spoken to one angle of the business, economics, and so on. But I want to put on the Table three small points for you to consider, Minister.

This year the United Nations has declared 2011 as the year for people of African descent. And I just wondered whether or not the resources that are currently at your disposal, whether or not as part of enhancing tourism,

whether or not it has been considered to develop any particular programme surrounding heritage sites, which are a part of the remit when the fund was originally constructed, that those should come in for some serious attention.

But I have noticed over time that no ministry seems to have any amount of adequate funding to deal with the development of heritage sites. And heritage sites provide a large part of the attraction for tourists that come here. And we really need to do much more than we are currently doing in respect of developing these heritage sites. (Applause)

I bring one particular... of the many that are out there that need attention. And I'm sure there are others from St. Thomas, right across the island that need attention. I say it in this way, because while all these other things are necessary, the original focus of the fund must not be forgotten. Take a place like Tulloch Castle where the 1831 rebellion started on December 27 that led on to Emancipation. Places like Salters Hill that is in your own constituency, Palmyra. Places like Roehampton, Hasling Pond, Montpelier, where the largest slave battle was fought with the British in that period.

(Inaudible comments by Miss Grange and Mr. E. Smith)

Mr. KELLIER: Well you can talk for Spanish Town.

We need, Minister, to develop a programme, I would think, because if we want to enhance tourism and we leave these things out, then I think we have created a serious gap. And these are also areas that will create earning potential for the persons who live in those areas... (Applause) ...because once the

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tourists come in to visit these places, then the people who live there can have their own account, create their own jobs by providing their craft, their fruits and whatever they have for sale. And they will be able to exist on their own.

(The Speaker left the Chair at 5.10 p.m. the Deputy Speaker presided.)

So I would want you to look very seriously as to how the Tourism Enhancement Fund can be used in a more strident way to assist with a proper plan to show us exactly where you want to go with the development of these very, very important heritage and historic sites.

. The final thing, Minister, has to do with the Hotel Training School. Because if you have to enhance the tourism product then really, the one school at Runaway Bay that does some work in this regard for the wide expansion of the tourist industry in the country, is certainly not enough. And I know you have some ideas about setting up a school in Western Jamaica, I'd like for you to give us some information as to whether or not within the constraints of this Fund, you have anything there to develop the training school in St. James in particular, so that we can train more people to have them deployed in the growing hotel industry of which you so loudly speak.

Thank you. (Applause)

The DEPUTY SPEAKER: Minister.

Mr. E. BARTLETT: Thank you very much.

The DEPUTY SPEAKER: Okay, go ahead.

Mrs. SIMPSON-MILLER: Thank you...

Dr. DAVIES: Wait, Tam, yuh up there man. Deputy Speaker. (Applause)

MEMBERS: Aye! Aye! (Applause)

Mr. BUCHANAN: Say something Speaker.

Mrs. SIMPSON MILLER: Thank you, Mr. Speaker. (Laughter)

The DEPUTY SPEAKER: Go ahead, Leader of Opposition.

Mrs. SIMPSON MILLER: But this side we are demanding a speech, so after I make my comment I don't know if you will give that speech.

Mr. Speaker - Minister - the Member from Westmoreland that spoke earlier, expressed a concern on how the spending of the Tourism Enhancement Fund will be done, and I think that we're not doing enough in terms of product development. There are vast potentials and opportunities that we could gain as a country. Just mention the name Jamaica, and everybody will look. I think there should be a focus on eco-tourism and heritage tourism and we could look on a range of other areas, health tourism, a number of areas that could assist. And I'm sure the Minister of Sports will agree with me, we could look at sports tourism, once we are prepared to deal with the development of proper facilities. And that's why it hurts when rather than us looking at the Trelawny Stadium Complex for further expansion and development, is that the lands are being looked at for housing.

Mrs. NEITA-HEADLEY: Yes.

Mrs. SIMPSON MILLER: And I'd hope that the Minister of Sports would join us and really put up a fight, that the lands surrounding the Trelawny Stadium, should be reserved for the expansion of other sporting facilities, first world, first-class... (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

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Mrs. SIMPSON MILLER: ...that the Ministry of Tourism can market and promote...

A MEMBER: Yes.

Mrs. SIMPSON MILLER: ...internationally and will serve us nationally. And so, Minister, while I support, and it was visioned for the establishment of this Fund, but I really believe that we really need to now look at it in a serious way that we can see what we are earning, for what we are collecting. And I think that community tourism is another area for us to look at, because when we talk about harassment, once people understand, and they will be benefiting from it, then they will want to ensure that whatever programme, that you will succeed. So as a person who had some involvement at one stage with tourism, I really feel that there is a - really a broad scope of areas, wide range of areas that we could look at.

And while what you'll be collecting perhaps will not be enough, but I think if you - and you have a wonderful team of staff at the Tourism Ministry whose life is about tourism and who would want to - persons like Carole Guntley and the Permanent Secretary, Jennifer Griffiths - Mrs. Griffiths - and I'm sure that if you pull a team together along with the participants Minister, you would come up with some things that could really get us moving. And I think it's time that we move from just what we now have, into other areas as well to make the addition to diversify the tourism product, and we would have much more offerings, so that we would get more people coming for the different, different areas. We look about the environment, look into other areas.

And so, Minister, while we support, I'm going to ask that you look carefully at the spend, so that what you're collecting you can make much more by spending wisely. Thank you. (Applause)

Mr. E. BARTLETT: Thank you very much, Mr. Speaker, and may I welcome you to the Chair. (Applause)

Mrs. NEITA-HEADLEY: Hear, hear!

The DEPUTY SPEAKER: Thank you.

Mr. E. BARTLETT: Mr. Speaker, I want to thank the Members for the wide-ranging contribution that they have made to this debate this afternoon. And whilst, Mr. Speaker, I'm going to be dealing with certain of them point by point, I want to suggest that Members recognize that it's important that we represent in all forms, the factual positions, and equally that we are fair to those who have managed the process over the years; bearing in mind that much of the governance that retains in those agencies are not new.

Dr. DAVIES: What's your point?

Mr. E. BARTLETT: The fact is, Mr. Speaker, I want to begin by responding to the Member, with regard - the Member from Westmoreland, Opposition spokesman on tourism, my friend and colleague, Wykeham McNeill. And he made the point, to begin with, about the infrastructure that was provided and I say yes. There's no question at all that the infrastructure development showed some vision and it enabled us to be able to have, what I call - the critical mass that was needed to drive the kind of marketing activities that we had the vision to do, to get the results that we got, when nobody else in the Caribbean got those results. But I just want him to be faithful to numbers, because he

indicated that they left something like 8000 rooms, and I've been searching through the entire book to find out where have we been able to show any increase, including his own room. This is the Bible for tourism's statistics and the Minister in his day when he was Minister, was fully familiar with it and knew everything...

Dr. DAVIES: Including you.

Mr. E. BARTLETT: ... and the Leader of the Opposition commended the staff for the good work that they have done. And it is true. And what has happened is that since 2006, the number of rooms that have been increased is only by 3000.

Dr. DAVIES: 2003/6?

Mr. E. BARTLETT: 2006.

Mr. M. PEART: It was from 93 to 99.

Mr. E. BARTLETT: What came before that - and I can read them off for you, because we have the figures here.

Dr. DAVIES: What you're quoting from?

Mr. E. BARTLETT: We're quoting from the *Annual Travel Statistics of Jamaica 2010*.

Miss HANNA: Aye!

Mr. E. BARTLETT: It's the **Bible** of tourism outturn in Jamaica.

Mrs. NEITA-HEADLEY: What page?

Dr. BARTLETT: You don't know that one.

Mr. E. BARTLETT: And in 2006, the number of rooms that we had in Jamaica totally was 28,000 and today we have 31,000.

Dr. DAVIES: No go back before that, what was it in 2000?

Mr. E. BARTLETT: Before that we had 27 and the year before I believe it was either 26 or 25.

Dr. DAVIES: No, no quote from the book, yuh can't guess it now, quote from the book. How far back in 2000?

Mr. E. BARTLETT: The book goes to '06.

Dr. DAVIES: No man.

Mrs. NEITA-HEADLEY: No man.

Mr. E. BARTLETT: But the Member indicated...

(Inaudible comments)

Dr. DAVIES: May I? May I?

He - Mr. Speaker, the Minister was asserting that the figure given by the Opposition spokesman was incorrect and that we must stick to numbers, but then he quotes from 2006 as his base. That wasn't the point being made by the Minister, he spoke about the policy - by the Opposition spokesman - he spoke about the construction which took place during the period of the previous administration. So he has selectively chosen one year, 2006 to 2007, so I think - it would seem to me that either he provides us with data to rebut the points made by the Opposition spokesperson, or withdraws his comment.

Mr. E. BARTLETT: Mr. Speaker, you just have to look around in the landscape and you'll see that...

Mrs. NEITA-HEADLEY: No!

Dr. DAVIES: I want you to quote what the **Bible** says. Go deal from the **Bible**.

Mr. E. BARTLETT: ...I can go through, no I can go through and count all the additions that we've had. You've had 860 rooms in Runaway Bay, you've had - no - you've had 950 rooms in Iberostar, you've had 1000 rooms in Palladium, you've had a total of 2000 rooms from the Riu. Add them up and tell me...

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Mrs. NEITA-HEADLEY: It sounds like yuh reach 7000. (Laughter)

Mr. E. BARTLETT: No, I'm only making the point that there is nowhere that 8000 rooms were added over the period, and you must be faithful to the facts, you must be faithful to the facts.

So what we're saying is that we have had increases - and I make that point - but 8000 rooms was not added, 8000 rooms will be added, will be added.

(Inaudible comments by Mrs. Neita-Headley)

Mr. E. BARTLETT: Indeed, indeed, indeed it will be more than 8000 rooms. A total of 10,000 rooms would have been added if, if...

Mrs. NEITA-HEADLEY: If.

Mr. E. BARTLETT: ... if the 2000 rooms that were to come from Group of Excellence in Oyster Bay actually had come on stream, and then you would have had 10,000 rooms in fact, and not 8000. So we have to be faithful to that fact.

(Inaudible comments by Dr. Davies)

Mr. E. BARTLETT: But that is not the essence... No but, Mr. Speaker, you know, one has to be careful of when we accept what and when we don't accept what. Because if...

Dr. DAVIES: He's confused about it.

Mr. E. BARTLETT: I would be the happiest man in world to accept that there are 8000 additional rooms there, because I am short of 2000 rooms this year.

MEMBERS: Aye.

Mr. E. BARTLETT: As a result of which I am out there on a big binge to try to get investment and working hard on that 900 rooms that are to be added in Hanover, hopefully ground to break later on this year.

So we know the need is there, we could have grown the market even more. Right now we have four operators here, looking for rooms in Jamaica as I speak, because we do not have enough of the rooms, the quality rooms that we're talking about, to enable us to get the volumes that we're talking. So I would have been happy if there were 800 or 8000, for that matter.

