



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

7TH DAY OF FEBRUARY, 2012

The House met at 2:15 p.m. o'clock.

PRAYERS

Prayer was offered by Mr. Andre Hylton.

CALL OF THE ROLL

PRESENT WERE:

Hon. Michael Anthony Peart, MP, Speaker

Mr. Lloyd Barnes Smith, MP, Deputy Speaker

Hon. Phillip Feanny Paulwell, MP, Minister of Science, Technology, Energy and Mining and Leader of the House

The Most Hon. Portia Lucretia Simpson Miller, ON, MP, Prime Minister and Minister of Defence

Dr. the Hon. Peter David Phillips, MP, Minister of Finance and Planning

Hon. Robert Dixon Pickersgill, MP, Minister of Water, Land, Environment & Climate Change

Hon. Peter Murcott Bunting, MP, Minister of National Security

Hon. Roger Harold Clifford Clarke, MP, Minister of Agriculture and Fisheries

Hon. Derrick Flavius Kellier, CD, MP, Minister of Labour and Social Security

Hon. Dr. Fenton Rudyard Ferguson, MP, Minister of Health

Hon. Noel George Delano Arscott, MP, Minister of Local Government and Community Development

Hon. Natalie Gaye Neita-Headley, MP, Minister without Portfolio in the Office of the Prime Minister, with responsibility for Sports and Deputy Leader

Hon. Dr. Morais Valentine Guy, MP, Minister without Portfolio in the Ministry of Transport, Works & Housing, with responsibility for Housing

Hon. Evon Patrick Culliton Atkinson, QC, MP, Attorney General

Hon. Luther Bartley Monteith Buchanan, MP, Minister of State in the Office of the Prime Minister

Hon. Julian Jay Robinson, MP, Minister of State in the Ministry of Science, Technology, Energy and Mining

Hon. Richard Edward Azan, MP, Minister of State in the Ministry of Transport, Works & Housing

Hon. Ian Dave Hayles, MP, Minister of State in the Ministry of Agriculture & Fisheries

Hon. Colin Alfred Alexander Fagan, MP, Minister of State in the Ministry of Local Government and Community Development

Hon. Sharon Ffolkes-Abrahams, MP, Minister of State in the Ministry of Industry, Investment & Commerce

Hon. Damion Orande Crawford, MP, Minister of State in the Ministry of Tourism and Entertainment

Hon. Arnaldo Alphanso Brown, MP, Minister of State in the Ministry of Foreign Affairs and Foreign Trade

Mr. Edmund Curtis Bartlett, MP, St. James, East Central

Dr. Lynvale George Bloomfield, MP, Portland, Eastern

Mr. Hugh Carl Buchanan, MP, St. Elizabeth, South Western

Dr. Dayton Ricardo Campbell, MP, St. Ann, North Western

Dr. Horace Anthony Chang, MP, St. James, North Western

Mr. Pearnel Patroe Charles, MP, Clarendon, North Central

Mr. Delroy Hawmin Chuck, MP, St. Andrew, North Eastern

Miss Joyce Denise Daley, MP, St. Catherine, Eastern

Mrs. Marisa Colleen Dalrymple Philibert, MP, Trelawny, Southern

Dr. Donald Keith Duncan, MP, Hanover, Eastern

Dr. Winston Lloyd Green, MP, St. Mary, South Eastern

Mr. Andre Mario Hylton, MP, St. Andrew, Eastern

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

Mr. Richard Antonio Parchment, MP, St. Elizabeth, South Eastern

Mr. Mikael Asher Phillips, MP, Manchester, North Western

Mr. James Rudolph Edward Robertson, MP, St. Thomas, Western

Mrs. Shahine Elizabeth Robinson, MP, St. Ann, North Eastern

Mr. Jolyan Craig Ian Silvera, MP, St. Mary, Western

Mr. Rudyard Conrad Spencer, OD, MP, Clarendon, South Eastern

Mr. Daryl Wesley Phillip Vaz, MP, Portland, Western

Mr. Keith Anthony Walford, MP, St. Ann, South Western

Mr. Clifford Everald Errol Warmington, MP, St. Catherine, South Western

Dr. Andrew O'Brien Wheatley, MP, St. Catherine, South Central

ANNOUNCEMENTS

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

<u>Head</u>	<u>Ministry/Department</u>	<u>Financial Year</u>
2000A	Ministry of Finance and the Public Service	2010/2011
0700	Office of the Children's Advocate	2010/2011
4500 & 4500B	Ministry of Youth, Sports & Culture	2010/2011
5600	Ministry of Mining & Energy <i>(Auditor General's Department)</i>	2010/2011

