

Public Defender Wants To Join Buggery Law Challenge Suit

The Gleaner



File Photo

Public Defender Arlene Harrison Henry.

challenging Jamaica's buggery law.

Several organisations, churches and religious groups, have filed applications seeking to become interested parties in the suit.

The applications are set to be heard on April 26.

The Public Defender claims that her office was created for the purpose of protecting and enforcing the rights of citizens.

The Public Defender is of the view that the resolution of the issues raised in the claim and the decision on whether to grant the relief being sought will affect a class of citizens in Jamaica.

The Public Defender states that she was shown a copy of the claim filed by Tomlinson which alleges breaches of the Charter of Fundamental Rights and Freedoms.

She says the main grievance outlined by the claim is that the claimant, who is a homosexual man, is adversely affected by various laws which criminalise sexual activity between consenting adult males.

Tomlinson filed a constitutional motion against the Attorney General last year after gay rights activist, Javed Jaghai, withdrew his challenge against the buggery law because of threats. Tomlinson is seeking to have the anti-sodomy law nullified in relation to all cases of adult consensual sex which attracts convictions and prison terms.

He also claims that criminalising homosexuality amounts to a direct and blatant denial of equality before the law for him and other gay men.

Tomlinson claims that the law encourages violence against homosexuals.

Magisterial Recount For St Mary South Eastern Tomorrow

The Gleaner

The magisterial recount of the ballots in St Mary South Eastern has been scheduled for tomorrow.

In addition to St Mary South East, the Jamaica Labour Party (JLP) yesterday signalled that it will also be requesting a magisterial recount for St James South, in which the People's National Party (PNP) Derrick Keller prevailed over Homer Davis by 72 votes.

Following the preliminary count on Thursday night, the JLP's Dr Norman Dunn was named the winner over the PNP's Dr Winston Green by 127 votes.

However, following the final count on Saturday, the results were reversed and Dr Green was declared the winner by a nine-vote majority.

Dr Dunn's lawyer, Alexander Williams, says an application was filed yesterday in the Corporate Area Resident Magistrate's Court for a recount.

He told The Gleaner that summonses are now being prepared to facilitate the recount tomorrow.

With Green's win, the overall seat count is now JLP 32, PNP 31.

Political Activist Rameish Simpson Back In Police Custody For Violating Bail Condition

The Gleaner

Rameish Simpson, one of the two St Thomas men accused of driving into the sea in an attempt to evade the police has been taken back into custody for breaching a condition of his bail.

Simpson was on bail in the sum of \$3 million.

One of his bail conditions was a curfew order which required him to be at home between 6 o'clock in the evenings and 6 o'clock in the mornings.

Simpson's attorney, Hensley Williams, says he understands that Simpson was late in returning home to meet his curfew by about 15 minutes.

He says his client was taken into police custody yesterday.

The attorney says he will be going to the night court at the Yallahs Resident Magistrate's Court in St Thomas to seek to have Simpson's bail restored.

Simpson and his cousin Richard are charged with illegal possession of a firearm and ammunition arising from the alleged December 2015 police chase that ended in the sea in St. Thomas.

Cop Convicted Of Ganja Possession Loses Appeal

The Gleaner

Police constable Audley Coleman has lost his appeal against his convictions for possession of ganja and dealing in ganja.

However, he has been successful in having the mandatory six-month prison term set aside.

On Friday, the Court of Appeal ruled that the Resident Magistrate imposed the wrong sentence for the amount of ganja that was found in Coleman's possession.

In April 2014, Coleman was convicted for possession of 10.6 ounces of ganja and was fined \$15,000 or six months' imprisonment.

He was also convicted of dealing in ganja and was fined \$15,000 or six months' imprisonment. In addition, Coleman was ordered to serve a mandatory six-month prison term on each count.

One of the grounds of appeal was that the sentence was excessive.

The Court of Appeal found that the correct fines were not imposed according to law and set aside the sentences.