But, Mr. Speaker, the critical point that I want to deal with based on the Opposition Spokesman's contribution to this debate relates first of all to the issue of Jamaicans being captured in the amendments that we have had because of the designation point of origin and the requirement for one-way ticket to attract the fees. The truth is that in all situations you are always required basically to buy a return ticket from any destination. The fact is that very few people anywhere as a matter, of course, because one-way ticket tends to be more expensive except where the airlines are working with you in order to achieve that objective. So the provision, however, exists within the law, within the Act for the Minister to waive those situations. For example, if indeed a position obtains where a Jamaican resident, because of circumstances, found himself in the United States of America or anywhere, lost whether his ticket or something and had to buy a ticket in order to come home, section 5 provides for that person to appeal to the Minister and for an appropriate refund to be made. So we have covered that. But what we don't want to do is to leave a hole that allows for exploitation to the extent that I have spoken and we end up losing the level of revenue that I spoke about.

So, Member, we took note of it. In fact LedgeCo spend a lot of time on it to ensure

that we were using the right verbiage to ensure that we did not discriminate against Jamaicans. Because the point is very clear that it was not our intention to make the stats applicable to Jamaicans.

The second point is about the timing of the increase and the attempt by the Member to confuse the issues of APD with the effort to increase the tourism enhancement fee. I have been at the very forefront of the campaign with the rest of the world community regarding the unjust APD. And the APD is an imposition for tax purposes only. It's an imposition for the Consolidated Fund for the Treasury of the UK, and that is the point that the industry revolted against. That is why all of us were making the point very strong that this represented a direct tax to the Treasury. This fee is a fee to contribute - and we have made it very plain, in fact we have put it in the Act that the \$10 additional is to be used exclusively for marketing and airlift. And that's why I wondered whether the Member was listening or, indeed, had read what we had put out.

It is very clear that all of this \$10, not a fraction of it, not a portion of it, but every cent of the \$10 will be spent exclusively on marketing and airlift support and advertising. So that the fears that you have that there could be any change in application, in terms of the heritage projects and the many other projects that we are dealing with, will be dealt with. Because now the fund will be divided in two categories, one for the product, \$10 for the product and \$10 for marketing.

Now, to make the point further. The \$10 that we are talking about here for the increase is about enhancing tourism, not anything else. There can be no confusion about now this fee

is going to be utilized by the Government, the Treasury or anywhere else; and therein lies the difference between our position and the APD. Because we are asking for a dedicated fund here to deal with enhancing, growing tourism, go into new markets, bring more visitors here to increase jobs and to enable the livelihood of our people to be expanded. And so the issue of any duplicity or the argument of hypocrisy does not obtain and the Member knows it well. And just for your information, it's only a month or so ago we were all in London continuing the debate and dialogue because we are still pressing to ensure that whether it is reviewed, repealed or indeed kept on hold, we are going to continue to resist that unfair and unjust imposition because it represents money from the industry that is going to go straight into the Treasury. This is money from the industry for the industry and that's the difference. That's a big difference.

Dr. DAVIES: It's not convincing, not credible.

Mr. BARTLETT: Well you asked for it. You asked that we make the separation. You asked for us to give you the undertaking that the separation is made. We put it in the Act.

(Sotto voce remarks by Dr. Davies)

Mr. BARTLETT: So then because we don't operate the way you do - that's why we can't blame you, we can't blame you for the distrust here because that's not what you did. But we are going to do that and that's how we have done. And I don't make any apologies, I don't make any apologies at all for utilizing resources to enhance the growth of the tourism industry in Jamaica. (Applause) I make no apologies for that. Because I know what happened in the Eastern Caribbean to our neighbours who had no airlift during the

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recession. I know how they felt and how they feared and I know the envy with which our destination is viewed by not only them but many others across the world, because we were able to grow the industry during the time when the world was in recession. And so that Fund provided a vital life-saving role in that regard. And so we move to make the correction.

Now, Mr. Speaker, I am particularly angry about the Member's attempt to dismerge the managerial ability and the integrity of those who work...

Government MEMBER: Out of order.

Mr. BARTLETT: ...so very hard to make the Tourism Enhancement Fund operate with integrity the way it is. This Tourism Enhancement Fund...

Opposition MEMBER: No, no! Apologize.

Dr. McNEILL: On a point of order.

Mr. BARTLETT: I think you should, because you made the point...

The DEPUTY SPEAKER: What's the Point of Order?

Dr. McNEILL: On a point of order, Mr. Speaker. At no stage I would...

The DEPUTY SPEAKER: You need to seek permission to speak from a ...

Dr. McNEILL: May I have permission to speak from a seat other than my own?

The DEPUTY SPEAKER: Go ahead.

Dr. McNEILL: Mr. Speaker, I want to be very clear. We are not talking about the management. We are talking about the Tourism Enhancement Fund being utilized for purposes other than what it was intended, being used for things like trips to Beijing, being used for a whole range of things for which we have a difficulty and we have been

discussing it. We have pointed it out over and over and over again and we have a difficulty with how it has been operating. And it is not a matter about the persons working in there. It is about the policy framework that has been spread out, has been spread to allow for almost anything. When the Fund was started the Minister himself said that he was concerned that this Fund would be used for purposes other than what it was intended and at the time it was to enhance the tourism product. And what has happened is now it's being used for everything else but that, so it is irony of it. So it is not a matter of the management. It has to do with the actual Fund and the policy governing the Fund.

Dr. DAVIES: The Canine division is calling for you.

(Cross talk)

Mr. BARTLETT: Mr. Speaker, you know the Member has convenient amnesia because he was very clear to point out, very clear to point out that he had concerns with how the Fund was managed and we went through that. Because this Fund is one of the few that is not only up to date in terms of its annual reports but has been able to give a mid-year report, which was submitted only yesterday, which shows the details of all the transactions and activities in the Fund and the management of it and the audited reports. So the Tourism Enhancement Fund, under the Chairmanship of GODFREY DYER, with that team and the Executive Director and the team, have done a marvellous job in managing the resources and managing them well.

Let us talk about projects. And I want to make the point, Mr. Speaker, that the truth is you talk about management and governance. The first time that Jamaica saw - and the Member

from Central Kingston made reference to it last year, that there had not been an annual report of the Tourism Enhancement Fund since its inception.

Government MEMBER: He said it.

Mr. BARTLETT: And the first time it was done by this Administration and not only have we done all the Annual Reports which you should have done, we brought it up to date and can give you a report as of June 2011. (Applause) ...come to talk about that.

The next point, Mr. Speaker, relates to the issue of projects. One hundred and sixty-three projects that have been funded by the Tourism Enhancement Fund. And we talk about heritage. Port Royal, all the development that is now in Port Royal, you go to Port Royal and you see, is done by the Tourism Enhancement Fund under our watch. The Rio Nuevo Battle Site done by us. The Devon House, which is the stellar heritage product in Kingston, completely refurbished in our time for over \$100 Million by the Tourism Enhancement Fund.

You talk about heritage projects, yes, there are a number of heritage projects that are still outstanding that need to be done and we are working with the National Heritage Trust to do a number of them. Spanish Town is on the list, of course, as you know, so is Seville and a number of other areas.

Mrs. NEITA-HEADLEY: Sligoville.

Mr. BARTLETT: You talk about Sports Tourism, talk about Health Tourism, talk about edu-tourism, talk about community tourism, all of those are critical policy position which we have enunciated and not only enunciated but commenced. We just completed a project with REDI, with JSIF, to fund a whole development of community

tourism all across the country. Only last week the St. Elizabeth Home Coming Committee came to me with one of the first projects that is going to come out of the community tourism activities there.

So the truth is and the vision, Mr. Speaker, we have had, the vision we are living today, the things are happening. Jamaica has more attractions than all the Caribbean combined. And next week Saturday, the 30th, we will be opening the newest of attractions, Captain Hook, in Falmouth. (Applause)

So in terms of building and utilizing the resources that we have to build the capacity to be a better destination, it's there. The Elegant Corridor is a good example of transformation, if that's with you want to see. And, yes, the Artisan Village. Only today the UDC came to us as we sat down to go through the finer points of establishing another of the two artisan villages that we are going to have in Jamaica, one for Falmouth and the one for Ocho Rios. The Member from Ocho Rios isn't here. And when we look at the design, I tell you, it is going to be something to behold. Because what we are going to do finally, is to clean up all the little stalls and cut, you know, blocks that you have and shanties and all that all across the country that dot the landscape and uglify the country, and bring them all into the artisan villages where they can have a proper environment to market their wares.

But more importantly, the artisan will be able to be there and to demonstrate his skill. So that the visitor can come with a design, leave it with the artisan, go to enjoy Mystic Mountain or Chukka Cove, or Dolphin Cove, or wherever, and on their way back pick up this work of art, this masterpiece that is done by the artisan.

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(Sotto voce comments)

Mr. BARTLETT: That is vision, and that is what we are talking about utilizing the resources for.

So the school - and I make the point about the school, the Member from St. James South spoke of that. The school is a passion I have. And I must tell you where we are with that. One of the first university villages that is to be established outside of the Corporate Area, is going to be in Trelawny. And the UTECH and ourselves are now collaborating to establish the hospitality school inside of that village.

A MEMBER: Very good!

Mr. BARTLETT: The land has been given to us by the developers, so we don't have to worry about that. And the Tourism Enhancement Fund will work with the development through the University of Technology so that we can have that institution done in Western Jamaica.

(Sotto voce comments)

Mr. BARTLETT: Regrettably, it's not going to be in Montego Bay, because that's where we had intended. But collaboration is always a good thing and it will be able to happen.

(Sotto voce comments)

So, Mr. Speaker, the final point that I want to make relates, of course, to the Member from South St. Andrew, who, I must tell you, came out in the beginning with a good idea. And the good idea was that given the problems that we were having with settlement in the tourism area - and that wasn't the remit of the Fund, you know, that was not in the remit of the Fund. But he made the suggestion, and the Prime Minister bought the idea, and we all subscribed to the idea. And so we took One Billion Dollars, (\$1B) from the Fund, that

has made nearly 10,000 workers and inner-city dwellers within the tourism resort areas of Ocho Rios, Montego Bay, and to a lesser extent Negril. (Applause)

Mrs. NEITA-HEADLEY: Big up, Omar! Good job, Omar!

(The Opposition Members applaud)

Mr. BARTLETT: And nobody has said to us, that was inappropriate use of the Fund.

Opposition MEMBER: Why would I say that?

(Sotto voce comments)

Mr. BARTLETT: But it's not in the mandate. Aah! So, so - but tourism development and marketing, which is the lifeblood of the industry; there is no way you can grow without the market.

A Government MEMBER: That's right.

Mr. BARTLETT: There is no way you can connect to the destination without airlines. And believe you me, as the saying goes, a destination of beauty and joy is like diamonds at the bottom of the sea, right, unless there is airlift...

Dr. DAVIES: Or a submarine! Titanic! (Laughter)

Mr. BARTLETT: ...something that you know about, you would love to go to but you can't get there, you can't get there. And so, we need the airlift.

(Sotto voce comments)

Mr. BARTLETT: And so - that's the point we are making. If you are going to blame me for using the Tourism Enhancement Fund to break into new markets like in China, to go to Beijing where we ended up with the kind of coverage for Jamaica that we could never afford, that we were able to deal with tour operators so that today the Chinese Ambassador on coming to Jamaica could

make it his first stop, tourism, because he now wants to help us to secure airlift for direct flight from China to Jamaica. (Applause) That's what the purpose of going to these markets is all about. And so there is no apology. And maybe it rings with a tinge of jealousy...

