



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2013/14 SESSION

13 December 2013

Third Sitting of the Fourth Meeting

(pages 463–542)

**Hon Juliana O'Connor-Connolly, JP, MLA
Speaker**

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PRESENT WERE:

SPEAKER

Hon. Juliana Y O'Connor-Connolly, JP, MLA

MINISTERS OF THE CABINET

Hon Alden McLaughlin, 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, Lands, Agriculture, Housing and Infrastructure
Hon Osbourne V Bodden, MLA	Minister of Health, Sports, Youth and Culture
Hon Marco S Archer, MLA	Minister of Finance and Economic Development
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

Hon Jennifer Ahearn	Temporary Deputy Governor, ex officio Member responsible for the Civil Service
Hon Samuel Bulgin, QC	Attorney General, ex officio Member responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Hon Anthony S Eden, OBE, JP, MLA	Deputy Speaker, First Elected Member for Bodden Town
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

Hon. W. McKeever Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
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, JP, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

OFFICIAL HANSARD REPORT
FOURTH MEETING 2013/14 SESSION
FRIDAY
13 DECEMBER 2013
10:37 AM
Third Sitting

[Hon. Juliana O'Connor-Connolly, Speaker, presiding]

The Speaker: I will invite the Sixth Elected Member for George Town to grace us with prayers.

PRAYERS

Mr. Joseph X. Hew, Sixth Elected Member for George Town: 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 Speaker: Please be seated.
Proceedings are resumed.

**READING BY THE HONOURABLE
SPEAKER OF MESSAGES AND
ANNOUNCEMENTS**

The Speaker: There are no announcements for this morning.

**STATEMENTS BY HONOURABLE
MEMBERS AND MINISTERS
OF THE CABINET**

JOINT MINISTERIAL COUNCIL 2013

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I have two statements that I wish to make. One is fairly lengthy.

Two weeks ago I led a delegation to London to attend the Joint Ministerial Council (JMC) along with the Minister for Financial Services and the Environment, the Hon. Wayne Panton and supported by JMC Sherpa, Jennifer Ahearn (who is now the Acting Deputy), Governor, Cabinet Secretary, Samuel Rose and Chief Officer Eric Bush.

In addition to attending the JMC, we took the opportunity while in London to arrange a series of meetings to promote the Cayman Islands both in terms of business and reputation. I am pleased to report that we were successful in all our endeavours and the Cayman Islands is held in new-found respect for delivering quality and excellence in a wide range of activities from Financial Services to Tourism.

In the buildup to the JMC, the Foreign and Commonwealth Office anticipated that some non-governmental organisations [NGOs] who are hostile to financial services would mount a public relations campaign on public registers of beneficial ownership while dismissing all the positive things the Overseas Territories do. All the Territories supplied material to a new Facebook page, "The UK Overseas Territories Family," and an FCO official has said that Cayman had supplied the best material.

I wish to commend our Government Information Services, Department of Tourism, the London Office along with the Governor's Office all who worked hard on that project, and I recommend that all Members have a look at the pages.

Just as we arrived in London, Cayman's ratings were published by the Global Forum at the conclusion of its meeting in Jakarta. The Cayman Islands received a rating of largely compliant; this is the same rating as that of the UK, Germany, Italy, and the USA

and we continue to prove that our standards as an International Financial Services Centre are as good as, or better than, that of much larger countries.

Mr. Duncan Nicol, Director of our Tax Information Authority, was elected as a Vice Chairman of the Peer Review Group and Cayman retained its position on the Steering Group. As Minister Panton (Minister of Financial Services) has noted, all of this acknowledges the value and role that the Cayman Islands bring to the table.

I have to add that we, the entire country, greatly appreciate the hard work and dedication by all concerned across the public and private sector for helping to keep us at the forefront of international business, including international compliance standards and best practices. Not only are we getting the substance right, but we are also getting the presentation right, Members would not be surprised, therefore, that Cayman was asked to lead the discussion in the opening session of the JMC on economic diversification and attracting investment.

In my speech I said that, collectively, our reputations as Overseas Territories and Crown Dependencies received a welcomed boost earlier this year in September when Prime Minister David Cameron made a robust declaration, stating what we in Cayman have known for a long time: that it is no longer fair to refer to any of the Overseas Territories as tax havens.

I reminded those present, including the FCO, that we are in fact an important part of the global financial infrastructure and deserve fair treatment and the ability to fairly compete for business. We appreciate that we must look to diversify our economies, but financial services will remain, and must remain, a key part of our economic engine in those territories where this matters.

The UK White Paper entitled "Security, Success and Sustainability" speaks to the UK's commitment to the on-going economic success and development of the Overseas Territories [OTs]. This commitment confirms that economic success is as important to the UK as it is to all of us. Indeed, I recognised the support that Minister Mark Simmonds has given us in his role as UK Minister with responsibility for the OTs. But Madam Speaker, while we do need the support of the UK it is up to the Government and people of the Cayman Islands to build on and diversify our current key industries while seeking out new types of business to help further diversify our economy. We recognise that diversity in economies, as in nature, creates strength and is essential for helping sustain our way of life going forward.

A diverse economy—one that is based on a wide range of profitable sectors—plays a key role in a sustainable economy. Economic diversification also plays an important role in providing resilience and flexibility in economies and encourages new development in other sectors of the economy. This has

benefits for the employment of our people as well as greater stability for government revenues.

Madam Speaker, this Government is committed to economic diversification, whether via medical and sports tourism; new financial services products; the potential that new IT and Health related businesses could bring; to potential new businesses, including green businesses that may emerge as we move forward to protecting our environment and solving the problem with the George Town dump and moving towards recycling and possible waste to energy. And Madam Speaker, we believe that the efforts that we make towards revitalising the George Town City Centre will also bring new economic development in the years to come. We will continue to support responsible, larger scale developments such as the billion dollar planned community known as Camana Bay developed by the Dart Group and Dr. Devi Shetty's Health City.

Madam Speaker, the JMC agenda also included a session on International Financial Services Regulation. This session would be attended by a Treasury Minister and I was keen that the financial services territories should get a chance early on to set out all the good things we had done, are doing and will continue to do—of our own free will—because it is good for our business, rather than have the UK Minister tell us what more he wanted. I was also concerned that the Territories with financial serving sectors should present a united front and I considered the message we delivered to be more important than the messenger. Accordingly, Cayman drafted a speaking note and circulated it to the Territories with financial services sectors. With a couple of small amendments, the other Territories agreed to it and asked me to deliver it. I thank my fellow leaders from the other OTs who supported the points I made.

The key message I made to the UK Treasury Minister was that financial business is global and regulation of it must also be global; it must be universal and apply to all. The Territories cannot be asked to do things unilaterally that our competitors will never agree to do. I told the Treasury Minister that the Overseas Territories have a long history of complying with international standards and taking action appropriate to each unique Territory. The OTs' continued commitment has been demonstrated through the support provided to the UK's G8 agenda: We have requested the extension of the OECD'S Multilateral Convention on Mutual Administrative Assistance in Tax Matters, which was acknowledged by the OECD as an "important development" in its news release of 21st November 2013. We have published our Action Plans to Prevent the Misuse of Companies and Legal Arrangements, and; the consultation on our Action Plans is under way for some Territories and others will follow in due course.

This polite but firm defense of our interests was supported by the other Territories and, because

we were united on the line Cayman had initiated, we were able to get the right language in the final Communiqué. We then finalised and agreed the Communiqué, and a copy of that is attached to this statement, which has been circulated to Members. I can tell the House that parts of the final Communiqué are radically different from the initial draft.

