



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2013/14 SESSION

4 September 2013

First Sitting of the Second Meeting

(pages 41–52)

Hon Anthony S Eden, JP, MLA, Deputy Speaker

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PRESENT WERE:

SPEAKER

Hon. Anthony S Eden, OBE, JP
Deputy Speaker

MINISTERS OF THE CABINET

Hon Alden McLaughlin, Jr., MBE, JP, MLA	<i>The Premier</i> , Minister of Home and Community Affairs
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Agriculture, Housing and Infrastructure
Hon Marco S Archer, MLA	Minister of Finance and Economic Development
Hon Osbourne V Bodden, MLA	Minister of Health, Sports, Youth and Culture
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment

EX OFFICIO MEMBERS OF THE CABINET

Hon Mary Rodrigues	Acting Deputy Governor, Temporary ex officio Member responsible for the Civil Service
Hon Samuel W Bulgin, QC, JP	Attorney General, responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Mr Roy McTaggart, MLA	Second Elected Member for George Town
Mr Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town

OPPOSITION MEMBERS

Mr Bernie A Bush, MLA	Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

Mr D Ezzard Miller, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

APOLOGIES

Hon Juliana Y O'Connor-Connolly, JP	Speaker, Second Elected Member for Cayman Brac and Little Cayman
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs
Hon. W. McKeeva Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay

OFFICIAL HANSARD REPORT
SECOND MEETING 2013/14 SESSION
WEDNESDAY
4 SEPTEMBER 2013
11.01 AM
First Sitting

[Hon. Anthony S. Eden, Deputy Speaker, presiding]

The Deputy Speaker: Good morning. Sorry for the delay, there were some technical problems.

I will now call on the Honourable Premier to lead us in prayers.

PRAYERS

The Premier, Hon. Alden McLaughlin, Jr.: Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.

Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.

Let us say the Lord's Prayer together: *Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.*

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace, now and always. Amen.

The Deputy Speaker: I now ask the Acting Deputy Governor to come to the Clerk's dais to be sworn in.

ADMINISTRATION OF OATHS

[Administered by the Clerk]

Oath of Allegiance

Hon. Mary E. Rodrigues, Acting Deputy Governor: I, Mary Elizabeth Rodrigues, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to Law, so help me God.

Oath of Due Execution

Hon. Mary E. Rodrigues: I, Mary Elizabeth Rodrigues, do swear that I will well and truly serve Her Majesty Queen Elizabeth II, her heirs and successors and the people of the Cayman Islands, in the office of ex-officio Member of the Legislative Assembly, so help me God.

The Deputy Speaker: Madam Deputy Governor, on behalf of this honourable Legislative Assembly, I welcome you to this House and ask you to please take your seat.

Please be seated.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

Apologies

The Deputy Speaker: I have received apologies from the Honourable Speaker, the Honourable Minister of Education and Honourable Leader of the Opposition.

PRESENTATION OF PAPERS AND OF REPORTS

National Roads Authority Financial Statements 30th June 2012

The Deputy Speaker: Honourable Minister of Planning, Agriculture, Housing and Infrastructure.

Hon. D. Kurt Tibbetts, Minister of Planning, Agriculture, Housing and Infrastructure: Thank you, Mr. Speaker.

I beg to lay on the Table of this honourable House the [National Roads Authority](#) Financial Statements for the year ending 30th June 2012.

The Deputy Speaker: So ordered.

Does the honourable Minister wish to speak thereto?

Hon. D. Kurt Tibbetts: Mr. Speaker, the financials are self-explanatory, but just to read very swiftly the Auditor General's opinion, and I quote: **"In my opinion, the financial statements present fairly, in all material respects, the financial position of the National Roads Authority as at 30 June 2012 and the results of its comprehensive income and its cash flows for the year then ended in accordance with International Financial Reporting Standards."**

That, sir, tells the tale. Thank you.

Cayman Airways Limited Consolidated Financial Statements for the years ended 30th June 2005, 2006, 2007 and 2008

The Deputy Speaker: Honourable Minister of District Administration, Tourism and Transport.

Hon. Moses I. Kirkconnell, Minister of District Administration, Tourism and Transport, Deputy Premier: Thank you, Mr. Speaker.

I beg to lay on the Table of this honourable House [Cayman Airways Limited Consolidated Financial Statements](#) for the years ended 30th June [2005](#), [2006](#), [2007](#) and [2008](#)

The Deputy Speaker: So ordered.

Does the honourable Minister wish to speak thereto?

Hon. Moses I. Kirkconnell: No, Mr. Speaker, thank you.

2009/10 Supplementary Annual Plan and Estimates for the year ended 30th June 2010

2010/11 Supplementary Annual Plan and Estimates for the year ended 30th June 2011

2011/12 Supplementary Annual Plan and Estimates for the year ended 30th June 2012

2012/13 Supplementary Annual Plan and Estimates for the year ended 30th June 2013

The Deputy Speaker: Honourable Minister of Finance and Economic Development.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Mr. Speaker, I beg to lay on the Table of this honourable House the Supplementary Annual Plan and Estimates for Government of the Cayman Islands for the financial years ended 30th June 2010 through 30th June 2013.

The Deputy Speaker: So ordered.

