



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 Wednesday, the

3RD DAY OF MARCH, 2010.

The House met at 2:22 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 & Leader of the House

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

The Honourable Lester Michael Henry, C.D., MP, Minister of Transport and Works

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

Dr. the Honourable Christopher Charles Tufton, MP, Minister of Agriculture and Fisheries

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 Michael Anthony Stern, MP, Minister of State in the Ministry of Industry, Commerce and Investment

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

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

Dr. Donald Keith Duncan, MP, Hanover, Eastern

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

Mr. Ian Dave Hayles, MP, Hanover, Western

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

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

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

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

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

Reverend Ronald George Thwaites, MP, Kingston, Central

ANNOUNCEMENTS

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

Office of the Contractor General of Jamaica
Report of Investigation - Conducted into the Procurement Practices of the Ministry of Health and Environment an/or its Regional Health Authorities

<u>Certified Appropriation Accounts</u>		
<u>Head</u>	<u>Ministry/Department</u>	<u>Financial Year</u>
2041	Taxpayer Audit and Assessment Department	2008/2009
<i>(Presented by the Auditor General's Department)</i>		

(The Leader of the Opposition, the Most Honourable Portia Simpson Miller, entered and took her seat).

(Mr. Franklyn Witter, MP, St. Elizabeth, South Eastern, entered and took his seat).

QUESTIONS AND ANSWERS TO QUESTIONS

Mrs. Maxine Henry-Wilson asked the Minister of Education and Leader of the House, the following question:

Part 1. Can the Minister inform the House of the status of the *Strategic Policy and Plan for the Tertiary Sector in Jamaica* and the schedule for laying and debating it in the House?

Part 2. Can the Minister also indicate whether this document will be presented in the public domain for the purposes of public education and consultation?

Part 3. Will the Minister explain to the House the implications and likely impact of the conditionality contained in Jamaica's *Memorandum of Economic and Financial Policies with the IMF* which states:

A nominal freeze will also be implemented on tuition subsidies for tertiary education at the level of the FY 2009/10 Budget, while a system of means testing will be introduced. Subsidies on external school examination fees will be reduced by improving the incentive structure (e.g. providing reimbursement based on results).

The Minister of Education and Leader of the House, the Honourable Andrew Holness, responded as follows:

Answer to Part 1:

The Strategic Policy and Plan for the Tertiary Sector proposes to establish a Commission to regulate and give oversight to the sector. Consideration will be given to rationalizing a number of individual oversight bodies. The Cabinet Submission for this proposal will be tabled at Cabinet between the end of March and April.

Answer to Part 2:

Public consultation was done between 2006 and 2007 to inform the concept of the Commission. Consultations have also been done with tertiary institutions and the University Council of Jamaica. The concept paper will also be made available on the Ministry's website. During the course of designing the Commission, further consultations will be done.

Answer to Part 3:

In 2009/10 the UWI received a grant of approximately J\$7 billion with a proposed allocation of J\$6.7 billion for the financial year 2010/2011. The University of Technology was allocated J\$1.9 billion for 2009/10 fiscal year (\$28 million of which was for goods and services) and a projected budget of J\$1.8 billion for 2010/2011 with \$30 million for goods and services. The total allocation to tertiary institutions was J\$12.4 billion in 2009/10 and a projected J\$12.2 billion for 2010/2011.

Analysis of the results of the CSEC Examinations revealed that the Government is losing a significant amount of money based on the manner in which the CSEC examinations are subsidised. The Ministry is proposing to implement an incentive scheme whereby students are reimbursed after obtaining the required grade for the subject(s) while taking into consideration those students who are unable to pay, such as PATH beneficiaries.

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

(Mr. Tarn Peralto, MP, St. Mary, South Eastern, entered and took his seat).

(Dr. Kenneth Wykeham McNeill, MP, Westmoreland, Western, entered and took his seat).

(Dr. Fenton Ferguson, MP, St. Thomas Eastern, entered and took his seat).

(Mr. Derrick Smith, MP, St. Andrew, North Western, entered and took his seat).

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

(Mrs. Natalie Neita-Headley, MP, St. Catherine, East Central, entered and took her seat).