NOTICES OF MOTIONS GIVEN ORALLY

The Minister of Science, Technology, Energy and Mining and Leader of the House, the Honourable Phillip Paulwell, gave notice that at the next meeting of the House he would move:

WHEREAS subsection (1)(g)(i) of section 41 of the Constitution of Jamaica requires a Member of this Honourable House of Representatives to vacate his seat if any firm in which he is a partner, or any company of which he is a director or manager, becomes a party to any contract with the Government of Jamaica for or on account of the public service or if he becomes a partner in a firm, or a director or manager of a company which is a party to any such contract;

AND WHEREAS the Member of Parliament for Saint Catherine, North Eastern is a partner in the firm of Desmond Mair Insurance Brokers Limited, which may from time to time enter into contracts with the Government of Jamaica and its affiliated agencies to provide brokerage services for general, health and life insurance;

AND WHEREAS the Member has disclosed his interest in the company as a partner:

BE IT RESOLVED that this motion be referred to the Ethics Committee for consideration and report.

He further gave notice that at a later stage that day he would move for the suspension of the Standing Orders to enable him to take the motion.

(Mr. William J. C. Hutchinson, M.P., St. Elizabeth, North Western entered and took his seat).

QUESTIONS AND ANSWERS TO QUESTIONS

Mr. Desmond Mair gave notice that at the expiration of 21 days he would ask the Minister of Science, Technology, Energy and Mining, the following question:

Part 1

Can the Minister give a detailed explanation of the pricing formula and/or mechanism being administered by Petrojam for its petroleum products?

The Minister of Transport and Works, Dr. the Honourable Omar Davies, entered and took his seat).

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

(Mr. Desmond McKenzie, CD, M.P., Kingston, Western entered and took his seat).

Part 2

Does the Minister believe that the present pricing mechanism is realistic and is a true reflection of the cost which Petrojam incurs for its petroleum products, and if so why?

Part 3

Does the Minister agree that an entity other than Petrojam should administer the pricing of its petroleum products?

Part 4

Would the Minister agree, given that the producers of electricity purchase diesel and heavy fuel oil from Petrojam and passes on this cost directly to the consumers, that in order to reduce the cost of electricity in the short term, a realistic pricing mechanism should be implemented and in due course administered by an entity external to Petrojam?

Mr. William J. C. Hutchinson gave notice that at the expiration of 21 days he would ask the Minister of Agriculture and Fisheries the following question:

Part 1

Will the Minister state if he has a holistic approach to tackle Praedial Larceny? If the answer is in the affirmative, will the Minister state the approach that will be taken and the timeframe for the implementation of the programme to minimize this problem?

Part 2

Will the Minister state if he plans to make any amendments to the Praedial Larceny Act and if so, what will they be?

Mr. William J. C. Hutchinson gave notice that at the expiration of 21 days he would ask the Minister of Agriculture and Fisheries the following question:

Case studies have shown that those countries that have developed from an agricultural base have done so through the formation of farmer organizations. Among the mandate of the Rural Agricultural Development Authority (RADA), is, “stimulating the formation of production marketing groups and providing marketing intelligence to farmers and intermediaries”.

Part 1

Will the Minister state what role will these organizations play in the development of his agricultural programme?

Part 2

Will the Minister state what the main areas for development are in his agricultural programme and how are these to be executed?

Mr. Mikael Phillips, gave notice that at the expiration of 21 days he would ask the Minister of Local Government and Community Development the following question:

Part 1

Will the Minister give the name of the contractor to which the St. Catherine Parish Council had awarded eight (8) contracts totaling \$13M on the same day?

Part 2

Will the Minister state:

- a) what was the scope of work done?
- b) in which constituency were these works done?
- c) in which community was the work done?