Does the Minister wish to speak thereto?

Hon. Marco S. Archer: Thank you, Mr. Speaker.

In accordance with Standing Order 67(1) the four Supplementary Annual Plan and Estimate documents that have been tabled stand referred to Finance Committee. As the Estimates will be considered in Finance Committee at the conclusion of the Second Reading of the associated Supplementary Appropriation Bills, I wish to make brief remarks with respect to the tabled documents.

Mr. Speaker, the Supplementary Annual Plan and Estimates that have just been tabled are all structured in the same way. Part A of the documents contains changes to the Appropriation Law for a specific fiscal year which has been approved by the Legislative Assembly. Part B of the documents show, in respect to the specific appropriations being changed, the following information:

- 1) the amount of the original approved appropriation for a particular budget item;
- 2) the amount of the supplementary appropriation proposed for the particular budget item; and
- 3) the revised appropriation amount for the particular budget item.

Part C of the documents shows the financial statements for the fiscal year.

Mr. Speaker, when I make my contribution to the Second Reading of the associated Supplementary Appropriation Bills it will become abundantly clear that the business before the House today does not represent supplementary expenditure being sought by the present Government. Instead, Mr. Speaker, today we are involved with an administrative tidying up of changes in respect of past fiscal years and, therefore, changes made by the past two Governments.

Thank you.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF CABINET

The Deputy Speaker: We have no statements.

NOMINATION OF MEMBER TO PUBLIC ACCOUNTS COMMITTEE

The Deputy Speaker: I now call for nominations for a member of the Public Accounts Committee.

Honourable Premier?

The Premier, Hon. Alden McLaughlin, Jr.: Thank you, Mr. Speaker.

Members of the House may remember that there was some shifting of positions since the House

was actually sworn in, and that the honourable Second Elected Member for George Town has joined the Government backbench as a Councillor. The result was that the number of Government members on the committee was increased by one, so the balance was four Government members to one Opposition member.

In consequence of that, the Fourth Elected Member for Bodden Town, Councillor Alva Suckoo, resigned as a member of the Public Accounts Committee, thereby creating a vacancy. So the purpose of this exercise this morning is to nominate, and hopefully elect, another member of the Opposition bench to the Public Accounts Committee.

So, Mr. Speaker, with your permission, I beg to nominate the Elected Member for East End, Mr. Arden McLean, to be a member of the Public Accounts Committee.

The Deputy Speaker: Honourable Member for East End, do you accept the nomination?

Mr. V. Arden McLean, Member for East End: Mr. Speaker, I appreciate the Premier nominating me, but I believe it's a little late.

I accepted a nomination on the Floor of this honourable House on the 29th day of [May] from the Elected Member for North Side to assist the Government to avoid having the Leader of the Opposition (former Minister of Finance) on the Public Accounts Committee. I was resoundingly rejected on this Floor.

I put country before self. I did. I asked the Member for North Side to nominate me. I asked the Second Elected Member for George Town to second it to avoid the quandary that we find ourselves in.

Now, Mr. Speaker, section 71(9) of the Constitution says, "**The composition of all such standing committees shall, so far as possible, reflect proportionately the numerical strength of all political parties or groups making up the elected membership of the Legislative Assembly.**" That is specific to ensure that the Government maintains control.

I heard the Second Elected Member for George Town (now Councillor) announce on TV that he is an Independent Member of this honourable House in coalition with the ruling party of PPM. He is sitting on that side, but he remains an Independent Member. Mr. Speaker, if that is true (that is quite possible to do in this honourable House or any Commonwealth parliament), Mr. Speaker, that means that Government needs more people on the committee from their side in order for them to control the Public Accounts Committee.

Whilst I appreciate the Premier nominating me to take this position, I think it is common courtesy that we respect each other in this honourable House, and it is absolutely common courtesy and respect for our

colleagues that we discuss this thing with each other. I am yet to receive a call, a written request, or a suggestion that I take up a position on the Public Accounts Committee from the Premier.

The Chairman called me a few days ago asking if I was minded to do so. I told him no then. I would think that that message would have gotten back to the Premier. I put country before myself, and the Government of the day decided they didn't want me on the Public Accounts Committee, they preferred the Leader of the Opposition.

The Deputy Speaker: So, honourable Member, are you declining the position at this time?

Mr. V. Arden McLean: Mr. Speaker, I had to say those things. I really had to [say them] publically because the Premier seems to use this as a means of putting me on the spot. It's unfair and it's unreasonable. At the very least . . . the Premier knows my number and he could have picked up the phone. I have seen him since. He could have at least, at the very least, discussed it with me. He never once mentioned it.

Therefore, I am now going to make my position very clear. Not once was it mentioned, except that the Chairman, the Second Elected Member for George Town, called and asked me. It is wrong, it is unfair, it is disrespectful to get up on this Floor and not discuss it with colleagues.

Mr. Speaker, I decline the nomination.

The Deputy Speaker: Thank you, honourable Member.

Mr. Premier, do you wish to make another nomination?

The Premier, Hon. Alden McLaughlin, Jr.: Thank you, Mr. Speaker.

In light of the Elected Member for East End declining the nomination, I now nominate the Elected Member for North Side.

