



## STATEMENT BY MINISTER

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**UPDATE ON THE IMPLEMENTATION OF NEW ARRANGEMENTS TO IMPROVE THE  
LEGISLATIVE REVIEW PROCESS AND THE PROGRESS OF LEGISLATION FOR THE  
2022/2023 LEGISLATIVE YEAR  
TO  
THE HOUSE OF REPRESENTATIVES  
GORDON HOUSE, KINGSTON, JAMAICA  
2022 DECEMBER 6**

### PURPOSE

**Madam Speaker**, this Ministerial Statement is intended to provide an update to this Honourable House and the people of Jamaica on the implementation of new arrangements to improve the legislative review process and the progress of legislation for the 2022/2023 Legislative Year.

### BACKGROUND

**Madam Speaker**, the Ministry of Legal and Constitutional Affairs has been mandated to address the slow pace of legal reform in the public sector. Since its establishment in January (2022), the Ministry has been working assiduously to improve operational efficiency, speed, and the quality of legislation promulgated across government. The work is largely behind the scene and outside of the public glare.

**Madam Speaker**, the Ministry has adopted a projectised and collaborative approach to achieve results.

### ISSUES

**Madam Speaker**, the legislative review process has been affected by delays, culminating in critical pieces of legislation neither being amended, repealed and replaced, nor developed and subsequently passed in a timely manner.

The situation is exacerbated by the paucity of human resources in some Ministries, coupled with the crafting of ambitious legislative targets prior to the start of each financial year. Some targets, which are encompassed in Strategic and Operational Plans, the annual Legislation Programme, and

Throne Speeches, are not accorded priority and the concomitant dedication and focus by some entities.

Over the years, it has been observed that after the Throne Speech has been delivered, there is usually delay in some Ministries sending the necessary instructions. The Office of the Parliamentary

Counsel (OPC) is particularly affected by the current situation because it is at the end of the legislative production chain.

**Madam Speaker**, Cabinet Decision No. 43/20 dated 28 September 2020 identified the following issues affecting the legislative process:

- i. Inadequate or unclear drafting instructions from Ministries to the OPC, as well as the inordinate length of time taken for Bills to move between the key entities – i.e. the Attorney General’s (AGC), the OPC, and the Ministries during the drafting process;
- ii. Inadequate policy direction by Ministries to the AGC and the OPC;
- iii. The need for better communication amongst the key stakeholders;
- iv. Ministries were not properly addressing the concerns raised by the AGC in their comments on Cabinet Submissions and Bills;
- v. Ministries were tardy in responding to final draft Bills forwarded to them by the OPC;
- vi. The comments of the AGC on Legislative Cabinet Submissions were rarely sought and secured in keeping with the Guidelines for Cabinet Submissions;
- vii. There was need for a “filter” mechanism for quality control of Legislative Cabinet Submissions and Drafting Instructions;
- viii. Portfolio Ministers need to accept responsibility for the legislative aspects of their portfolios and the moving of their matters through the legislative process;

- ix. The need for greater prioritisation of legislation, guided by the Throne Speech and the Government's Priority Legislation Programme;
- x. Ministers and Permanent Secretaries should be more active in ensuring that legislative matters return to the OPC in a timely manner.

**Madam Speaker**, with a view to improving the process, my Ministry made a submission to the Cabinet in June (2022) proposing the introduction of a new system, and via Decision No. 20/22, dated 6 June 2022, the Cabinet granted approval for the following:

- (a) Establishment of a Legislative Team(s) in each Ministry, to include the relevant Policy Officer(s), the relevant Legal Officer(s), and the relevant Senior Officer(s) (at the level of Chief Technical Director, Principal Director or Senior Director) responsible for working closely with the relevant Policy and Legal Officers to provide oversight of the Ministry's Legislation Programme, as part of the work to strengthen inter-ministry collaboration to advance the Government's Legislative Agenda;
- (b) Collaboration between the Ministry of Legal and Constitutional Affairs and the Office of the Cabinet in supporting and monitoring the legislative work programme and implementing strategies to close gaps identified, using established and proven project management principles;
- (c) A projectised approach to law reform (in principle); and
- (d) Implementation of a public education programme on the Laws of Jamaica to augment awareness of, *inter alia*, (i) the legislative process; (ii) the role of all stakeholders in the process; (iii) the need for full compliance with the law; and, in particular, with the Charter of Fundamental Rights and Freedoms; and (iv) the Administrative/Public Law requirements for the exercise of statutory functions.

## IMPLEMENTATION OF NEW ARRANGEMENTS

**Madam Speaker**, I am happy to report to this Honourable House and the people of Jamaica that progress has been made with respect to these proposals. All Ministries have established Legislative Teams and my Ministry has started working with them.