Opposition MEMBERS: Nooo! Nooo! (Heckling)

Mr. BARTLETT: ...that some might have wanted to be in Beijing and couldn't be in Beijing.

Dr. DUNCAN: Mr. Speaker, suspend him!

Dr. DAVIES: Rule him out of order!

Opposition MEMBERS: No! No! No! No!

Mr. BARTLETT: Because the value of what we gained from it today redounds to our benefit.

(Heckling)

And you know, and Mr. Speaker, you see, because MELAINE WALKER comes close by to his constituency but I can understand, you glory in that too, and we all share in the glory. Wonderful girl she is.

But, Mr. Speaker, seriously, I believe that this measure today will go a long way in helping to secure the future sustainability of growth for our tourism in Jamaica.

For the first time I believe - and you are right, and we will come to the House with the plans because it is important. The difficulty, of course, you know is that you don't have the capacity to plan for four/five years because your fiscal cycle is twelve months. And that has been a difficulty, and I have said that. Remember in Opposition I made the point that I was looking forward to the day when we could have a three-year cycle for tourism

marketing. But this resource support that we are now going to get will give us that at last. So we will be able now to go to tour operators and make long-term arrangements with them. We will be able to go to airlines and make long-term arrangements with them, and we will be able to go to our advertising partners and get long-term arrangements so we can make better buys and have more economic purchases. So the importance of this cannot be overemphasized.

And I appreciate the comments you all have made. And may it please you, Mr. Speaker.

Thank you very much. (Applause)

The DEPUTY SPEAKER: Can you put the second...

Mr. BARTLETT: Mr. Speaker, I beg to move for the third reading of the Bill - the second reading, I am sorry, the second reading of the Bill.

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

Put to the House and agreed to.

Mr. MONTAGUE: All right, Maas Tarn, you sound good, boy! (Laughter) You hear the baritone?

(*Sotto voce* comments)

Bill entitled:

"AN ACT to Amend the Tourism Enhancement Act";

read a second time.

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

Mrs. NEITA-HEADLEY: Aaaii! Aaii! (Applause/laughter)

A MEMBER: Man serious! Yes, man, serious business!

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Dr. DAVIES: Fix yu tie, though, Tarn, and look official.

COMMITTEE STAGE

The CHAIRMAN: I put Clause 1.
Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 2.
Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 3.
Put to the Committee and agreed to.

The CHAIRMAN: I put Clause 4.
Put to the Committee and agreed to.

The CHAIRMAN: I put the Title and Enacting Clause.

Put to the Committee and agreed to.

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

Put to the Committee and agreed to.

The CHAIRMAN: I do report...

Dr. DAVIES: No, when you go upstairs.

Miss HANNA: Tarn, it suit you, man.

Mr. BUCHANAN: Boy, you look colonial, though. (Laughter)

RESUMPTION

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

Mr. BARTLETT: Mr. Speaker, I now move for the Bill to be read a third time.

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

Put to the House and agreed to.

Bill entitled:

“AN ACT to Amend the Tourism Enhancement Act”;

read a third time and passed.

(Applause)

Dr. DAVIES: Tarn, I give you ‘B’ plus.

Mr. CHUCK: Mr. Speaker, I now move for the suspension of Standing Orders to enable me to take the motion, notice of which I gave earlier. I am speaking of the Constabulary Force Resolution.

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

Put to the House and agreed to.

The DEPUTY SPEAKER: Go ahead, Minister.

THE CONSTABULARY FORCE ACT

Mr. CHUCK: Mr. Speaker, I am pleased to present before this Honourable House the tabling of a resolution and consequential amendment in respect of the extension of duration of the operation of section 2(1) of the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010.

By way of background, Mr. Speaker, Members will be reminded that the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, came into force on the 23rd of July, 2010. However, pursuant to section 2(1) of the Act, the Act provides that it shall continue in force for a period of one year from the date of its commencement, and shall then expire, unless its duration is extended by resolution of each House of Parliament.

Mr. Speaker, this Honourable House is asked to note that this provision of section 2(1) of the Act will expire on July 23, 2011.

Mr. Speaker, the Constabulary Force (Interim Provisions for Arrest and Detention) Act,

2010, amended the Constabulary Force Act to provide for an increase in the initial period for which a person will be remanded in custody on order of a Justice of the Peace, from twenty-four hours to seventy-two hours. The intention is to strengthen policing capabilities and intensify crime prevention and apprehension.

This Act and its proposal was put forward as temporary measures to treat with the unprecedented levels of crime in the country, and were intended to, amongst other things, facilitate investigations by the police, to safeguard witnesses from intimidation, and prevent recidivism on the part of the accused person.

Dr. DAVIES: What is that word again?

Mr. CHUCK: Recidivism.

It was also recognized that the amendments to the Constabulary Force Act were potentially restrictive, and thus would expire after one year, unless renewed by Parliament.

Mr. Speaker, the Jamaica Constabulary Force has reported that use and operation of this Act has been a critical tool employed by the Constabulary Force in reducing serious crimes, and it is therefore expected that an extension of the duration of the Act will contribute further to the reduction of serious crimes.

Mr. Speaker, I wish to advise you that on July 15, 2011, this resolution and its consequential amendment in respect of the extension of duration of the operation of section 2(1) of the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, was tabled before the Honourable Senate.

I now wish to direct attention to the clause by clause in relation to this resolution.

Clause 1, Mr. Speaker, treats with the name of the Bill, which is cited as the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010.

In **Clause 2**, pursuant to section 2(1) of the Act a Resolution entitled the Constabulary Force (Interim Provisions for Arrest and Detention) Act, (Extension of Duration) Resolution, 2011, has been drafted by the Office of the Chief Parliamentary Counsel, has been laid before this Honourable House of Parliament.

Section 2(2) of the Act provides that a resolution under section 2(1) of the Act -

- a) shall be in the same terms for each House;
- b) shall specify the period for which the duration of the Act is extended; and
- c) may amend any provision of the Act.

Mr. Speaker, pursuant to section 2(2) of the Act, the resolution contains provisions -

- (a) specifying that the duration of the Act is extended until July 22, 2012; and
- (b) amending subsection (1) of section 2 of the Act by deleting that subsection and substituting a new subsection, which allows for the Act to expire on July 22, 2012, unless further extended by resolution of each House of Parliament.

This clause, Mr. Speaker, deals with operation and use of section 50B and 50F of the Constabulary Force Act, in relation to the powers of arrest and detention.

This clause further provides for the protection of the individual arrested and detained under section 50(f), by outlining that,

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where the security forces are carrying out operations in any particular locality, that no person shall be arrested or detained under the powers given by this part unless a Divisional Commander or Area Commander, or a member of the force not below the rank of Assistant Commissioner is satisfied that:

- a) there is reasonable ground for the arrest or detention of such person, or
- b) in the case of a person who is outside of that locality, there is reasonable ground to suspect that the person is, or has been, or is about to be involved in the commission of a criminal offence in the locality.

Mr. Speaker, this clause goes further to provide the framework as to the use of this power of arrest under section 50(b). It states that:

“Where any person is arrested or detained, pursuant to the powers conferred by section 50(b)(iv), that person shall:

- (a) immediately be told the reason for his arrest or detention;
- (b) forthwith, be taken before a Justice of the Peace who shall determine:
 - (i) whether or not there is reasonable ground for the arrest or detention, and
 - (ii) in the case of a person who is arrested or detained outside of the locality that there is reasonable ground to suspect that the person is, or has been, or is about to be involved in the commission of a criminal offence in the locality.”

Mr. Speaker, in addition to the foregoing, this clause goes further to give power to a Justice of the Peace who is satisfied that the

arrest or detention of any person is reasonably required in the interest of justice that he may order that the individual be remanded in custody for a period not exceeding 72 hours, and thereafter for said individual to be taken before a Resident Magistrate.

Mr. Speaker, the passage of this Resolution and consequential amendment in respect of the extension of duration of the operation of the Constabulary Force (Interim Provisions for Arrest and Detention) Act, 2010, is integral in this nation's fight in the suppression and control of serious crime and criminality, and we ask for the approval of the House of this Resolution.

Rev. THWAITES: You don't believe that?

The DEPUTY SPEAKER: Member.

Mr. BUNTING: Mr. Speaker, permission to speak from a seat other than my own.

The DEPUTY SPEAKER: Permission granted.

Dr. DAVIES: You not Speaker yet.

(*Sotto voce* comments/Laughter by Members)

Dr. DAVIES: Him haffi beat out Warmington. We are backing Warmington.

Mr. BUNTING: Mr. Speaker...

Opposition MEMBER: War - mington.

Mr. BUNTING: Mr. Speaker, in the preamble of the Resolution, it says that: *The Act* - that's the Constabulary Force (Interim Provisions for Arrest and Detention) Act, *has been a critical tool employed by the Jamaica Constabulary Force in reducing serious crimes. And it is therefore expected that an extension of the duration of the Act will contribute further to the reduction of serious crimes.*

Mr. Speaker, I propose to challenge those assumptions in my presentation.

This Constabulary Force (Interim Provisions for Arrest and Detention) Act seriously encroaches on one of the fundamental rights and freedoms, guaranteed by our Constitution. That is, the protection from arbitrary arrest and detention.

MEMBERS: Hear, hear!

(Applause)

Mr. BUNTING: Therefore, Mr. Speaker, any contemplation of an extension of this law must be based on sound arguments, supported by empirical analysis.

In our discussions with the Government and the Police High Command, we have made this very clear. About two months ago, I raised this matter at the National Security Council, and since that time, the Minister of National Security and the Commissioner of Police, we have been in discussions which have culminated in a document that they provided to the Opposition titled:

The Impact Assessment of the Anti-Crime Bills.

And when this was prepared, of course, Mr. Speaker, the Supreme Court had not yet struck down the Interim Bail Provisions Act. So, they were really dealing with both at the time. We have seen that the Supreme Court, just last Friday, found that companion Act to have been unconstitutional. And you will recall, Mr. Speaker that the Opposition had warned against both these Acts trampling on the fundamental rights and freedoms of the citizens, at the time when they were pushed through by the Government last year.

A MEMBER: That's right... abuse.

(Sotto voce comments)

Mr. BUNTING: This Paper which I will make some comments on - first of all, let me say, we welcome the fact that this time around at least a justification - an attempt at justification, rather, has been made with some amount of argument and analysis. When they were presented in the first place, it was merely on the basis that, this is what the police wants. And, I don't think that is an approach that is appropriate in a constitutional democracy.

But this Paper makes three points - three main points. With respect to detention, it says that detentions have increased. And in most cases the period of detention without charge, substantially exceeds the 72 hours provided for in law. And the Paper did an assessment by a sample of police divisions. In most police divisions cited, it was between five and twelve days; and in one case, a citizen of this country was held for 42 days - just from the example, cited 42 days detained without charge. This is from the Police Impact Assessment Paper.

Mr. BUCHANAN: It's a dangerous thing.

Mr. BUNTING: Mr. Speaker, what this confirms, is that the extension of the period of detention, without charge, from 24 to 72 hours was really an attempt to legitimize arbitrariness in the whole process of arrest and detention.