Part 3

What actions will be taken by the Ministry of Local Government and the St. Catherine Parish Council in the future to ensure that procurement guidelines are followed?

The Minister of Science, Technology, Energy and Mining, and Leader of the House, moved for the suspension of the Standing Orders to enable him to answer question #6 on the Question and Notice Paper notice of which was given by Mr. William J. C. Hutchinson, before the expiration of 21 days.

Seconded by: Mr. William J. C. Hutchinson.
Agreed to.

The Minister of Science, Technology, Energy and Mining and Leader of the House responded to the following question asked by Mr. William J. C. Hutchinson:

Part 1

Will the Minister state if UC Rusal plans to scale down or close their mining operations in Jamaica? If so, what is the level of production being envisaged for 2012-2013, and over what time period will the scaling down or closure take place?

Part 2

Will the Minister state if there will be any infrastructure dislocation to communities by the removal of any structure or equipment by the company? If so, what are the structures and equipment to be removed?

Part 3

If there is to be any disruption or removal of any equipment or infrastructure by the company that is essential to citizens in surrounding communities served by these projects, will the Minister

state what plans are being put in place by the Government to immediately rectify whatever dislocation may take place in these communities?

Part 4

Will the Minister state if there will be the removal of any equipment or infrastructure material from Jamaica to Guyana? If so, what are they?

Part 5

Will the Minister state how many jobs will the scaling down or closure of this plant affect?

Answer to Part 1

United Company Rusal (UC Rusal) owns 100% of Alpart and 93% of Windalco. Alpart and Windalco Kirkvine have been closed since 2009 while the Ewarton plant was reopened in 2010 and remains open. The Ewarton plant has a capacity of 550,000 tonnes and it aims to produce at this level. We do not know of plans to close Ewarton.

Answer to Part 2

On the matter of equipment removal by UC Rusal, it must be explained that the equipment mentioned in the press are owned by the contractor, Washington Group Inc. This contractor, who provided large trucks and other mining equipment, was hired by the former owner, Glencore. It was subsequently found that the use of these large trucks was less economical than the use of local small trucks. These large trucks and other mining equipment were parked since 2009. UC Rusal completed the termination of the contract in November 2011 and purchased the equipment which they have no intention of using in Jamaica. The trucks, for example, convey three times the ordinary small local contractor trucks, thus displacing at least two jobs per truck. Using local trucks is desirable as it provides more jobs for the communities and hence less disturbances from these communities while being more suitable in small pits. **No equipment is being removed that will affect adjoining communities.**

Answer to Part 3

See answer to Part 2.

Answer to Part 4

As stated in the answer to part 2, UC Rusal bought the equipment for export as they were parked for three years. The equipment is being exported to their Guyana operation. The equipment includes tractors, haul trucks, cranes, pick-ups, compressors, service trucks, and other service equipment.

Answer to Part 5

UC Rusal has not stated an intention to close Ewarton.

PUBLIC BUSINESS

The Minister of Science, Technology, Energy and Mining, and Leader of the House, having obtained suspension of the Standing Orders, moved:

WHEREAS subsection (1)(g)(i) of section 41 of the Constitution of Jamaica requires a Member of this Honourable House of Representatives to vacate his seat if any firm in which he is a partner, or any company of which he is a director or manager, becomes a party to any contract with the Government of Jamaica for or on account of the public service or if he becomes a partner in a firm, or a director or manager of a company which is a party to any such contract;

AND WHEREAS the Member of Parliament for Saint Catherine, North Eastern is a partner in the firm of Desmond Mair Insurance Brokers Limited, which may from time to time enter into contracts with the Government of Jamaica and its affiliated agencies to provide brokerage services for general, health and life insurance;

AND WHEREAS the Member has disclosed his interest in the company as a partner:

BE IT RESOLVED that this motion be referred to the Ethics Committee of the House for consideration and report.

Seconded by: Mr. Derrick Smith.

Agreed to.

