



**Hon. Marlene Malahoo Forte, QC, MP**  
Attorney General of Jamaica




GOVERNMENT OF JAMAICA

## Attorney General's Sectoral Presentation 2016

GORDON HOUSE

2016 July 05

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### **Mr Speaker-**

1. In making my maiden presentation to the Sectoral Debate, I congratulate you on your elevation to the presiding chair. Permit me to also congratulate each Member, on both sides, on his or her election, whether for the first time or a subsequent occasion. As a newcomer, I must say how pleased I am that in spite of the efforts to keep me in Other Place (Senate) where I served for two terms, here I am in This Place (the House of Representatives).
2. I deem it a privilege and honour to stand as the proud Member from St James West Central. Through you, I welcome those constituents, including my Councillor Caretakers from the three Electoral Divisions of Spring Garden, Granville and Mount Salem, who have taken the trip over, to be present in the gallery; and I also greet those who are watching or listening from elsewhere. I am very grateful to the hard-working team, who gave so generously of their time and resources to ensure my presence here.
3. While I will not, on this occasion, name each team member, I want to especially thank the Honourable Member from St James North West- Minister Horace Chang, who guided me to the constituency and who continues to provide invaluable support. I want to thank former Prime Minister Bruce Golding who helped me in the campaign and who, by recruiting me to political service in 2009, effectively added me to the pool of candidates for this place. I also want to thank Ms Ann Marie Chin, who took the leap of faith with me to St James West Central and whom the constituents dub their deputy MP.

### **Mr Speaker-**

4. I thank the Almighty God, who began this work in me and Who, I know, is faithful to complete it. In, so doing, I acknowledge the many companions He has sent me on the journey. My family, including my circle of very close friends, continue to safeguard me. My husband- the Hon. Justice Ian Forte, O.J., is an exceptional man. His enduring love, unwavering support and wise counsel help to enable me, every single day.
5. In the past, the St James West Central Constituency has swung between the ruling Jamaica Labour Party and the Opposition Party in choosing their Member of Parliament. In entrusting their representation to me now, they have expressed their prior disappointments, as well as their current expectations. While the constituents and I continue to reason together, to renegotiate some of those expectations, I have given them my commitment to do the job they have elected me to do. At the same time, I have made it clear to them that I will not help them by doing for them what they should do for themselves. However, I will always work in their best interest. I will work across political and other divides. For those who do not share my sense

of private morality, I will still represent their concerns at the decision-making tables. I will do everything in my power to leave them better than I found them. And, I am here to represent all of them, not just those who voted for me or support my Party.

6. While I have been in the constituency every week since being elected, I am yet to re-visit every community I campaigned in. I am thankful, though, that so many have graciously shown me their kind understanding. They appreciate that having elected me as part of government, I am further entrusted with additional responsibilities of a very technical nature, critical to the proper and efficient functioning of the government. Those who want to see me every day in the constituency are beginning to realize that I have to maintain a presence in Kingston where the seat of government is located and where the decisions are made on their issues.
7. Last week Saturday (July 2, 2016) when I was in the constituency, I went to the New Ramble community of the Spring Garden Division. I cannot fully describe how grief stricken I was while there. The night before, gunmen went on a shooting rampage, wounding nine, three of them, fatally so, including a student of the St James High School. What I saw and what was relayed to me by residents, coupled with the other brutal killings in Saint James and across the island, tell me that we are at that point where 'enough is enough'.
8. Here is the simple truth: Our beloved island home can no longer afford the high and increasing cost of the crime problem. We have to cut it. The people of Jamaica cannot prosper with this high murder rate. Businesses cannot make the kind of profits they should, with this high murder rate. The government cannot fulfill its commitment to grow the economy and create jobs with this high murder rate. We have to do something about it. It is not beyond us to find the will and the way.
9. Later in this presentation, I will share some of the steps this Andrew-Holness-led Government will take in short order, I want all Jamaicans, at home and abroad, and all friends of Jamaica, to understand that it will not be business as usual. While we fully appreciate the help of our international partners, we do not intend to continue to posture ourselves on bended knees, begging, while being scoffed at. We intend to rise to our feet and take back our country.
10. The composition of this Parliament is instructive. It provides us with an unprecedented opportunity to co-operate more than we compete. I want our supporters outside of the Parliament to understand what that means. Every jack man, woman, boy and girl, has a role to play. We must own the problems and work together to implement meaningful solutions, while shunning partisan upmanship.
11. I want to assure the people of Saint James West Central that at the constituency level, I will work with my predecessor in the office of Member of Parliament, or whomever caretakes on behalf of the supporters of the Opposition Party. I will

work with the agencies of government; with the non-governmental organizations; with the private sector; with the faith based communities; with our international partners. I will work with everyone who is committed to being part of the solution. In this place, I will collaborate across the aisle. And in my role as Attorney General I will fair and fearlessly ensure that the Government is properly advised.

