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QUESTIONS AND ANSWERS TO QUESTIONS
(For answer on the 10th day of August, 2012 – Questions No. 4 and 5)
(For answer on the 19th day of October, 2012 – Question No. 11)

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

MOTIONS RELATING TO SITTINGS OF THE SENATE

MOTIONS FOR LEAVE TO INTRODUCE BILLS

PRESENTATION OF BILLS WITHOUT LEAVE OF THE SENATE FIRST OBTAINED

PUBLIC BUSINESS
PRESENTATION OF BILLS
WITHOUT LEAVE OF THE SENATE FIRST OBTAINED
GOVERNMENT BUSINESS

1. The Minister of Justice to move that a Bill entitled “AN ACT to Repeal all legislation making provision for flogging and whipping in judicial sentencing; to amend provisions of enactments relating to and referring to flogging and whipping as penalties for certain criminal offences; and for connected matters” be now read a second time.

2. The Minister of Justice to move that a Bill entitled “AN ACT to Amend the Larceny Act to abolish whipping as a penalty for certain criminal offences; and for connected matters” be now read a second time.

3. The Minister of Justice to move that a Bill entitled “AN ACT to Amend the Obeah Act to abolish whipping as a penalty for certain criminal offences; and for connected matters” be now read a second time.

4. The Minister of Justice to move that a bill entitled “AN ACT to Amend the Retiring Allowances (Legislative Service) Act” be now read a second time.
PRIVATE MEMBERS’ MOTIONS

NOTICE GIVEN ON FRIDAY, 24TH FEBRUARY, 2012

1. Senator Grant – To move -

   WHEREAS Green Paper No. 1 of 2011 entitled “Tax Reform for Jamaica” was laid on the Table of the Senate on the 10th day of February, 2011:

   BE IT RESOLVED that the Senate debate the proposals contained in the Green Paper and make its recommendation to the Cabinet.

NOTICE GIVEN ON FRIDAY, 29TH JUNE, 2012

2. Senator Knight – To move -

   BE IT RESOLVED that the Report of the Standing Orders Committee of the Senate on its deliberations on a Private Members’ Motion regarding lunch break during sittings of the Senate, which was laid on the Table of the Senate on the 29th day of June, 2012, be approved;

   BE IT FURTHER RESOLVED that the recommendations contained in the draft report be adopted and the draft amendments, having been accepted by the Standing Orders Committee, be approved, notwithstanding Standing Order 84:

   AND BE IT FURTHER RESOLVED that the amendments be incorporated in the Standing Orders.

NOTICE GIVEN ON FRIDAY, 13TH JULY, 2012

3. The Senate to continue debate on the motion --

   BE IT RESOLVED that the Senate thank His Excellency the Governor-General for his gracious speech delivered to both Houses of Parliament on the 10th day of May, 2012, approve the plans and programmes outlined in his gracious speech, and place on record its appreciation of the performance of the Government.

4. Senator Dr. Tufton – To move -

   WHEREAS the Parliamentary Opposition is in support of the principles of the Caribbean Community working together on matters of regional and individual territorial interests;

   AND WHEREAS the Parliamentary Opposition has recognised and accepted that there are several benefits to be derived by Jamaicans and Caribbean people through the collaboration of Caribbean countries on matters of common regional importance;

   AND WHEREAS there is a recognition that Caribbean people have benefited in critical areas such as education and training, regional security enforcement and natural disaster management and lobbying in the international arena on matters of regional importance;
AND WHEREAS there are concerns by sections of Jamaica’s business community and the Parliamentary Opposition that on matters of CARICOM trade, the Treaty of Chaguaramas, either in breach or its application, has not served the best interests of the Jamaican economy:

BE IT RESOLVED that this Honourable Senate recommend the establishment of a Joint Select Committee to review the existing trade issues of concern within CARICOM, in particular, but not confined to, clauses relating to the rules of Origin, application of the Common External Tariff and the impact on CARICOM trade of energy subsidies applied by Trinidad and Tobago to its local manufacturing sector, with the intention of establishing better understanding on these issues and securing the best interest of the Jamaican economy.