Over the last few weeks Cayman officials here and in London have been insisting on changes to the language of it so that the Cayman position was properly represented. I am pleased to say that much of the language in the financial services section of the final Communiqué was drafted by Cayman. Our advice on the proper wording is listened to because we walk the talk and not just talk the talk. Thus the Communiqué says that Territories will consult on beneficial ownership and, even before the document was agreed, Cayman had issued our consultation document.

Madam Speaker, I stress the word consultation. We have no preconceived ideas and we will not be pressured by anyone into taking action that is not in the best interests of Cayman. I assure the House that this Government will take action that suits the Cayman context, after we have had a full and proper consultation. The Communiqué also talks about exchange of information and while we were in London Minister Panton signed a TIEA [Tax Information Exchange Agreement] with Malta and Poland and he signed the FATCA [Foreign Account Tax Compliance Act] agreement at the United States Embassy.

Discussions between the Cayman Islands and the US on FATCA have spanned nearly three years, and I congratulate both countries' negotiation teams for ensuring that these agreements fulfill not only the letter of FATCA, but also the spirit of global efforts on transparency and exchange of tax information - which is to vigorously fight tax evasion. Thus, in addition to talking the talk at the JMC, we were walking the walk in carrying out commitments that enhance Cayman's reputation as a jurisdiction of choice. Whether it is in the OECD, amongst other British OTs or in the United Kingdom Government we are actively engaged, we are influential and we are recognised.

We met again at the Cayman stand at what the FCO termed the "Business Event" in Lancaster House where I and Charles Kirkconnell of Cayman Enterprise City [CEC] explained the concept of the diversification activities on which we were embarked to scores of interested UK business leaders and investors. The Minister is very keen to promote alternative businesses in the OTs and was impressed by both CEC and Cayman Health City.

The evening before the Business Event I attended and spoke at a special briefing session laid on by CEC for potential customers. Again there was considerable interest from companies that may want to expand from the UK into the USA but want that safe,

secure, English speaking, people friendly, cosmopolitan country, close to the US but not in it. I thank CEC for the work it did in the UK during JMC week. Our officials also attended some discussions on health and criminal justice matters. One of the best innovations of the former Minister Henry Bellingham and continued by Minister Simmonds is the chance for our officials to engage directly with officials from other UK Government departments and share best practice and ideas. Time is too precious for everyone to re-invent the wheel and these informal discussion sessions are very productive.

Madam Speaker, you will be aware that shortly after the elections Cayman had a visit from some United Kingdom Members of Parliament who serve on their Environmental Audit Committee. They were here for five days on an official evidence-gathering visit. They asked some searching questions, especially about the lack of a National Conservation Law. Their report has been written but they decided to delay publication of it so that they could have an informal discussion with Territory Ministers while we were in London.

Minister Panton met the Committee and set out what this Government is doing and will continue to do to protect our environment. As I said, their report had been written before Minister Panton met them and this was not an evidence session. Regardless of what their report says, we are here this week, this day, to pass the National Conservation Law; a law that has been foundering for more than 10 years. As Minister Panton has said, "the time is now". Protecting the environment was one of the key messages I delivered in a keynote speech to a Cayman dinner of 70 guests and stakeholders from the worlds of finance, tourism, environment and government. The dinner was held at the new Intercontinental Hotel in London.

I began by setting out our overall Government strategy. I said that we need to be innovative, agile, and competitive in order to attract inward investment and encourage local investment to make this happen. Our strategy is to foster an environment that facilitates private sector economic growth, employ prudent fiscal management within the public sector, further develop an educated and work-ready populace, and continue the development and modernisation of Cayman's infrastructure. These four components of our strategy complement each other. Also, our fiscal policy will result in the Government improving its net financial position; supporting economic growth; creating employment opportunities and building infrastructure to serve the next generation of Caymanians.

I said that the economic health of the Cayman Islands drives all aspects of Caymanian society. It affects the amount of revenue the Government earns as well as the level of services it provides, the number of people with jobs, crime levels and residents' overall quality of life. We have therefore identified the economy as a central and core policy priority, and will seek

to ensure sustained economic activity for the long term by building on what Cayman has, while encouraging additional private sector growth. We are working with tourism industry partners to grow the numbers of both cruise and stay over visitors in a smart and sustainable way. We know we have to support small businesses by reducing taxes and bureaucratic hurdles while also providing entrepreneurs with access to training on how to successfully manage their businesses.

Turning to Financial Services, I assured them that we are also committed to maintaining and strengthening our financial services industry, which is the foundation of our economic success. The Cayman Islands has been among the vanguard of the global financial services industry for more than 40 years. I reminded them that a country only enters into this company when its legislative and regulatory framework is strong enough to withstand international scrutiny, and yet flexible enough to provide industry with the products and services it needs to attract sound business.

Indeed, we have built our reputation as a jurisdiction of stability and integrity because of the collaboration between Government and industry. Although this partnership has existed for decades, I said that my Government recently strengthened it by signing an Memorandum of Understanding with Cayman Finance, the primary body that represents our financial services industry. I pointed to the Exempted Limited Partnership Bill and the amended Insurance Law as pieces of legislation that were the result of collaboration between Government and industry, and our financial services framework is stronger as a result.

I told them that while Cayman has had more than its fair share of scrutiny over the decades, the pressure has made us into a more brilliant diamond. As proof of that I quoted three recent examples. I said Cayman was named as a vice chair of the Peer Review Group of the Global Forum on Transparency and Exchange of Information for Tax Purposes. We also retained our membership in the Forum's Steering Group. These two examples speak volumes about what the forum's 121 members think about Cayman's contributions to the global discussion on tax and transparency.

My third example is the Global Forum ratings of member countries' legislative and regulatory frameworks. On the 10 elements that were assessed, Cayman was rated compliant in eight, and largely compliant in two. Our overall assessment was that of largely compliant. I am proud of the work that has been done, and proud of the role that Cayman will continue to perform in developing globally accepted standards.

For example, the OECD/Council of Europe Convention on Mutual Assistance in Tax Matters was extended to Cayman this month and will come into effect on 1 January 2014. And in April just gone, we

committed to joining the UK, France, Germany, Italy and Spain, in the G5 pilot on multilateral automatic exchange of tax information. This commitment complements our engagement since 2005 in the EU Savings Directive. I was able to tell all the guests from the financial services industry at the dinner that, just the day before, Cayman issued its public consultation paper on beneficial ownership. The paper reflects that beneficial ownership data has been collected and furthermore, updated, in Cayman for more than a decade; and that in April this year the Global Forum recognised that information relating to beneficial owners continues to be readily available to appropriate authorities in the 32 jurisdictions with which we have bilateral agreements. That number has now risen to 34 as a result of the signings in London.

I concluded the part of my speech on financial services by stressing that we all must ensure that transparency delivers benefits for rich economies and developing countries alike, and that we maintain confidence in the fairness and effectiveness of our tax systems and in the operation of global markets. Tackling tax evasion and fraud is a global responsibility in which Cayman will continue to play our full part.

Turning to tourism, I reminded the guests that we are constantly looking for ways to improve our tourism product. We are working to improve the experience for both our cruise and stay over visitors through upgrades at the cruise port and our airports. A goal of this Government is to deliver the best possible product for the people of the Cayman Islands and the Islands' tourism industry. We are addressing the sustainability of air and cruise transport to the Cayman Islands, while developing more tourism opportunities for our people.

There were also experts on the environment present as guests. I said that while we embrace economic development and welcome visitors to our Islands, we are very much aware of the need to protect our environment. I reminded everyone present that Cayman created our now famous system of marine parks 26 years ago—24 years ahead of the UK. We have rescued our Blue Iguana from near extinction and each year we add more green turtle stock to the oceans. That demonstrates our lasting commitment to protecting our wonderful bio-diversity. In Cayman we recognise that we must do all that we can to protect the environment on all three Islands to ensure that we preserve paradise for future generations of residents and tourists alike.