### **Mr Speaker-**

12. On this note, I turn to the 'portfolio' entrusted to me, by the Most Honourable Prime Minister, who unfortunately is not here today, because he is currently in the Co-Operative Republic of Guyana, at the CARICOM Conference of Heads of Government. I sincerely thank him for the confidence he has reposed in me, to recommend my appointment as Attorney General of Jamaica. I am honoured to be part of the team on this side, to serve my fellow Jamaicans, under the leadership of Prime Minister Andrew Holness.
13. I come to the role of Attorney General in my twentieth (20<sup>th</sup>) year as an Attorney at law; and with significant experience and perspectives gained from serving at both public and private Bar, on the Bench and in the Legislative and Executive branches of Government.
14. Many of my St James West Central constituents say they do not really know, or fully understand, what the Attorney General does. Mr Speaker, I crave your kind indulgence to explain with one proviso. Lawyer-Client privilege attaches to the work I do as Attorney General therefore I can only speak to somethings.

### **Functions of the Attorney General and the Chambers:**

15. The Attorney General is the principal legal adviser to the Government of Jamaica<sup>1</sup>, protector of the public interest- *parens patriae* (lit., parent of the fatherland) and head of the legal profession- leader of the Bar.
16. The Attorney General's Chambers (AGC), headed by the Attorney General, with the assistance of the Solicitor General, is the Principal Law Office of the Crown. Civil proceedings by and against the Crown must be instituted by and against the Attorney General<sup>2</sup>. The Chambers provides legal advice and representation to all Ministries and Departments of Government on civil matters, in all courts- from the Parish Court, to the Supreme Court, to the Court of Appeal, to Judicial Committee of Her Majesty's Privy Council. Subject always to the directions of the Attorney General, the Solicitor General may perform any of the duties and exercise any of the functions of the Attorney General<sup>3</sup>.

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<sup>1</sup>See section 79 of the Constitution of Jamaica.

<sup>2</sup>See section 13 of the Crown Proceedings Act.

<sup>3</sup>See section 3 of the Solicitor-General Act.

17. The Attorney General attends Cabinet and the Solicitor General attends the meetings of the Permanent Secretaries Board. However, the Chambers is not a ministry on its own. It is part of the Ministry of Justice. It is not a Ministry on its own.
18. The Chambers currently has a staff complement of 79 persons, comprising forty-one (41) Attorneys at Law (excluding the Attorney General, who constitutionally, must also be an Attorney at Law) and 38 members of the Administrative and Support Services. There are also three (3) part-time consultants. Let me hasten to say: this complement is woefully inadequate for the assigned workload.
19. I have established a Senior Executive Committee made up of the Attorney General, the Solicitor General and Deputy Solicitors General with whom I discuss matters arising for action from Cabinet. The Chambers continues to be managed by an Executive Committee comprising the Solicitor General (Mrs Nicole Foster-Pusey, QC), the Deputy Solicitors General (Dr. Kathy-Ann Brown and Mrs. Marlene Aldred), six (6) Directors of the Legal Divisions and the Director of the Administration Division.

#### **Divisions of the Chambers:**

20. The Attorney General's Chambers is structured into five (5) functional legal divisions: Commercial Affairs; Constitutional and Legislative Affairs; General Legal Advice; International Affairs; Litigation.

#### **The Commercial Affairs Division:**

21. **The Commercial Affairs Division** advises the Government of Jamaica on all commercial matters, including representing the Government in negotiations with national and international corporations, national and multi-national commercial institutions, particularly in the areas of finance and taxation, and in negotiating international loan agreements (including those with the World Bank and foreign commercial banks) and bilateral agreements with foreign States. It also advises on the issue of Government paper, project financing (eg Highway 2000) and privatisation (eg Sugar Divestment). Members of the **Commercial Affairs Division** also sit on numerous Government divestment committees and enterprise teams.
22. Thanks to the former Attorney General, Patrick Atkinson, Q.C.- with the kind assistance of the Development Bank of Jamaica and the Planning Institute of Jamaica, through the Foundations for Competitiveness and Growth Project (FGCP), there is a Commercial Task Force within the Chambers. It assists the Commercial Division to provide urgent legal advice on important strategic investment projects, privatisations and divestments. One senior legal consultant was hired in May 2015. She has been of immense assistance in expediting crucial commercial projects and in training members of the Division. The FGCP Project has further committed to fund an additional Legal Consultant, as well as secretarial and administrative



assistance to members of the Task Force. I invite members of the Bar to look out for the pending advertisements for the Consultant post. Join me in saying thank you to the FGCP.