The inaugural meeting with the Legislative Teams was convened on September 9, 2022 (face-to-face) to enable the Ministry to, among other things, meet the respective officers and provide details on the new arrangements.

The MLCA has gone further to convene meetings with the Permanent Secretary and Legislative Team of each Ministry to:

- Review the progress of priority legislation encompassed in the 2022/2023 Legislation Programme and the Throne Speech;
- Discuss strategies to accelerate the pace of reform for outstanding legislation; and
- Discuss legislative priorities for 2023/2024.

Meetings have been convened with the following Ministries to date:

- Office of the Prime Minister
- Ministry of Labour and Social Security
- Ministry of Education and Youth
- Ministry of Science, Energy and Technology

These meetings commenced in November (2022) and are scheduled to be completed by December (2022).

**Madam Speaker**, the Ministry now requires priority legislation to include subsidiary legislation (i.e. Regulations) and proposals to increase outdated fines and penalties. All Ministries were furnished with the pieces of legislation which contain fines and penalties which need to be reviewed and some have already prepared Cabinet Submissions.

**Madam Speaker**, a projectised approach has been introduced, which now requires all Ministries to work within settled timeframes. An agile, hand-holding approach has also been adopted by my Ministry to ensure that support to the Ministries is responsive and effective.

Each piece of legislation being amended or developed (if it is new) is being treated as a project and managed in accordance with established project management principles. The process involves the development of the project's scope, schedule, risks, and risk responses.

Legislative policy development has been identified as one of the major weaknesses. If the policy is not cogently expressed, this is likely to affect the quality of the related Cabinet Submission and Drafting Instructions to the Chief Parliamentary Counsel. With a view to closing this gap, my Ministry is seeking to introduce a training programme to build the capacity of officers in this area. It is projected that this training course will be implemented by the First Quarter of the 2023/2024 Financial Year.

## **PROGRESS OF LEGISLATION<sup>1</sup> - 2022/2023 LEGISLATIVE YEAR**

**Madam Speaker**, I wish to now turn my attention to the progress of legislation contained in the 2022/2023 Legislation Programme and highlighted in the Governor General's Throne Speech delivered in February (2022).

**Madam Speaker**, a total of **twenty-eight (28)** specific items of legislation were identified in the Throne Speech, with **seven (7)** being enacted. These are:

- The Bank of Jamaica (Amendment) Bill
- The Natural Resources Conservation Authority (Cockpit Country Protected Area) Order
- The Road Traffic (Fixed Penalty Notice) Regulations
- The Firearms (Prohibition, Restriction and Regulation) Act
- The Dangerous Drugs (Cannabis Import, Export, Transit and Transshipment) Regulations
- The Road Traffic Regulations
- The Transport Authority (Amendment) Act

Of the remaining twenty-one (21) specific items, the Office of the Parliamentary Counsel (OPC) has drafted **nineteen (19)** instruments in relation thereto. These are as follows:

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<sup>1</sup> Progress of legislation with specific reference to items included in the 2022 Throne Speech delivered by the Governor General.

- The Insolvency (Amendment) Bill
- The Insolvency (Amendment) Regulations
- The Bail Bill
- The Domestic Violence (Amendment) Bill
- The Human Services Bill
- The Building (Enforcement of Notices and Orders) Regulations
- The National Solid Waste Management (Amendment) Bill
- The National Solid Waste Management (Disposal of Hazardous Waste) Regulations
- The National Solid Waste Management (Disposal of Solid Waste Facilities) Regulations
- The National Solid Waste Management (Public Cleansing) Regulations
- The National Solid Waste Management (Fixed Penalties) Regulations
- The Customs Bill
- The Enhanced Security Measures Bill
- The Jamaica Teaching Council Bill
- The Education (Amendment) Bill
- The Child Care and Protection (Amendment) Bill
- The Plant Health Bill
- The Agricultural Produce (Amendment) Bill
- The Companies (Amendment) Bill

**Madam Speaker**, these items are at various stages of the legislative process, as reflected in a **Table** attached to this presentation.