Madam Speaker, I have quoted large parts of that speech to this House this morning because it was the first time in many years that a Cayman Premier had set out in London in a keynote address our overall strategy for the growth, development and preservation of these Islands.

I also met with all other Territory Leaders in the United Kingdom Overseas Territories Association [UKOTA] Political Council where we approved a strat-

egy to enhance the UKOTA Secretariat. We, as premiers and chief ministers, were more united at this Joint Ministerial Council because we had had a pre-meeting in Gibraltar in September. I thank Chief Minister Fabian Picardo for arranging that event. I believe that a meeting of all Territory leaders before we meet with the FCO is vital and I believe that we should meet earlier in the year so that we can determine the agenda and tell the FCO in good time what we want to discuss. Accordingly Madam Speaker, I extended an invitation to all OT leaders to meet in Cayman next June for next year's pre-JMC meeting so that they can experience for themselves what the world's friendliest country is like.

I would also like to thank Her Excellency, the Governor, for her diligence in attending so many meetings with us. She never once intruded on our business but her presence and the interest she shows augurs well for Cayman and her term of office. She has also added her support and expertise in areas of key concern to us.

I also want to thank all the officials of the Cayman Islands Government for the work they did and not just the chief officers who supported Minister Panton and me in London. I want to pay special tribute to my Sherpa, Mrs. Jennifer Ahearn, for her assistance and guidance and direction and support over the course of the many months leading up to the JMC and her support during the JMC itself. There has never before been a JMC or an Overseas Territories Consultative Council meeting [OTCC] with so many meetings that required briefing papers. At conferences like this, one has to be armed with information on a very wide range of subjects just in case someone else raises it. We had all the information we required and it was not wasted. I believe that we deployed it sensibly and to good effect.

I think the whole House will see, Madam Speaker, that we had a packed official programme and that we added other meetings and events all designed to advance the cause of Cayman. Advancing that cause is easier now because we now have their attention. Cayman's financial and tourism products have long been recognised as excellent, but the same could not be said of our politics. That has now changed with this Government! In London, the FCO listened and we got the changes we wanted to the Communiqué. We were asked to lead discussions in the opening session. That is the hall-mark of my Government—diplomacy and dialogue delivering results; not diatribe and discord. So there is now a new-found respect for the Cayman Islands Government in London. We too are seen as professional.

When someone said of Winston Churchill that he had the heart of a Lion, he said that the nation and the people were the Lion and he was merely privileged to give the roar. I am not comparing myself to Churchill—of course not!—but the analogy is the same; Cayman, our people, our businesses, our

products are recognised for their excellence around the world—so I do not have to roar when I defend them overseas.

I commend this statement to the House.

Madam Speaker, there was another area that was dealt with during the JMC that I did not speak to in that statement because it is separate and discrete and I wanted that to be the subject of a separate statement.

As all in this House are aware, and as I just said, I attended the Overseas Territories Joint Ministerial Council London recently. While there was much that we agreed on with the UK and Overseas Territories at that gathering, there was one point of contention with the UK regarding the issuance of passports.

UK ISSUED PASSPORTS

The Premier, Hon. Alden McLaughlin: Madam Speaker we had a meeting with Home Office officials on the issue of replacing locally printed non-biometric "Cayman Islands" passports with UK printed biometric passports. It was debated heavily during the JMC and, frankly, I have some grave concerns.

The "repatriation of passport printing" has been in the pipeline since 2006/07. While the programme has been delayed several times, there is now a December 2014 deadline for implementation. This will mean that after that date the Cayman Islands and the other OTs and CDs will not be able to issue our own passports as we have done for all these years. The UK has presented the Overseas Territories with four options:

Option 1: A Cayman Islands specific variant passport, which would be cleared for issue by the Cayman Islands Passport and Corporate Office, and with a fully automated system, the passport details would be securely transmitted from Cayman to the UK. The passport would be printed in the UK and dispatched by the UK directly to the passport holder. Emergency travel passports would be issued in the Cayman Islands from the existing non-biometric stock.

Option 2: A Cayman Islands specific variant passport, which is cleared for issue by the Cayman Islands Passport Corporate Office, in non-automated fashion the passport details would be securely transmitted to the UK. The passport would be printed in the UK and dispatched by the UK office directly to the passport holder. Emergency travel passports would be issued in the Cayman Islands from the existing non-biometric stock.

Option 3: Cayman Islands passports would be retired and be replaced by full British Passports.

Option 4: A phased approach by implementing Option 2 and working to Option 1 over time.

Madam Speaker, frankly, none of the options reflect net improvements in the current passport issuance process for the Cayman Islands and leave me and this Administration, as I said, with some grave

concerns, not the least of which are the prohibitively high costs of implementing the respective systems.

Implementing a fully automated system under Option 1 could cost the Cayman Islands an estimated \$CI205,000 on local IT system modifications alone and in the range of \$CI4.5 million to \$CI5.5 million on the UK systems, based on the costs incurred by Gibraltar for a similar implementation. This cost is to be borne by all OTs under that option. If the Cayman Islands is the only OT that chooses Option 1, then the cost will be borne solely by the Cayman Islands Government.

All of the options presented by the UK also include a scenario that would replace the Cayman Islands specific "Variant" of the British Passport with the standard issue British Passport without any reference to the Cayman Islands. Madam Speaker, we have specifically requested that the UK printed biometric passports be Cayman Islands specific "Variants." That means that our passports would continue to bear the Cayman Islands name on the front cover.

Madam Speaker, also of concern is the ability to issue local emergency passports. This is essential, often meaning the difference between life and death. Many in this House know of a recent incident in which a veteran seaman who hasn't travelled since he gave up his life at sea had a heart attack and had to be airlifted to Miami. He did not have a current passport, as he did not see the need for one. If we had not had the ability to produce an emergency passport for him, his family would be in mourning this time as Christmas. Instead, I am happy to report, that we were able to provide the emergency passport and he is back home, as of this week, to celebrate this joyful time of year with his loved ones. We have asked—indeed, Madam Speaker, we have insisted—that the Cayman Islands retain the ability to issue emergency passports here, on home soil.

Our current local stock levels for non-biometric are expected to last until December 2014; however, additional non-biometric passport stock will be required to address emergency passports in the future, and to facilitate the expected "run" on locally issued passports when the repatriation of passport production is announced. Additional expenditure on local passport systems and stocks will be necessary if the repatriation of passport printing is again deployed past the current December 2014 deadline. We will be purchasing a large batch of non-biometric passport stock to prepare for long-term issuance of emergency passports. However, it is unknown when the United States will discontinue acceptance of non-biometric passports, which would be issued by the local passport and corporate office for emergency travel.

Long-term provisions for locally printed emergency passports remain a concern as the providers of the laminate for the non-biometric stock will no longer produce the laminate after this last batch. Therefore,

once the stock is depleted, options for emergency passports are a critical unknown risk.

Madam Speaker, I have written a letter to Minister Mark Simmonds outlining my concerns about the passports issues and have made some suggestions for a way forward for the Cayman Islands. The Cayman Islands would like to participate in the passport printing repatriation project now being undertaken for Gibraltar and the Crown Dependencies. We see the work with Gibraltar as the most progressive option, reducing the costs to the Cayman Islands, while allowing the Cayman Islands to rapidly advance the repatriation variant passport printing. We have requested a modification where the UK printed passports are returned to the Cayman Islands Passport and Corporate Office for local distribution in order that we can continue to retain control over the actual dispatch of Cayman Islands passports and know who actually has applied for, not just applied for, but who has received a Cayman Islands passport.