(Applause/*Sotto voce* comments)

Mr. BUNTING: And from the police own statistics, what we see if that is the objective, then we would need to amend it to make it a much longer period than 72 hours.

Dr. DAVIES: Forty-two days.

Mr. BUNTING: We have to go up to 42 days. And it is interesting, Mr. Speaker, and I just say this by comment. The companion Bill which was struck down by the Supreme Court,

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dealing with the bail provisions, which came in, albeit mid-year last year - half way through the year more or less, but, the statistics that we could find on that - and this is just from the Home Circuit Court, from the Office of the Director of Public Prosecutions. After introducing this Bill for pretty much the second half of the year, or the provisions of this Bill, we had a sum total of three less persons granted bail in the Home Circuit Court for 2011 *versus* 2010.

So, it really didn't seem to - even that Bill which was found to be unconstitutional, in sum, didn't seem to have a tremendous effect, in any event, because I suspect that many of the Judges were not giving up their discretion, and still applying the provisions of the previous that would have held before the amendment.

Finally, Mr. Speaker, the third point the Paper makes - and this is after labouring to show a time-lag in learning and implementing the new Bills. After completely ignoring the initial drop in murders and shooting post-Tivoli operation, the Paper concludes that there was a drop in murders and shootings from the nine months before July 22, 2010, and the nine months after. It therefore, concludes that the only major legislative changes across these two time periods were the anti-crime Acts. Therefore, these Acts account for the reduction.

(Sotto voce comments)

Mr. BUCHANAN: Kangaroo business.

Mr. BUNTING: Now, Madam Speaker...

A MEMBER: You don't believe that.

(The Speaker returned to the Chair at 5:45 p.m.)

Mr. BUNTING: ...Madam Speaker, correlation... correlation does not imply causation.

(Sotto voce comments/Applause)

Mr. BUNTING: Madam Speaker, that is a phrase most of us come across in our first year science, or statistics courses to emphasize that correlation between two variables does not automatically imply that one causes the other. And that is the profound and fundamental error of this Paper. That is the profound and fundamental error.

(Applause)

Dr. DAVIES: Delroy knows it too. Him not supporting it. Mullings too?

Mr. BUCHANAN: Mullings knows too but him speak a different language now.

Dr. DAVIES: No, he is going to abstain.

(Sotto voce comment by some Members)

Mr. BUNTING: Madam Speaker, the Opposition has made the point repeatedly, and especially in the debate on the extension of State of Emergency, that it was the Tivoli Gardens operation in May 2010, and the subsequent extradition of Christopher Coke that has created a paradigm shift in our policing environment.

(Applause)

Mr. WITTER: What is correlation?

Mr. BUNTING: In fact, Madam Speaker, my assistant prepared a chart, and this is graphing murders per month from June '06 up to June 2011. And if you look at the trend lines in the chart, Madam Speaker, from '06 interestingly June '06 was about the same monthly level that we are now in the middle of this year, but there was a steady trend line increasing from June '06 through till May 2010.

Mr. M. PEART: What happen in May?

Mr. BUNTING: And if you see that trend line here...

(Applause)

...after the Tivoli operation what you have now is essentially a totally different trend line. In fact, it is almost a step function that the level of murders has dropped and is pretty much fluctuating around - I mean, since that time.

(*Sotto voce* comments)

Mr. BUNTING: And I would pass this... pass this along if you can.

Dr. DAVIES: Give it to Delroy.

Mr. BUNTING: But...

Government MEMBER: You are contradicting

Mr. BUNTING: No, I am not contradicting anything. You need to listen. What caused it was not the crime Bills, it was the Tivoli operation.

(*Sotto voce* comment)

Mr. BUNTING: But Madam Speaker, I have made that point a number of times.

(*Sotto voce* comment by Mr. Charles)

Mr. M. PEART: Talk with two mouths.

Mr. BUNTING: Madam Speaker...

The SPEAKER: (Gavels)

Members... Members... (Gavels) The Member is on his feet and he has a right to be heard in silence, please.

Mr. BUNTING: Thank you, Madam Speaker.

Madam Speaker, I have made that point a number of times, but today I want to quote... I want to quote from an analysis of this said document, the said Impact Assessment document by Jamaicans for Justice, certainly not an organization that could be successfully

accused of any partisan political leanings, and certainly, not to the Opposition. And I want to quote...

(*Sotto voce* comment)

Mr. BUNTING: I want to quote from their assessment of this document. It says, Madam Speaker:

"Equally easy on this data, a contrary and fact-based argument could be put that, one, homicides declined drastically in the four months right after May; 186 for May, 95 for June, 87 for July, 83 for August and 78 for September".

This is all 2010 figures.

(Applause/*Sotto voce* comments)

Mr. BUNTING: It is surged back in October, November and December, only to drop again January, onward.

It is certainly logical to credit the reduction in June and July to mainly the Tivoli Gardens operation. And there is a strong likelihood that the same would apply to August and September. It goes on, Madam Speaker, and I think you may want to pay special attention to this.

The impact of the Tivoli operation can hardly be over-emphasized. In more than one community interviews with 'shottas' disclosed that they immediately exchanging gunfire, the physiological impact was just huge. The fall of Tivoli shattered the sense of impunity that previously prevailed. (Applause)

Opposition MEMBER: Repeat that sentence.

Mr. BUNTING: The fall of Tivoli shattered the sense of impunity that previously prevailed, that they could get away with anything. Fear of the security forces became a real deterrent. I am still quoting, Madam

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Speaker, from the *Jamaicans for Justice*. Their point three:

“other policing policies were implemented right after the Tivoli operation and would have combined with the Tivoli effect, police were much more active on the ground. They restricted communities from holding night music sessions, they called in persons of interest, they cleared gambling and vending off sidewalks and none of these were part of the anticrime Bills”.

I am quoting -

“The removal of corrupt police at the lower levels have also dented shooting and murder”,

and they go on.

Madam Speaker, I also pulled out some statistics and I know the Minister of Justice would be very interested in these. Total arrests from January to December 2010, were 28,078 which is a 48% increase over the 18,987 arrests in 2009. Total arrests for January 1st to July 10 in 2010 were up a further 33%, 18,217 for the first half of the year versus 13,637 for the same period. So during - over these two years we have doubled the amount of arrests by the police...

(Sotto voce comments by Mr. Shaw)

Mr. M. PEART: Multiply by two.

Mr. BUNTING: We have doubled, thank you. Let me, say it because perhaps it would be even more effective.

Madam Speaker, we have doubled the number of citizens of this country that we have arrested since - over the last 18 months, the rate of arrests. But what is interesting, Madam Speaker is using...

(Heckling)

Mr. BUNTING: Listen and you may learn, unlikely, improbable.

Madam Speaker, the figures from the Department of Correctional Services show that the total muster for adult inmates in Correctional centres over that same year and a half period has fallen by approximately 5%. Now, if you have doubled the amount of persons arrested by thousands, you would expect that if a proportionate amount of them were convicted they would have gone into the system. What is clear is that there has been no increase in the number of convictions, there is no increase...

(Sotto voce comments by Mr. Shaw)

Mr. BUNTING: ...on the face of it; unless you can provide some further statistics to explain this. But my point is that arbitrary arrests and detention is being used to harass the citizens of this country that is what the point I am making. *(Applause)*

A MEMBER: Hear! Hear!

Mr. BUNTING: And that the doubling the arrests have not resulted in anymore convictions in this country

(Sotto voce comments by Mr. Shaw)

Mr. BUNTING: Not because of this, the reduction has been because of the Tivoli operation and the consequence of it.

(Applause)

Madam Speaker, it is clear, Madam Speaker, it is clear that no causation has been established between these interim laws and a reduction in crime. It is much more plausible that the reduction in crime is due to the effect of the Tivoli operation in May 2010 and the new policing policy sustained thereafter.

(Applause)

Madam Speaker, what we do know, both...

(Heckling)

Mr. BUNTING: Madam Speaker, what we do know both from our experience with the Suppression of Crime Act and intuitively is that these powers used arbitrarily will cause hostility among lower income young men, the primary target group of these pieces of legislation. The few, who have jobs will most probably lose them as a result of an extended period of detention. (Applause) And over the long term, that hostility will reduce the trust between the community and the police, reducing the effectiveness of community policing and intelligence gathering activities.

(Applause)

In all the circumstances therefore, Madam Speaker, the Opposition cannot support an extension of this Act.

Opposition MEMBER: No, no way!

Mr. BUNTING: Which represents a serious erosion of the rights of our citizens? Thank you. (Applause)

Rev. THWAITES: Madam Speaker, it should be made clear that this piece of legislation has nothing to do with arrest, it is an issue to permit detention without charge of our citizens by the police, it is extremely important that that distinction is reminded. Madam Speaker, recently this Honourable House took justified pleasure in extending the constitutional rights of all citizens in Jamaica. (Applause) May I in this contribution remind the Parliament of its obligations in that regard? First of all, in Section 13 (1) of the Charter of Rights it reads.

“That the State has an obligation to promote universal respect for and observance of human rights and freedoms.”

It is universally accepted that periods of extended detention without charge not just in Jamaica, but everywhere else, in all common-law countries especially are contraventions of the protocols, the regiments, and the declaration of human rights.

Similarly, Madam Speaker, we are enjoined in Section 13(3) that the right to life, liberty and security of the person and the right not to be deprived thereof - please listen, Madam Speaker, except in execution of the sentence of a court in respect of a criminal offence of which the person has been convicted.

In this instance, we are not talking about circumstances where any of those permissible exceptions take place. And Madam Speaker, further to that, if you follow the Charter of Rights in this one of the most important tests and early tests of our fidelity to this piece of legislation upon which so much hangs in Section 14 subsection (3) it reads that:-

“Where a person is arrested or detained shall be entitled to be tried within a reasonable time and to be brought forthwith...”

We all know the ordinary meaning of the word forthwith, yes. Forthwith means now or as soon as is reasonably practical before an officer authorized by law or a court and released either unconditionally or on unreasonable conditions.

Madam Speaker, under no stretch of any imagination can the detention of a suspect or for anyone be, considered to be within the ambit of the Charter of Rights. And I wish to emphasize that the Charter itself has words to us because it says that Parliament shall pass no law, and no organ of the State shall take any

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action which abrogates, abridges or infringes these rights.

Madam Speaker, if this were a state of public emergency it would be a different situation, there is no state of public emergency. There is no condition of disaster which is another context of exception which the Constitution provides for.

Madam Speaker, it is the responsibility of this House to defend the Constitution, (Applause) and that is our primary responsibility. And it is our responsibility to defend it particularly in respect of those who are most vulnerable. And the observed practice over a long period of time, Madam Speaker, has been for the officers of the law to exceed the bounds of reasonableness in detaining people without cause and abusing the powers that inure to the lowliest constable. And in circumstances where as the Member for Central Manchester spoke, many persons, particularly those who are unable to secure the services of an attorney, find themselves in custody at grave personal jeopardy without cause. There is no correlation that is persuasively made between these arbitrary acts of detention often exceeding well beyond seventy-two hours and the surcease of crime or the effective completion of cases against these people. What we are doing is legitimizing or being asked on the basis of flimsy statistics to legitimize arbitrariness, crime fighting, upholding the law does not require, Madam Speaker, the breach of human rights, that is the fundamental principle with which we must observe.

