



MINUTES

OF THE

HONOURABLE JAMAICA HOUSE

OF REPRESENTATIVES

At a meeting of the Members of the House of Representatives held pursuant to adjournment at Gordon House in the City and Parish of Kingston on Tuesday, the

13TH DAY OF OCTOBER, 2009.

The House met at 2:42 p.m. o'clock.

Prayers were offered by Mr. Desmond Mair.

Call of the Roll.

PRESENT WERE:

The Honourable Delroy Hawmin Chuck, Speaker

Mrs. Marisa Colleen Dalrymple Philibert, MP, Deputy Speaker

The Honourable Andrew Michael Holness, MP, Minister of Education and Leader of the House

The Honourable Orette Bruce Golding, MP, Prime Minister & Minister of Defence

The Honourable Parnel Patroe Charles, C.D., MP, Minister of Labour & Social Security

The Honourable Dr. Horace Anthony Chang, MP, Minister of Water & Housing

The Honourable Edmund Curtis Bartlett, MP, Minister of Tourism

The Honourable Neville Andrew Gallimore, MP, Minister of State in the Ministry of Labour and Social Security & Deputy Leader

The Honourable Daryl Wesley Phillip Vaz, MP, Minister without Portfolio in the Office of the Prime Minister, with responsibility for Information and Communication

The Honourable Clifford Everald Errol Warmington, MP, Minister of State in the Ministry of Water and Housing

The Honourable Shahine Elizabeth Robinson, MP, Minister of State in the Office of the Prime Minister

The Honourable William James Charles Hutchinson, MP, Minister of State in the Ministry of Agriculture and Fisheries

The Honourable Robert St. Aubyn Montague, MP, Minister of State in the Office of the Prime Minister

Mr. Noel George Delano Arscott, MP, Clarendon, South Western

Dr. St. Aubyn Bartlett, MP, St. Andrew, Eastern

Mr. Luther Bartley Monteith Buchanan, MP, Westmoreland, Eastern

Mr. Peter Murcott Bunting, MP, Manchester, Central

Mr. Roger Harold Clifford Clarke, MP, Westmoreland, Central

Dr. Omar Lloyd Davies, MP, St. Andrew, Southern

Dr. Donald Keith Duncan, MP, Hanover, Eastern

Mr. Colin Alfred Alexander Fagan, MP, St. Catherine, South Eastern

Dr. Fenton Rudyard Ferguson, MP, St. Thomas, Eastern

Dr. Morais Valentine Guy, MP, St. Mary, Central

Ms. Lisa Rene Shanti Hanna, MP, St. Ann, South Eastern

Dr. Esmond Vernal Patrick Harris, MP, Trelawny, Northern

Mrs. Maxine Antoinette Henry-Wilson, MP, St. Andrew, South Eastern

Mr. Joseph Uriah Hibbert, MP, St. Andrew, East Rural

Mr. Fitz Arthur Jackson, MP, St. Catherine, Southern

Mr. Derrick Flavius Kellier, MP, St. James, Southern

Mr. Desmond Gregory Mair, MP, St. Catherine, North Eastern

Mrs. Natalie Gaye Neita-Headley, MP, St. Catherine, East Central

Mr. Phillip Feanny Paulwell, MP, Kingston Eastern & Port Royal

Mr. Dean Alexander Peart, MP, Manchester, North Western

Mr. Michael Anthony Peart, MP, Manchester, Southern

Mr. Tarn Andrew Peralto, MP, St. Mary, South Eastern

Dr. Peter David Phillips, MP, St. Andrew, East Central

Mr. Robert Dixon Pickersgill, MP, St. Catherine, North Western

Mr. Derrick Charles Smith, MP, St. Andrew, North Western

Mr. Ernest Augustus Smith, MP, St. Ann, South Western

Mr. Kern O'Mar Spencer, MP, St. Elizabeth, North Eastern

Mr. Michael Anthony Stern, MP, Clarendon, North Western

Reverend Ronald George Thwaites, MP, Kingston, Central

Mr. Franklyn Robert Witter, MP, St. Elizabeth, South Eastern

ANNOUNCEMENTS

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

Report of Investigation – Conducted into the Allegations
of Corruption and Irregularity that are related to certain
Government of Jamaica Bridge Building Contracts that were
Awarded to the British Firm of Mabey and Johnson Limited
(Presented by the Office of the Contractor-General)

National Works Agency (NWA)
Audited Financial Statements for the year 2006/2007
(Presented by the Auditor General's Department)

Certified Appropriation Accounts

<u>Head</u>	<u>Ministry/Department</u>	<u>Financial Year</u>
2823	Court of Appeal	2008/2009
2825	Director of Public Prosecutions	2007/2008
2833	Chief Parliamentary Counsel	2007/2008

(Presented by the Auditor General's Department)

QUESTIONS AND ANSWERS TO QUESTIONS

The Minister of Education and Leader of the House, the Honourable Andrew Holness moved for the suspension of the Standing Orders to enable the Prime Minister to respond to a question before the expiration of 21 days.