Madam Speaker, the ultimate desire of the Cayman Islands is to have a secure passport issuance regime that meets the needs of the Cayman Islands, which includes having Cayman Islands specific biometric passports that are internationally accepted, and "approved for issue" by the Cayman Islands, which once printed, are distributed locally by the Cayman Islands Passport and Corporate Office as well as the ability to issue bio-metric emergency passports here in Cayman.

I commend this statement to the House. Thank you.

GOVERNMENT BUSINESS

BILLS

SECOND READING

NATIONAL CONSERVATION BILL 2013

[Continuation of reply thereon]

The Speaker: I recognise the Honourable Minister.

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Thank you, Madam Speaker. Good morning to all. I am pleased to continue my winding up in relation to this Bill.

Madam Speaker, yesterday was quite interesting. We had history lessons, we were taken on some nostalgic journeys, and there were certainly moments of levity as well. But I am so very pleased with the level of support that the Bill has received amongst my colleagues on the Government side. Indeed, I note that at least one of the Members on the other side indicated some level of support as well.

Madam Speaker, in my introduction I mentioned that some people would cut down ironwood trees, hop up on the stump and preach about being conservationists. I didn't identify anyone.

The Premier, Hon. Alden McLaughlin: Well, Minister, you didn't expect him to bring the evidence!

Hon. G. Wayne Panton: Precisely!

I think some people have not heard of the right to avoid self-incrimination. I didn't expect my colleagues from the East to bring the evidence to demonstrate that perhaps it was they who cut down the ironwood tree!

[Laughter]

Hon. G. Wayne Panton: Anyway, Madam Speaker, just another moment of levity!

Madam Speaker, as I said, yesterday there was a range of emotions. I was very proud of the comments made by my colleagues. I have to say that I was probably a little teary-eyed in relation to the excellent contribution from the Premier which, as I said, ranged from this nostalgic journey through all of the reasons why the Bill should be passed today, why it is important to the country, why it is important to the children of this country.

I want all Members to know that I have certainly listened very keenly to all of the contributions, and I know that there have been comments that there are quite a number of amendments to the Bill. But, Madam Speaker, as the last of my colleagues to speak yesterday (Minister Rivers) noted, it is a reflection of our willingness to listen and to respond, to seek a greater degree of consensus on these issues. That is why we have brought some of the amendments.

They don't reflect significant policy changes. Those are not the kinds of amendments I was referring to in my introduction when I said if we change or amend this Bill any further that it would be useless. These changes have been made to address a few of the small concerns. I think it is fine for us to propose change in order to get people comfortable and get their support. We all represent our own constituencies. We all share our responsibility to represent the country. And I am more convinced than ever, based on the comments I have heard, that it is the right thing at this time to be passing this Bill, certainly with the amendments that we are proposing and hopefully will be able to get in place. It is the right thing to do for our environment, the right thing for our economy, for the people in this country, most importantly for the children of this country.

I listened very closely to comments, particularly from the Members of East End and North Side. The indication from them is that they feel perhaps the people of North Side and East End don't need legislation to engage in and practice conservation because they

have been doing that for generations. I think that is probably right. The issue is this, Madam Speaker: We have no restrictions on landownership in this country. Anyone can come and acquire, purchase land. And it is really simply because the kinds of pressures which development and other infrastructure issues have brought to the country and to the environment for the rest of the Island, it is simply because those pressures have not reached the eastern districts in full force yet.

Certainly Members should recognise that we are at the start of that, because there have been a number of very significant projects which have either been proposed or are actually underway. I would just remind the Member for East End of his concerns, as well as the Member for North Side, in relation to the mega seaport project that was proposed some time ago. I believe the Member for East End felt so strongly about that that he was proposing to lie in front of a bulldozer to prevent that from happening.

Dare I say that many others felt very strongly about it as well?

[Inaudible interjection]

Hon. G. Wayne Panton: I am glad that he hasn't proposed, in his objections to this Bill, to lie in front of the proverbial bulldozer again!

But those are shared concerns, Madam Speaker. We have had two planned area developments, one of 50 acres, one of 132 acres, which were approved earlier this year in East End. Now, those are obviously very important projects for the country, important projects to the economy in terms of diversification. But the long-term potential impacts have yet to manifest themselves. And while they are fantastic projects, it will always be better for us as a country to know in advance what those impacts may be and seek ways to mitigate them and help the environment. So while, no doubt, the residents in the eastern districts are very proud of their land, very attached to their land, and are good conservators, these pressures are coming, will be coming, and will only grow as this country goes down the road of progress, growth and development.

Madam Speaker, I would like to address a couple of the comments in relation to what I think perhaps the Member for East End and, to some extent, the Member for North Side, suggested, that my comments in relation to the introduction of the Bill were somewhat misleading. One of these was in relation to the concept of an environmental impact assessment and the requirement under the Bill that this mechanism be in place for developments which are very significant, very large and worth assessing exactly what the potential impacts are for the country and what ways might exist in order to mitigate those to help to protect the environment, to understand the socio-economic impacts and to seek ways to address those.

The Member quoted, I think, from appendix 3 of the Development Plan of 1997, which does, in fact, provide that the Central Planning Authority may require environmental impact statements to be developed for projects. He was implying there that there was no need to have this provision in the Bill, that it was already the authority to do so. Madam Speaker, in my introduction I do not believe I said that there was no other mechanism that might have been available. But I think we have to recognise the issues and the shortcomings with what was proposed, what was quoted, by the Member as an example of something, of a structure, a regime, a mechanism, which exists which would obviate the need for this environmental impact assessment provision being in the Bill.

Firstly, Madam Speaker, the Development Plan is not legislation, it's not regulation, it's a policy—purely a policy. And there is no supporting legislation which gives effect to anything which is set out in appendix 3. So, that is why we can have a situation today where a developer can come along with a proposed project and one day he can be given a certain set of conditions and circumstances and things that he has to comply with, including environmental impact, and another developer can come along the following week with a virtually identical proposal in a different location and get completely different requirements quoted to him.

In addition, Madam Speaker, that policy doesn't apply across the board for the whole country. It doesn't apply to the Sister Islands. They are still without the benefit of a Development Plan and they are utilising guidelines for development control in the Brac and Little Cayman, which we all recognise as being two of the most significant jewels of the Cayman Islands, that were passed as part of the 1977 Development Plan. So, these are very old considerations being applied.

The Member also suggested that the Bill should be made consistent with the 1997 Development Plan which has a general aim (and I am quoting from the Plan) "maintain and enhance the quality of life in the Cayman Islands by effectively directing development so as to safeguard the economic, cultural, social and general welfare of the people and subject thereto the environment." [UNVERIFIED QUOTE]

Clearly, Madam Speaker, from the terms of that one can tell that the environment is relegated to a secondary position. It is not on equal footing in terms of factors with culture and the socio-economic factors and the general welfare of the people.

Of course, Madam Speaker, this Bill seeks to put environmental consideration squarely on the same level—not above it, not below it, but on the same level. That is one of the reasons why this Bill is important. And, as I have reiterated a number of times, this is what sustainable development is all about. It requires all of these factors to be placed on the same level.

Now, Madam Speaker, there was also comment in relation to the powers of conservation officers and their ability to enforce the provisions of the existing Marine Conservation Law and what is proposed under this Bill. The issue . . . and the Member quoted correctly from the Law and the Regulations. What I think escaped him at the time is that the language used talks about the rights, Fisheries Officers having the same rights as Constables. This Bill says that Conservation Officers will have the same powers of the officers. There is a fine distinction there which is recognised and which is the basis of advice from a former Attorney General (and I believe it is concurred with by the current Attorney General) that there needs to be . . . that there is a distinction there. This Bill seeks to eliminate that issue to ensure that the Conservation Officers have the same power as constables.

