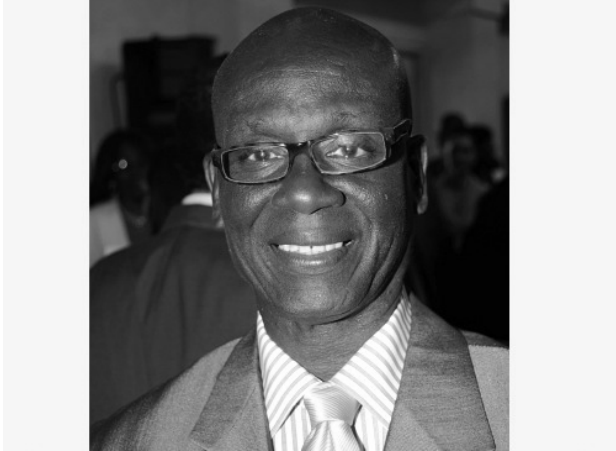


## Municipal court high on McKenzie's agenda

The Observer



Desmond McKenzie, Minister of Local Government

**THE establishment of a municipal court to facilitate compliance with building regulations is high on the local government ministry's agenda, Minister Desmond McKenzie told the Kingston and St Andrew**

**Corporation council meeting on Tuesday (April 12).**

McKenzie first mooted the municipal court in 2004, when he was mayor of Kingston. At that time, he said that the revenue generated by the municipal court should flow directly into the KSAC's coffers and should not be funnelled into the consolidated fund.

The minister, who told the KSAC council on Tuesday that the parish councils must find ways to increase their own -source revenue, said that the councils must try to generate 30-45 per cent of own-source income as "central government cannot continue to carry the burden of local government."

McKenzie argued that the income from property tax, trade licences and building fees could be significant if the mechanism was put in place to guarantee collection.

"As minister I will seek to strengthen the capacity to allow you to collect revenue," he said.

He said that he would be seeking Cabinet approval for the councils to keep the three per cent (\$150 million) collected for property tax that currently goes directly into the Consolidated Fund. Declaring that local government was a part of the government's growth agenda, McKenzie said that he would be putting the councils on notice that the way the Equalisation Fund had been used in the past would have to be revisited. The Equalisation Fund was originally established to support the small parish councils, whose revenue base needed support.

The parish councils must now look at how the fund can be used to generate additional revenue, he argued.

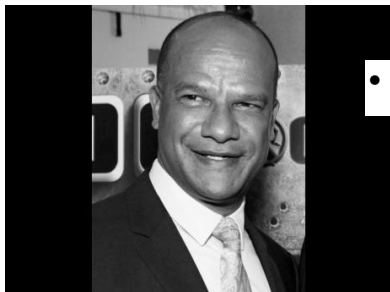
Meanwhile, with regard to garbage collection, the minister said that he could not give a timeline as to when improvements at the National Solid Waste Management Authority would be evident. "However, there are going to be improvements in service delivery," he said.

McKenzie said that, for efficient garbage collection, 130 new garbage trucks were needed. He said that \$250 million would be provided in the 2016-2017 estimates of expenditure for the purchase of 17 new garbage trucks. The last Administration had provided 15 new garbage trucks, he said.

## Immunity Provisions In Law For Good Reason - Bunting

The Gleaner

Livern Barrett



### Bunting

Former Attorney General Patrick Atkinson yesterday indicated that he could not disclose whether his office provided the legal advice former National Security Minister Peter Bunting relied

on when he issued a certificate in January this year that shields members of the military from prosecution for the use of mortars during the May 2010 operations in west Kingston.

According to documents included in a case now before the Judicial Review Court, Bunting relied on the Emergency Powers Regulations when he issued the certificate on January 7, more than five years after the regulations expired in June 2010.

Seeking to explain the five-year wait to issue the certificate, Bunting indicated, through a statement released by his personal assistant, that he acted "as soon as the matter was brought to his attention and after taking legal advice".

Yesterday, Atkinson, the former top government lawyer, told The Gleaner that it was Bunting's prerogative to reveal where he got his legal advice "or authorise who he got it from to disclose" that information.

"There is always a privilege between a lawyer and client, which belongs to the client. No lawyer can disclose what instructions were given or sought at any time," Atkinson explained.