### **The Constitutional and Legislative Affairs Division:**

23. **The Constitutional and Legislative Affairs Division** assists the government to implement its legislative agenda and to ensure that laws enacted are consistent with the Constitution of Jamaica. This Division reviews Cabinet Submissions, Bills and draft Regulations and advises Cabinet. It has played an instrumental role in ensuring that the legislative benchmarks in the agreement with the International Monetary Fund (IMF) were met. Generally, it also advises the staff and Members of Parliament on proposed legislation and parliamentary procedure. The Division is primarily responsible for providing advice on matters relating to the Access to Information Act and representing the government on appeals before the Access to Information Appeal Tribunal. It advises the responsible Minister on appeals under the Town and Country Planning Act, the Local Improvements Act, the Beach Control Act and the Natural Resources Conservation Authority Act.

### **General Legal Advice Division:**

24. The General Legal Advice Division provides legal advice to all Ministries, Departments and Agencies of Government on a wide breadth of legal matters, including statutory interpretation. It represents the Government at the Industrial Disputes Tribunal, The Public and Police Services Commissions, conducts arbitrations on behalf of the Government and has marshalled evidence at Commissions of Enquiries.

### **International Affairs Division:**

25. **The International Affairs Division** advises the Government on all matters involving international law, the negotiation and drafting of treaties and other international agreements and protocols, and the performance of Jamaica's obligations under them. Matters handled by the Division cover a broad spectrum of issues including international trade and investment, CARICOM, the environment, international security issues such as mutual legal assistance, drug trafficking, arms trafficking, human trafficking, corruption, terrorism, human rights, air law and policy, law of the sea and maritime delimitation. Interestingly, Jamaica has maritime boundaries with six countries, but most of these boundaries are yet to be determined. The Division is also heavily involved in the work of the Cannabis Licensing Authority; and has expended a significant amount of effort on the arbitration initiated by Noranda Bauxite Limited against the Government of Jamaica. The successful outcome of the arbitration for the Government is well known, though the award remains confidential.



26. Attorneys in the Division represent Jamaica before the United Nations and its specialised agencies, OAS, CARICOM and other international organizations. A member of the Division sits on the Eligibility Committee, which considers asylum applications. The Division has also handled a matter heard by the Caribbean Court of Justice in its original jurisdiction.

### **Litigation Division:**

27. **The Litigation Division** is responsible for the conduct of all civil proceedings instituted against and by the Government of Jamaica. Assigned Attorneys represent the Government in all the Courts and also appear before the Industrial Disputes Tribunal.

28. The Division has been involved in a number of complex cases including a challenge to the constitutionality of the Proceeds of Crime Act re requirements applicable to Attorneys-at-law, various matters involving the Independent Commission of Investigations (INDECOM), a challenge to the validity of the licence issued to the Jamaica Public Service Company, challenge to the constitutionality of the anti-bugger provisions of the Offences Against the Person Act, claims arising from the fire which occurred at the Armadale Facility in March 2009 and a claim requiring the interpretation of certain sections of the Proceeds of Crime Act in so far as they allegedly impact the presumption of innocence and the right to counsel of one's choice.

29. The period April 2015 to June 2016 has been a very busy and productive one for the Chambers. For each week in the courts' terms, the Litigation Division has handled an average of fifty (50)-mediation, court and Tribunal appearances. Court attendances covered the span of the Parish Courts across the island, the Supreme Court and the Court of Appeal. The Solicitor General and the Director of State Proceedings also argued a matter before the Judicial Committee of the Privy Council. Attorneys in the Division also frequently handled matters before the Industrial Disputes Tribunal.

30. I have heard the complaints about non-attendance in court by counsel from the Chambers. I am working to make that a thing of the past. Court appearance is a priority and must be treated accordingly. I intend to also go to court, at all levels, to deal with pending and new cases.