Now, Madam Speaker, the Department of Environment accepts that there are challenges in relation to enforcement. They have recruited two new Caymanian . . . in fact, let me say that all of the DoE enforcement officers are Caymanian. I have heard references to possibly suggest otherwise. They are all Caymanians. And having these two new officers will clearly go a long way to resolving some of the issues they have had with enforcement. This Bill will give them the powers of constables, the power to be able to arrest and detain and provide for search and seizure, provide for entering premises in hot pursuit, entering premises with warrants, and being able to seize equipment and property being utilised in the commission of offences or suspected.

So, Madam Speaker, I hope that has clarified the fact that there are . . . Despite what appears to the Member to be an indication that there are existing provisions which address those issues that is not, in fact, the case. And when I made the representations in my opening introduction on this Bill, those representations were, in fact, accurate.

Now, Madam Speaker, the Leader of the Opposition quite surprising to me labeled the Bill yesterday as "unintelligible." I have no idea how he could reach that conclusion given that for half of the life of the Bill he has had control of it, or been involved with it. So one wonders how he simply labels it as unintelligible at this point.

Hon. W. McKeever Bush, Leader of the Opposition: You have 42 amendments since you've been here! Ah!

Hon. G. Wayne Panton: Those amendments are because we listened.

Hon. W. McKeever Bush, Leader of the Opposition: No. Those amendments are because you got beat into submission!

[Laughter]

Hon. G. Wayne Panton: Madam Speaker, I also listened for a short time (I happened to catch the relevant time) where there was a mention of—

[Inaudible interjection]

The Speaker: Order!

Hon. G. Wayne Panton: Madam Speaker, the Leader of the Opposition and a colleague of his on Wednesday morning participated in the *Cross Talk* show. And unless my ears deceived me he was expressing surprise at some very important features of the Bill, which is that the decisions in relation to things like protected areas, in relation to things like critical habitats, are actually being made by Cabinet as opposed to the Council. That has been in the Bill, I said in my introduction, Madam Speaker, for six or eight years now. But he expressed surprise!

That suggests to me, Madam Speaker, that far from it being unintelligible his issue with the Bill is simply that he has not read it. He has not read the current version and he simply wishes to label it as being unintelligible to excuse his lack of knowledge of what the Bill says.

He also referred yesterday in his comments to buffer zones being in the Bill.

[Inaudible interjection and laughter]

Hon. G. Wayne Panton: He was referring to buffer zones as if they were part of the Bill. That is far from the truth. There is nothing in this Bill relating to buffer zones. I think the fact is that the Leader of the Opposition has been misinformed by those seeking to brief him against the Bill. I think if one is interested only in killing the Bill it is understandable that one would not read it at all.

Madam Speaker, I think there was another point the Leader of the Opposition was chiding the Government Bench with [is that] the people are starving, suggesting that somehow we are doing the wrong thing to address issues like conservation of our natural environment, even while we're working hard to ensure that there is growth and opportunities for Caymanians and their families. He referred to the situation in Haiti, a very unfortunate situation, where the land has been completely denuded; trees have been completely cut down in huge swaths of land to turn them into charcoal.

I was struck by the irony of that, Madam Speaker. Was he suggesting that we should let our country and our people get to such dire circumstances? Should we not, even while working to address all of the other issues and problems that the country has, recognising how wonderful we are as a country, yet should we not address issues in relation to conserva-

tion so that we do not end up in a similar position and make decisions today and for the future which avoids those sorts of disastrous consequences? I think this Bill puts the country in a position to properly make those kinds of decisions. It does not hinder progress. It does not hinder development.

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

Hon. G. Wayne Panton: During the introduction I spoke to the gentlemen's agreement that exists currently, which this Bill seeks to formalise to give it statutory legs. We are not adding any greater degree, Mr. Speaker, of process or procedure here. We are simply formalising what happens today and making sure that it happens consistently, asking that environmental considerations be put at the same level so that we have an opportunity to avoid the sorts of calamities and disasters that have occurred in other countries because of bad policies and bad decision making.

The Leader of the Opposition also referred to opportunity costs. I don't remember if he described it in that way, but that is what he was talking about, saying that we were going to lose projects, we were going to lose business. But, Mr. Speaker, if we lost any business as a result of a proper process of some formality, then it is business that we would not have wanted at all. It would have been bad business for this country. Every time rules have been allegedly bent or ignored to allow significant development in this country it has resulted in a large cost to the country.

Our challenge today is to try to get the right decisions in relation to the right projects. I believe that good developers will welcome the certainty that this Bill will inject and, as I mentioned (as has been made public), the Architects and Engineers Society of Cayman have endorsed the Bill for that very reason.

In addition, Mr. Speaker, there was comment that this Bill and this Council will introduce a significant layer of direct costs. That couldn't be further from the truth. There will be very little in the way of costs to put this into effect; very little, indeed. It will be minimal.

Mr. Speaker, as I have said, this Bill is not perfect. But then no Bill is perfect; no piece of legislation is ever perfect. As my colleague, Minister Rivers, said yesterday in her contribution, laws are alive, are living and breathing. They reflect the needs of the times. They evolve with the views and feelings and needs of the country. So, while I say it's not perfect, it is as perfect, probably, as any other piece of legislation that we might bring along. It is proposed to be subject to some amendment in Committee stage, Mr. Speaker. And I believe if those are successful it will enable those Members who have indicated a reluctance to support the Bill to be able to support it.

A lot of effort was put into informing the public, consulting in the various districts. I have personally attempted to take a bipartisan approach with this Bill. The Member for East End quoted certain correspond-

ence between he and I which I think fairly indicated that that was, in fact, the case, albeit he felt unable (because of his absence from the Island for a period of time prior to that) to attend and provide input. And that's fair enough. I did enjoy having him at the East End meeting representing his constituency and putting forward his views at that time.

I have also had very extensive discussions with my own colleagues, Mr. Speaker. Given the level of public discussion on this, and the degree to which misrepresentations were made in certain media. I had to have discussions to give them some degree of comfort that they were just that. So, Mr. Speaker, as I said, there are amendments to this Bill, as is usually the case with many Bills, particularly Bills that are significant and that put in place whole new pieces of legislation. We also have a Bill before the House today which is a relatively small Bill; it is going to have a proposed amendment.

Mr. Speaker, I feel that what we are doing, the attempts we have made, the actions we took in communicating, discussing, listening and indicating our intentions to bring amendments to the Bill reflects the best of democracy, and reflects that this Government is willing to listen, willing to respond, willing to address concerns of people, where they are legitimate, as far as possible. I think it is only right to seek that degree of compromise because I would like to commend this Bill to all Members of this House and I would like to see as many Members of the Opposition support it as far as possible.

The Premier, Hon. Alden McLaughlin: All of them support it and not make a grave error—

Hon. G. Wayne Panton: While the Government has the votes it could ram through the Bill into legislation, as has been stated and speculated by some in the media, that is not our desired approach. We all have a duty to act in the best interest of this country, the best interest of our constituents, and I would much prefer to take an approach of consensus building on important issues like this so that we have the best chance of getting it right. And I think we are demonstrating that clearly in what we have done so far in relation to this Bill.

We have a duty and a responsibility to the people of this country today—this generation of Caymanians, and all other future generations of Caymanians, our children and their children—to ensure that our country has a healthy natural environment, one that functions well, one that helps us to ensure their prosperity and their quality of life as much as we seek today.

I would like to express my thanks to all of my colleagues on the Government side. I have been so impressed with the clarity and the passion with which they have spoken in support of this Bill. And I commend this Bill to the country, to all Members. As I said,

I think we have a shared duty; we have a shared responsibility as Members of this honourable House and as leaders of today. And I would be very pleased for their shared support in support of this Bill.