PRIVATE MEMBERS' MOTIONS

Mr. Clifford Warmington having obtained suspension of the Standing Orders, moved:

WHEREAS Parliament has relied on the 23rd Edition of Erskine May's *Parliamentary Practice* for guidance on parliamentary dress code;

AND WHEREAS the Jamaican Parliament has never taken an official position on parliamentary dress code and has instead relied on the ruling of the Speaker of the day for its interpretation;

AND WHEREAS the ruling of individual Speakers is open to different interpretations:

BE IT RESOLVED that this Honourable House mandate the Standing Orders Committee of Parliament to study the issue of parliamentary dress code and submit a comprehensive recommendation to Parliament for adoption.

Seconded by: Mr. Desmond Mair.

Agreed to.

(Dr. Kenneth Baugh, M.P., St. Catherine, West Central entered and took his seat).

(The Minister of Tourism and Entertainment, the Honourable Dr. Kenneth McNeill, entered and took his seat).

(Mr. Paul Buchanan, M.P., St. Andrew, West Rural entered and took his seat).

Mr. Clifford Warmington having obtained suspension of the Standing Orders, moved:

WHEREAS THE Office of Political Ombudsman, a Commission of Parliament, was established by the *Political Ombudsman (Interim) Act*;

AND WHEREAS from all appearances the original mandate of the Political Ombudsman has been met;

AND WHEREAS, in light of budgetary constraint, the issue of value for money is raised, in that, it now cost the Jamaican taxpayers \$18.6 million annually to maintain the Political Ombudsman and his office:

BE IT RESOLVED that Parliament review and revise the term and objectives of the Office of the Political Ombudsman with a view to determine:

- (a) Its relevance to the existing political structure;
- (b) If the expenditure of the office is justified;

AND BE IT FURTHER RESOLVED that, in light of the creation and embodiment of the structures of the electoral process in a Commission, the Office of Political Ombudsman be declared redundant.

(Mr. Audley Shaw, M.P., Manchester, North Eastern entered and took his seat).

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

Further debate on the substantive motion was by leave deferred.

The Minister of Science, Technology, Energy and Mining and Leader of the House moved for the suspension of the Standing Orders to enable the recommittal of the items "*Announcements*", "*Reports from Committees*" and "*Notices of Motions Given Orally*".

Seconded by: Dr. Winston Green.

Agreed to.

ANNOUNCEMENTS

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

Report of the Ethics Committee
of the House of Representatives
(*Houses of Parliament*)

REPORTS FROM COMMITTEES

The Minister of State in the Ministry of Foreign Affairs and Foreign Trade, the Honourable Arnaldo Brown, laid on the Table of the House, a copy of the Report of the Ethics Committee of the House of Representatives:

Members of this Honourable House are reminded that on the 24th day of January 2012, the House of Representatives, on a motion moved by the Leader of the House, passed the following resolution:

BE IT RESOLVED that this Honourable House appoint an Ethics Committee comprising the following Members:

Hon. Michael Peart - Chairman

Hon. Arnaldo Brown

Mr. Andre Hylton

Mr. Hugh Buchanan

Mr. Delroy Chuck

Mrs. Marisa Dalrymple-Philibert

Dr. Andrew Wheatley

with the following Terms of Reference:

1. To receive, cause to be investigated and report on any complaints of departures by Members from the Political Code of Conduct.
2. To require a Member to make full disclosure of any interest which he may have which is likely to cause a conflict of interest.
3. To receive, cause to be investigated and report on any complaints of departures by Members in relation to allegations involving conflicts of interest.
4. To examine requests made by any Member to exempt him, by resolution of the House, from vacating his seat as a member of the House if he becomes a party to any contract or has an interest in any firm or company which is a party to any contract with the Government of Jamaica for or on account of the public service, in keeping with section 41 of the Constitution.
5. To receive, cause to be investigated and report on any allegations of impropriety in respect of funds allocated to Members for constituency purposes.
6. To monitor reports emanating from the Integrity Commission in respect of non-compliance of Members with the provisions of the *Parliament (Integrity of Members) Act*.

7. To receive and investigate any report of civil or criminal proceedings being instituted against any Member and to make appropriate recommendations to the Speaker of the House.
8. To determine the procedures for the operation of the Committee and the extent of its powers, with a view to its becoming a Sessional Select Committee, and to make recommendations for amendments to the Standing Orders to reflect this.