The Deputy Speaker: Honourable Member for North Side, do you accept or decline?

Mr. D. Ezzard Miller, Member for North Side: Mr. Speaker, like the Member for East End, my name was placed for nomination here when this original committee was selected. I declined the nomination because I refused to serve on a committee that defies all commonwealth parliamentary established precedents and conventions by the Premier himself nominating the former Minister of Finance and [former] Premier to serve on the committee. Mr. Speaker, that is going to be a dysfunctional committee.

Mr. Speaker, we all know the capabilities and the experience of the Leader of the Opposition in Par-

liament, and his tenacity. I am not going to expose myself, because the Government had the opportunity to put me on the committee when they originally set the committee up. When they approached me the day before the swearing in to ask me if I would be on the committee, I declined it. I explained to the Deputy Premier then why I wasn't taking it.

When we came here and I saw that they were departing from parliamentary convention and placing the former Minister of Finance on the committee, when I was nominated I accepted the nomination to give them the opportunity to vote me on. Mr. Speaker, I can read as good as the rest of you up in here. The Premier himself got up from his chair and went around to ensure that his people didn't vote for me. And I got six votes.

Mr. Speaker, we can't start these four years of parliament playing these games.

The Deputy Speaker: Can I now ask the Member for North Side if he accepts or declines?

Mr. D. Ezzard Miller: I decline the nomination, most respectfully.

The Deputy Speaker: Thank you.
Mr. Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Mr. Speaker, the game started long before we came here. Both Members had an opportunity to serve on the committee at the start, both declined. We were forced down a particular course.

Mr. Speaker, I beg to nominate the Third Elected Member for West Bay as a member of the Public Accounts Committee.

The Deputy Speaker: Third Elected Member for West Bay, do you accept or decline?

Mr. Bernie A. Bush, Third Elected Member for West Bay: Mr. Speaker, due to my inexperience I will decline, respectfully. Maybe one of the more experienced Members from this side would serve better.

The Deputy Speaker: Thank you, Third Elected Member for West Bay.
Mr. Premier, you have one left.

The Premier, Hon. Alden McLaughlin, Jr.: Mr. Speaker, I beg to nominate the Fourth Elected Member for West Bay as a member of the Public Accounts Committee.

The Deputy Speaker: Honourable Fourth Elected Member for West Bay, do you wish to accept or decline?

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: Thank you, Mr. Speaker. I accept the nomination.

The Deputy Speaker: Thank you.
Are there any more nominations?

[Inaudible interjection]

The Deputy Speaker: If there are no more nominations, I now declare the Fourth Elected Member for West Bay a member of the Public Accounts Committee.

Thank you.

GOVERNMENT BUSINESS

BILLS

Suspension of Standing Order 46(1) and (2)

The Deputy Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: I move the suspension of Standing Order 46(1) and (2) to enable the four Bills on the Order Paper to be read a first time.

The Deputy Speaker: The question is that Standing Order 46(1) and (2) be suspended.

All those in favour please say Aye. Those against, No.

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: Standing Order 46(1) and (2) suspended.

FIRST READINGS

Supplementary Appropriation (July 2009 to June 2010) Bill, 2013

The Clerk: The Supplementary Appropriation (July 2009 to June 2010) Bill, 2013.

The Deputy Speaker: The Bill is deemed to have been read a first time and is set down for second reading.

Supplementary Appropriation (July 2010 to June 2011) Bill, 2013

The Clerk: The Supplementary Appropriation (July 2010 to June 2011) Bill, 2013.

The Deputy Speaker: The Bill is deemed to have been read a first time and is set down for second reading.

Supplementary Appropriation (July 2011 to June 2012) Bill, 2013

The Clerk: The Supplementary Appropriation (July 2011 to June 2012) Bill, 2013.

The Deputy Speaker: The Bill is deemed to have been read a first time and is set down for second reading.

Supplementary Appropriation (July 2012 to June 2013) Bill, 2013

The Clerk: The Supplementary Appropriation (July 2012 to June 2013) Bill, 2013.

The Deputy Speaker: The Bill is deemed to have been read a first time and is set down for second reading.

SECOND READING

Supplementary Appropriation (July 2009 to June 2010) Bill, 2013

The Clerk: The Supplementary Appropriation (July 2009 to June 2010) Bill, 2013.

Hon. Marco S. Archer: Mr. Speaker, I beg to move the Second Reading of a Bill entitled, The Supplementary Appropriation (July 2009 to June 2010) Bill, 2013.

The Deputy Speaker: Thank you.

The Bill has been duly moved. Does the mover wish to speak thereto?

Hon. Marco S. Archer: Thank you, Mr. Speaker.

The purpose of this Bill is to seek the Legislative Assembly's approval for supplementary appropriations in respect of the past Government's financial year which ended on 30 June 2010. It is very important that I, on behalf of the current Government, make it very clear why this particular Bill, and the others listed on the Order Paper, is now before the Legislative Assembly.

Once an appropriation bill has been approved by the Legislative Assembly it becomes an appropriation law for a particular fiscal year and establishes the budget for that fiscal year. There are three ways in which the budgeted amounts contained in an appropriation law can be changed during the course of a fiscal year. Firstly, section 11(5) of the Public Management and Finance Law allows for the Cabinet to make such changes. Secondly, section 12 of the Pub-

lic Management and Finance Law allows Finance Committee to approve changes to an established appropriation law. And thirdly, section 25 of the Public Management and Finance Law permits the Legislative Assembly itself to authorise changes to an already approved appropriation law.