(The Minister of State in the Office of the Prime Minister, the Honourable Robert Montague, entered and took his seat).

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

PUBLIC BUSINESS

(Mr. Peter Bunting, MP, Manchester, Central, entered and took his seat).

Mr. Desmond Mair continued debate on the motion that a Bill entitled “AN ACT to repeal the Police Public Complaints Act; to make provision for the establishment of a Commission of Parliament to be known as the Independent Commission of

Investigations to undertake investigations concerning actions by members of the Security Forces and other agents of the State that result in death or injury to persons or the abuse of the rights of persons; and for connected matters" be now read a second time.

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

(The Prime Minister, the Honourable Orette Bruce Golding, entered and took his seat).

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

(The Minister of Youth, Sports and Culture, the Honourable Olivia Grange, entered and took her seat).

(Mr. Robert Pickersgill, MP, St. Catherine, North Western, entered and took his seat).

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

(The Minister of Labour and Social Security, the Honourable Pearnel Charles, entered and took his seat).

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

Further debate on the substantive motion was, by leave, deferred.

The House resolved itself into a committee of the whole House to continue deliberation on the Bill shortly entitled "The Casino Gaming Act, 2010."

The Sixth Schedule agreed to.

The Seventh Schedule agreed to.

The Minister of Finance and the Public Service, the Honourable Audley Shaw, moved for the recommittal of Clauses 13, 37, 38, 40, 42, 50, 58, 59, 60, 67, 68 and 72.

Seconded by: Mr. Othneil Lawrence.

Agreed to.

Clause 13 was amended as follows:

Delete subsection (2) and substitute therefor the following –

“ (2) Every person who contravenes subsection (1), commits an offence and shall be liable on conviction on indictment in a Circuit Court to –

- (a) in the case of an individual, a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; or
- (b) in the case of a body corporate, a fine.”.

Amendments agreed to.

Clause 13 as amended agreed to.

Clause 37 was amended as follows:

Delete subsection (3) and substitute therefor the following –

“ (3) Any casino operator that fails to comply with subsection (1) shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars; however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable in default of payment to imprisonment for a term not exceeding twelve months.”.

Amendment agreed to.

Clause 37 as amended agreed to.

Clause 38 was amended as follows:

Delete subsection (5) and substitute therefor the following –

“ (5) Any casino operator that fails to comply with subsection (1) shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars; however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable in default of payment to imprisonment for a term not exceeding twelve months.”.

Amendment agreed to.

Clause 38 as amended agreed to.

Clause 40 was amended as follows:

Delete subsection (4) and substitute therefor the following –

“(4) Any casino operator that fails to comply with subsection (1) shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars; however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable in default of payment to imprisonment for a term not exceeding twelve months.”.

Amendment agreed to.

Clause 40 as amended agreed to.

Clause 42 was amended as follows:

Delete subsection (9) and substitute therefor the following –

“(9) Any casino operator that fails to comply with subsection (1) shall be liable on summary conviction in a Resident Magistrate’s Court to a fine not exceeding one million dollars; however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable in default of payment to imprisonment for a term not exceeding twelve months.”.

Amendment agreed to.

Clause 42 as amended agreed to.

Clause 50 was amended as follows:

Delete subsection (5) and substitute therefor the following –

“(5) Any person who contravenes sub-section (1), (2) or (3) commits an offence and shall be liable on conviction on indictment in a Circuit Court to –

- (a) in the case of an individual, a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment; or
- (b) in the case of a body corporate, a fine.”.

Amendment agreed to.

Clause 50 as amended agreed to.

Clause 58 was amended as follows:

Delete subsection (4) and substitute therefor the following –

“(4) Where the Commission grants a licence under this section and affixes a seal or any other device of like nature to any gaming machine to which such licence relates, and the seal or other device is broken or removed without the consent of the Commission, the Commission may cause an investigation to be held and if the casino operator is found responsible for the removal or breaking, the casino operator shall be liable on conviction in a Circuit Court to a fine, however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable in default of payment to imprisonment for a term not exceeding twenty-four months.”.

Amendment agreed to.

Clause 58 as amended agreed to.