Madam Speaker, within the last week, could never have escaped anyone's notice, the full Court, the Constitutional Court of the

Supreme Court has declared itself in fulsome judgments on the issue of the legitimacy of the anticrime Bills and in particular to the one, which extended the right of custody for a period of 60 days.

I urge the Minister of Justice and I urge all parliamentarians to study that judgement carefully, because my own apprehension of it is that while this particular Act which we are dealing with now was not specially at issue there. The comments of the judges are germane to the constitutionality of this issue. And there is no reason why this Parliament should hasten to extend this Act without due consideration of the careful deliberations of our Court. (Applause)

And, Madam Speaker, these are the essential pre-requisites that any reasonable Parliament must take before abrogating rights of the citizens. I urge us to be cautious in this regard, I urge us to take the time to question the appropriateness of the so-called statistics which I have had a chance to look at and which prove nothing. They are in fact an embarrassing parade of *non sequiturs*. And I also ask that we take the time because we are law-makers to study carefully the ratio and the *obiter dicta* of the Judges who have spoken on related issues and to make sure in this first real test, that what we are doing is consistent with the up-graded constitutional privileges and rights - not privileges of our citizens. Nothing would be lost in making that effort, Madam Speaker. Justice will have been served.

I thank you. (Applause)

Mrs. HAY-WEBSTER: Madam Speaker, Madam Speaker, I rise post the comments from the Member from Central Kingston, particularly in respect of the observations he

made that this particular Act had not come under negative comments from the recent ruling from the Supreme Court.

And maybe I may get myself in trouble with my colleagues from my former party on this one, but I can only speak from my conscious position, conscientiously, as an MP, with, as many of us know, with very hardcore crime driven areas...

(Sotto voce comments by Government Members)

Mrs. HAY-WEBSTER: ...where I myself have come under personal threat.

Let me tell you something. For the protection of the citizens, of many people and families when “a person of interest” is named and turns themselves in, trust me, Madam Speaker, it makes a difference in the community.

(Thunderous applause by Government Members)

Mrs. HAY-WEBSTER: And I am saying that, having been called by people who are both PNP and JLP, who have been named as persons of interest and call dem MP. MP look, dem call me name, what should I do? Some of them, I have referred them, for example, to call a church member to take them in, or I have said, find your lawyer and go in. And I will say to you, I know that this has made a difference in cutting the level of crime in Spanish Town, I will tell you that!

(Applause by Government Members)

And while I may understand the Opposition’s position as stated here, I am not voting with them on this if there is a divide, because I see and know the difference.

(Applause by Government Members)

(Sotto voce comments by Mr. Shaw)

Mrs. HAY-WEBSTER: Colleagues, hold on, please. Colleagues, I want to say to you.

The SPEAKER: (Gavels) Allow the Member to speak in silence, please.

Mrs. HAY-WEBSTER: Colleagues, I want to say to you.

The SPEAKER: Members, please!

Mrs. HAY-WEBSTER: When I speak on this, as I had indicated to you, I listened carefully to all of what has been said and I was very struck by two comments that the Member from Central Kingston had made, in particular the fact that this particular extension which we seek has not had the negative comment that we have been taking with on the other ones.

(Inaudible comments by Rev. Thwaites)

Mrs. HAY-WEBSTER: And... I know that there are... I know that we need to look at the Report in more detail, Member, but I can only speak to my own experience.

(Sotto voce comments by Government Members)

Mrs. HAY-WEBSTER: That is what I can speak to. And I speak, and I speak in defense of the many citizens’ lives that have been protected because of these interim Acts that we have done.

(Applause by Government Members)

So, I just want to put, I just want to put on record, yes, as someone who had initially sat on those six Bills, I still have my own queries and I would really like to have a look at the Report that came out of the Supreme Court’s decision, but I do believe conscientiously, I could not vote against this interim Act extension, because I believe it is for protection of life and property, and I vote for that for my people.

(Applause by Government Members)

Mr. SHAW: Hear, hear!

Mr. CHARLES: Let’s hear what the former.... is going to say.

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(*Sotto voce* comments by Government Members)

Dr. DUNCAN: Madam Speaker, Madam Speaker....

(*Sotto voce* comments by Members)

The SPEAKER: (Gavels)

Dr. DUNCAN: ...the price of freedom is eternal vigilance. A quote often repeated by many students who study the art of politics and who believe that, or accept the fact that no democracy is perfect, but is the least imperfect thing that we have.

Mr. BUCHANAN: Hear, hear! Remind them.

Dr. DUNCAN: When most of us, if not all of us have an impatience about the level of insecurity that exists in the country, because of this spectre of crime and violence, and have had that for many, many years, and many administrations have sought measures to deal with this spectre over the years in different ways. Without going to any long historical recollections, there was a time when we... As the spokesperson for the Opposition indicated, we struggled with the Suppression of Crimes Act for many, many years, for many, many years. When it was initially instituted, the understanding was that it would be for a short duration and that Act remained in force for decades before it was repealed.

There is a reason why these Acts, and especially this one, among others, have had a sunset clause. Because the people who initiated it and those of us who supported it at one time knew that it had the germ for injustice, even if there were some benefits to people when that injustice was meted out. But there was to be a time, there was a time that would come when it would be asked to reconsider and to reflect, and that time is now.

The spokesperson for the Opposition has spoken eloquently in dealing with the analytical framework that has been put forward to justify for it to continue, and has in an extremely simple and cogent way demonstrated the arguments. It does not hold water.

I just want to make just one comment, because I don't intend to repeat any of the points made either by the Member from Central Kingston or from Central Manchester, but I am sure I can speak on behalf of almost every single representative of the people, who has significant sections of their constituencies with people who live in the lower socio-economic brackets.

Just last weekend, just last weekend, I was in a community in Eastern Hanover, some of the Members know it well, called Montpelier, the Montpelier/Sandy Bay section, not Montpelier up in the Chester Castle, a very densely populated area. The member from North West St. James knows it well, he attempted to represent them once. It is a case study for many communities like that across Jamaica.

One of the effects of this Act is to - like the Suppression of Crime's Act is to begin to develop a culture among the people who are responsible for carrying out the things in this Act, that is our security forces, to not only have the resulting in the arbitrary arrest and detention of people, but arbitrarily harassing young people in these areas within the context of this law.

(*Sotto voce* comment by Dr. Chang)

Dr. DUNCAN: Yes, but the law, the law...

Mr. HENRY: The application of the law...

Dr. DUNCAN: ...the application of the law begins the development of a culture. And a lot of our young people... One of the reasons why a lot of us receive very cynical looks from a lot of our constituency at that level in our communities, is because what has been happening over the last six months in particular, is that a lot of people, unemployed, some underemployed who...

Mr. HENRY: Aged!

Dr. DUNCAN: Aged, young people, older people, ages 18 to 25, up to 30, 35, who have very little...

(Sotto voce comment by Mr. Henry)

Dr. DUNCAN: Madam Speaker, Madam Speaker, I am just making one simple point and request on behalf of what they asked me to say when these Bills came up. Is that, it has had the effect of our security forces going into these communities, and as they put it in their own words, just scrape up people.

Mr. HENRY: You didn't say that.

Dr. DUNCAN: ...throw them in some big vehicle, lock them up and make no attempt...

A MEMBER: It didn't work.

Dr. DUNCAN: No, no, it has increased. It has increased in Montpelier in Hanover. You cannot have a Wake - this is the other set of the population now, over 30,40 up into their 60s, 70s - you cannot have a Wake on a weekend, a Wednesday night, a Friday night without police coming up and scraping up everybody and locking down the Wake...

Mr. WITTER: That is a different issue.

(Sotto voce comments by Government Members)

Dr. DUNCAN:under the culture that is being developed.

Mr. CHARLES: That's a lie!

Dr. DUNCAN: It's not true?

Mr. CHARLES: You are lying on the police!

Dr. DUNCAN: That's a lie!

Mr. CHARLES: That's a lie!

(Sotto voce comments by both sides)

Dr. DUNCAN: Madam Speaker....

Mr. CHARLES: That's a lie!

The SPEAKER: (Gavels)

Dr. DUNCAN: Madam Speaker....

Mr. BUCHANAN: You didn't hear what he said, Parnell. (Laughter)

Mr. CHARLES: That's a lie!

Mr. BUCHANAN: Is not ulterior him sey, Montpelier.

Dr. DUNCAN: Madam Speaker.... Madam Speaker, Madam Speaker, they have attempted in areas in the search for recreational activities, they tried to put on social activities in the community and the same thing results.

Now, I am only speaking to that aspect of it. I have seen this develop over the years where the Suppression of Crime Act allowed the implementers of that Act to feel they could have kicked down people doors and just go in and lock up people and scrape them up in the 70s, it continued in the 80s into the 90s.

Mr. CHARLES: Up to now I don't receive my charge yet. (Laughter) And I spend one year a prison.

(Sotto voce comments by Members)

The SPEAKER: (Gavels)

Dr. DUNCAN: Madam Speaker, I am only speaking on behalf of those communities and I give one specific one as an example. There are several in the constituency, but this particular one, where, if you go there now, if the various Members of Parliament want to visit, right, if they want to go there the people will tell them exactly what is happening.

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There is a level of frustration that is building up in these communities....

The SPEAKER: Members, when each Member gets up to speak in this House, each Member likes to know that he is heard and I am asking us all, please to observe that. Allow the Member to be heard, he is making a point and it is difficult to hear him, and it is only courteous and it behooves all of us to allow him to be heard. Please, go ahead.

Dr. DUNCAN: Thank you, Madam Speaker. That is the main point that I wanted to add while, since I am on my feet, saying that as the spokesperson has said, we on this side cannot in all conscience see any logic based upon the rationale that has been given for the extension of this Bill, and therefore, I will support the Opposition in not supporting the extension that is being requested.

(Applause by Opposition Members)

Dr. CHANG: Madam Speaker, I am urged to speak on this matter in supporting my colleague.

The question of crime and law and order has always been a - crime has been a major problem for this country for a long time. So too has been police brutality and arbitrary police action. We start with this piece of legislation, which has started a sunset clause and has one now, because we recognize certain elements to it.

The Member alluded to the 70s (inaudible) that, but throughout all of this there was a significant rise in the indicator we used, the prime indicator, for increasing crime homicides. In many ways, one of the speakers alluded to the fact that it is a State of disaster emergency when this country of our size is experiencing over a thousand murders and in some communities like Montego Bay where

we were having, maybe, one hundred thousand - a hundred per one murder in every ten thousand at times. That's a disaster! That's an emergency. Can't just disregard that element of what we trying to do. And to allude to the success of the efforts of the Government to control or bring about some order in the society to one event really, really leaves one to question your own call for restraint here. Because it's not the first time that we have had major events in inner-city areas. It's not the first time we have had major invasion of Tivoli Gardens.

Dr. DAVIES: First time.

Dr. CHANG: Not the first time. Twenty-one persons is a major invasion. Twenty-one persons were killed at one stage nothing happened after that.

(Inaudible comment by Dr. Davies)

Mr. BUCHANAN: And how much was killed labour day?