Thank you, Mr. Speaker.

The Deputy Speaker: The question is that a Bill shortly entitled the National Conservation 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.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, given the importance of this Bill, I would ask for a division.

The Deputy Speaker: I did not hear any objections, but . . . Madam Clerk, as requested.

The Clerk:

Division No. 4

Ayes: 10

Hon. Alden McLaughlin
Hon. Moses I Kirkconnell
Hon. D. Kurt Tibbetts
Hon. Osbourne V Bodden
Hon. G. Wayne Panton
Hon. Tara A. Rivers
Mr. Winston C. Connolly
Mr. Roy M. McTaggart
Mr. Joseph X. Hew
Mr. Alva. H. Suckoo

Noes: 0

Absent: 1

Hon. Marco S. Archer

Abstentions: 5

Hon. W. McKeeva Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. D. Ezzard Miller
Mr. V. Arden McLean

Hon. Anthony S. Eden: Madam Clerk, I was in the Chair, I am not sure, under this ruling, but I would vote "Aye."

[Hon. Juliana O'Connor-Connolly, Speaker, presiding]

The Speaker: The result of the Division: 10 Ayes; zero Noes; 1 Absent; and 5 Abstentions.

And just for the record, the Deputy Speaker was in the Chair at the time and was not allowed to

vote. But he made his intention very clear, that if he were able to vote he would have supported it.

Agreed by majority on division: The National Conservation Bill, 2013, was given a second reading.

BILL

SECOND READING

INSURANCE (VALIDATION) BILL, 2013

The Clerk: The Insurance (Validation) Bill, 2013, Second Reading.

The Speaker: Honourable Minister of Financial Services, Commerce and Environment.

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Thank you, Madam Speaker.

I beg to move the Second Reading of a Bill entitled, The Insurance (Validation) Bill, 2013.

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

Hon. G. Wayne Panton: Thank you, Madam Speaker.

I rise to present the Bill on behalf of the Government. It is a Bill for a Law to validate the charging and collection of segregated portfolio fees and other fees during specified periods; and to make provision for incidental and connected matters.

The Insurance Law (2008 Revision) contained the authority for charging miscellaneous fees, including the segregated portfolio fee. That Law was repealed and replaced by the Insurance Law, 2010, with effect from 1st November 2012, and the fees were set out in the [Insurance] (Applications and Fees) Regulations, 2012. The segregated portfolio fee was, however, inadvertently omitted from those Regulations. Notwithstanding that omission, the collection of the segregated portfolio fee continued from 1st November 2012 to 2nd July 2013.

Clause 2(1) of the Bill seeks to validate any unauthorised collection of segregated portfolio fees during that period.

With the repeal and replacement of the Insurance Law (2008 Revision) the fees that were formally chargeable under the Law ceased to have effect on 1st November 2013 (since they were removed from the law on that date). The Insurance (Applications and Fees) Regulations, 2012, was delayed in publication by the *Gazette*, and came into force on 28th November 2012. There was therefore a period during which there was no legal authority for the collection of various fees. Clause 2(2) of the Bill seeks to validate any unauthorised collection of those fees during that period.

Madam Speaker, this is a short Bill and I think that has provided sufficient clarity. That concludes my presentation in respect to the proposed Bill. I therefore commend the Insurance (Validation) Bill, 2013, to this honourable House for passage.

The Speaker: Thank you.

Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Final call, does any other Member wish to speak? [pause]

If not, does the honourable Minister wish to exercise his right of reply?

Hon. G. Wayne Panton: Madam Speaker, just to thank my colleagues in the whole House for their tacit support of this necessary Bill.

The Speaker: The question is that a Bill shortly entitled The Insurance (Validation) Bill, 2013, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Insurance (Validation) Bill, 2013, given a second reading.

BILL

SECOND READING

NOTARIES PUBLIC (AMENDMENT) BILL, 2013

The Clerk: The Notaries Public (Amendment) Bill, 2013, second reading.

The Speaker: Honourable Attorney General.

Hon. Samuel W. Bulgin, Attorney General: Thank you, Madam Speaker.

I beg to move the second reading of a Bill entitled a Bill for a Law to amend the Notaries Public Law, 2013 to adjust the application and appointment procedures; and to provide for incidental and connected purposes.

The Speaker: The Bill has been duly moved. Does the Honourable Member wish to speak to it?

Hon. Samuel W. Bulgin: Yes, Madam Speaker, very briefly.

By way of background, the Notaries Public Law 2013 entered into force on 6 May this year. The Law states in section 3 that to be eligible for appointment as a notary public the applicant must have,

among other things, participated in the training programme. That requirement, however, exempted attorneys at law.

Since the passage of this Law, a determination has been made that the class of persons who are exempted from training requirement could be widened. Indeed, it is the belief that other professionals, as well as other groups and persons, could also be exempt on the basis of qualification and relevant work experiences. This Bill, if passed into law, contemplates that Cabinet will be given the discretion to make that determination as to who, or which class, should undergo a period of training prior to being appointed a notary.

[Inaudible interjection]

Hon. Samuel W. Bulgin: Sorry sir?

[Inaudible interjection]

Hon. Samuel W. Bulgin: Okay. I'm shouting.

[Inaudible interjection]

Hon. Samuel W. Bulgin: I'm shouting. I'm competing with the Member for East End.

[Inaudible interjection]

Hon. Samuel W. Bulgin: Another feature of the Bill is that persons who were appointed as notaries public prior to the 2013 Law will not be required to do any training. In other words, they will be grandfathered in. Hence the wording in clause 9 of the Bill, which speaks to the repeal of section 17, substituting a new section 17, the effect of which is to save all notary appointments made under the 2006 Revision of the Law.

Madam Speaker, the widening of the class of persons who may be exempt from training requirement will necessitate adjustments to the application procedures as provided for in the Law. As such, completion of the training will no longer be an eligibility requirement under section 3 prior to appointment. Instead, Madam Speaker, the Bill contemplates that training, where it is determined that an applicant requires it, will be carried out after the approval has been granted by Cabinet, but prior to the person being sworn in by the Clerk of the Courts as a notary public.

It is anticipated that these adjustments will further improve the application procedures. Indeed, rather than requiring all applicants to participate in the training, not knowing whether Cabinet will approve their application or not, under this new dispensation only persons who have been approved for notary appointment and who are not exempt will be required to undergo a period of training.

Madam Speaker, there are other minor provisions to the Bill. For example, clause 7 will remove the

reference to the "Governor in Cabinet" and replace it with "Cabinet." Also clause 8 seeks to amend section 15 to clarify that the regulation making powers of Cabinet is without prejudice to the powers of the Grand Court Rules Committee to make rules regulating the powers of notaries public and persons authorised to administer oath.

Madam Speaker, just to say that I think I heard a *sotto voce* comment by the Member for North Side about attorneys. The truth is that Cayman is one of the few countries in the world where persons other than attorneys at law are notaries public and persons allowed to administer oaths. In the majority of countries it follows that they have to be an attorney in order to be a notary. It's almost an appendage to the office. So that is the reason why lawyers are exempted from the training programme and/or the current dispensation. It is not that there was any special carve out for attorneys.

Madam Speaker, I commend the Bill to honourable Members of this House.

The Speaker: Does any other Member wish to speak? [pause]

I recognise the Elected Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Madam Speaker, briefly, very briefly.

Obviously there won't be a lot of debate on this, but there are a few questions that I have been concerned about with this when reviewing it, which is, what are the other professions that Cabinet will designate? I mean, at the very least, Parliament should be informed as to which other professions will be exempt from training.