### **Other Functions and Powers of the Attorney General:**

31. The Attorney General carries out numerous other functions. For example, under the Patent Act, the Attorney General's certificate that an application for Letters Patent is legally in order, is a prerequisite for the grant. I put my colleagues on notice that this Attorney General will exercise any of many powers vested in her office, should the need arise. These include, initiating proceedings on own initiative

in respect of certain statutory duties; take action to restrain a corporation from exceeding its statutory powers; prevent the continuation of a public nuisance; enforce public rights; make application pursuant to the Vexatious Actions Act in relation to any person who habitually and persistently without reasonable ground institutes vexatious proceedings, thereby further clogging up the courts. Do take me seriously. To be fore-warned is to be fore-armed.

**Mr Speaker-**

32. Members of the Chambers have sat or currently sit on a wide range of Committees, Working Groups and Boards, including the following:

**a. The General Legal Council**

- b. The National Insurance Fund
- c. The National Council on Justice
- d. Queen's Counsel Committee
- e. Jamaica International Financial Service Authority
- f. Conch Quota Committee
- g. Advisory Board of the Administrator General's Department
- h. Veterinary Services Committee
- i. Air Policy Committee
- j. Tourist Board Appeals Tribunal
- k. Transport Authority Board

**l. Legal Aid Council**

- m. Supreme Court Library Committee
- n. Passport Immigration and Citizenship Agency
- o. National Land Policy Development Committee
- p. Inter-Ministerial Committee concerning children in State Care

**q. Rules Committee of the Supreme Court**

- r. Public Sector Monitoring Committee
- s. Pesticides Control Authority
- t. National Council on Ocean and Coastal Zones Management
- u. Maritime Delimitation Committee
- v. National Taskforce Against Trafficking in Person
- w. Cannabis Licensing Authority
- x. Ministry of Justice HIV/AIDS Workplace Policy Implementation Committee
- y. Man and Biosphere Committee
- z. The Principle 10 Working Group

- aa. Audit Commission
- bb. National Quick Start Programme Trust Fund Project Steering Committee
- cc. Committee to Review the Existing Bail Regime
- dd. Inter-Ministerial Committee on Human Rights
- ee. Committee of Experts on the Implementation of the Inter-American Convention against Corruption (MESICIC)
- ff. International Migration and Development Monitoring Board
- gg. Foreign Account Tax Compliance Act (FATCA) Working Group
- hh. Bench and Bar Consultative Committee**
- ii. Port Authority Negotiation Committee

### **Mr Speaker-**

33. The new Charter of Fundamental Rights and Freedom, 2010, has fuelled numerous constitutional claims by citizens against each other and other juristic persons. The Chambers has played a significant role, appearing *amicus curiae* to assist the courts to chart new legal course. At times, constitutional issues also arise in appeal, for the first time. In those cases, the Court of Appeal has invited the Chambers to assist it in providing useful perspective, due to the expertise of our Litigation and Constitutional Divisions. This is often at significant cost in terms of human resources, time and legal research.
34. I have already reiterated the call to strengthen the Chambers. I will further the steps taken under the previous Administration to review its current capacity to handle the extremely heavy and ever-increasing work load. Immediately after my appointment to the office of Attorney General took effect, I was flooded with numerous calls, letters, emails and requests for meetings. With a very open mind, I have listened very carefully to the many views expressed about the Chambers. I should like to think that everyone who has taken the time to make contact means well, but the jury is still out on that. I must say, I have found a hardworking, committed team, of varying levels of experience, stretched to their limits. In spite of the real challenges they face, they go beyond the call of duty. I intend to work closely with them, making changes where necessary, but always with a view to better enable the Chambers “to provide legal services of the highest standard, in an efficient, timely and professional manner”.

### **Proposed Centralization of Legal Services:**

35. The previous Administration took the decision to pursue centralization of legal services as a plank in the Public Sector Modernization Programme. In January 2016 the former Cabinet approved the proposed framework, having previously included it in the Government of Jamaica’s November 2015 Letter of Intent to the

International Monetary Fund. With the assistance of Justice Canada, the then Administration committed to implement, within six months of adoption, shared services within the central government, starting with the legal services. Cabinet will shortly review the proposal.