Dr. CHANG: Whatever the numbers are, it's a major event. Today what we have seen coming out since last year, is a series of activities by the Government including a number of legislation which has created the framework for effective policing. It is true that police brutality continues - I have it in my constituency. I have to deal with it daily and we are concerned, but it's not the legislation that is causing it.

The current Commissioner of Police has taken major steps more than many others to try and reduce the level of corruption in the rank and file of the police and we're having effect. But there will be continued problems - it will take a culture change in the police force which will take time. But in the meantime we have to retain the legislative framework and to give the police the resource to be effective

while we're doing other things. It is not just one event in West Kingston and it is not just the police action either.

The Government chose several programmes. A number are legacy programmes, other have been given increased funding, have had major impact in inner-city areas. You may have arrested forty per cent more people. We have had a reduction in homicides. We have also had some - JLP? gave out over fifteen hundred Scholarship to tertiary students in inner-city Corporate Area last year. They did for the first time in Montego Bay two hundred and seventy-eight of the kids coming from out of the inner-cities of Flanker -

(Inaudible comment by Mr. Bunting)

Dr. CHANG: All I'm saying to you, this is a number of events put together -

Mr. BUNTING: Your very arguments.

Dr. CHANG: What I'm saying to Honourable Members of this House, what the government has is a series of events, and activities and programmes that are impacting on the inner-city communities. Some of them are social events, and some of them are police activities. Those series of - that whole framework...

(Inaudible comment by Dr. Davies)

Dr. CHANG: ...ought not to be disturbed at this point in time. It's less than a year of activity. It needs to be extended to ensure that we have not only the impact of reduction in homicides and criminal activities but a change in the culture in the inner-city areas, which will lead to a sustainable character in the community. The majority of people in those inner-city communities enjoy the improved order. There are issues raised which we have to deal with and behaviour. But I have a larger

inner-city community than anyone of you in this House - and still is larger because although we have a new seat, the boundary don't change yet. I have the single largest group of inner-city communities in this House by far. At one stage I had forty-six thousand people on the voters' list of which less than six thousand people were any kind of middle income people. I deal with the problem every day and I think the current framework in which the government is operating, a combination of strong laws, increased police activity combined with increased social activity has led to reduction - major reduction in criminal activity. We must maintain this; we must keep it together until we are confident that the change that has come about is sustainable and permanent. To remove this legislation now is a betrayal to the police force and to the people who are benefiting from the improved security.

Government MEMBER: Hear, hear!

(Inaudible comment by Dr. Davies)

Mr. MAIR: In cold blood.

Dr. CHANG: One thousand murders. Talking about locking up some more people, yes. But we have reduced the number of people that has died. Every Jamaican life is highly valuable. To disregard that impact is insensitive and disrespect to the people of Jamaica and callousness that's just when people die and their family sit with them young people, children, you don't call that callousness with all that.

Government MEMBER: Hear, hear!

Dr. CHANG: That is an important part of the success of this activity...

Government MEMBER: Hear, hear!

Dr. CHANG: And that must be defended and this government has taken and put

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together a holistic programme, which must be seen as one. Where the Constitution was breached, we accept - we withdraw willingly. We are creatures of law. This does not breach the Constitution. And it is strong, I agree. It is hard. We put a sunset clause in. We, therefore...

(Inaudible comment by Opposition Member)

Dr. CHANG: Well, let the court judge. The Solicitor General has so advised. If one chooses to take it to court we are creatures of law we'll accept the Court's ruling. Until then I think it forms part of a framework of legislation and programmes that are critical to the maintenance of law and order and important in saving the lives of Jamaicans in the poor communities. Because it's the poor people that die. (Applause)

Government MEMBERS: Hear, hear!

Miss GRANGE: Madam Speaker, I'm going to be very brief because my colleague MP from South Central St. Catherine eloquently spoke on both our behalf. And we do work together because we have a great challenge in Spanish Town. We do not encourage the police to abuse the citizens and at the same time we do not encourage the criminals to attack the people and to break the law. (Applause) I just want to make one quick point and then I'll sit.

The Member from South East Hanover was the Minister of Mobilization.

A MEMBER: Gestapo.

Miss GRANGE: East Hanover - South East, isn't it?

Government MEMBER: East, east.

Miss GRANGE: Oh, East. East Hanover. When I was locked up for several months in detention, he was the Minister of

Mobilization. And when I sit here and I listen to the hypocrisy...

Mr. MONTAGUE: Shame!

Miss GRANGE: ...it really hurts.

Mr. MONTAGUE: Shame!

Miss GRANGE: I just want to make -

Dr. DUNCAN: Madam Speaker, on a Point of Order.

Miss GRANGE: No, he was the General Secretary.

Government MEMBER: Sit down, sit down. Shut yuh mouth!

Dr. DUNCAN: On a Point of Order, Madam Speaker.

Mr. BUCHANAN: The Minister isn't stating facts.

The SPEAKER: If it is a Point of Order, if it is a Point of Order?

Miss GRANGE: Madam Speaker, I will yield.

(Cross talk)

The SPEAKER: Let's hear the Point of Order, Madam. He has a right to rise on a Point of Order. What's your Point of Order?

Government MEMBER: What is your Point of Order?

Dr. DUNCAN: The Member is misleading the House.

(Inaudible comment by Mr. Montague)

Dr. DUNCAN: The Member is misleading the House. You have the book.

The SPEAKER: What is the?

Dr. DUNCAN: She said I was the Minister of Mobilization, meaning I was in the Cabinet at the time when she was detained. I became a Member of Parliament in December 1976. The State of Emergency was declared in June or early in 1976. I was not - never sat in this Parliament or became a Minister until 1977.

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The SPEAKER: All right. Allow her to respond. Go ahead.

Miss GRANGE: Madam Speaker -
(Cross talk)

Miss GRANGE: Okay, he was not the Minister of Mobilization, but during that period -

Opposition MEMBER: Withdraw it, withdraw it!

Miss GRANGE: But I said that. Okay, he was not the Minister of Mobilization.

Mr. BUCHANAN: No, but that's what you said.

Miss GRANGE: What's the big thing?
(The Speaker gavels).
(Cross Talk)

The SPEAKER: The Member -

Miss GRANGE: Listen, Madam Speaker.

The SPEAKER: Allow the Member to Speak. A Point of Order was made she has withdrawn it. She said he was not - she is entitled to finish her -

Miss GRANGE: Madam Speaker, I only speak in this House when I am moved to speak or when I speak on my subject. I don't heckle anybody, but I'm speaking from the heart today.

(Applause)

Government MEMBER: Who feels it, knows it.

Miss GRANGE: The Member.

Government MEMBER: Yes, man.

Another Government MEMBER: Hypocrite!

Miss GRANGE: ...okay, he was not the minister of Mobilization in those days. In those days, the General Secretary was as powerful as any Minister....

Government MEMBERS: More powerful.

Miss GRANGE:or more powerful, but I'm saying that today we don't need hypocrisy in this House.

Mr. MONTAGUE: Jook dem, Babsy, jook dem. (Applause)

Miss GRANGE: We need to deal with reality.

Mr. MONTAGUE: Jook dem with intensity.

Miss GRANGE: The Member from South Central St. Catherine and this Member of Parliament from Central St. Catherine, we understand; we defend our people. We defend them always. But at the same time they know we don't encourage criminality. And so, today I am voting with conviction.

Government MEMBER: Reality.

Miss GRANGE: The reality is that the police must have the authority and they must handle that authority with due respect for human rights. But if it means that it is going to keep crime down just like the other side justified it....

Dr. CHANG: Is poor people die, you know.

Miss GRANGE: ...when they locked me up for seven months when I didn't deserve it.

Government MEMBER: Oh, my God.

Miss GRANGE: Seven months of my life.

(Cross talk)

A Government MEMBER: The Minister of Information did that?

Other Government MEMBER: Ban him from the country.

Dr. BARTLETT: D. K. should get up and apologize for that.

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Miss GRANGE: And banned me, exiled me from this country.

Government MEMBER: Oh, my God!

Dr. CHANG: The land of your birth.

One Government MEMBER: Is that for real?

Miss GRANGE: Okay. Jamaica, my country. I don't think they should even dare to oppose...

Government MEMBER: Oh, my God!

Miss GRANGE: This piece of legislation. This extension, okay.

Government MEMBER: Shameful!

Miss GRANGE: So I would say to the Members on the other side...

Government MEMBER: Oh, my God!

Miss GRANGE: This is not something for us to take a partisan position.

One Government MEMBER: Fifth column.

Miss GRANGE: This is a matter that we must treat in a serious way, in a nonpartisan way because we're saving lives.

(Applause)

Mr. STERN: Saving lives.

Mr. CHUCK: Madam Speaker, I would like to thank the Members for their contributions even though I'm a little disappointed that the Members from Central Manchester, Central Kingston and Eastern Hanover clearly gave the wrong impression that this Bill gives the police the authority for arbitrary arrest, for arrest without cause or for scraping up people. This Bill does no such thing.

Government MEMBER: No way, no way!

Opposition MEMBERS: Lies, lies!

Mr. CHUCK: And, indeed, Madam Speaker, we must condemn the police if they

engage in arbitrary arrest or detention without cause or scraping up people.

(Applause)

Mr. STERN: We agree with that.

Mr. CHUCK: What this Bill says, and please read it and understand, if you arrest or detain a person you must have reasonable grounds for doing so.

Government MEMBER: Exactly.

Mr. CHUCK: And secondly, you arrest a person only if you believe the person has committed a crime, is about to commit a crime, or is involved in criminality.

Mr. MONTAGUE: (To the Opposition) All of dem are to be arrested.

Mr. BUCHANAN: You would love that eeh!

Mr. CHUCK: And what is more, Madam Speaker, the Bill says...

Mr. MONTAGUE: All of them are about to be arrested.

Mr. BUCHANAN: Shut up, shut yuh mouth!

Mr. CHUCK: ...in section (2) subsection (2) of 50(f).

Government MEMBER: Leave him.

(The Speaker gavels)

The SPEAKER: Just a minute, I want to make it abundantly clear that I do intend on either side of the House, I do not intend to allow any Member to behave in such an undignified manner. All of us, all of us and I'm trusting that no Member of this House is going to test me because I intend...

(Cross talk)

The SPEAKER: ...I intend that we ought - intend and I am speaking. I am speaking. I intend that we should behave in a dignified manner.

MEMBERS: Hear, hear!

(Applause)

Mr. CHUCK: Thank you, Madam Speaker. And I just want to emphasize, Madam Speaker that the Bill requires that the detained or arrested person should be brought to a JP and justified before a JP why he or she should be detained longer than a few hours. Once he is brought there a JP must -

(Cross talk)

Mr. CHUCK: Now, now, now -

(Cross talk)

Mr. BUCHANAN: Rubbish, that is rubbish!

Mr. CHUCK: If, Madam Speaker you say -

Mr. SHAW: (Inaudible comment)
...will throw you out now, that's for sure.

(Inaudible comment by Mr. Buchanan)

Mr. CHUCK: If you say, Madam Speaker that the Act of the Bill is not being executed properly, make that point, and here now, Madam Speaker.