Madam Speaker, also, if the Attorney General can inform us as to . . . since we are now changing from "Governor in Cabinet" to "Cabinet" if that will be the way forward and changed in all of our laws, because we have had extensive discussions surrounding that since the new Constitution came in place in 2009, as to whether or not Cabinet has responsibility for this country or if it's "Governor in Cabinet."

I believe during the negotiations on the Constitution it was clearly explained and decided that Cabinet is responsible. It's not "Governor in Cabinet"; the Governor is merely the chairperson in Cabinet. And I know we have argued it extensively, the current Premier and I. I hope this is an initiative on his part that we now put "Cabinet," as opposed to "Governor in Cabinet." It used to be "Executive Council," "Governor in Council" and then "Governor in Cabinet. The 2009 Constitution speaks of "Cabinet" it doesn't speak of "Governor in Cabinet."

The reason for the new Constitution was to somewhat advance the responsibilities of Cabinet. And here we are still talking about "Governor in Cabinet." The Governor has a separate responsibility, the position of Governor. But Cabinet is responsible for

the legislation of laws in this country and I just wonder why.

The other question that I would ask the Attorney General is, since he mentioned that Cayman is probably the only country in the world that professions other than attorneys at law are notaries public, is this a move towards going that way now? I know he mentioned that the amendment talks about other professions, but is it contemplated that we will be bringing this back to change it to only lawyers? I have my own concerns about that. We don't have to follow the rest of the world either. I don't think we need to reinvent the wheel. In many instances we can take cues from what other people in the world do, but it appears like we do that all the time and constantly follow suit with what other people in the world do and then out of the other side of our mouths we talk about how unique we are.

So if the Attorney General can just tell us if it is contemplated that we will only have lawyers. It could never be that if anybody is doing a little document they have to go to a lawyer to do it, albeit the fees are prescribed for notarising documents. But I am not going so far as to discuss trusts. I am not going that far. But I don't think it would be fair that everyone would have to go to a lawyer, like he said other places in the world. Cayman is a little too unique to follow in that footsteps.

If the Attorney General could respond to those concerns, Madam Speaker, I would appreciate it.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I had not intended to speak on this Bill. I think the Objects of the Bill have been properly put by the Honourable Attorney General, but I just wanted to quickly address the matter about "Cabinet" and "Governor in Cabinet" which has been raised by my friend, my good friend, from East End.

Mr. V. Arden McLean: Wow, wow, wow, I'm coming home!

The Premier, Hon. Alden McLaughlin: My good friend, former brother-in-arms—

Mr. V. Arden McLean: It's the big one!

The Premier, Hon. Alden McLaughlin: —founding Member of the People's Progressive Movement—

Mr. V. Arden McLean: Brother-in-arms, but—

The Premier, Hon. Alden McLaughlin: —and colleague in this House and in Cabinet at one point. But, as he pointed out there had been some confusion (let

me use that euphemism) about the effect of the 2009 Constitution with respect to executive authority.

Madam Speaker, this was a point I addressed very early in the day when I took office because under the 1972 Constitution Cabinet was an advisory body to the Governor. So Cabinet gave advice to the Governor who, from a constitutional standpoint, actually made the decisions. In practice, of course, that's not how it worked. It was very rare, indeed, that the Governor would not follow the advice of the Cabinet. Indeed, the old Constitution provided the circumstances in which he could . . . I wouldn't say ignore, he could go against the advice of Cabinet.

The new Constitution, however, changed the situation significantly, and executive decisions, except in the areas that are within what are called the special responsibilities of the Governor, are matters for the Cabinet and the Cabinet alone. And the Governor is not a member of the Cabinet, although the Governor chairs Cabinet in most instances.

So, the former language, which was that the Governor in Cabinet did this and the Governor in Cabinet did that is inappropriate. And following discussions with the former Governor, Mr. Duncan Taylor, and with the Attorney General, new legislation will reflect the constitutional change in that the Cabinet made the decisions.

Indeed, in due course all existing legislation will be revised to also reflect the constitutional changes. I just hope that explanation assists my good friend, the honourable Member for East End.

Mr. V. Arden McLean: Honourable . . . God, I'm really getting hit on that one.

The Speaker: Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Last call, does any other Member wish to speak? [pause]

If not, I will call on the Honourable Attorney General to exercise his right of reply.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

To deal with the question by the honourable Member for East End on the category of persons who will be appointed as notaries, let me just clarify that Cayman is one of the *few* countries . . . I didn't say Cayman is the only country in the world; it is one of the few countries where persons other than attorneys are notaries.

But to answer his other concerns, the Notaries Public Law in section 3 speaks to a category of persons who can be appointed. And it certainly does not confine it to attorneys. So, the issue as to whether that is where we are heading, I am not aware of any government policy in that regard. Attorneys will be one of the professions recognised, certainly, as to the issue as to whether they have the requisite qualifications,

experience and good standing that will determine whether they are appointed or not. So I hope I have clarified that position for the honourable Member.

[Inaudible interjection]

Hon. Samuel W. Bulgin: Once you have the requisite qualifications, et cetera, good standing.

[Inaudible interjection]

Hon. Samuel W. Bulgin: Thank you.

So, Madam Speaker, I thank honourable Members for their support of the Bill. I also thank the Premier for his support as well. Thanks.

The Speaker: The question is that a Bill shortly entitled The Notaries Public (Amendment) Bill, 2013, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Notaries Public (Amendment) Bill, 2013, given a second reading.

The Speaker: The House will now go into Committee to consider these three Bills.

House in Committee at 12:20 pm

[Hon. Juliana Y. O'Connor-Connolly, Chairman]

COMMITTEE ON BILL

The Chairman: Please be seated. The House is now in Committee.

With the leave of the House, may I assume that, as usual, we should authorise the Honourable Attorney General to correct minor errors and suchlike in these Bills?

Would the Clerk please state the Bills and read the clauses?

NATIONAL CONSERVATION BILL, 2013

The Clerk: Clause 1 Short title and commencement.

The Chairman: The question is that clause 1 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 1 passed.

The Clerk: Clause 2 Interpretation.

Mr. D. Ezzard Miller, Member for North Side: Madam Chair, I filed some amendments.

The Chairman: Yes, I had given leave for . . . Please proceed.

Mr. D. Ezzard Miller: Yes. Let me say up front, Madam [Chair], that the Government has filed a number of amendments since I filed mine, and in the cases where the amendments are basically the same I will allow the Government to move the amendments because I then have assurance of passage.

So, if you are going to look at the definitions in alphabetical order I think the Minister needs to move his amendment to the definition of "entity" at this point and then I will move mine on the definition of "protected area."

The Chairman: Honourable Minister of Environment, do you wish to move your amendment at this time?

Mr. D. Ezzard Miller: An "entity." You have an amendment to clause 2.

AMENDMENT TO CLAUSE 2

Hon. G. Wayne Panton: Madam Chair, the proposed amendment in respect of clause 2 is first, in respect to deleting the definition of the word "entity" and substituting the following definition: "'entity' means any government body and includes the Cabinet, any ministry, portfolio, statutory authority, government company or any other body which exercises a public function;".

The Chairman: The amendment has been duly moved. Does any Member wish to speak to the amendment?

Mr. D. Ezzard Miller: Madam [Chair], I'll—

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: I support his amendment because it does in fact remove my biggest concern, and that was the involvement of the Director of Public Prosecutions [DPP]. And since there is an amendment later on and there are no directives (there are only going to be guidance notes), then I think I will support his amendment of the definition of "entity".

The Chairman: Are you withdrawing your amendment at this stage?

Mr. D. Ezzard Miller: Yes, Madam Speaker.

The Chairman: Okay.

Does any other Member wishes to speak on the amendment?