**Madam Speaker**, there are a other matters which were mentioned in the Throne Speech which require legislative work, although no specific legislation was identified. Having regard to the foregoing, the OPC prepared the following legislation in support of those initiatives:

- Orders and resolutions to support the continuation or declaration (as the case may be) of Zones of Special Operations under the Law Reform (Zones of Special Operations) (Special Security and Community Development Measures) Act

- Proclamations for three (3) States of Public Emergency and the supporting regulations and continuance resolutions
- Orders under the Disaster Risk Management Act and the Public Health Act in respect of the COVID-19 pandemic
- The Food and Drugs (Coronavirus Vaccine) (Emergency Use Authorization) (Exemption) Regulations
- The Public Health (SARS COVID-19 Vaccination) Regulations
- The Tobacco Control Bill
- The Customs Tariff (Revision) (Amendment) Resolution

The OPC also prepared draft legislation in respect of a variety of other matters not mentioned in the Throne Speech. Over the period, April 1, 2022, to November 30, 2022, the OPC completed approximately **two hundred and thirty-three (233)** the matters referred to it for drafting or the provision of comments or advice. There are currently approximately **seventy-four (74)** items in the OPC awaiting completion. Drafting support is also provided through attendance at sittings of Parliament, including Joint Select Committees, and at the Legislation Committee of the Cabinet.

## THE WAY FORWARD

**Madam Speaker**, moving forward, a realistic Legislation Programme must be crafted each year, having regard to the capacity of some Ministries, the heavy demands placed on the Ministry of Legal and Constitutional Affairs (i.e. request for comments by the Legal Reform Department, feedback on drafting instructions and the actual drafting of Bills by the OPC).

My Ministry pledges its commitment to working closely with all Ministries to accelerate the pace of reform. Already, we have begun to do periodic evaluation, ahead of the end of the current legislative year, to determine progress, weaknesses, and lessons learnt. Data gathered will facilitate adjustments prior to the commencement of the next legislative year.

## **PERIODIC UPDATES TO THE PARLIAMENT**

**Madam Speaker**, following timely periodic updates to the Cabinet, the Ministry will also provide similar periodic updates to this Honourable House and the people of Jamaica on the progress of the performance of the legislative review process.



The status of those items is also provided in Table (below)

***Table: Status of Legislation***

THRONE SPEECH ITEM	LEGISLATION	STATUS
<b>Office of the Prime Minister</b>		
“With the passage of the National Identification and Registration Act, the implementation of the National Identification System (NIDS) is now fully underway. This is a critical milestone in our digital transformation. In this our 60th year, we will pass the associated regulations for the Act and issue our first National Identification cards.”	<ol style="list-style-type: none"> <li>1. National Identification and Registration (Information Security) Regulations</li> <li>2. National Identification and Registration (Assignment of National Identification Numbers) Regulations</li> <li>3. National Identification and Registration (Appeal Tribunal) Regulations</li> <li>4. National Identification and Registration Regulations</li> </ol>	Revised drafts being prepared pursuant to further instructions received on November 25, 2022.
<b>Ministry of Finance and the Public Service</b>		
“In May 2021, Jamaica acceded to the International Convention on the Simplification and Harmonization of Customs Procedures known as the Revised Kyoto Convention. This is the blueprint for modern and efficient customs procedures in the 21st century and will facilitate full streamlining of processes and procedures.”	Customs Bill	Review by Joint Select Committee concluded and List of Amendments sent to Parliament for inclusion in the Report.
<b>Ministry of Finance and the Public Service (cont'd)</b>		

“The Bank of Jamaica will roll out our own digital Jamaican dollar in 2022 after a successful pilot during 2021. This will serve as a foundation for Jamaica’s digital payments architecture and will BUILDING OUR JAMAICA: Peace, Opportunity and Prosperity 6 facilitate greater financial inclusion, increase transaction velocity while reducing the cost of banking for the Jamaican people.”	Bank of Jamaica (Amendment) Bill	Passed
<b>Ministry of Economic Growth and Job Creation</b>		
“The long-awaited gazetting of the Cockpit Country Protected Area boundaries, will be brought to Parliament in this legislative year.”	Natural Resources Conservation Authority (Cockpit Country Protected Area) Order	Gazetted
“The Government will promulgate new legislation to enable the creation and regulation of a National Protected Areas System that is representative of Jamaica’s ecological and cultural heritage. The legislation will include harmonised provisions for management of private lands in protected areas under a new comprehensive statute.”	---	OPC has not yet received required information from the Ministry on this matter.
<b>Ministry of National Security</b>		
“The new electronic Traffic Ticket Management System (TTMS) will enhance public order and safety by ensuring that tickets and related information will be accurate and readily available to support the efficient enforcement of fines and penalties.”	Road Traffic (Fixed Penalty Notice) Regulations	Gazetted
“In seven (7) vulnerable communities currently declared as Zones of Special Operations (ZOSOs), cumulative incidents of murders declined by 63% and shootings declined by 77%.”	7 Orders and Resolutions to enable the continuation of the ZOSOs	Orders and Resolutions prepared at periodic intervals as necessary for tabling in Parliament.
<b>Ministry of National Security (cont’d)</b>		
“Similarly, murders decreased by an average of 42% and shootings decreased by an average of 43% under States of Public Emergency (SOEs).”	3 SOE Proclamations and supporting Regulations	Gazetted
Firearms (Prohibition, Restriction and Regulation) Bill	<ul style="list-style-type: none"> <li>• Firearms (Prohibition, Restriction and Regulation) Bill</li> <li>• Appointed Day Notice</li> <li>• Order and affirmative resolution in respect of firearms amnesty</li> </ul>	Act brought into operation with effect from November 1, 2022.