(The Speaker gavels)

The SPEAKER: No, no, no! (The Speaker gavels)

No, I will not allow that. (To an Opposition member) Just take your seat. I'm going to ask you to withdraw that. That is not permitted. That is not permitted. You know, I feel -

(Cross talk)

The SPEAKER: Please allow me. I just spoke to the dignity and the behaviour in this Parliament.

A MEMBER: Amen!

The SPEAKER: And it cannot be that within one minute -

(Inaudible comment by Mrs. Neita-Headley)

The SPEAKER: Madam, I am speaking, Member. Within one minute that very unparliamentary comment was made, and I'm going to ask the Member to withdraw it. I'm not going to allow it. And if it has come from the other side I would do the same thing. I am not going to allow that comment to be made. So I'm going to invite the Member because the Member knows exactly what was said to withdraw that comment.

(Cross talk)

Mr. MONTAGUE: Shame, shame!

Mr. BUCHANAN: Okay, Speaker, I'll withdraw it.

(Laughter/Applause)

The SPEAKER: Now, Madam Speaker -

Mr. CHUCK: The Member from Eastern Hanover made a very good point. The price of freedom is eternal vigilance. And this is where this Minister of Justice...

Opposition MEMBERS: Whoa! Yes! Whoa!

(Applause)

Dr. DAVIES: Don't fight down Dorothy now! Don't fight down Dorothy now...

Mr. CHUCK: ...is asking every Member of Parliament and every Jamaican citizen to let the Minister of Justice know if this Act is not being executed properly, or if it is being breached. Because, Madam Speaker - and I say it with all sincerity - if we in Jamaica are to really move our country forward, we have to respect one another, however lowly we come - however lowly our status. (Applause) And whether we come from Grants Pen, Payne Avenue...

A MEMBER: Back Bush!

Mr. CHUCK: Homestead.

A MEMBER: Top Mountain.

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Mr. CHUCK: ...wherever, the police must respect the individual rights and freedoms. (Applause) And, Madam Speaker, I am going to call on the Independent Commission of Investigations, INDECOM, to be particularly vigilant in the operation of this Act so that if persons, during an operation, are detained that the police must give reasonable reasons why the person is detained beyond 24 hours.

(Inaudible comments by a Member)

Mr. CHUCK: INDECOM can come in once it is felt that there is an abuse of powers. Not only that, Madam Speaker, the Criminal Justice Board has a duty to inspect these jails on a regular basis.

Dr. DAVIES: Bring back Dorothy. All is forgiven. Bring back Dorothy. All is forgiven.

(Interruptions)

Mr. CHUCK: And all I'm saying, Madam Speaker, naive though many Members will think I am, we have to ensure that we don't have any injustice in this country. But at the same time, we must really urge and encourage the police to pick up criminals wherever they are.

A MEMBER: Hear, hear!

Mr. CHUCK: And when they pick them up, give them enough time and latitude to ensure that they are charged within a reasonable time. And if injustice is going to be committed, then we as citizens, we must put in place the necessary protection. And we are doing so with INDECOM, we are doing so with the various Parish Criminal boards, we are doing so with duty councillors. And I am saying as Minister of Justice, let me know so that we can put in place that the citizens of this country do not suffer from injustice.

(Applause)

Mr. M. PEART: That's right.

Mr. CHUCK: So in asking for the approval, Madam Speaker, Members must recognize that it is not this Act that is continuing this culture that was created under the Suppression of Crimes Act. What we need to do is to cut it out by ensuring that there is no injustice. But at the same time, we must encourage and assure the police that you must go out there and when you have reasonable grounds for detaining persons, detain them and charge them within a reasonable time.

(Applause)

So I urge Members during the continuation of this Act, this Minister of Justice is going to ensure that it is carried out with justice and not injustice.

I ask for the approval of this House.

(Applause)

A MEMBER: Well said!

The SPEAKER: The question before this House is that we do approve the motion as brought by the Minister of Justice. Those in favour?

Opposition MEMBER: Divide!

(Inaudible comments)

Mr. M. PEART: When she says, those against, you fi seh divided!

The SPEAKER: (Gavelling) The Clerk is on her feet and must be heard.

A divide having been called, Members voted as follows:

Ayes

Mr. E. Bartlett

Dr. Bartlett

Dr. Chang

Mr. Charles

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Mr. Chuck
 Mr. Gallimore
 Miss Grange
 Mrs. Hay-Webster
 (Applause by Government Members)
 Mr. Henry
 Mr. Hibbert
 Mr. Holness
 Mr. Lawrence
 Mr. Mair
 Mr. Montague
 Mr. Mullings
 Mr. Peralto
 Mr. Shaw
 Mr. Rudyard Spencer
 Mr. Stern
 Mr. Witter

Noes

Mr. Buchanan
 Mr. Bunting
 Dr. Davies
 Dr. Duncan
 Dr. Ferguson
 Dr. Guy
 Miss Hanna
 Mr. Hylton
 Mr. Kellier
 Dr. McNeill
 Mrs. Neita-Headley
 Mr. M. Peart
 Mrs. Simpson Miller
 Reverend Thwaites

Absent

Mr. Arscott
 Dr. Baugh
 Mr. Broderick
 Mr. Clarke

Mr. Fagan
 Mr. Golding
 Dr. Harris
 Mr. Hayles
 Mrs. Henry-Wilson
 Mr. Hutchinson
 Mr. Jackson
 Mr. Paulwell
 Mr. D. Peart
 Dr. Phillips
 Mr. Pickersgill
 Dr. Rhodd
 Mr. James Robinson
 Mrs. Robinson
 Mr. Samuda
 Mr. D. Smith
 Mr. E. Smith
 Mr. Kern Spencer
 Dr. Tufton

Mr. Vaz

Mr. Warmington

Mr. BUCHANAN: Bruce run away!
 Him gone!

Mr. MONTAGUE: Portia, don't drink
 any water from them tomorrow on the bus trip.
 Tek a different bus.

Mr. SHAW: You ride pony uh own bus,
 yu hear!

Dr. DAVIES: Ah leave oonu to
 Warmington. Mek the driva drive him own
 bus. Ah leave oonu to Warmington.

Mr. MONTAGUE: Portia, if yuh
 hungry, want water or food, jus' call me, doan
 trus' dem!

Miss HANNA: Ah doan understand, you
 know, Madam Speaker. What's going on?
 How you not... anybody? Ah doan'
 understand?

(Inaudible comments by Dr. Davies)

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The SPEAKER: We are waiting on the results.

(Inaudible comments by Members on both sides)

Mr. BUCHANAN: Clive, ah disappointed in yuh vote though. Is yuh position why yuh vote the way yuh vote? Ah can' believe yuh!

The SPEAKER: Honourable Members of the House the figures as voted. Those for the ayes – 20; those against – 14 and 25 Members absent.

Motion approved by the House.

(Applause by Government Members)

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today.

Miss HANNA: What about questions?

A MEMBER: Tomorrow. When the House meets tomorrow. The House sitting tomorrow.

Mr. HOLNESS: Madam Speaker, I would recommit the Item 'Questions'

A MEMBER: House Leader, let them ask the questions tomorrow.

The SPEAKER: The question before the House is that the Item, 'Questions' in Questions to be answered, be... the Standing Orders be amended to allow the recommittal... suspended to allow for the recommittal of question time.

Put to the House and agreed to.

(Cross talk)

The SPEAKER: Those in favour?

MEMBERS: Aye.

Miss HANNA: Mrs. Coke...

The SPEAKER: Is there... Mrs. Coke, ehm, will the Clerk assist me. I asked those in favour of the recommittal.

MEMBERS: Aye.

**QUESTIONS AND ANSWERS TO
QUESTIONS
(Recommitted)**

Mr. PEART: Madam Speaker, on behalf of the Member for East Central St. Andrew, I'd like to ask the Minister of Finance the following questions:

Question 1: Will the Minister advise as to the status of December 2010 and March 2011 Reviews of the Performance Target undertaken by the International Monetary Fund (IMF) under its Standby Agreement?

Question 2: If the Government failed to meet any of the performance targets will the Minister indicate which targets and the extent of the variation from those targets?

Question 3: Will the Minister advise if the recent Public Sector wage settlements were provided for in the original target scheduled for review in 2011-2012 fiscal year?

Question 4: If the answer to Question 3 above is no, why not?

Question 5: What elements of the Budget will be cut to meet the government's obligation?

Miss HANNA: Madam Speaker, at the expiration of 21 days, I wish to ask the Minister of Youth, Sports and Culture, the questions standing in my name. Thank you.

Question 1: Is the Minister aware that the 2011 JCDC Festival Song

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compilation CD bears her name as Executive Producer?

Question 2: Can the Minister advise the Parliament as to what changes in policy led to the replacement of the JCDC as Executive Producer as previously obtained?

Question 3: Will the Minister outline what steps were taken to arrive at her selection as Executive Producer?

Question 4: Can the Minister advise this House if her specific commercial interests in this matter had been declared and disclosed to the relevant parliamentary and other bodies a priority?

Question 5: Will the Minister therefore outline what if any steps/measures did she take to so declare her commercial interests?

Dr. DAVIES: Madam Speaker, there are four questions standing in my name, two to the Minister of Finance and two to the Minister of Transport and Works. Now, I've been in dialogue with the Minister of Transport and Works and he has given me copies of the answers to both sets of questions, and has proposed that we meet to discuss my responses. I've agreed, but I still wish to utilize my right to have the questions answered.

As regards the Minister of Finance, he has sent me a note, but I'm not very clear as to what his proposals are with regard to the two sets of questions. So I'd wish for your direction as to how I should proceed.

The SPEAKER: Member, in an attempt to see that we operate efficiently in the House, I have had discussions with the Minister, and he has assured me that he shall be answering at least one of your questions tomorrow and the other one will be answered.

Miss HANNA: No, but nobody...
(Cross talk)

The SPEAKER: ...at the next sitting of the House and other one will be answered when the matter about which you have asked is completely and satisfactorily completed. So I am assured that your questions as asked will be answered by the Minister. I did speak to him about it.

Mr. M. PEART: Madam Speaker, on behalf of the Member from Central Kingston, I'd like to ask the Minister of Finance the following questions:

Question 1: How does the Government plan to deal with the pending public Sector wage claims for the period 2010- 2012?

Question 2: How does Government propose to cope with the unfunded portions of the non-contributory Public Sector pension obligations?

Dr. DAVIES: Madam Speaker, with regard to the - I just want to be clear about your discussions with the Minister of Finance - when will I have the opportunity to receive responses to these questions?

The SPEAKER: At the next sitting of the House.

Dr. DAVIES: Both sets of questions?

The SPEAKER: One set of question, I'm assured, will be answered at the next sitting of the House and the other question will be answered when the matter to which your

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question refers, when that matter is satisfactorily completed and then the Minister will give the answer.

Dr. DAVIES: I would never wish to challenge your authority, but it seems that we're extending it, in the sense that there's nothing wrong with the Minister answering, and in terms of the areas where he has not completed negotiations he can so say. But I do not believe, Madam Speaker, it can be permitted that he could say his answer when the matter is completed. That seems a very strange way to approach his question.

The SPEAKER: Probably my answer was a little too wide. The matter is soon to be completed on the second matter and therefore I am assured that you are going to - and in the public interest and the nature and the sensitivity of the matter, I ask that you allow our...