### **Issued At JDF's Request**

After indicating on Tuesday that he would not comment on the issue because it was before the court, Bunting broke his silence a day later, asserting that the certificate was properly issued under Section 45 of the Emergency Powers (No 2) Regulations 2010.

He said it was issued following an application from the Jamaica Defence Force (JDF) "that was related to the use of mortars in west Kingston".

"Mr Bunting has held the view that in the absence of any material to suggest that the actions of the officers and ranks of the JDF [Jamaica Defence Force] during the [limited] state of emergency in May 2010 were done other than bona fide and in good faith in the execution of their duty, he had a responsibility to issue the certificates in the best interest of the public, national security, and all concerned," read a section of the statement from his personal assistant.

The Independent Commission of Investigations (INDECOM) is probing the use of mortars during the operations and has obtained a warrant to search the army's Up Park Camp headquarters for information about the explosives.

Army chief Major General Antony Anderson has filed an application in the Judicial Review Court to have the warrant quashed.

In opposing the application, INDECOM attorneys have charged that the certificate has the potential to lead the investigation off track before it has even started.

But the former security minister defended his action, which bars members of the military from any action, suit, prosecution, "or other proceedings" arising from "any act done in good faith" while carrying out their duties during an emergency period.

Noting that members of the JDF put their lives on the line while serving the people of Jamaica in good faith, Bunting said the minister of national security is obliged to protect them from unnecessary prosecution "and not leave those brave soldiers out in the cold".

"Having acted legitimately and in good faith pursuant to the state of emergency, the officers and ranks of the JDF were entitled to the evidence provided by my certificate," he insisted.

"Were it not so, how could we expect soldiers to put themselves at risk in such dire circumstances when Jamaica needs them again? The immunity provisions relating to states of emergency are in the law for good reason and should be applied accordingly," he added.

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# Eight Accused Lottery Scammers Denied Bail



The Gleaner

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**Andre Williams, Gleaner Writer**

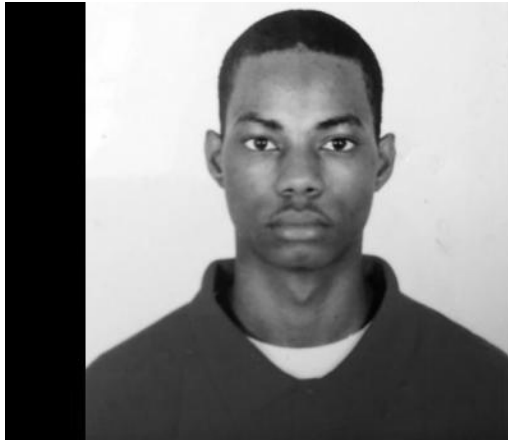
**The court has denied bail to all eight persons arrested on extradition warrants during a series of police operations in western Jamaica recently.**

The eight, who appeared in the Kingston Parish Court today, are accused of being part of a criminal organisation involved in lottery scamming.

**READ: Eight facing lottery-scam indictment in the US** Senior Parish Judge Judith Pusey denied bail to the accused who are: Dahlia Hunter, Karae Gray, Alrick McLeod, Kimberly Hudson, Xanu Morgan, O'Neil Brown, Dario Palmer and Jason Jahalal. They are all to return to court on April 28.

# Prelim For Cops In Mario Deane Case To Continue May 3

The Gleaner



File  
Deane

Western Bureau:

The ongoing preliminary examination in the case against three police officers, faced with multiple charges arising from the beating of Mario Deane

while in police custody in 2014, will be resumed in the Montego Bay Resident Magistrate's Court on May 3.

Corporal Elaine Stewart and district constables Juliana Clevon and Marlon Grant had their bails extended following their most recent court appearance on Tuesday, during which two police officers gave evidence.

The officers who testified on Tuesday were Detective Sergeant Joel Findlay and Corporal Orville Williams, both of whom were attached to the Barnett Street Police Station at the time of Deane's beating while he was in custody at the station lock-up on August 3, 2014, for possession of a ganja spliff.

Stewart, Clevon, and Grant are charged with manslaughter, misconduct in a public office, and perverting the course of justice.

It is alleged that the three defendants were on duty at the time when Deane was beaten in a cell at the lock-up. Deane subsequently died in hospital three days later, on August 6, 2014.

It is further alleged that Stewart gave instructions for the cell to be cleaned before the arrival of investigators from the Independent Commission of Investigations.

**The End**