Seconded by: Mr. Tarn Peralto.
Agreed to.

Dr. Peter Phillips asked the Prime Minister the following question:

- Part 1. Is the Prime Minister aware of allegations made recently in the United Kingdom (UK) in the case of Regina vs. Mabey and Johnson which implicate a sitting Member of the Parliament of Jamaica?
- Part 2. Is the Prime Minister aware that the gravamen of the allegations suggests that there was an abuse of public office for personal gain by the then Technical Director in the Ministry of Works?
- Part 3. Does the Prime Minister consider that these allegations *inter alia* could have a negative effect on Jamaica's reputation in the international community?
- Part 4. Can the Prime Minister advise what steps have been taken by the Government to have the matter investigated so that any possible breaches of the Laws of Jamaica, whether committed by the then Chief Technical Director or any one else can be fully prosecuted by the Jamaican authorities?
- Part 5. Has any assistance been sought by the UK Authorities in pursuit of these investigations?
- Part 6. Will the Prime Minister give a general idea as to when he expects these investigations to be concluded and action taken?

The Prime Minister gave the following response:

Answer to Part 1

Yes.

Answer to Part 2

While the allegations so suggest, it must be noted that these allegations were not tested in the Court proceedings and are contained in documents released by the Court which concealed the identities of the officials of Mabey and Johnson who were involved in the alleged activities.

Answer to Part 3

No.

Answer to Part 4

The Jamaican Police have been investigating the matter in collaboration with the Serious Fraud Office of the United Kingdom. In addition, the Contractor-General conducted his own investigation and has submitted his report to Parliament which has also been referred to the Director of Public Prosecutions and the Commissioner of Police.

(Mr. Clive Mullings, MP, St. James, West Central entered and took his seat)

Answer to Part 5

Please see answer to Part 4.

Answer to Part 6

Please see answer to Part 4.

(The Minister of Industry, Investment and Commerce, the Honourable Karl Samuda, entered and took his seat).

(The Deputy Prime Minister and Minister of Foreign Affairs and Foreign Trade, the Honourable Dr. Kenneth Baugh entered and took his seat).

(The Minister of Mining and Energy, the Honourable James Robertson, entered and took his seat).

(The Minister of Water and Housing, the Honourable Dr. Horace Chang, entered and took his seat).

(Mr. George Anthony Hylton, MP, St. Andrew, Western entered and took his seat).

(The Minister of Finance and the Public Service, the Honourable Audley Shaw, entered and took his seat).

(The Minister of Agriculture and Fisheries, Dr. the Honourable Christopher Tufton, entered and took his seat).

(Mr. Othneil Lawrence, MP, St. Ann, North Western entered and took his seat).

Mr. Desmond Mair withdrew the questions standing in his name at numbers 14 and 15 on the Question Notice Paper; he further gave notice that at the expiration of 21 days he would ask the Prime Minister the following questions:

- 1.** (1). How many persons are currently before the Courts who have been charged with a criminal offence and of those how many are presently on bail?

(2). Of those on bail, how many were previously sentenced and imprisoned for an offence(s) and/or how many are presently on bail for another similar offence(s)?

(3). Could the Prime Minister advise how these figures compare over the past five years?
- 2.** (1). Can the Prime Minister advise how many new judges have been appointed by the Judicial Services Commission pursuant to the recent amendments to the Judicature (Appellate Jurisdiction) Act and the Judicature (Supreme Court) Act and in what stage of completion is the appointment process of the additional judges permitted by the recent amendments?

(2). Can the Prime Minister advise whether amendments to the Jury Act have been implemented, specifically whether the jury pool is now being drawn from the pool of persons registered under section 17D of the Revenue Administration Act (persons holders of a TRN) and whether service of summons to jurors is now undertaken by persons designated by the Registrar of the Supreme Court other than members of the Constabulary Force?