Review of the Corrections Act	---	OPC is awaiting new information on this matter since the delivery of the Throne Speech.
Development of Enhanced Security Measures Bill	---	A draft Bill was prepared in 2020.
Development of Security Personnel Integrity Bill	----	OPC is awaiting new information on this matter since the delivery of the Throne Speech.
Development of a National Intelligence and Security Bill	---	OPC is awaiting new information on this matter since the delivery of the Throne Speech.
<b>Ministry of Health and Wellness</b>		
“The Government has continued its efforts to mitigate the effects of the COVID-19 pandemic.”	<ul style="list-style-type: none"> <li>Disaster Risk management Orders; Public Health (Enforcement Measures) Orders</li> </ul>	Orders prepared and Gazetted as per instructions.
<b>Ministry of Health and Wellness (cont'd)</b>		
	<ul style="list-style-type: none"> <li>Food and Drugs (Coronavirus Vaccine) (Emergency Use Authorization) (Exemption) Regulations</li> <li>Public Health (SARS COVID-19 Vaccination) Regulations</li> </ul>	<p>Revised draft dispatched July 12, 2022.</p> <p>OPC has no new information on this matter since the delivery of the Throne Speech. The last draft was dispatched on September 20, 2021.</p>
“The Government has continued its multi-pronged strategy to tackle non-communicable diseases (NCDs) by improving management and access to services and reducing behavioural risk factors such as tobacco use, unhealthy diets and physical inactivity.”	Tobacco Control Bill	The Bill is being considered by a Joint Select Committee of Parliament.
<b>Ministry of Education and Youth</b>		
“The long overdue Jamaica Teaching Council Bill was finally tabled in Parliament. The Bill seeks to bring structure and standards to teaching.”	Jamaica Teaching Council Bill	The Bill is being considered by a Joint Select Committee of Parliament.
Education Act	Education (Amendment) Bill and Regulations	A revised draft Bill, incorporating consequential amendments to Regulations, is being prepared consequent on further instructions received on November 7, 2022.

Children (Adoption of) (Amendment) Bill	---	OPC has no new information on this matter since the delivery of the Throne Speech.
<b>Ministry of Education and Youth (cont'd)</b>		
Child Care and Protection (Amendment) Bill	Child Care and Protection (Amendment) Bill	A revised draft Bill was dispatched on October 18, 2022.  Comments on a revised draft Cabinet Submission containing further proposals were dispatched on October 26, 2022.
<b>Ministry of Tourism</b> [No items identified]		
<b>Ministry of Agriculture and Fisheries</b>		
Repeal of the Plants (Quarantine) Act and enactment	Plant Health Act	A revised draft Bill was dispatched on November 21, 2022.
Amendment to the Agricultural Produce Act	Agricultural Produce (Amendment) Bill	Revised draft Bill being prepared pursuant to latest instructions received on November 15, 2022.
<b>Ministry of Industry, Investment and Commerce</b>		
“Amendments to the Companies Act to strengthen the disclosure of information relating to the beneficial ownership of companies in accordance with the Financial Action Task Force standards to counter money laundering and terrorism financing.	Companies (Amendment) Bill  Companies (Beneficial Ownership) Rules	A revised draft Bill was dispatched on September 30, 2022.  Draft Rules are being prepared. Further instructions were requested by OPC on August 26, 2022.
“The Insolvency (Amendment) Bill to allow for the rehabilitation of businesses where possible and the prevention of insolvency.”	Insolvency (Amendment) Bill  Insolvency (Amendment) Regulations	A draft Bill was dispatched on June 6, 2022.  Revised draft Regulations were dispatched October 7, 2022.
<b>Ministry of Industry, Investment and Commerce (cont'd)</b>		

