



**ORDER OF BUSINESS
OF THE
SENATE OF JAMAICA**

FRIDAY, APRIL 1, 2011

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PUBLIC BUSINESS

**PRESENTATION OF BILLS
WITHOUT LEAVE OF THE SENATE FIRST OBTAINED**

GOVERNMENT BUSINESS

- 1.** The Senate to continue debate on the motion:

BE IT RESOLVED that the Report of the Joint Select Committee of Parliament which was set up to consider and report on the Report of the Review of Jamaica's Defamation Law, which was laid on the Table of the Senate on the 14th day of January, 2011, be approved.

Notice given on 14.1.2011
- 2.** The Senate to continue in Committee Stage its consideration of a Bill entitled "*AN ACT to Amend the Attestation of Instruments (Facilities) Act*".

Notice of second reading given on 11.02.2011
- 3.** The Senate to continue debate on the motion that a Bill entitled "*AN ACT to Amend the Constitution of Jamaica*" now read a second time

Notice of second reading given on 25.03.2011
- 4.** The Senate to continue debate on the motion that a 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.

Notice of second reading given on 25.03.2011
- 5.** The Attorney General, Minister of Justice and Leader of Government Business to move that a Bill entitled "*AN ACT to Amend the Foreign Nationals and Commonwealth Citizens (Employment) Act*" be now read a second time.

Notice of second reading given on 25.03.2011
- 6.** The Minister of State in the Ministry of Finance and the Public Service to move that a Bill entitled "*AN ACT to Amend the Revenue Administration Act*" be now read a second time.

Notice of second reading given on 25.03.2011

PRIVATE MEMBERS' MOTIONS

NOTICE GIVEN ON FRIDAY, 16TH APRIL, 2010

1. The Senate to continue debate on the motion -

[No. 1]

WHEREAS HEART-NTA has subsisted operating within the means provided from the 3% of wage bill HEART training levy paid solely by Jamaican employers into the HEART Trust Fund administered by HEART-NTA;

AND WHEREAS this HEART Trust Fund is earmarked for workforce development, training, assessment and certification, and the allocation from the HEART Trust Fund of \$80 million to the Ministry of Education to finance the pilot of its Career Advancement Programme (CAP) and the real prospect for further draw-downs for full implementation of the said programme threatens the future viability of these programmes;

AND WHEREAS members of the experienced management executive committee along with scores of the organization's most talented senior management and technical staff has been depleted through terminations, non-renewal of contracts, and transitions into other areas of the Ministry;

AND WHEREAS it has been reported that the HEART-NTA is to be downsized and refocused on CAP, Youth-at-risk, and Workforce Colleges (renamed HEART Academies); and even though HEART-NTA is not a call on the Consolidated Fund and has always lived within its means, it is being asked to downsize without regard for its obligation to its CARICOM partners to continue leading the process of Jamaican and Caribbean workforce development and certification; and its obligations through the NCTVET to maintain ISO certification and the global currency of both the Caribbean Vocational Qualification (CVQ) and the National Qualification of Jamaica (NQJ);

AND WHEREAS employers wish to be assured that the approximately \$5 billion they pay into HEART-NTA each year is being spent towards the creation of a Jamaican workforce that is trained and certified to international standards;

AND WHEREAS workers are concerned about the continued availability of their access to world-class training and certification through HEART and its various partnership arrangements;

BE IT RESOLVED that this Honourable Senate call on the Ministry of Education to prepare and present a post secondary workforce development plan, specifically relating to the role of HEART and NYS for debate in the Parliament with wider stakeholders;

BE IT FURTHER RESOLVED that the Parliament establish a joint select committee to facilitate public consultations, examine the various proposals and make recommendations on ways to improve our chances of meeting the goals of our 2030 National Development Plan;

AND BE IT FURTHER RESOLVED that the Government await the recommendations of this joint select committee before applying radical changes to distinguished agencies such as HEART and NYS whose work affect thousands of our vulnerable youths and is critical to our national development.