Mr. Speaker, this Bill, and the three following Bills, arose in respect to the past two Governments' use of the section 11(5) provision in the Public Management and Finance Law. Section 11(6) of the Public Management and Finance Law states that when a Government utilises section 11(5) of the Public Management and Finance Law to make changes to an appropriation law, those changes made by Cabinet are to be included in a supplementary appropriation bill which must be presented to the Legislative Assembly.

Mr. Speaker, this was not done in a timely manner in past fiscal years when it should have been done. Hence, this Bill before the House today is an administrative tidy-up exercise that should have occurred in the past fiscal years to which the Bills on the Order Paper relate. The Bills do not reflect any request for supplementary expenditure by this current Government.

I wish to make a few more additional points, Mr. Speaker. Firstly, the changes set out in the Schedules to the Bills have already occurred. The changes were processed shortly after they were approved by Cabinet under section 11(5) of the Public Management and Finance Law.

Secondly, the financial statements submitted to the Auditor General's office will not be affected by the Bills because: (a) the Bill does not impact actual results already reported in the financial statements but, rather, it impacts budgeted amounts; and (b) the revised budget amounts have been included in the financial statements that have been sent to the Auditor General's office.

Thirdly, because all the Bills on the Order Paper originate for the same reason I have explained, I do not intend to repeat fully a similar contribution as I have made for this Bill to the other Bills that follow on the Order Paper.

Fourthly, it is the Government's reasonable expectation that, given the circumstances explaining the origin of these Bills, the Finance Committee's consideration of the items in the Schedule to the Bills will be quick and efficient.

This Bill is very simple. It consists of three main parts. Clause 1 gives the name of the proposed law. Clause 2 speaks to the appropriation authority of Cabinet. And the Schedule to the Bill shows the individual items of appropriation changes which the Legislative Assembly is being asked to approve.

Mr. Speaker, it is also important that I point out that not all supplementary appropriations involve expenditure increases. There are also decreases to

expenditure. I therefore respectfully ask all honourable Members to support the Bill.

Thank you.

The Deputy Speaker: Does any other Member wish to speak?

I call on the honourable Member for North Side.

Mr. D. Ezzard Miller: Thank you, Mr. Speaker.

My small contribution to this Bill will be related more to the constitutionality of what we are doing here today.

Mr. Speaker, in my view the Bills being presented here today are not in compliance with the 2009 Constitution Order because they do not comply with section 77(2) of the Constitution. As you will be aware, the present Premier (at that time Leader of the Opposition) and I complained on every occasion that the former United Democratic Party Government did the same thing. I must record my absolute disappointment that the new Government has decided to follow the same course and is bringing Bills to this Parliament which do not comply with section 77(2) of the Constitution, which says, under Introduction of Bills (if you will permit me to quote, Mr. Speaker)—

The Deputy Speaker: Please, go ahead.

Mr. D. Ezzard Miller: “77. (1) Subject to this Constitution and Standing Orders, any member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Legislative Assembly, and the same shall be debated and disposed of according to Standing Orders.

“(2) Standing Orders shall require that, except in a case of emergency, every Bill introduced by the Government shall be published at least 21 days before the commencement of the meeting at which it is scheduled to be introduced.”

Now, Mr. Speaker, we have had many instances in the past where the Government of the day claimed that some of the most innocuous Bills were covered by this emergency clause. But I believe that in this case the Minister of Finance would have to stretch the definition of “emergency” even further than Government could have ever imagined to describe these Bills here today as having an emergency value.

Mr. Speaker, the section of the Public Management and Finance Law quoted by the Minister of Finance in moving the Bill clearly states that when Cabinet exercises this authority the person whom Cabinet assigns the responsibility for Finance shall report to this Legislative Assembly at the next sitting of the Legislative Assembly.

I would also question, Mr. Speaker, . . . and I know I will be told in a little while that I am not a lawyer or an accountant. But I believe that when we ap-

proved the Appropriation Bill—although it was done two years after the fact—it contained actuals to the year, two years back. And this Legislative Assembly, having voted for actual expenditure as budgeted, I believe would have approved these expenditures, although in my view incorrectly and long after the fact.

So, Mr. Speaker, I would plead with the Government to let this be the last time that I am faced here with Bills that do not have 21 days’ notice to the public. I know some people are going to say that Standing Orders do not require it. But the fact that our Standing Orders are not amended to reflect 21 days is an indictment on every Member of this Parliament for the last four years because we didn’t make the effort to correct the Standing Orders to reflect the Constitution.

We can’t complain about other people not having their house in order if we, as parliamentarians, are not prepared to put our own house in order. I have tried on many occasions to get the House to address the inadequacies of Standing Orders. We have been dragging our feet over this for at least a decade. We have flown people all over the world to look at Standing Orders to do it. But we can’t sit down for one week in a committee room in this House and correct the Standing Orders. But the Constitution takes care of that in section 5. It says that any law that had not been so amended on the appointed day of the Constitution must be read as if it had been so amended.