<p>“The Dangerous Drugs (Cannabis Import, Export, Transit &amp; Transshipment) Regulations to facilitate the growth of the cannabis industry for medical, therapeutic and scientific purposes by creating a legal framework for import, export, transit and transshipment in the industry.”</p>	<p>Dangerous Drugs (Cannabis Import, Export, Transit and Transshipment) Regulations</p> <p>Dangerous Drugs (Cannabis Licensing) (Cultivator's Transitional Special Permit) Regulations</p> <p>Dangerous Drugs (Cannabis Licensing) (Interim) (Amendment) Regulations</p> <p>Dangerous Drugs (Hemp) Regulations</p>	<p>Gazetted July 17, 2022.</p> <p>Draft being prepared pursuant to instructions assigned August 3, 2022.</p> <p>A revised draft was dispatched on November 3, 2022.</p> <p>A revised draft was dispatched on November 21, 2022.</p>
<b>Ministry of Science, Energy and Technology</b>		
<p>“The operationalisation of the Data Protection Act is critical to the implementation of the National Identification System.”</p>	<p>-----</p>	<p>OPC is awaiting new information on this matter since the delivery of the Throne Speech.</p>
<p>“The Government continues to take actions to redefine the energy and technology landscape and has developed a Strategic Framework to guide the introduction of electric vehicles in Jamaica. An Electric Vehicle Council has been established that will oversee the implementation of the Framework.”</p>	<p>Amendment of First Schedule of the Customs Tariff (Revision) Resolution, to specify duty on import of electric vehicles.</p>	<p>Passed</p>
<p><b>Ministry of Foreign Affairs and Foreign Trade</b> [No items identified]</p>		
<b>Ministry of Justice</b>		
<p>“The Government will continue to promote the use of mediation instead of litigation to resolve disputes, avoid community conflicts and reduce the burden on the court system.”</p>	<p>Mediation Bill</p>	<p>A draft Bill is being prepared pursuant to instructions received on October 28, 2022.</p>
<b>Ministry of Legal and Constitutional Affairs</b>		
<p>“Reform the laws of Jamaica”</p>	<p>---</p>	<p>MLCA is collaborating with portfolio Ministries and some are now in process of finalising Cabinet Submissions.</p> <p>OPC submitted proposals to the Minister regarding a revision of the Interpretation Act which falls</p>

		within the MLCA's portfolio.
	----	The Minister provided an update to Parliament on November 15, 2022
"Start the process of reviewing the Constitution, and, the process to shift Jamaica's status as a Constitutional Monarchy"		
"One critical piece of legislation in need of reform is the Bail Act. New provisions will be enacted in relation to the grant or denial of bail and related matters."	Bail Bill	The Bill is now being reviewed by a Joint Select Committee of Parliament.
<b>Ministry of Culture, Gender, Entertainment and Sport</b>		
"Cabinet has approved the recommended amendments to the Domestic Violence Act and drafting instructions have been issued. The amendments are expected to be passed in Parliament in this Legislative Year."	Domestic Violence (Amendment) Bill	A revised draft Bill is being prepared pursuant to instructions received on October 3, 2022.
<b>Ministry of Local Government and Rural Development</b>		
Human Services Bill related to the National Solid Waste Management Authority and the Building (Enforcement of Notices and Orders) Regulations.	Human Services Bill	OPC has no new information on this matter since the delivery of the Throne Speech. The last draft Bill was dispatched on May 13, 2020.
<b>Ministry of Local Government and Rural Development (cont'd)</b>		
National Solid Waste Management (Amendment) Bill and Regulations	National Solid Waste Management Bill – amendment of Schedules  National Solid Waste Management (Disposal of Hazardous Waste) Regulations  National Solid Waste Management (Disposal of Solid Waste Facilities) Regulations	The Bill was presented to the Legislation Committee but was deferred, for inclusion of additional matters.  The revised drafts of the three sets of regulations were dispatched on November 4, 2022.
	Waste Facilities) Regulations  National Solid Waste Management (Public Cleansing) Regulations	

	National Solid Waste Management (Fixed Penalties) Regulations	A draft was dispatched on September 19, 2022.
<b>Ministry of Transport and Mining</b>		
“The Regulations to accompany the Road Traffic Act were recently tabled in Parliament. They include far-reaching changes to make our roads safer for all and improve public safety and order.”	Road Traffic (Amendment) Bill  Road Traffic Regulations	The Regulations were revised and re-tabled since the Throne Speech. Both instruments have been passed.
“In the upcoming fiscal year, the Government will focus on the full implementation of the new Island Traffic Authority, as a statutory body, mandated to carry out the provisions of the Road Traffic Act 2018. The Authority will continue to implement technological and strategic initiatives to enhance their efficiency and effectiveness.”	Transport Authority Bill  Transport Authority (Fixed Penalties) Regulations	Passed  Dispatched July 27, 2022
<b>Ministry of Labour and Social Security</b> [No items identified]		