



**ORDER OF BUSINESS
OF THE
HONOURABLE JAMAICA HOUSE
OF REPRESENTATIVES**

TUESDAY January 15, 2013

PRAYERS

CALL OF THE ROLL

STATEMENTS BY MINISTERS

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QUESTIONS AND ANSWERS TO QUESTIONS

(For answer on the 6th day of November, 2012 – Question No. 17)

(For answer on the 27th day of December, 2012 – Questions No. 19 and 20)

(For answer on the 2nd day of January, 2013 – Questions No. 21, 22 and 23)

MOTIONS THAT MAY BE MADE AT THE COMMENCEMENT OF PUBLIC BUSINESS
REQUIRING NOTICE

MOTIONS RELATING TO SITTINGS OF THE HOUSE

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PUBLIC BUSINESS

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

GOVERNMENT BUSINESS

- 1.** The Minister of Finance and Planning to move that a Bill entitled "*AN ACT to Amend the Retiring Allowances (Legislative Service) Act*" be now read a second time.

Notice of second reading given on 03.07.2012
- 2.** The Prime Minister to move that a Bill entitled "*AN ACT to Make provisions for the implementation of the Agreement establishing the Caribbean Court of Justice, and for connected matters*" be now read a second time. (*October 29, 2012 – 1st date for start of debate*).

Notice of second reading given on 31.07.2012
- 3.** The Prime Minister to move that a Bill entitled "*AN ACT to Amend the Constitution of Jamaica to provide for the replacement of appeals to Her Majesty in Council with new provisions for appeals to the Caribbean Court of Justice as Jamaica's final appellate court; and for connected matters*" be now read a second time. (*October 29, 2012 – 1st date for start of debate*).

Notice of second reading given on 31.07.2012
- 4.** The Prime Minister to move that a Bill entitled "*AN ACT to Amend the Judicature (Appellate Jurisdiction) Act*" be now read a second time. (*October 29, 2012 – 1st date for start of debate*).

Notice of second reading given on 31.07.2012

PRIVATE MEMBERS' MOTIONS

NOTICE GIVEN ON TUESDAY, 24TH JANUARY, 2012

1. Mr. Warmington – To move –

[No. 3]

WHEREAS section 7(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 a Puisne Judge;

AND WHEREAS Parliament amended this provision to provide an emolument for the Chairman of the Commission equal to that of a Senior Puisne Judge;

AND WHEREAS the Commissioners have established a most generous pension, gratuities and retirement benefit schemes for themselves, because of section 10(1) of the *Electoral Commission (Interim) Act, 2006*;

AND WHEREAS section 7(2) of the FIRST SCHEDULE of the *Electoral Commission (Interim) Act, 2006*, was for Commissioners to be employed on a fulltime 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 performed by the Commissioners can in no way be compared 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 governmental commissions, e.g., the Police Services Commission, the Public 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 seventy 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(1) and sections 7(2), 7(3) and 7(4) of the FIRST SCHEDULE of the said Act;

AND BE IT FURTHER RESOLVED that the emolument to be paid to Commissioners be commensurate with the part-time jobs they now perform and in line with that paid to members of other governmental commissions and members serving on government boards;

AND BE IT FURTHER RESOLVED that the Wig and Robe Allowance now being paid to the Commissioners be discontinued.

2. The House to continue debate on the motion –**[No. 4]**

WHEREAS section 14(1) of the *Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pension) Act* stipulates the pension payable to a retired Governor-General and the First, Second and Third Schedules make provision for additional emoluments and allowances for retired Governors-General and their widows;

AND WHEREAS Section 14(1)(a) of the Second Schedule of the *Pensions (Prime Minister) Act* stipulates the allowances payable to a retired Prime Minister and the Second and Third Schedules make provisions for additional emoluments and allowances for retired Prime Ministers and their surviving spouses;

AND WHEREAS Section 7(1)(a) of the *Retiring Allowances (Legislative Service) Act* stipulates the pension payable to retired Legislators:

BE IT RESOLVED that the *Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pension) Act* and the *Pensions (Prime Minister) Act* be amended to bring their provisions with respect to pensions and allowances in line with the provisions of the *Retiring Allowances (Legislative Service) Act*; or, in the alternative the *Retiring Allowances (Legislative Service) Act* be amended to reflect similar allowances and/or benefits as provided for under the *Governor-General (Expenditure, Personal Staff, Tax Exemptions and Pension) Act* and the *Pensions (Prime Minister) Act*, as the latter stood before the 2008 amendment.