Coleman was instead fined \$1,000 or six months' imprisonment for possession of ganja and \$2,000 or six months' imprisonment for dealing in ganja.

The cop who was represented by attorney-at-law Zavia Mayne, was on bail pending the outcome of his appeal.

On appeal, prosecutor Melony Taylor Domville argued that the Resident Magistrate did no err in finding Coleman guilty of the offences.

The Court of Appeal agreed and upheld the convictions.

Murder Trial Of X6 Driver For Court Tomorrow

The Gleaner

The businessman accused of the 2011 murder of schoolboy Khajeel Mais is return to court tomorrow in another attempt to start his murder trial.

Patrick Powell's trial was expected to begin in the Home Circuit Court yesterday, but had to be put off.

Powell's bail was further extended.

Mais, who was a student of Kingston College, was shot dead when a taxi in which he was a passenger was reportedly fired upon in Havendale, St Andrew by the driver of a BMW X6 motor vehicle.

Powell is accused of shooting at the taxi in a fit of road rage.

New minimum wage effective today

The Observer



You may need to weigh the time value of money. The recently announced increases in the National Minimum Wage and the Minimum Wage for industrial security guards will come into effect today.

A news release from the Ministry of Labour and Social Security said that the National Minimum Wage will be increased from \$5,600 to \$6,200 per 40-hour workweek. Arising from this, the new hourly rate for the National Minimum Wage is \$155; the time-and-a-half rate is \$232.50, and the double-time rate will be increased to \$310.

The minimum wage for industrial security guards will be increased from \$204.97 per hour for a 40-hour work week (single-time rate) or \$8,198 weekly to \$221.35 per hour for a 40-hour work week or \$8,854 weekly. For security guards, the time-and-a-half rate will be increased to \$332.03 while the double-time rate is now \$442.70.

Laundry allowance for industrial security guards will be increased from \$37.30 per hour to \$40.30 per hour.

Firearm premium allowance will move from \$41.00 per hour to \$44.30 per hour, while the dog handler's premium allowance will be increased from \$27.58 per hour to \$29.80 per hour.

The insurance coverage payable on account of security guards who are killed or injured in the line of duty will also be increased from \$2 million to \$2.5 million.

The National Minimum Wage is recommended by the Minimum Wage Advisory Commission following general consultations as provided for under the Minimum Wage Act. The amount represents the minimum rates for groups of wage earners who do not have the bargaining power to negotiate for fair wages.

The advisory commission is comprised of representatives of the Government, trade unions and employers' groups, and is mandated to review the rates annually. The National Minimum Wage was last increased in January 2014.

Bermuda plans referendum on same-sex marriage

The Observer



HAMILTON, Bermuda (CMC) — Premier Michael Dunkley says his One Bermuda Alliance (OBA) Government will take steps to hold a referendum on the controversial topic of same-sex marriage and civil unions in this British Overseas Territory.

Dunkley, accompanied by Community and Culture Minister Patricia Gordon Pamplin, told a media conference on Monday that a referendum bill will be tabled in the House of Assembly “this legislative session”.

It came moments after Gordon-Pamplin tabled the Civil Union Bill 2016 for consultation in the House.

She said the issue of same-sex marriage and civil unions is “at the forefront of our national conversation” because a Supreme Court ruling regarding the Bermuda Bred Company took effect on Monday.

That landmark ruling by Chief Justice Ian Kawaley means that non-Bermudian same-sex partners of Bermudians, who are in permanent relationships, are entitled to live and work in Bermuda free of immigration control.

“It is very important to mention that, prior to that Supreme Court writ, government has sought to do its due diligence to review and to address the issue of same-sex unions by engaging in a very intensive consultation process,” Dunkley told the media.

“This included a series of public information sessions, the sharing of extensive research with the public on how other jurisdictions have sought to approach and reconcile this matter, outlining international legal responsibility, the proposed way the Bermuda Government could implement and manage civil unions, and meeting with advocacy groups and individuals for and against same-sex marriage in civil unions, all with the aim of listening to all sectors of the community on this very sensitive matter.