Mr. Speaker, I have great difficulty in taking part in the debate on this Bill because in my humble opinion it is unconstitutional. There is no need to have brought it here before the 21 days’ notice. And, therefore, I don’t think I will be taking any further part in the Finance Committee or anything to do with these Bills before the House.

Thank you, sir.

The Deputy Speaker: Thank you, honourable Member.

Does any other Member wish to speak?
Honourable Premier?

The Premier, Hon. Alden McLaughlin, Jr.: Mr. Speaker, the decision to bring these four Bills to the House now is not one which we took lightly. I acknowledge we haven’t met the 21-day requirement. But I would ask all honourable Members to acknowledge the context in which we are operating.

We took office on the [29th] of May. We were faced with the usual challenges that any new Government faces when you have a budget that expires at the end of June. We found out also that there had been no supplementary appropriation Bills brought to the House to deal with what are called section 11(5) appropriations under the Public Management and Finance Law, which had occurred during the entire term of the previous administration.

We could have simply ignored it and said, *Well, if they let it go for four years, we'll just let it go altogether*. But, given the state of government finances and the justified criticisms of the way government finances have been managed over the last few years, we felt it incumbent upon us to bring this to the attention of Members of this House, members of Finance Committee and the broader public.

The constraints under which we are operating mean that we have to get the full year budget approved by Finance Committee and adopted by the House by the end of October. So, while members of the finance team, public servants, have been slaving for the last few months working with us to develop the full year budget, before that working with us to develop an interim budget, they have also had to deal with these supplementary appropriation matters . . . because of that we simply could not physically prepare this documentation, get it to Members before the time that we've had.

Members have had it for a week. That's not 21 days, but it is 7 days. It is much more time than Members are used to having over the last few years. I know that, because I've been here.

Mr. Speaker, those who know me (particularly the older Members of this House) will know that I believe in standing by the Constitution, by the Standing Orders, by the laws, by the rules. And the administration which I have the honour to lead is striving, and will continue to strive, to do that. But there are some things that don't move. And the current budget that we have expires on the 31st of October.

We need to get issues from the previous administration—which stretch over four years—cleaned up and sorted before we come to this House with a fresh budget which is going to be . . . we are aiming towards the end of this month. We know the Budget Debate and Throne Speech are going to take some time for the 18 Members of the House (who all have the opportunity to speak) to speak. Then we have to go to Finance Committee, and that takes sometimes two weeks. So these are the things—the timelines, the deadlines—that we are operating with.

It is quite okay for the Elected Member of North Side, who has none of this responsibility, to complain about these issues. And, technically, he's right. But we are charged with the responsibility of administering the affairs of this country and getting these matters through. We are playing the hand we were dealt, and we are doing the very best we can.

What I can undertake, once we are freed from these particular issues, is . . . we are working hard to develop a legislative schedule and timetable for the operations of the House. But also in terms of prioritising what pieces of legislation the Government wants to get through so that we don't wind up with emergencies and a common practice being where every Bill

that comes to this House is short in terms of the notice period.

There are bound to be times, though, when the circumstances require that we do abridge the time. And I ask all Members of the House to do their very best to cooperate and not to abdicate their responsibilities as Members of the House, as the Elected Member for North Side has just suggested he will do because he doesn't have enough notice not to pay any attention to the people's business. We are all charged with that responsibility.

I have been here now almost 13 years. I have sat in that chair over there sometimes until three o'clock in the morning to make sure that the business of the country moved ahead, even though I objected, vehemently in many instances to the way the business of the House was being managed by the previous administration—not just the previous, but previous, previous as well. But I have never let that cause me not to carry out my duty. My duty, and the duty of the Elected Member for North Side, is to do the people's business whether we are happy or unhappy with the administration.

So, I call on all Members passionately to let us not start off this term fighting over technical issues and ignoring the substantive matters which are before the House. That is our duty; that is our responsibility. Members, by and large, know me and know that I am reasonable, know that I believe in order and principle and procedure. We shall endeavour to do everything we can to operate within the four corners of the rules. When there are occasions such as this that we can't meet the timelines, I ask for the indulgence and cooperation of Members so that we can advance the business of Cayman.

The country has rejected—rejected!—the constant back and forth over technical issues at the expense of moving the country forward. Those of us in this House who have not understood that message must be deaf, blind, or not prepared to accept it. I, for one, have understood that. And that is why I have striven up until this morning to have as inclusive an administration as we possibly can to allow Members from all sides of this House to participate in the business of this House, and not just to sit on the Opposition benches and on the talk shows battering whatever it is that the Government is doing, but to give them an opportunity to actually make a difference.

I will continue with the principle of the outstretched hand to my colleagues on the other side of the House. If they wish to slap it aside there is not much I can do about that. But this administration is not about fighting with anybody. We understand that we must move this country forward. That is a mandate. That is what we were elected to do. The country, the electorate, rejected the approach that has been adopted over the past decade or so, and we have gotten that message loud and clear. That's why, Mr.

Speaker, I urge all Members, particularly those in the Opposition, to let's work together respecting the roles that we have.