3. Mr. Samuda – To move –**[No. 6]**

WHEREAS the North Shore Highway project involving the construction of toll roads from Spanish Town to Ocho Rios had been planned for several years;

AND WHEREAS work on this highway commenced prior to 2007 but is not yet completed due to faulty design challenges, which have resulted in millions of US\$ of cost overruns and unnecessary delays;

AND WHEREAS the former Administration initiated measures to identify appropriate funding to underwrite the cost of correcting the faults and completing the project;

AND WHEREAS the completion of this highway would yield positive benefits to the commuting public and lay a solid foundation for economic growth and development along the corridor between Spanish Town and Ocho Rios;

BE IT RESOLVED that this Honourable House call on the Minister of Transport, Works and Housing to give a detailed explanation to this Honourable House, as to the plans being undertaken to have this project completed, and whether or not it is the intention of the Government to pursue the completion of this project in a manner consistent with the plans which were initiated by the former Administration, including the securing of appropriate funding from China.

NOTICE GIVEN ON TUESDAY, 31ST JANUARY, 2012

4. Mr. Samuda – To move –

[No. 8]

WHEREAS the highly publicised Jamaica Emergency Employment Programme (JEEP) was announced by the Prime Minister as one which would be formally launched by the Minister of Transport and Works through the tabling of a Ministry Paper in Parliament;

AND WHEREAS the Prime Minister is quoted as saying that “every employment programme now is deemed to be JEEP”;

AND WHEREAS this Parliament has not yet been given any details as to the exact quantity and source of funding for this programme, nor has there been any report on the outcome of the promised discussion with the Chinese business partners;

AND WHEREAS there exists a sense of uncertainty as to the details and *modus operandi* of the JEEP:

BE IT RESOLVED that this Honourable House call on the Minister of Transport and Works to table in this Honourable House at the earliest date the promised outline and full details for funding of the Jamaica Emergency Employment Programme.

NOTICE GIVEN ON TUESDAY, 21ST FEBRUARY, 2012

5. Mr. Samuda – To move –

[No. 10]

WHEREAS the Jamaica Railway Corporation successfully activated the rail service from Kingston to Linstead, St. Catherine, which provided a welcome alternative to the commuting public between Linstead/Bog Walk and Kingston as a result of the closure of the Bog Walk Gorge for several months in order to effect the installation of water mains;

AND WHEREAS it has been reported that this service has been experiencing financial challenges;

AND WHEREAS it is well known that revenues generated from passenger services only are inadequate to cover the cost of maintaining the service;

AND WHEREAS there is a need to engage private sector funding in order to resuscitate, on a phased basis at least, the services linking the Cruise Shipping Pier in Montego Bay to Appleton Estate, for example, in order to restore a once-successful tourism attraction:

BE IT RESOLVED that this Honourable House call on the Minister of Transport, Works and Housing to present to Parliament a comprehensive plan to deal with the reengagement of the rail service on a phased basis and specifically the plan of the Government in respect of the passenger service to Linstead:

AND BE IT FURTHER RESOLVED that the Minister advise this Honourable House of his intention to pursue the plans of the previous Administration to utilise the existing rail infrastructure in order to establish a fibre-optic backbone across the country in order to create industrial development and expand the communication infrastructure across the centre of the island.