Dr. DAVIES: Madam Speaker, I welcome you to the position, but I just would like to indicate that exact response was given to me about six months ago, so we have a difficulty in knowing when soon to - when soon will be. But so be it, Madam Speaker, I won't - I must confess that I've seen an improvement in terms of the response.

Now for the Minister of Transport and Works...

A MEMBER: He's gone.

Dr. DAVIES: Oh, he's gone.

A MEMBER: He left.

(Inaudible comments/heckling)

Mr. BUCHANAN: No man him must under the table, si if him under the table.

Dr. DAVIES: Well, Madam Speaker, could I suggest - and it is in - the Minister of Transport and Works has provided me with

data on the JDIP programme, and I believe, Madam Speaker, that this data set should be copied to every single Member of Parliament. I make this suggestion, Madam Speaker, because the information being provided here, certainly in the case - and I speak now as a Member from South St. Andrew - there 's a divergence between that which is here and that which was presented to me. And I believe that it's imperative that there's some consistency in the information provided on this important document. So I would suggest that with your permission, this data set be copied and provided to every single Member of Parliament. During the interim, I will have the meeting with the Minister, but this data set, Madam Speaker, in terms of the information on the JDIP, it diverges significantly from the information which has been provided to individual Members of Parliament.

Dr. BARTLETT: Are we having a debate?

Dr. DAVIES: Canine Division shut up.

MEMBERS: No! No! No! No!

Dr. DAVIES: I am on my feet.

MEMBERS: No! No! That's unparliamentary.

Mr. BUCHANAN: What's unparliamentary about that?

A MEMBER: He answered because you were quiet.

Dr. DAVIES: Madam Speaker...

(Cross talks)

MEMBERS: Sit down!

The SPEAKER: Members, Members, but you must respect the fact - that comment was not parliamentary - but you must respect that fact that the Member is on his feet...

Dr. DAVIES: Thank you very much

Madam Speaker, for your protection.

The SPEAKER: ...and he has a right to speak, and he has a right to be heard in silence.

That comment was unparliamentary...

Dr. BARTLETT: Yes!

The SPEAKER: ...but - very unparliamentary - but we must understand...

Dr. BARTLETT: But he must withdraw it!

The SPEAKER: Yes, and I'm going to ask him to. But I'm also asking...

A MEMBER: And he must apologize!

The SPEAKER: ...that the Members of the House recognize, that when someone is on their feet they have a right to be heard in silence.

(Inaudible comment/Laughter by Mr. Shaw)

Dr. DAVIES: Madam Speaker, let me apologize because I didn't know what division he's responsible for, but I was informed that it was the Canine Division and I'm sorry that I was incorrect in that regard. (Laughter/applause) I would be grateful if someone clarified...

MEMBERS: Mountain police, mountain police.

Dr. DAVIES: ...clarified for me so I could address him with his proper...

(*Sotto voce* comments by Members)

Dr. DAVIES: I'm sorry for that error, Madam Speaker. (Laughter)

So, Madam Speaker, I can't go much further, but can I get some help in terms of more prompt responses to my questions, Madam Speaker?

The SPEAKER: I give you my commitment that I'm going to do all that I can, and I am going to have discussions with the Leader of Government Business so that we

can, in fact, have the questions answered in a timely fashion.

Dr. DUNCAN: Madam Speaker, would the Minister of State...

Mr. HOLNESS: No.

Dr. DUNCAN: He can't?

(Inaudible comment by Mr. Holness)

Dr. DUNCAN: He can't say a word?

MEMBERS: No, no he's a canine...

Mr. MONTAGUE: Sit down!

Dr. DUNCAN: He can't speak?

Mr. BUCHANAN: He's not so equipped.

Dr. DUNCAN: He can't cross it?

A MEMBER: No! (Laughter)

ADJOURNMENT

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today, but as a matter of - few housekeeping matters, Parliament goes on recess, starting tomorrow. We will have to recall the House....

Mr. MONTAGUE: Tomorrow.

Mr. HOLNESS: ...the last week...

A MEMBER: No, we want to come tomorrow.

Mr. MONTAGUE: I want to come tomorrow.

Mr. HOLNESS:well. Somewhere round about the 23rd.

MEMBERS: I want to come to work.

Mr. MONTAGUE: I am going to make sure Portia gets.... (Inaudible)

Mr. HOLNESS: We will have to recall the House somewhere around the last week in August. The week - well not the 29th, maybe the 23rd.

Dr. DAVIES: What about the Supplementary?

Mr. HOLNESS: Now, the Parliament, Madam Clerk, the repair work will be done on

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the Parliament building, so at the point of the recall we may not be able to use the Parliament, so we will have to take Parliament elsewhere.

Mr. MONTAGUE: The Conference Centre.

Mr. HOLNESS: We haven't decided where that place will be...

Mr. M. PEART: Take it to Cross Keys.

Mr. HOLNESS: You're inviting us to Cross Keys?

Mr. M. PEART: At the Courthouse.

Mr. HOLNESS: Well we will consider it, we will consider it.

So I want Members to be aware that when we are recalled we may not be sitting in this House, we may have to convene Parliament elsewhere. So we have the last week of July and three weeks in August as our recess.

Madam Speaker, it is not proposed to do any...

Mr. BUCHANAN: Thank you, Madam Speaker.

Madam Speaker, in light of what the Leader of Government Business has just said in relation to the CDF, wherein projects were approved but monies were not disbursed on 2010 to 2011 budget. I would like to know, since we' ll be on recess for that extended period, what will it be, if it will be in the Supplementary Budget, where will it fall?

Dr. DUNCAN: Nobody cannot cross it.

Mr. BUCHANAN: Audley can cross it.

Mr. SHAW: Madam Speaker, I'm dealing with the budget of the current fiscal year.

Mr. BUCHANAN: So, Madam Speaker, is that an indication from the Minister of Finance that it is out?

Dr. DUNCAN: No, it's in.

Mr. SHAW: It's in.

Mr. BUCHANAN: It's in?

Mr. SHAW: Yes.

(Heckling)

Mr. BUCHANAN: So, Madam Speaker, my question then to the Honourable Minister is, if he'll make provision in this budget for that - Supplementary Budget, sorry - for those amounts?

A MEMBER: Audited.

The SPEAKER: The Minister will take advice on the matter. The...

MEMBERS: No way.

Mr. DUNCAN: No, let him indicate himself.

Mr. SHAW: Madam Speaker, Madam Speaker, I want to remind Members that - and the former Minister of Finance is very well aware of it - that whatever is budgeted and not expended by the end of a fiscal year, automatically has been subsumed. And therefore, in respect of the matter that the Member has raised, I will have to be advised as to what arrangements he is aware of that I as Minister might not be.

Mr. BUCHANAN: Madam Speaker, technically what the Minister is saying is that, whereas as Members of Parliament we had sent in our projects and they were approved and the Government has bungled, in regard to dealing with the projects. We must tell our constituents that the Government chose to make a savings from bungling?

Mr. MONTAGUE: You know, Madam Speaker, I am surprised at the Member.

Dr. DAVIES: So how you get to be talking?

Mr. MONTAGUE: The Report from that Committee spoke to the lateness and the tardiness of some Members of Parliament.

Mr. BUCHANAN: Madam, Speaker, on a point of order.

Mr. MONTAGUE: Some Members...

Dr. DAVIES: How yuh talking Montague, what's your contribution?

The SPEAKER: Members, first of all it is now 7:20.

House Leader.

Mr. HOLNESS: Madam Speaker, I'd like to move for the suspension of Standing Orders to allow the House to sit beyond 7:30.

The SPEAKER: Members, the question before the House is that the Standing Orders be suspended to allow us to sit beyond 7:30 - to complete the discussion beyond 7:30.

Put to the House and agreed to.

Mr. BUCHANAN: Madam Speaker, the Member is - I wouldn't say, Madam Speaker, that he is deliberately...

Dr. DAVIES: Him don't understand.

Mr. BUCHANAN: ...I don't think he is...

A MEMBER: Up to date, in other words.

Mr. BUCHANAN: ...apprised of the situation. That minutes which he is referring to was withdrawn and minutes reflecting that the true position, as it relates to submission of projects and projects approved, has been circulated. And I'm arguing in relation, Madam Speaker, to the new minutes.

Mr. MONTAGUE: I'm sure you will recall that there was a discussion on the document, where some Members who were tardy, actually appealed to the Honourable Prime Minister...

Mr. BUNTING: You are lying! You are lying!

Mr. MONTAGUE: ...to have some of these late submissions approved. And they were considered...

(Cross talks)

Mr. MONTAGUE: ...they were considered by the Committee...

Mr. BUNTING: That is false!

Mr. BUCHANAN: Madam Speaker, that is...

Mr. MONTAGUE: ...they were...

Mr. BUCHANAN: Is not true, him lying through him teeth.

(*Sotto voce* comments)

The SPEAKER: Members, Members, Members, Members, Members, Members, the public are the ones that are judging us. We are the ones that go back to the polls and amazingly, they're going to answer, they're going to look at us and judge us really harshly, if we do not behave ourselves. And I really feel that I'm a school teacher constantly and it doesn't look good.

Dr. DAVIES: Madam Speaker, may I suggest that we end the discussion at this point? I don't think it's going to be resolved here, so let us - there are things which can - I don't know how it will turn out, but I think there'll be - I think a better approach is if off the record - some discussions are held in this regard.

(Applause)

Mr. BUCHANAN: That is very bad.

The SPEAKER: I'm grateful to the Member, I'm grateful to the Member and I think we will adopt the suggestion.

Dr. BARTLETT: Madam Speaker, I think the Member is correct, because the Member recall very well, that we're...

A MEMBER: No.

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The SPEAKER: Correct, we're not going to go into it, we're going to adopt the suggestion.

Dr. BARTLETT: Just a minute, Madam Speaker, just a minute Madam Speaker.

The SPEAKER: Member, either we are going to adopt the suggestion and allow the conversation on the matter to come to an end and use another forum now. I don't want to say we're adopting it and then give an opening. Please.

Dr. BARTLETT: It's nothing controversial, Madam Speaker. It's nothing controversial.

(Inaudible comments by Opposition Members)

Dr. BARTLETT: It's nothing controversial.

The SPEAKER: Member, I'm going to urge you to let us close it, because you might say something that might elicit a response from the other side. So I am going to urge us all, as Members of the House, to adopt the course suggested by the Member.

MEMBERS: Aye.

Dr. BARTLETT: Madam Speaker, I will yield to your request.

A MEMBER: Yes.

Dr. BARTLETT: Or to your, well, to your request.

The SPEAKER: Please, thank you, St. Aubyn, because I...

(Inaudible comment by some Members)

The SPEAKER: Minister.

Dr. BARTLETT: And remind Dr. Davies that he took away some money from me from LDP by telling me that I was late. (Laughter)

Mr. HOLNESS: Madam Speaker, it is not proposed to do any further business today, I therefore move, Madam Speaker, that the House do adjourn for a date to be fixed.

The SPEAKER: The question before the House is that this Honourable House do adjourn for a date to be fixed.

Put to the House and agreed to.

The SPEAKER: This Honourable House is now adjourned.

The House was adjourned at approximately 7:25 p.m. for a date to be fixed.