36. Centralized legal services are aimed at:

- a. Increased Efficiencies
- b. Consistent and Quality Legal Advice and Services Throughout Government
- c. Timely Delivery of Legal Services
- d. Shared Knowledge and Openness
- e. Rewarding Career Paths and Opportunities
- f. Achieving Long Term Economies of Scale
- g. Operational Flexibility

37. The proposal is that, over time, legal officers falling within line Ministries and Departments will become part of the Chambers. They will be authorized to address certain matters without the need to refer them to the Head Office. Standards and protocols will be put in place to ensure consistency and quality of legal advice. This will in all likelihood ensure speedier advice and assist in giving the Head Office the ability to focus on reducing the backlog of matters already within the Chambers.

**Mr Speaker-**

38. I am pleased to advised that the Government of Canada, through the JUST Programme, continues to support the efforts at centralization of legal services and is in the final stages of preparing a phased implementation plan, for presentation to Cabinet.

**Paucity of Resources:**

39. The AGC is in urgent need of additional resources to successfully tackle its very heavy workload, in a timely manner. In the year 2000 there were **38** attorneys in the Chambers. The Civil Procedure Rules 2002 made drastic changes to the conduct of civil litigation, by “front loading” the majority of the work and providing sanctions for non-compliance. Over time, the quantity, nature and complexity of the work in the Litigation and other Divisions have increased significantly. However, as at July 2016, there are **41** Attorneys, including the Solicitor General. An increase of 3 Attorneys *vis a vis* the increase in the number of cases being handled is just not enough. At this point in July 2016 we approximate that the AGC has over 20,000 active files.

40. I propose to press for a special initiative to provide additional administrative and legal human resources for the chambers generally and the litigation division

in particular. This urgently needed initiative will form a part of the proposals to be placed before Cabinet as it considers the way forward for Centralization of legal services.

### **Accommodation:**

41. As the Chambers expands to meet the increasing needs of the Government, we will be renting additional space to accommodate additional staff and resources. I am pleased to advise that plans are afoot to refurbish and restore the former location of the Chambers at 79 Barry Street, Downtown. This will return the Chambers to its rightful place in Justice Square. I look forward to updating the House as we progress

### **Judgment Debts**

#### **Mr Speaker-**

42. I now turn to an issue of major concern to everyone who has successfully sued the government in the name of the Attorney General: Judgment Debts. I hear the cries. I know many Judgment Creditors have been waiting for a long time.

43. As at the end of financial year 2015/2016 the records of the Ministry of Justice reflected that arising from that financial year the Government was liable to pay to judgment creditor the sum of JM\$279, 559, 756.09 and US\$181, 778.00 (approximately JM\$301,944,753.37). As at June 27, 2016, the amount due for payments out is JM\$462,067,189.00 and US\$396,111.96. Expressed in JMD, the sum is JA\$512,006,489.52. This figure does not include judgment debt interest, which is currently 6% per annum and runs on the judgment sum from the date of judgment until payment. The over \$500 million outstanding as at June 27, 2016 includes amounts which are outstanding for the financial year 2014/2015.

44. The approved provision in the budget of the Chambers for 2016/2017 is Three Hundred and Forty Three Million One Hundred and Seventy Seven Thousand Dollars (\$343,177,000.00). This amount will cover some of the liability which arose in financial year 2015/2016. As at June 27, 2016 (only three months into the new financial year) the amount provided in the 2016/2017 budget is already exceeded by the amount owed, by \$169,829,489.52.

#### **Mr Speaker-**

45. The Chambers and the Ministry of Justice have agreed on a system of payment of Judgments Debts on a 'First In First Out Basis', in relation to the time when the relevant documents are provided to the Ministry of Justice. The Chambers and the Ministry of Justice expect to complete all payments due for 2014 by the end

of July 2016. Come August 2016, we anticipate that we will commence payments due for the year 2015. We acknowledge that this is far from desirable.

46. Given the gravity of the situation, a special Submission was considered by Cabinet on the need for additional funds to settle government liability. I am pleased to advise that Cabinet has hinted at a favourable consideration and will include the matter as part of the debt reduction strategy.
47. We may also have to seriously consider revising the Judicature (Supreme Court) (Rate of Interest on Judgment Debts) Order 2006. However, before we make any move, I will be sure to meet with the Bar to discuss the matter.