6. The House to continue debate on the motion:

[No. 11]

WHEREAS the Slave Trade was barbaric and uncivilised and represented one of the worst examples of man's inhumanity to man and should never be either forgotten or repeated;

AND WHEREAS it was as a direct consequence of this Slave Trade that the African people were scattered throughout the globe against their will, resulting in the dismantling and destabilisation of Africa, so that children who were produced as a result have remained disenfranchised;

AND WHEREAS in direct proportion to the destabilisation of the nations of these sons and daughters was the growth of prosperity and power of their colonial masters;

AND WHEREAS nations such as the English-speaking Caribbean, which have evolved through wresting independence from their slave masters, have remained doomed to be forever strangled by mushrooming debt;

AND WHEREAS history is replete with instances where compensation has been paid to nationalities for injustices and violations suffered, to wit, the Jews for the holocaust, the Maoris of New Zealand and the Japanese after World War II;

AND WHEREAS it was unanimously passed in the House of Representatives on the 20th July, 1948, that all who desire to return to Liberia should be facilitated, and in response thereto, general instructions were issued to the then Jamaica Labour Party (JLP) Government on the 10th June, 1964;

AND WHEREAS the cry for repatriation has been a pursuit of some citizens, and it is now almost eight years since the Rastafarian brethren of Jamaica, in particular, commenced their struggle for reparation and repatriation:

BE IT RESOLVED that this Honourable House, with a view to establishing a united and common position, take a vote acknowledging that reparation is due to the countries of the displaced descendants of the African peoples, and that the Government of Jamaica has the right to pursue such claims from Great Britain on behalf of all citizens of Jamaica;

BE IT FURTHER RESOLVED that Great Britain be called upon to provide compensation by way of cash and/or debt relief;

AND BE IT FURTHER RESOLVED that the Government accommodate any citizen or group of citizens who wish to enter into dialogue regarding their repatriation to Liberia and to give consideration to their request in accordance with the 1948 Resolution of this Honourable House;

AND BE IT FURTHER RESOLVED that any or all compensation to be made, which should be equivalent to that made to the former slave owners, be paid to the Government of Jamaica, a portion of which settlement should be used for the repatriation of any citizen so requesting, subject to international treaties;

AND BE IT FURTHER RESOLVED that this Honourable House appoint a committee to sit jointly with Members of the Senate, in consultation with private and/or governmental bodies, to pursue this settlement with Great Britain directly, or if necessary, through the highest international courts.

NOTICE GIVEN ON TUESDAY, 24TH APRIL, 2012

7. Mr. Warmington – To move – [No. 12]

WHEREAS the First Schedule of the *Electoral Commission (Interim) Act* section 1(1)(a) states: *Two members shall be appointed on the advice of the Prime Minister and two members on the advice of the Leader of the Opposition; and such members are in this Act referred to as the "Nominated Members";*

AND WHEREAS the intent was for these "*Nominated Members*" to represent their respective parties on the Electoral Commission;

AND WHEREAS an Electoral Commission cannot be viewed as being independent and free of political influence while political appointees are members of such Electoral Commission and are involved in decision making;

AND WHEREAS the paramount interest of these "*Nominated Members*" is to act as protectors of the interest of their Political Parties, and not of the people of Jamaica;

AND WHEREAS the cost to the Jamaican tax payers of salaries and allowances to maintain these political representatives on the Electoral Commission is in excess of \$40,000,000.00 annually;

BE IT RESOLVED that immediate actions be taken to terminate the payments being made from the public purse to the political representatives, that is, "*Nominated Members*" on the Electoral Commission of Jamaica, and that if such salaries and allowances are deemed necessary, they be paid by their respective political parties;

AND BE IT FURTHER RESOLVED that the *Electoral Commission (Interim) Act* be amended to delete section 1(1)(a) of the First Schedule, and any other sections that may make reference to, or empower political representatives to sit on the Electoral Commission of Jamaica.