“That said, as directed by the Supreme Court ruling, the government is required to recognise same-sex couples in a permanent relationship. This government believes in upholding fundamental and basic human rights.”

He said as such, government has an obligation to bring the matter of same-sex unions to a resolution.

“In order to get the widest possible reach of views from the people it is the intention of the government to table a referendum bill on the matter later in this legislative session.

“What has been made evidently clear through this entire process is that there are varied views on the issue of same-sex marriage and civil unions in parliament and throughout our community.

“Recognising that this is a very complex and difficult issue for many in the community, we are committed to extending the consultative process so that the people of this country can express their opinions on same-sex marriage and civil unions via a referendum.”

Dunkley said that his government is of the view that marriage is a union between a man and a woman, which is why “we have tabled in the House the Matrimonial Causes Amendment Act 2016, which will strengthen that act.

“I recognise that there is an incredible passion and emotion about same-sex unions. I want to take this opportunity to say thank you to everyone for allowing us to do the considerable soul-searching and reflection regarding this issue.”

The last referendum held in Bermuda was in 1995, when then-premier Sir John Swan of the now-defunct United Bermuda Party, pushed for independence but almost three-quarters of voters rejected cutting ties with Britain.

The rejection led Sir John, who was premier for 13 years, to call time on his political career and little has happened in the intervening 21 years to change Bermudians’ minds on the issue.

Bahamas to take students to court over outstanding loans

The Observer



FITZGERALD... the Education Loan Authority now has a formula to address and correct the deficiencies of the ELP

NASSAU, Bahamas (CMC) — The Bahamas Government says it is prepared to take court action against delinquent students who refuse to

repay loans made available to them under the Education Loan Programme (ELP).

Education, Science and Technology Minister Jerome Fitzgerald said since the ELP came into existence in 2002, at least 4, 733 students had benefitted from the initiative.

But he said that after three years of reviewing and reconciling records, the Education Loan Authority (ELA) now has a formula to address and correct the deficiencies of the ELP.

“I can assure that the directors and management of the Education Loan Authority (ELA) were instructed to work fastidiously, to come up with a solution to restore the Education Loan Programme. To not only restore the programme, but to restore the programme with the necessary control provisions to ensure its ongoing sustainability and viability,” said Fitzgerald.

Despite the many “success” stories, he maintained that there were also a number of failings which have “derailed” the programme that successive governments deemed was most important to the economic sustainability of the nation.

The programme was suspended in August 2009 as a result of a delinquency rate of 75 per cent in student loan repayments.

Fitzgerald re-emphasised the government's belief that, "one of the prerequisites for successfully delivering our commitment to the creation of an effective transition path from high school into higher education had to be the restoration of the Scholarship Loan Programme".

He announced the value of the portfolio including principal and interest, is approximately US\$155 million, which represents approximately 4,300 loans.

"This was and is clearly unsustainable! The people of The Bahamas financed this programme to assist with the education of persons pursuing tertiary education. The loan portfolio is intended to be a revolving fund; and as the borrower pays, the monies are repaid to assist other qualified students."

Loan recipients have studied in various countries including The Bahamas and covered diverse fields of study of some 26 disciplines. Sixty-seven per cent of the student loan recipients completed their studies.

"I must emphasise that many loan recipients have satisfied and are satisfying their commitments. There are many more, however, for a plurality of reasons who have not. We are aware that many persons who received loans have returned home and are not working. We are also equally aware that there is a possibility that a number of persons who received funds between 2000 and 2002 may not have ever attended school.

"However, we are cognisant of our fiduciary responsibility to the country and that we had to formulate a plan that would sensibly facilitate our pursuit to collect delinquent funds, one way or the other.

"Under the scenario, with a view of jump-starting the programme during this administrative term, the ELA was mandated to review the suspended programme with the intention of making

recommendations to restart the programme to again give an opportunity to qualified persons interested in pursuing tertiary education,” he added.

The End