(3). Can the Prime Minister advise what is the present stage of implementation of the new requirements established in the recently-amended Coroners Act, specifically the establishment of an Office of the Special Coroner?

(4). Can the Prime Minister give a report on the present backlog of cases before the Courts?

(5). Can the Prime Minister give a report on the present stage of implementation of the recommendations outlined in the Jamaican Justice System Reform Task Force Report?

Mrs. Natalie Neita-Headley gave notice that at the expiration of 21 days, she would ask the Minister of Finance and the Public Service the following questions:

1. Will the Minister provide the details of the remuneration package for the Executive Director of the National Solid Waste Management Authority (NSWMA)?

2. (1). In light of on-going efforts to restructure and modernize the public sector, could the Minister provide a list of all advisers and consultants currently engaged at each Ministry?

(2). Will the Minister indicate the service being provided and the level of compensation being paid to each?

Mr. Franklyn Witter gave notice that at the expiration of 21 days he would ask the Minister of Water and Housing the following question:

(1). Will the Minister give an update on the Essex Valley Water Project slated for South East St. Elizabeth?

(2). How will the Parrotee Water Scheme impact the supply of water into Southfield and the surrounding communities?

(The Minister of Transport and Works, the Honourable Lester Michael Henry, entered and took his seat).

Dr. Peter Phillips gave notice that at the expiration of 21 days he would ask the Prime Minister the following question:

(1). Does the Prime Minister recall that this House in 2005 passed The Criminal Justice (Plea Negotiations and Agreements) Act, otherwise called the Plea Bargaining Act?

(2). Would the Prime Minister indicate whether this Act is now in force and is being relied upon by the prosecutors for the State?

(3). If not, would the Prime Minister indicate why?

(4). Could the Prime Minister indicate if and when this Legislation will come into force?

PRESENTATION OF BILLS WITHOUT LEAVE OF THE HOUSE FIRST OBTAINED

Mr. Franklyn Witter, on behalf of the Chairman of the Private Bills Committee, moved to introduce and have read a first time a Bill shortly entitled “The Church of Haile Selassie I (Incorporating and Vesting) Act, 2009.”

Clerk read Bill a first time.

Notice of second reading given.

The Minister of Transport and Works, the Honourable Lester Michael Henry, moved to introduce and have read a first time a Bill shortly entitled “The Public Passenger Transport (Kingston Metropolitan Transport Region) (Jamaica Urban Transit Company Limited Third-Party Insurance Scheme) (Validation and Indemnity) Act, 2009.”

Clerk read Bill a first time.

Notice of second reading given.

PUBLIC BUSINESS

The Prime Minister, the Honourable Orette Bruce Golding moved that the Bill entitled “An Act to Amend the Constitution of Jamaica to provide for a Charter of Fundamental Rights and Freedoms and for connected matters” be now read a second time.

(The Minister of Health, the Honourable Rudyard Spencer, entered and took his seat).

(The Minister of State in the Ministry of Mining and Energy, the Honourable Laurence Broderick, entered and took his seat).

The Prime Minister, having spoken for 45 minutes, the Minister of Education and Leader of the House moved for the suspension of the Standing Orders to enable him to continue his speech to its conclusion, notwithstanding the time limit on speeches.

Seconded by: Mr. Clive Mullings.

Agreed to.

Further debate on the substantive motion was by leave deferred.

ADJOURNMENT

At 5:14 p.m., the Minister of Education and Leader of the House moved that the House do now adjourn to Tuesday, October 20, 2009 at 2:00 p.m. o'clock.

Seconded by: Mr. Desmond Mair.
Agreed to.

On the Motion for the adjournment, the Minister of Education and Leader of the House invited the House to note the recent passing of three renowned Jamaicans and to pay tribute.

The Deputy Prime Minister and Minister of Foreign Affairs and Foreign Trade, the Honourable Dr. Kenneth Baugh along with Mr. George Anthony Hylton and the Prime Minister paid tribute to the late Ambassador Keith Johnson.

The Prime Minister also paid tribute to the late Dr. Wycliffe Bennett, C.D. and the late Mr. Sonny Bradshaw, O.D.

Mrs. Maxine Henry-Wilson and Ms. Lisa Hanna both paid tribute to the late Dr. Wycliffe Bennett, C.D.

At 5:34 p.m. on the Motion for the adjournment being put, same was agreed to.

The House adjourned accordingly.

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Delroy Chuck, MP
Speaker