8. Mr. Pryce – To move – [No. 14]

WHEREAS our current Prime Minister has publicly indicated the intention of the Government to finalise our sovereignty arrangements and move towards a Republican Democracy;

AND WHEREAS there are steps along the way to that great achievement that will serve as tangible milestones along that august journey;

AND WHEREAS it is the custom that each year, prior to our political independence and since that time, as it is in Britain, the Government's framework for the year is outlined by a speech delivered by the sovereign Her Majesty Elizabeth II of Britain or her representatives under law as is the Governor-General of Jamaica;

AND WHEREAS that framework presentation is presently entitled the Throne Speech:

BE IT RESOLVED that, as we approach the date of the 50th anniversary of our political independence from Britain, this Honourable House take the necessary steps to rename the Throne Speech to the "People's Speech" as a timely and lasting acknowledgement that the priorities, projects, policies and programmes contained therein are designed – in good faith – by the Government elected by the very people of Jamaica and is intended to honour and give thorough meaning to the primary responsibility of all governments, which is to work unswervingly and tirelessly to ensure the happiness and well-being of the people who elected the Government in the first place;

BE IT FURTHER RESOLVED that this simple, yet important reassignment of the name, that this most important of presentations be understood as a deliberate move towards the full attainment of our sovereignty and in keeping with the purpose of this Parliament and the Government of Jamaica first and foremost;

AND BE IT FURTHER RESOLVED that as a tangible development in our jubilee year that this resolution be immediately considered so that this amendment may be approved prior to and in time for the opening of the 2012/2013 legislative year.

NOTICE GIVEN ON THURSDAY, 24TH MAY, 2012

9. Mr. Hutchinson – To move –

[No. 15]

WHEREAS it is estimated that \$5 billion worth of farm produce is lost by farmers each year to praedial larceny and with a launch, a second launch, and a third launch of the agricultural produce receipt book, this has failed to curtail the incidences of praedial larceny;

AND WHEREAS a receipt is defined as "*a written acknowledgement of receiving money*"; "*an amount of money received*" and most producers of agricultural goods do not receive cash at the time of sale;

AND WHEREAS all produce has to terminate at a distributor/end user and laws already exist to provide traceability for agricultural produce;

AND WHEREAS since January 2012 the U.S. Food and Drug Administration is increasing inspections of all produce being imported to the United States, and to hotels, from the farm and along the agricultural food chain:

BE IT RESOLVED that section 3, form B relating to Travellers License in the *Agricultural Produce Act* and section 25 relating to Appointments of Inspectors of agricultural produce in the said Act, be enforced;

BE IT FURTHER RESOLVED that all farmers, not receiving cash for their produce sold, issue an invoice and not a receipt, and their phone number and TRN be put on all receipts and invoices;

AND BE IT FURTHER RESOLVED that the 60 trail bikes that were assigned to the Praedial Larceny Programme be returned, to be used in this programme;

AND BE IT FURTHER RESOLVED that section 37 of the *Agricultural Produce Act*, which provides for a farmer who does not issue a receipt to the purchaser of agricultural produce to be charged up to \$250,000.00, be repealed and be replaced with "a distributor/end user of agricultural produce who fails to produce a receipt or invoice from a farmer or vendor for produce in his/her possession shall be subject to a fine not exceeding one million dollars";

AND BE IT FURTHER RESOLVED that the *Praedial Larceny Prevention Act* and the *Agricultural Produce Act* be combined and a review of the Acts carried out and updated.

NOTICE GIVEN ON TUESDAY, 18TH SEPTEMBER, 2012

10. Mr. McKenzie – To move –

[No. 16]

WHEREAS the mandate of the Jamaica Fire Brigade (JFB) is "Saving Lives, Saving Property";

AND WHEREAS in 2011 the JFB was called on to deal with 14,793 emergency calls, 11,390 of which were genuine fires – 7,337 being bush and wild land fires – and 1,545 special service calls in response to other emergencies, including road traffic accidents, hazardous material spills and search and rescue;

AND WHEREAS in 2011/12 approximately 29 persons (16 adults and 13 children) died as a result of fires, and over 2,389 persons were made homeless;

AND WHEREAS it is generally acknowledged that the resources of the JFB are woefully inadequate in enabling that department to deal with this high number of emergency calls;