I have been in the Opposition. I have been on every side of this House. I've been a backbench member of the Government—I've been and Opposition member, I've been Leader of the Opposition, I've been a Minister of Government, and now I have the honour and privilege to lead a Cabinet as Premier. I understand the different roles. I understand, as they say, that you have to do what you have to do. But let us not do what we have to do for our own personal advancement at the expense of advancing the affairs of this country. Once we bear that in mind all will be well.

So, Mr. Speaker, I conclude this short contribution with a plea to all Members: I beseech you, let us work together. Let us move Cayman forward. Let's avoid as far as possible this personal bickering that is already starting, unfortunately, to surface.

I thank you, Mr. Speaker.

The Deputy Speaker: Thank you.
Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Speaker.

I didn't have any intention of speaking very long on this Appropriation Bill. But I must say the Premier seems to be speaking from this paragon of virtue, and I think I need to comment on it.

Mr. Speaker, the Premier is calling for colleagues on the other side of the aisle to work with the Government and stop the pettiness, the selfishness. I have heard those cries many times in this honourable House. But the cries many times in the last 13 years were mere words. It wasn't worth . . . like you said, Mr. Speaker, one time about the report on the hospital, it wasn't worth the paper it was written on.

Mr. Speaker, the Premier made his passionate plea. And you can only respect him; this is the public forum. And those uninitiated will throw the blame on this side now, because the plea is for us to work, to stop the pettiness; we have to stop the games. The games started the day after the election.

My part in it was to try to ensure that the UDP never rose . . . could never rise again. The game was that I was rejected on that. The Premier said here this morning that I was offered a seat on the Public Accounts Committee. Not once was it ever offered to me. It was offered to the Member for North Side.

[Inaudible interjection]

Mr. V. Arden McLean: Mr. Speaker, there are certain people in here who have memories, you know, and that can remember. And we mustn't get up here and try to blame others for their shortcomings. You must stop that! And it is early in this term—three months.

You've got three years and nine months left. But all of a sudden the Opposition is to blame for everything that has happened. I have heard that cry before too, from the now Leader of the Opposition. I heard that when he was Premier.

Who was it the people rejected? Not the Opposition. Him!

The responsibility lies here for the running and the management of the resources in this country. It does it right here. I have a responsibility, yes, Mr. Premier, to do what is in the best interests of this country. But not at the behest of other people's personal likes and dislikes. That ain't going to happen. I wasn't re-elected here to kowtow to anybody. Get that straight!

Mr. Speaker, I said yesterday that every time I walk in here I don't see any steeple out there on top of this building. This is the House of politics. That is the nature of it. How can the Premier get up here and talk about selfishness—selfishness!—when I give my entire life to this country? He knows that. He, too, did the same thing.

On the 29th of [May] I put my country before myself to get nominated in here for Public Accounts Committee to prevent the Leader of the Opposition . . . If I were Premier, he would never go on any board with me. Never! Not the Leader of the Opposition, especially the Public Accounts Committee. The power the committee has, Mr. Speaker, he would never . . . he would be out in the wilderness. That's where he would be. And I put myself up and the Premier made his people reject me.

Selfishness? Somebody else better start looking at their themselves; look in the mirror. That's what we must do. I think the Premier needs to start thinking about that. I don't want to start any acrimony either. I want to give them the chance, like anyone else, to run this country. But they are Government. The people didn't elect me to run their country. The people of East End elected me to represent them in the running of their country. That's how it works. So don't come here talking about selfishness.

He opened this up, Mr. Speaker. And he knows that I am going to respond. The country knows that I am going to respond, friendship or not. You would think, Mr. Speaker, that the Premier . . . I spent over 10 years with him as a member of a party. You would think he would pick up the phone and say, *Arden, let's do something here, man.*

Selfishness? Do we understand the broad meaning of that word? Look at what I was doing with C4C, what the five of us were trying to do to give the Premier a Government that would last for eight years.

Selfishness? Somebody needs to start looking into the word. That is selfishness on my part? When I am the man who called the Minister of Agriculture and told him I was prepared to sit on the backbench with Alden as Premier as long as McKeeva doesn't get

back there. Me. I did it the night of the election, one o'clock in the morning.

Selfishness?

I remember your good self and our dearly departed colleague in my early days.

The Deputy Speaker: You've been doing well, honourable Member.

Mr. V. Arden McLean: It bothers me, because [he] accused me of something that didn't happen.

Mr. Premier, you have three years and nine months to go. We come from families with long lives. We are going to be here a long time. I told the Premier in Cabinet the other day that I didn't come there to blame him, I came there to ask him to correct certain things. But there will be plenty time for that. Trust me, Mr. Speaker.

Everybody must know by now that I'm back in town. Tit for tat. But get up in here and call me selfish, and not doing what I am supposed to do in the best interests of the country, and expect me to sit back, Mr. Speaker, like somebody sutured my tongue to the top of my mouth? No!

The truth will set us free, and we can't change the truth. We can try to change everything else in this life. We even changed the numbers in this 2009/10 Supplementary Annual Plan and Estimates. The now Leader of the Opposition (when he was Premier) changed it. Now it looks like it was changed back. They changed it to 81.