NOTICE GIVEN ON FRIDAY, 21ST SEPTEMBER, 2012

5. The Senate to continue debate on the motion - [No. 22]

WHEREAS measures geared towards local government reforms were first mooted formally nineteen (19) years ago in 1993;

AND WHEREAS the Minister of Local Government and Community Development has outlined reform objectives which include the following:

(i) To entrench local government into the Constitution of Jamaica;

(ii) To recognise local government as a separate and autonomous sphere of government through the allocation of functions best administered and regulated at the local level;

(iii) To guarantee the security (predictability and sufficiency through central government transfer) of financial resources for local authorities and the increased contribution of independent sources of their own income;

(iv) To provide a modern legal framework for the viable operation of local authorities, including the authority to conduct the functions and responsibilities assigned, the delineation of the scope and power of mayors, councillors and secretary managers, the financing of local authorities and the management of their human resources.

AND WHEREAS a country’s development must bear a correlation to the effectiveness of its local government system:

BE IT RESOLVED that this Honourable Senate, in the year of Jamaica’s 50th anniversary of Independence, call upon the Ministry of Local Government and Community Development to fast-track initiatives for the actualisation of the above-mentioned objectives, in order to give real autonomy, self-determination and independence to the people of Jamaica in their communities;

AND BE IT FURTHER RESOLVED that the Ministry of Local Government and Community Development be asked to present to this Honourable Senate a design of its local government reform agenda and a schedule of its programme to achieve the above-mentioned objectives during this parliamentary year.
NOTICE GIVEN ON FRIDAY, 9TH NOVEMBER, 2012

6. Senator Clarke - To move - [No. 24]

BE IT RESOLVED that the Report of the Special Select Senate Committee which was set up to consider and report on motions which require action on national policy issues, in accordance with Standing Order 26A, which was laid on the Table of the Senate on the 26th day of October, 2012, be adopted.

NOTICE GIVEN ON FRIDAY, 30TH NOVEMBER, 2012

7. Senator Duncan Pryce - To move - [No. 25]

BE IT RESOLVED that the Report of the Standing Orders Committee of the Senate on its deliberations on the proposed amendment to the Standing Orders to include the use of technology in the Senate which was laid on the Table of the Senate on the 30th day of November, 2012, be approved.

NOTICE GIVEN ON FRIDAY, 7TH DECEMBER, 2012

8. Senator Arthur Williams - To move - [No. 26]

WHEREAS the National Steering Committee on Digital Switchover has recommended a 2015 deadline for switch-off of analogue television transmission signals and the start of a full digital national television infrastructure;

AND WHEREAS it was announced by the Minister without Portfolio with responsibility for Information that the Cabinet of Jamaica would be asked to declare 2015 as the transition year to digital switchover;

AND WHEREAS the Media Association of Jamaica has stated that it was not a party to the deadline set by the National Steering Committee and was not in agreement with the time frame;

AND WHEREAS it is important to the television service providers as well as the consuming public for there to be general agreement on the way forward in respect of Digital Switchover;

BE IT RESOLVED that the Senate recommend to the Government that the National Steering Committee on Digital Switchover be expanded to include representatives of television service providers and cable service providers, the Consumer Affairs Commission, the Media Association of Jamaica, civil society and the Parliamentary Opposition;

BE IT FURTHER RESOLVED that a definitive timetable for Digital Switchover be proposed by the National Steering Committee to Cabinet, as a matter of urgency, and that the timetable approved by Cabinet be communicated to the public thereafter.
NOTICE GIVEN ON FRIDAY, 14TH DECEMBER, 2012

9. Senator Gayle - To move -

WHEREAS the earliest Occupational Safety and Health (OSH) legislation in Jamaica is the Factories Law of 1943, which was amended, codified and renamed the Factories Act in 1973;

AND WHEREAS the Industrial Safety Division (ISD) of the Ministry of Labour and Social Security administers the Factories Act in an effort to “promote and maintain occupational safety and health protection”;

AND WHEREAS it is widely accepted that the efforts of the ISD under the Factories Act are far from ideal, in light of the growing occupational safety and health challenges of the 21st century;

AND WHEREAS, for more than a decade, successive administrations have been in the process of drafting new legislation, entitled the Occupational Safety and Health Act (OSHA), which will be more far-reaching in its jurisdiction than the current Factories Act;

AND WHEREAS this prolonged delay is not in the best interest of Jamaica’s social and economic development, particularly the welfare of workers who are exposed to severe physical injuries on the job:

BE IT RESOLVED that this Honourable Senate call on the Minister of Labour and Social Security to urgently provide Parliament with a time-line for the completion of the drafting of the OSHA; and the tabling of the OSHA in Parliament for deliberations, debate and passage.