AND WHEREAS annual budgetary allocations to the JFB are totally inadequate in providing the resources needed to meet the increasing challenges;

AND WHEREAS failure of the JFB to deal with these challenges on a satisfactory basis is causing extreme hardship and suffering for poor Jamaicans, especially those living in densely populated, low income urban and remote rural communities, who are often unemployed and without the means of finding alternative accommodation or are unable to replace their losses and restore normality to their lives after these disasters;

AND WHEREAS there is a need for Parliament to be kept abreast of the operations of the service and the JFB Board, and the threat to life and property from the lack of resources:

BE IT RESOLVED that this Honourable House, as an emergency measure, require the Ministry of Finance and Planning to provide additional funds to “beef up” the resources of the JFB, urgently, to deal with the shortage of equipment and, if necessary, human resources, in order to improve the capacity of the JFB to meet these challenges;

AND BE IT FURTHER RESOLVED that this Honourable House request that the annual report of the JFB on its operations be submitted to the Parliament on an annual basis, commencing this year.

NOTICE GIVEN ON TUESDAY, 23RD OCTOBER, 2012

11. Dr. Campbell – To move – [No. 17]

WHEREAS the country’s development is directly linked to the educational qualification of its citizens;

AND WHEREAS the cost of tertiary education has a direct bearing on national development:

BE IT RESOLVED that, given the perilous trajectory on which the Students’ Loan Bureau finds itself, which is one that raises the question of viability, the Human Resource and Social Development Committee be mandated to urgently examine the adequacy and affordability of funding tertiary education in Jamaica, and report to this Honourable House on its findings and recommendations.

NOTICE GIVEN ON TUESDAY, 30TH OCTOBER, 2012

12. Mr. Chuck – To move – [No. 18]

BE IT RESOLVED that the Report of the Standing Orders Committee of the House of Representatives, on its deliberations on the Dress Code for Parliament, which was laid on the Table of the House on the 30th day of October, 2012, be approved.

13. Mr. McKenzie – To move – [No. 19]

WHEREAS over the past five decades we have been impacted by more than 10 serious natural disasters, which have cost the country billions of dollars in relief and rehabilitation costs;

AND WEHREAS the damage recorded from these natural disasters has highlighted the vulnerability of some areas, as well as the man-made factors which have contributed to that vulnerability;

AND WHEREAS the financial costs have had a severe, negative impact on our economy and our physical infrastructure, thus limiting our capacity to increase growth and investments;

AND WHEREAS ever-increasing climate change risk indicators show that we will not only continue to be faced with these natural disasters in the future, but that they will also increase in both frequency and intensity;

AND WHEREAS the encroachment of new developments, both formal and informal, continues in flood-prone areas, exposing large segments of the population to this and other climatic dangers;

AND WHEREAS it is obvious that while residents of urban areas living in these endangered communities, while willing to observe some level of temporary relocation pending the passage of these conditions, have shown no willingness to relocate to less endangered areas;

AND WHEREAS this condition continues to place a heavy burden on the Government's annual budget and the economy, which is likely to impact growth and development, in particular, in our multilateral and bilateral relationships:

BE IT RESOLVED that this Honourable House demand that the Government take immediate steps leading to the drafting of the necessary legislation for the mandatory evacuation of persons in areas threatened by natural disasters; the forced removal of persons who refuse to relocate from areas that are constantly endangered by disasters; and the creation of "no build" zones to ensure that no physical development that will endanger life and property takes place within these zones;

BE IT FURTHER RESOLVED that this Honourable House place a timeline on the legislative process to ensure that the appropriate legislation is passed and gazetted prior to the end of the current parliamentary session in March, 2013.

NOTICE GIVEN ON TUESDAY, 6TH NOVEMBER, 2012

14. Mr. Spencer – To move – [No. 20]

BE IT RESOLVED that the Report of the Sessional Select Committee of the House of Representatives on Human Resources and Social Development on its deliberations on Private Members' Motions No. 7 of 2012, regarding the Office of the Political Ombudsman, brought by the Member of Parliament for St. Catherine South Western, which was laid on the Table of the House on the 6th day of November, 2012, be approved.