NOTICE GIVEN ON FRIDAY, 29TH OCTOBER, 2010

2. The Senate to continue debate on the motion: [No. 5]

BE IT RESOLVED that the Senate thank His Excellency the Governor-General for his gracious Speech delivered to both Houses of Parliament on the 25th day of March, 2010, approve the plans and programmes outlined in his Speech and place on record its appreciation of the performance of the Government.

NOTICE GIVEN ON FRIDAY, 5TH NOVEMBER, 2010

3. Senator Nicholson - To move - [No. 7]

BE IT RESOLVED that with a view to fostering consensus - building on national issues, in the public domain and not merely behind closed doors, this Honourable Senate urge the Government and the Parliamentary Opposition to strive to find a mechanism whereby the imminent road and other rehabilitation programme will be approved in a spirit of general agreement, particularly since such a programmes has becomes strikingly inescapable as a result of acts of God, and as a means of providing an early bridge over severely troubled waters.

NOTICE GIVEN ON FRIDAY, 12TH NOVEMBER, 2010

4. Senator Meadows - To move - [No. 8]

WHEREAS the pervasive problem of squatting has reached epidemic proportions, adversely impacting the socio-economic fabric of the society, resulting in crime and other antisocial behaviour;

AND WHEREAS the internationally accepted definition of squatting is "the act of occupying an abandoned or unoccupied space or building that the squatter does not own, rent or otherwise have permission to use";

AND WHEREAS the Minister of Water and Housing revealed in Parliament that approximately one million people presently live in 700 squatter settlements across the island, representing one in three Jamaicans living on lands which they do not own or for which they have no legal tenure;

AND WHEREAS the causes and consequences that often attend these informal settlements are well known, not the least being economic hardships, urban migration, tacit political support, and the absence of social infrastructure, such as schools or health-care facilities;

AND WHEREAS the problem of squatting is now so pervasive, beyond the capacity of Local Authority to police it under the existing provisions of the *Town and Country Planning Act of 1947*, resulting in widespread unplanned and unsafe settlements:

BE IT RESOLVED that this Honourable Senate recommend to the Government that they enact strong anti-squatting legislation to criminalize the act of squatting;

AND BE IT FURTHER RESOLVED that the Government pursue, in addition to current policies, aggressive and progressive housing and social policies aimed at facilitating affordable housing solutions for its citizenry.

NOTICE GIVEN ON FRIDAY, 10TH DECEMBER, 2010

5. Senator Nicholson - To move -

[No. 9]

WHEREAS CARICOM Member States signed the Agreement Establishing the Caribbean Court of Justice (CCJ) at Bridgetown, Barbados, in 2001, the purpose of which was to subject themselves, in time, to the final authority of that Court in its original and appellate jurisdictions; and

WHEREAS, from 1988, over 22 years ago, both political parties that are represented in Parliament agreed on the basic outlines of the structure of the Court, subject to decisions relating to the manner in which the Judges were to be appointed - issues that have long since been resolved; and

WHEREAS, legislation to establish the CCJ as Jamaica's final appellate tribunal was passed by both Houses of Parliament, but the Judicial Committee of the Privy Council nullified the proposed measure and ruled that the Legislature should have utilised the process by which an entrenched provision of the Jamaica Constitution is amended, that is to say, by a two-thirds majority vote in each House, accompanied by the time periods prescribed for such constitutional amendments; and

WHEREAS, before the general elections of 2007, discussions between representatives of the then Government and Opposition led to an agreement, in principle, as to how Jamaica's acceptance of the CCJ as its final Court of Appeal could be effectively pursued; and

WHEREAS Lord Phillips, the President of the new United Kingdom Supreme Court, and as such, head of the Judicial Committee of the Privy Council, has publicly declared, in terms, that Jamaica and other countries of the Commonwealth Caribbean, in continuing to utilise the services of the Judicial Committee, had overstayed their welcome, and openly suggested that there could be possible changes in the composition of the Judicial Committee, in that, Judges who serve in Courts below the level of their Supreme Court could be selected to hear final appeals from the Caribbean; and