Clause 59 was amended as follows:

Delete subsection (3) and substitute therefor the following –

“(3) A casino operator who enters into a contract or any arrangement for gaming machines with a supplier who is not approved by the Commission, commits an offence and shall be liable on conviction on indictment in a Circuit Court to a fine, however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable in default of payment to imprisonment for a term not exceeding twenty-four months.

Amendments agreed to.

Clause 59 as amended agreed to.

Clause 60 was amended as follows:

Delete subsection (2) and substitute therefor the following –

“(2) A casino operator who contravenes subsection (1) commits an offence and shall be liable on conviction on indictment in a Circuit Court to a fine.”.

Amendment agreed to.

Clause 60 as amended agreed to.

Clause 67 was amended as follows:

Delete all the words appearing after the words “three million dollars” and substitute therefor the following –

“however where pursuant to section 68, a director or other individual is also proceeded against, he shall be liable to the fine or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.”.

Amendment agreed to.

Clause 67 as amended agreed to.

Clause 68 was amended as follows:

In subsection (1) - Delete the words “and held liable” and substitute therefor the words “and be punished accordingly”.

Amendment agreed to.

Clause 68 as amended agreed to.

Clause 72 was amended as follows:

Delete subsection (1)(s) and substitute therefor the following:

“prescribing offences and the penalties (including fixed penalties) if any, to be attached thereto.”.

Amendment agreed to.

Clause 72 as amended agreed to.

The Title and Enacting Clause were agreed to.

The question that the Chairman do report the Bill to the House was agreed to.

The House resumed.

The Bill having been reported to the House with 52 amendments, the Minister of Finance and the Public Service moved that the Bill be read a third time.

Seconded by: Mr. Desmond Mair.

Agreed to.

Clerk read Bill a third time.

Bill passed with 52 amendments.

The Minister of Labour and Social Security, the Honourable Pearnel Charles, moved:

BE IT RESOLVED that the Amendments to a Bill entitled “AN ACT to Amend the Labour Relations and Industrial Disputes Act, 2010” be agreed to.

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

Seconded by: Mr. Tarn Peralto.
Agreed to.

PRIVATE MEMBERS' MOTIONS

Dr. Kenneth W. McNeill moved the following motions:

1. BE IT RESOLVED that the Report of the Sessional Select Committee on Public Administration and Appropriations on its deliberations on the Ministry of Health and Environment, which was laid on the Table of the House on the 13th day of January, 2009, be adopted.
2. BE IT RESOLVED that the Reports of the Sessional Select Committee on Public Administration and Appropriations on:
 1. The deliberations on the Ministry of Education's School Building Projects;
 2. The Ministry of Transport and Works;
 3. The deliberations on the Ministry of National Security;
 4. The deliberations on Air Jamaica Limited;which were laid on the Table of the House on Tuesday, the 24th day of March, 2009, be adopted.
3. BE IT RESOLVED that the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the Ministry of Agriculture and Fisheries, which was laid on the Table of the House on the 15th day of July, 2009, be adopted.
4. BE IT RESOLVED that the Report of the Public Administration and Appropriations Committee on its deliberations on the Ministry of Labour and Social Security, which was laid on the Table of the House on the 16th day of September, 2009, be approved.
5. BE IT RESOLVED that the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the Ministry of Energy and Mining which was laid on the Table of the House on the 3rd day of November, 2009, be approved.

6. BE IT RESOLVED that the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the Jamaica Urban Transit Company, which was laid on the Table of the House on the 9th day of February, 2010, be approved.
7. BE IT RESOLVED that the Report of the Public Administration and Appropriations Committee of the House of Representatives on its deliberations on the Ministry of Tourism, which was laid on the Table of the House on the 16th day of February, 2010, be approved.

Seconded by: Mr. Fitz Jackson.

Agreed to.

ADJOURNMENT

At 5:40 p.m., the Minister of Education and Leader of the House, moved that the House do now adjourn to Tuesday, March 9, 2010 at 2:00 p.m., o'clock.

Seconded by: Mr. Othneil Lawrence.

Agreed to.

The House adjourned accordingly.

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Delroy H. Chuck, MP

Speaker