On January 31, 2012, the Minister of Science, Technology, Energy and Mining and Leader of the House, having obtained suspension of the Standing Orders moved:

WHEREAS subsection (1) (g) (i) of section 41 of the Constitution of Jamaica requires a Member of the House of Representatives to vacate his seat if any firm in which he is a partner, or any company, of which he is a director or manager, becomes party to any contract with the Government of Jamaica for or on account of the public service or if he becomes a partner in a firm, or a director or manager of a company which is party to any such contract;

AND WHEREAS the Member of Parliament for Manchester, North Western is the Managing Director of Island Signs Outdoor Advertising Limited which may from time to time enter into contracts with the Government of Jamaica and its Agencies;

AND WHEREAS the Member has disclosed his interest in the company as its Managing Director;

BE IT RESOLVED that this motion be referred to the Ethics Committee for consideration and report.

1.0 OVERVIEW

The Ethics Committee was established, with eight (8) Terms of Reference, in January 2006 on a motion moved by the Leader of the House of Representatives. As part of its Terms of Reference, the Committee has the responsibility of examining exemption motions brought on behalf of Members of the House of Representatives.

2.0. FINDINGS AND RECOMMENDATIONS

2.1 Motion for Exemption Brought on Behalf of Mr. Mikael Phillips

Your Committee considered the motion and recommends that exemption be granted to Mr. Phillips. The view was expressed that all Members who receive exemption should inform the Committee whether or not they have entered into any contracts with the Government. Additionally, a Member who becomes a party to a Government contract will be required to inform the Committee of the nature of that contract.

It is also the recommendation of the Committee that Members who had received exemption prior to the dissolution of Parliament should be reminded that a new motion for exemption must be brought on their behalf for consideration by the Committee.

3.0. SUMMARY OF RECOMMENDATIONS

Your Committee recommends that the motion for exemption brought on behalf of Mr. Mikael Phillips be approved

4.0. ACKNOWLEDGEMENT

The Committee wishes to thank the Clerk to the Houses and staff for their administrative support.

Houses of Parliament
February 7, 2012

APPENDIX 1

ATTENDANCE (1 Meeting)

	Present	Absent	Apology
Hon. Michael Peart	1		
Hon. Arnaldo Brown	1		
Mr. Andre Hylton		1	
Mr. Hugh Buchanan		1	
Mr. Delroy Chuck	1		
Mrs. Marisa Dalrymple-Philibert		1	1
Dr. Andrew Wheatley	1		

NOTICES OF MOTIONS GIVEN ORALLY

The Minister of State in the Ministry of Foreign Affairs and Foreign Trade, gave notice that at the next meeting of the House he would move:

BE IT RESOLVED that the Report of the Ethics Committee of the House of Representatives which was laid on the Table of the House on the 7th day of February, 2012 be adopted.

He further gave notice that at a later stage that day he would move for the suspension of the Standing Orders to enable him to take the motion.

PUBLIC BUSINESS

The Minister of State in the Ministry of Foreign Affairs and Foreign Trade, having obtained suspension of the Standing Orders, moved:

BE IT RESOLVED that the Report of the Ethics Committee of the House of Representatives which was laid on the Table of the House on the 7th day of February, 2012 be adopted.

Seconded by: Miss Joyce Denise Daley.
Agreed to.

ADJOURNMENT

At 3:11 p.m., the Minister of Science, Technology, Energy & Mining and Leader of the House, moved that the House do now adjourn to Tuesday, February 14, 2012 at 2:00 p.m. o'clock.

Seconded by: Mr. Hugh Buchanan.
Agreed to.

On the motion for the adjournment, Mrs. Marisa Dalrymple Philibert spoke briefly on the death by drowning of two students from St. Andrew College. Miss Joyce Denise Daley, Mr. Pearnel Charles, Mr. Julian Robinson and Mrs. Portia Simpson Miller also commented on the matter.

Mr. Audley Shaw spoke on the accident which occurred on Melrose Hill in Manchester, which resulted in injury to a number of high school students.

At 3:28 p.m., the House adjourned accordingly.

Michael Peart, M.P.
Speaker