WHEREAS, as Lord Phillips has indicated, Jamaica continues to utilise the services of a Court that we are not paying for, and continues to refuse to utilise the services of a Court that we are paying for:

BE IT RESOLVED that this Honourable Senate urge the Government to reach an accommodation with the Opposition, in short order, concerning Jamaica's acceptance of the appellate jurisdiction of the CCJ, with a view to warding off further probable embarrassment and shame, and for Jamaica to sever its link with the Judicial Committee of the Privy Council before we come to mark our 50th year as an independent nation, in August, 2012.

REFERRED TO COMMITTEE

1.2.2008

1. Motion approved on February 1, 2008, regarding the review of the Standing Orders of the Senate referred to the Standing Orders Committee of the Senate.

2. (i) Annual Report of the Political Ombudsman of Jamaica;
- (ii) Report of Investigation by the Office of the Contractor General into the Procurement Practices of the Jamaica Tourist Board;
- (iii) Report of Investigation by the Office of the Contractor General into the Procurement Practices of the University Hospital of the West Indies;
- (iv) Report of Investigation by the Office of the Contractor General into the Procurement of Fire-fighting Vehicles and Equipment for the Jamaica Fire Brigade;
- (v) Report of Investigation by the Office of the Contractor General into the Highway 2000 Concession and Administration Agreement, referred to Joint Select Committee for consideration and report.

3. Recommendations of the Final Report of the Ministry of Health, Jamaica Abortion Policy Review Advisory Group, referred to Joint Select Committee for consideration and report.

29.2.2008

4. Committee appointed to sit jointly with a similar committee from the House of Representatives to consider and report on the operations of the *Access to Information Act, 2002*, relative to the review of the legislation, as provided for in the Act.

19.6.2009

5. Committee appointed to sit jointly with a similar committee from the House of Representatives to consider and report on the "Special Report of Investigation conducted into the Sale/Divestment of Air Jamaica Limited London Heathrow slots to Virgin Atlantic Airways Limited; Addendum to the Special Report; Letters from the OCG dated April 6, 9 and 16, 2009, in support of the Special Report".

10.12.2010

6. (i) *"AN ACT for the Incorporation of the Lord's Chapel of Jamaica and the vesting of property in the Body so incorporated"*;
- (ii) *"AN ACT to Amend the Pentecostal Assemblies of the World of Jamaica (Incorporation and Vesting) Law"*; and
- (iii) *"AN ACT for the Incorporation of the Church of Haile Selassie 1 and the vesting of certain property in the Body so incorporated"*, referred to the Private Bills Committee, for consideration and report.
7. Standing Order No. 8 referred to the Standing Orders Committee for review and report.

28.1.2011

8. Members of the Private Bills Committee to sit jointly with the Private Bills Committee of the House of Representatives to consider and report on a Bill entitled "*AN ACT for the Incorporation of the Mustard Seed Missionaries and the vesting of property in the body so incorporated*".

9. Private Members' Motion No. 13 of 2010, as amended, brought by the Member of Parliament for Kingston Central, which called on Members of the House of Representatives to declare in the Chamber his or her citizenship or permanent residency in any country other than Jamaica, and approved by the House on the 19th day of January, 2011, referred to a Joint Select Committee of Parliament for consideration and report.

11.2.2011

10. Private Members' Motion No. 3 of 2010, brought by the Member of Parliament for St. Catherine North Eastern regarding the family being the natural and fundamental group unit of society, as amended and approved by the House of Representatives on the 26th day of January, 2011, referred to a Joint Select Committee of Parliament for consideration and report.

25.3.2011

11. The Education (Amendment) Regulations, 2011, under the Education Act, which were laid on the Table of the Senate on the 25th day of March, 2011, referred to the Regulations Committee of the Senate for consideration and report.