NOTICE GIVEN ON FRIDAY, 1ST FEBRUARY, 2013

10. Senator Dr. Tufton - To move -

WHEREAS the Representation of the People Act, section 35(3), states that “the elector on receiving the ballot paper shall forthwith enter one of the polling compartments and there mark his ballot paper by making, a cross with a black lead pencil within the space containing the name of the candidate for whom he intends to vote,…”;

AND WHEREAS the Parish Council Act, section 31(3), states that “the elector on receiving the ballot paper shall forthwith enter one of the polling compartments and there mark his ballot paper by making, a cross with a black lead pencil within the space containing the name of the candidate for whom he intends to vote,…”;

AND WHEREAS a number of times throughout our history, both in the local and general elections, ballots were rejected due to the presence of a mark other than a cross within the space containing the name of the candidate for whom the voter intended to vote;

AND WHEREAS it is often left to the discretion of the presiding officer whether to accept a mark other than a cross in the counting of the ballots;

AND WHEREAS it has long been established in many democracies that regardless of the form of the mark on the ballot, once the intention of the voter is clear, then that vote should be accepted;
AND WHEREAS ballots cast in a constituency or Parish Council division may have been declared correctly by the existing legislation but may not have represented the will of the majority of the voters due to markings, other than a cross, in the space containing the name of the candidate;

AND WHEREAS our democracy could be compromised if the fundamental principle which allows for the express will of the majority is not reflected in the final outcome of the particular election:

BE IT RESOLVED that this Honourable Senate recommend to the Government that a review be done of all relevant legislation and regulations dealing with electoral matters, with a view to address the possible anomaly in law that could disenfranchise the majority position of the voters, due to the specified designation of a cross.

WHEREAS Jamaica suffers from drought conditions each year, resulting in adverse consequences to residential and commercial activities;

AND WHEREAS the taxpayers, through their Government, spend millions of dollars each year to militate against the adverse impact of these drought conditions through a range of water provision activities;

AND WHEREAS experts have projected, based on population increase and global warming, that global projections of fresh water resources are expected to come under increasing pressure in the years to come;

AND WHEREAS small countries like Jamaica are particularly vulnerable to the impact of extreme weather patterns;

AND WHEREAS Jamaican Governments have been increasingly challenged to provide adequate water-related infrastructure to address the yearly predictable drought conditions:

BE IT RESOLVED that this Honourable Senate recommend to the Government that consideration be given to the establishment of a policy to mandate all future residential developments, to include a rainwater harvesting system as a critical component to addressing predictable water shortage in the future.
08.06.2012
1. Standing Orders Committee to consider and report on Private Members’ Motion No. 4 of 2012, as amended, regarding a comprehensive review of the Standing Orders, brought by Senator Arthur Williams.

27.07.2012
2. Special Select Committee to sit jointly with a similar committee to be appointed by the House of Representatives to consider and report on a Bill shortly entitled “The Committal Proceedings Act, 2012”.

3. Special Select Committee to sit jointly with a similar committee appointed by the House of Representatives 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.”

4. Special Select Committee to sit jointly with a similar committee appointed by the House of Representatives 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.”

5. Special Select Committee to sit jointly with a similar committee appointed by the House of Representatives 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.”

6. Special Select Committee to sit jointly with a similar committee appointed by the House of Representatives 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.”

18.01.2013
7. Joint Select Committee to sit jointly with a similar committee appointed by the House of Representatives to consider and report on the operations of the Cybercrimes Act, relative to the review of the legislation in accordance with the provisions of the Act.