Now, Mr. Speaker, that was what I was going to get up and debate. I was going to ask the Minister of Finance, who has the expertise in this arena, to explain to this country . . . because I don't know, Mr. Speaker, I am no accountant. We know that. It is difficult for me to get a chequebook balanced much less anything else. If we are to believe that 2010/11, 2011/12, 2012/13 are correct and will duly form part of an eventual financial statement of the Government, then I would like to think that we are going to believe this one too, 2009/10.

I notice everybody is saying that this is about the "former" Government. But it goes a little further than that. It goes to us as well (which is 2009/10), because the previous Government only spent one month, or thereabout, in our one year.

Mr. Speaker, during the 2009 election, May 2009, the PPM party (which I was a part of along with your good self) campaigned that we were going to have a deficit of \$29 million at the end of June of that year, which would be 2009, 2010 . . . no, 2009. [pause] Maybe I am making a mistake here. This is not for 2008/09 then.

Mr. Speaker, having said that, I still . . . my real question was going to the Minister based on the 2008/09, even though I mistook this one for 2008/09, the end of 2009. But the real question was those fi-

nancials as to when they were going to be audited by the Auditor General, that has to be a part of this clean-up exercise to properly reflect the true financial position of this country because the Premier said this is a clean-up exercise before the next budget comes, which I suspect would mean that we would be at an actual position.

I believe the Minister said in his presentation that the revised expenditures will be sent, or have been sent, to the Auditor General with the accounts for each year. I believe that's how he termed that in his presentation.

Mr. Speaker, I can't see why we are doing four years and we didn't do the last year. During the last administration they were going to wipe out all the years, and we insisted that 2008/09 not be wiped out and that we needed an audit on it. The same year that the now Leader of the Opposition said that we spent \$81 million in deficit. Why was that not brought here? I have called for the proof to condemn me or exonerate me. No one wants to bring it. We continue to shy away from it. Everybody runs from it.

In the meantime the people hold me accountable in this country for mismanagement of their money based on someone saying it in public—i.e., the Premier (not this Premier, Mr. Speaker, the former Premier, the Leader of the Opposition).

If there is proof, bring it. I know when we left it was \$29 million. And that will be the only one outstanding because we amended the Law so that the last Government . . . the UDP Government amended the Law to prevent the others being audited because they were too far back. And we left 2008/09 there and now you are telling me that this Government is bringing 2009/10 and bringing the four years for the UDP. What happened with our last year? Let us see it. That needs to be cleaned up.

Therefore, I say to the Premier this is not a clean-up exercise, unless you are only cleaning half the house, and our half (the PPM half) is not getting clean. That's the only analogy we can apply to that. We need that cleaned up as well, Mr. Speaker. You are telling me that we are going to leave here as a former administration with this hanging over our heads? I don't fear. Let the chips fall where they may. That was basically what I wanted to say on this Mr. Speaker.

The last thing I want to say is that the Premier said there will be times when the technical aspects of parliament will require that we do things that may be considered unconstitutional. I am prepared to give them that opportunity. I know, I sat here from 2000 to 2005 and there wasn't a bigger critic of the Government than me. When I became Minister I was faced with a new reality. And I understand that. I see some of the young Ministers laughing. I understand. Therefore, I will not be as cruel or as hard on the Government as the Premier is trying to make us believe. I am

not going to do that. But there comes a time when you can't do it forever.

We all need a break. They need a break. They need the opportunity to get the country's business in order and set some policies, guidelines that will take this country, financially in particular, into the next four years and beyond. So I am not going to be difficult in that arena. But it can't go on forever.

The Premier was instrumental in writing the Constitution. He knows quite well what it is. He has made his plea for reasonableness. That's reasonableness? I have always been reasonable. So I can't take it to that distance, Mr. Speaker. I too can be reasonable. We must all remember how we got to this thing, because I do. I remember. My reasonableness started a long time ago.

Anyway, Mr. Speaker, if the Minister could let us know when the 2008/09 is going to be completed, because this really is not what the Premier is wanting it to be, which is a total clean-up financially so they can bring the budget and move forward. The 2008/09 is still languishing in the Auditor General's office, or . . . somebody needs to get blamed, whether it is him or . . . Mr. Speaker, someone needs to take responsibility. Now, if I called a few names, a few positions, then they would make sure it is not on their back if it's not their responsibility. That's how this works. So, if it is not in the Auditor General's office, then it must be in the Finance Ministry. If it is not there, then it has to be further down. The Financial Secretary? Somebody has it. It could never be we just tore it up.

Or has it been so long . . . nearly six years. But we need to clean that one up too. That needs to be cleaned up. Don't leave that one languishing out there for the Leader of the Opposition to continue to beat me on this side, and beat the Government with. If you think you're immune from it, the Government does not get any breaks from that Leader of the Opposition. I better ask [SOUNDS LIKE] to get a break from the Member for North Side myself.

Mr. Speaker, I ask if the Minister of Finance can respond to those areas. I thank you.

The Deputy Speaker: Thank you, Member for East End. Does any other Member wish to speak?

Does any other Member wish to speak?

If no other Member wishes to speak, does the mover wish to exercise his right of reply?

Hon. Marco S. Archer: Thank you, Mr. Speaker.