15. Mr. Bartlett – To move – [No. 21]

BE IT RESOLVED that the Report of the Public Administration and Appropriations Committee on its deliberations for the period April to September 2012, which was laid on the Table of the House on the 6th day of November, 2012, be approved.

NOTICE GIVEN ON TUESDAY, 20TH NOVEMBER, 2012

16. Mrs. Robinson – To move – [No. 22]

WHEREAS Craft Vendors and Artisans have been at the heart of the tourism industry since its very inception;

AND WHEREAS the craft vendors are integrated into the tourism sector by way of the role they play in expanding the offerings of our tourism product and helping to distinguish Brand Jamaica amongst competing destinations;

AND WHEREAS the craft industry plays a crucial role in the national economy as it relates to the expansion of the micro and small business sector, the creation of jobs and the generation of much needed foreign exchange;

BE IT RESOLVED that this Honourable House debate the state of the craft industry, and in light of its invaluable contribution to national development, call upon the Cabinet to place the craft industry directly under the aegis of an appropriate Ministry, thereby providing the industry with the recognition it deserves;

AND BE IT FURTHER RESOLVED that policies and strategies aimed at facilitating even greater integration and promoting even stronger and more meaningful synergies between players in the craft industry and their counterparts in the tourism sector, be immediately developed and implemented.

NOTICE GIVEN ON TUESDAY, 11TH DECEMBER, 2012

Dr. Chang – To move –

[No. 23]

WHEREAS the country has been severely impacted by recent weather systems affecting the north eastern parishes of St. Mary, Portland and St. Thomas;

AND WHEREAS there seems to be a clear shift in weather patterns and storm cycles;

AND WHEREAS there is the need for a clearly articulated policy on disaster mitigation and adaptation in the face of increasing occurrence of extreme weather events, in particular, as it affects the eastern and north eastern parishes of the country:

BE IT RESOLVED that this Honourable House debate the need for a comprehensive review of climate change projections in order to definitively identify a national work plan and regulatory framework with a view to adequately protecting our citizens and infrastructure throughout Jamaica, in particular, in the eastern and north eastern parishes;

BE IT FURTHER RESOLVED that this motion be referred to the Infrastructure and Physical Development committee for its consideration in accordance with Standing Orders 26A.

REFERRED TO COMMITTEE

17.07.2012

1. Special Select Committee to sit jointly with a similar committee to be appointed by the Senate to consider and report on Diaspora affairs.

18.09.2012

2. Special Select Committee to sit jointly with a similar committee appointed by the Senate to consider and report on a Bill shortly entitled "*The Committal Proceedings Act, 2012.*"

20.11.2012

3. Ethics Committee to consider and report on Exemption Notion brought on behalf of the Member of Parliament for Saint Mary, Western.

4. Ethics Committee to consider and report on Exemption Motion brought on behalf of the Member of Parliament for Saint Catherine, South Central.

04.12.2012

5. Special Select Committee to sit jointly with a similar committee appointed by the Senate to consider and report on a Private Bill entitled "*AN ACT to Amend the Baptist Mid-Missions in Jamaica (Incorporated) Act so as to change the name of the Act; and for connected matters.*"

6. Special Select Committee to sit jointly with a similar committee appointed by the Senate to consider and report on a Private Bill entitled "*AN ACT to Amend the Pentecostal Assemblies of the World of Jamaica (Incorporation and Vesting) Law.*"

7. Special Select Committee to sit jointly with a similar committee appointed by the Senate to consider and report on a Private Bill entitled "*AN ACT for the incorporation of the Mustard Seed Missionaries and the vesting of property in the body so incorporated.*"

8. Special Select Committee to sit jointly with a similar committee appointed by the Senate to consider and report on a Private Bill entitled "*AN ACT for the incorporation of The International Missionary Society Seventh-Day Adventist Church Reform Movement Jamaican Field and the vesting of property in the body so incorporated.*"