### **Attempts to reduce Government's liabilities:**

48. The Government cannot afford to incur any further liability for the acts or omissions of its servants. An analysis of the settlements and judgment debts referred to the Ministry of Justice for payment in the fiscal year 2015/2016 has revealed that approximately forty-six per cent (46%) arose from police actions, which gave rise to claims for false imprisonment, malicious prosecution, assault and battery and claims for constitutional redress. Another thirty-four per cent (34%) arose from accident and personal injury claims. Medical negligence is another area of liability of concern. Although these claims reflected only approximately 6% of the matters referred to the Ministry of Justice for payment, the judgments debts are high and often involve US Dollar elements.
49. In terms of new claims filed against the Government for the period April 2015, up to June 27, 2016 our records reflect that 38% relate to false imprisonment, malicious prosecution and assault; while 29% arose from accidents and personal injuries. These are telling statistics. The Litigation Division is already in dialogue with the office of the Commissioner of Police to discuss the worrying tale. We will also be meeting with other clients such as the Ministry of Health.

### **Life in the Chambers:**

50. The Chambers has been a place of choice for attorneys who wish to be exposed to interesting, challenging and complex matters, while receiving consistent training and supervision. In recent years, however, the rate of attrition has been high. It has been difficult to retain the services of many of the attorneys after they have received the excellent training that the Chambers provides. To better understand the underlying reasons, the Chambers engaged the services of the Management Institute for National Development (MIND) to conduct an Employee Satisfaction and Engagement Survey of all members of Staff. Now that the extensive survey is complete, we will closely examine its findings and recommendations and take all necessary steps to address existing problems.

51. The Chambers currently promotes team work, employee involvement and camaraderie through internal committee involvement, social activities and the promotion of health and wellness in the workplace. Indeed, the week of June 13-17, 2016 was marked as Health and Wellness Week in the Chambers. Employees were provided with health tests, stress relieving massages and information on ZIKV. We thank the Ministry of Health for partnering with us to provide pamphlets and other information for distribution to the staff.
52. Time does not permit to share, on this occasion, all that we are doing to improve our delivery of service. However, I should let you know that later this year the Chambers will launch its own website. A contract has already been signed with the Jamaica Information Service (JIS) and the Chambers is in the process of providing to the JIS the information required to populate the website.

### **Proposed Legislative Reform Measures:**

53. Before I close, I want go back to the crime problem. It is no secret that crime is Jamaica's number one binding constraint to growth. Among the categories of crime, murder poses a particular threat. This, too, is no secret.
54. In its presentation for the 2016 Article IV Mission, the IMF reminded us that economic growth in Jamaica has been stagnating since the 1970s. Over 40 years later, Jamaica's potential growth is a mere 1%. However, if we could just bring the murder rate down to 'global average', growth could be 1.6% higher. Imagine what could happen if we succeed in doing this!
55. The wider justice system has a special role to play, but the police and courts must be further equipped to respond in a fresh way. The Honourable Minister of Justice and I are collaborating on numerous reform initiatives. We are very mindful that we have passed many laws over many years, promising much while delivering very little in some areas. We are mindful that laws, by themselves, will not bring the kind of progress we desperately need. We are also mindful of the implementation and enforcement deficit that plague us. Nonetheless, we have to act and everyone has a part to play.
56. To successfully tackle the murder problem, some of the fundamental rights and freedoms which we have guaranteed to our people may have to '*abrogated, abridged or infringed*', because the evidence we are examining convince us that such action may be "*demonstrably justified in [this] free and democratic society*".
57. I have already begun to discuss some of the proposals with the private and public bar and the Honourable Chief Justice in her administrative role as head of the judiciary. While judicial discretion must be preserved and respected, Parliament, in exercise of its powers to pass laws for peace, order and good government, will



have to set the threshold for the consequences that will flow when people choose to murder and cause mayhem.

58. So, Mr Speaker, we are going to touch the Bail Act, again. We are going to touch the Criminal Justice (Administration) Act, the Jury Act, the Evidence Act, the Criminal Justice (Plea Negotiations and Agreement) Act, the Firearms Act, the Offences Against the Person Act, to name a few. We are going to make some radical changes. Right now, the sentiment is one of “no bail for murder, unless self defence arises on the Crown’s case and the likelihood of an acquittal is high’. We are thinking of abolishing jury trials for non-capital murder and go ‘judge-alone’. Away with the ‘Unsworn Statement from the Dock. It is unthinkable that ‘this vestigial tail continues to wag in Jamaica’, further promoting a culture of impunity. In with ‘Notice of Alibi’. We must settle the Crown’s right to appeal. We will have to set up a special track to try murder, taking into account the realities surrounding the scheduling of cases in the courts.

59. These are no ordinary times. May God grant us the wisdom to discover the right, the will to choose it and the strength to make it endure.

I thank you Mr Speaker.