I just want to say in response to the question posed by the Member for East End, that the 2008/09 financial statements have been presented to the Auditor General for his opinion, and we have also presented other years. As to when he will render his opinion on those statements, we cannot say. So all I can confirm is that the statements have been given to the Auditor General.

Thank you.

[Inaudible interjection]

Hon. Marco S. Archer: Mr. Speaker, just for clarity as to why we did not deal with audited financial statements, that is because the purpose of us being here today is to deal exclusively with section 11(5) changes to the Supplementary Annual Plan and Estimates. So that is the purpose, as opposed to dealing with financial statements, whether they are audited or not audited.

Thank you.

The Deputy Speaker: Thank you.

The question is that a Bill shortly entitled 2009/10 Supplementary Annual Plan and Estimates . . . and my understanding, Mr. Minister is that you want to bring the other three years without any comments?

Hon. Marco S. Archer: Mr. Speaker, I beg to move the Second Reading of a Bill entitled, The Supplementary Appropriation (July 2010 to June 2011) Bill, 2013.

The Deputy Speaker: Finance Minister, I need to take the vote on that first Bill.

The question is that a Bill shortly entitled [The Supplementary Appropriation (July 2009 to June 2010) Bill, 2013], be given a second reading.

All those in favour please say Aye. Those against, No.

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Supplementary Appropriation (July 2009 to June 2010) Bill, 2013, given a second reading.

SECOND READINGS

Supplementary Appropriation (July 2010 to June 2011) Bill, 2013

Hon. Marco S. Archer: Mr. Speaker, I beg to move the Second Reading of a Bill entitled, The Supplementary Appropriation (July 2010 to June 2011) Bill, 2013.

The Deputy Speaker: Thank you. Does the mover wish to speak thereto?

Hon. Marco S. Archer: Mr. Speaker, am I able to speak once I have moved the others? I will reserve my speech until . . .

The Deputy Speaker: Thank you.

Does any other Member wish to speak? Does any other Member wish to speak?

Does the mover wish to exercise his right of reply?

Hon. Marco S. Archer: Mr. Speaker, I will wait until it's done.

The Deputy Speaker: The question is that a Bill shortly entitled, The Supplementary Appropriation (July 2010 to June 2011) Bill, 2013, be given a second reading.

All those in favour please say Aye. Those against, No.

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Supplementary Appropriation (July 2010 to June 2011) Bill, 2013, given a second reading.

Supplementary Appropriation (July 2011 to June 2012) Bill, 2013

The Deputy Speaker: Honourable Minister of Finance.

Hon. Marco S. Archer: Mr. Speaker, I beg to move the Second Reading of a Bill entitled, The Supplementary Appropriation (July 2011 to June 2012) Bill, 2013.

The Deputy Speaker: Thank you. Does the mover wish to speak thereto?

Hon. Marco S. Archer: Mr. Speaker, I will give my speech at the very last one.

The Deputy Speaker: Thank you.

Does any other Member wish to speak? Does any other Member wish to speak?

I will now ask the mover if he wishes to exercise his right of reply, which he has already indicated.

The question is that a Bill shortly entitled, The Supplementary Appropriation (July 2011 to June 2012) Bill, 2013, be given a second reading.

All those in favour please say Aye. Those against, No.

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Supplementary Appropriation (July 2011 to June 2012) Bill, 2013, given a second reading.

Supplementary Appropriation (July 2012 to June 2013) Bill, 2013

The Deputy Speaker: Honourable [Minister of Finance.]

Hon. Marco S. Archer: Mr. Speaker, I beg to move the Second Reading of a Bill entitled, The Supplementary Appropriation (July 2012 to June 2013) Bill, 2013.

The Deputy Speaker: Thank you. Does the mover wish to speak thereto?

Hon. Marco S. Archer: Mr. Speaker, as I explained previously, the Bills arise due to a need to satisfy the Public Management and Finance Law which was not satisfied by the two previous Government administrations. They are structured the same as those previously mentioned, and I will just quickly summarise that.

Clause 1 deals with the name of the proposed law. Clause 2 speaks to the appropriation authority of Cabinet. And the Schedule to the Bill shows the individual items of appropriation changes that the Legislative Assembly is being asked to approve.

Mr. Speaker, I therefore respectfully ask all Members to support the Bill.

Thank you.

The Deputy Speaker: Does any other Member wish to speak? Does any other Member wish to speak?

Does the mover of the Bill wish to exercise his right of reply?

Hon. Marco S. Archer: I would just like to thank all honourable Members for their support of these Bills. Thank you.

The Deputy Speaker: The question is that a Bill shortly entitled The Supplementary Appropriation (July 2012 to June 2013) Bill, 2013, be given a second reading.

All those in favour please say Aye. Those against, No.

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The Supplementary Appropriation (July 2012 to June 2013) Bill, 2013, given a second reading.

The Deputy Speaker: I now call on the Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move the adjournment of this House to enable Members to assemble in Finance Committee for consideration of these Supplementary Appropriation Bills. The House will resume following completion of Finance Committee.

The Deputy Speaker: Thank you.

The question is that this honourable House do now adjourn until completion of Finance Committee.

All those in favour please say Aye. Those against, No.

Ayes.

The Deputy Speaker: The Ayes have it.

At 12.27 pm the House stood adjourned until the conclusion of Finance Committee.