If not, the question is that the amendment stands part of the clause. All those in favour, please say yes. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 2, definition of “entity”, passed.

The Chairman: The question is that . . .

I believe there is another amendment to clause 2?

Mr. D. Ezzard Miller: Three. He has two more and I have one so I will let him go first.

The Chairman: The “financial year” amendment?

Mr. D. Ezzard Miller: Yes.

Hon. G. Wayne Panton: Yes, Madam Chair.

With your permission, Madam Chair, the amendment being moved—

The Chairman: Minister, is your microphone on please?

Hon. G. Wayne Panton: Yes.

Madam Chair, the amendment being moved is the deletion of the definition of the words “financial year” and substituting the following definition: “‘financial year’ has the meaning assigned by the Public Management and Finance Law (2013 Revision); and”.

The Chairman: The amendment has been duly moved. Does any other Member wish to speak to the amendment?

If no Member wishes to speak, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 2, definition of “financial year”, passed.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, there is one further amendment proposed and that is in respect to the definition of . . . Well, let me rephrase, by inserting in the appropriate alphabetical sequence the following

definition: “‘public function’ includes anything done in exercise or purported exercise of a function conferred upon a person in public life;”.

The Chairman: The amendment has been duly moved. Does any Member wish to speak to it?

If no Member wishes to speak, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 2, new definition “public function”, passed.

The Chairman: Mr. Miller.

Mr. D. Ezzard Miller: Madam Chair, I had another amendment to clause 2 concerning the definition of “protected area.”

My amendment seeks to delete subsection (b) from the definition of “protected area”— “(b) an area specified as a conservation area under section 13;”.

The Chairman: The amendment has been duly moved. Does any Member wish to speak?

Member for North Side wishes to elucidate further.

Mr. D. Ezzard Miller: My concern here, Madam [Chair], is that this definition of “protected area” will extend the authority in [clause] 41 (which is now confined to “protected areas”) to “conservation areas.” And I would prefer if the Government would agree to delete (b) from the definition to make absolutely sure that the powers of 41 are not extended to conservation areas.

The Chairman: Honourable Minister, do you wish to reply at this time?

Hon. G. Wayne Panton: Yes, Madam Chair. Thank you very much.

Madam Chair, we would not agree to the amendment on the basis that a conservation area should have the same protection as a protected area because the Government has entered into an agreement with a private landowner for that purpose, to protect and conserve that land.

There would be a mechanism within the terms of the conservation agreement, Madam Chair, where the agreement itself could be terminated, and at that point the land would no longer be a conservation area.

So, while it is a conservation area it should have the same protection as a protected area.

[Inaudible interjection]

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Madam [Chair], I hear the Minister. But the agreement itself for the conservation area should contain what authority, in protecting this, the Council has over it by agreement with the landowner.

My concern here is that [clause] 41 could override the conditions of that agreement. And even though the landowner may have the option to terminate it, that is not an option we want if we are serious about conserving the area. I agree that the agreement would have to have an option on it to terminate it by the landowner, but I do not see the necessity to recapture the powers of 41 on a conservation area by including it in the definition of a protected area.

The last thing we want is for the landowner, having agreed that a portion of their land could be a conservation area and, having gone to the trouble to have an agreement with government, is to then fall afoul of something under [clause] 41 where some guidance notes are issued which affect the development of their adjoining land, et cetera. I, and the landowners whom I represent, would be a lot happier if that was removed from the clause.

Any concern that the Council has should be built into the agreement. There is no need to have this overarching authority in the definition of "protected area."

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, the issue really is as indicated earlier. There can be a conservation agreement between the Government and the private landowner, but there will be no mechanism to enforce that, for example, to prevent an application to another entity as a part of government which makes decisions and potentially making a decision which has an impact on that area which the Government has agreed to conserve with the landowner. There is no other enforcement mechanism.

Mr. D. Ezzard Miller: Madam Chairman, that is the exact concern of the landowners. Because, if they are going to go the route of a conservation agreement, the conservation agreement must be the ruling authority on what use can be put of that land.

If we can simply then say that [clause] 41, because we include it in a protection area, they can, in fact, issue guidance notes to the Planning Authority about development of the person's surrounding property. This is where the concern of the landowners is genuine. And they might not even know that the guidance notes were issued, because [clause] 41 . . . I don't recall that saying that these guidance notes should be copied to the landowner if it is affecting them, or that they should be involved in the development of these.

The conservation agreement, Madam Chair, should be wide enough to allow the Council to have some kind of influence over the protecting of the area; otherwise what do they have the agreement for to start with?

The landowners' concern is that this definition is going to allow things to be done that they have not agreed to.

The Chairman: Honourable Minister?

Mr. D. Ezzard Miller: And it doesn't enhance your authority. Take it out.

Hon. G. Wayne Panton: Madam Chair, perhaps what we could do, if you would indulge, is have a five-minute break to consider this point. I think it is an important point and it would give us an opportunity to decide whether we can support that.

The Chairman: I am just wondering . . . obviously, I am open to the will of the Committee, but I am just wondering whether it will be beneficial if we could take the luncheon break. The amendments are already circulated and, rather than us having a protracted debate here . . . unless Members want to do it in this open forum, yourselves and whoever else that has proposed amendments could have a chat over lunch and try to get to some agreement as to what you are supporting and what you are not supporting so that we can come back and try to expedite this important piece of legislation.

[Inaudible interjections]

The Chairman: Is that open?

I was thinking that perhaps we could even come back about 1:15 pm. Is that open to the will of the House?

Hon. G. Wayne Panton: That will be fine, Madam Chair.

The Chairman: Okay, we will take the luncheon break now and will make every attempt to be back into our seats at 1:15 pm.

Proceedings suspended at 12:30 pm

Proceedings resumed at 1:45 pm

[Hon. Juliana Y. O'Connor-Connolly, Chairman]

COMMITTEE ON BILL

NATIONAL CONSERVATION BILL, 2013

[Continuation thereof]

The Chairman: Please be seated.

The Committee is resumed.

Honourable Minister, perhaps you may want to report your success, or lack thereof, over the luncheon break.

Hon. G. Wayne Panton: Madam Chair, I am quite sorry to have to report that we have not had much success at all. The amendment we were discussing in relation to “protected area,” as proposed by the Member for North Side, was to remove “an area specified as a conservation area” from the definition.

From our perspective, as explained earlier, a conservation agreement with the Cabinet has no mechanism in it, or in this law, to enforce the obligations of the Cabinet in respect of the agreement *vis-à-vis* any other entity. So, the Central Planning Authority [CPA], the National Roads Authority [NRA], for example, two separate legal entities . . . there is no mechanism in the agreement through which the land that Cabinet has agreed to protect and conserve can in fact be protected without having the conservation area remain as a protected area.

Now, there are a number of changes to the law that could be made to slot that in in various places, but it would be far more convoluted than just leaving the definition as it is. So I think we have probably reached a point where we just have to accept that we disagree on it, Madam Chair.

The Chairman: Does any other Member wish to comment?

If not, the question is that the amendment to the definition of a “protected area” stand part of the clause. All those in favour, please say Aye.

Ayes.

The Chairman: Those against, No.

NO. [*one audible No.*]

The Chairman: Those against, No.

[*Inaudible interjection*]

The Chairman: I believe the Noes have it

Hon. D. Kurt Tibbetts, Minister of Planning, Agriculture, Housing and Infrastructure: Madam Chair, could you please go over that because I think there may be some slight confusion, if you don’t mind.

Mr. D. Ezzard Miller: They voted for my amendment so it is passed.

Hon. D. Kurt Tibbetts: And you voted against it!

The Premier, Hon. Alden McLaughlin: And you voted against it.

Mr. D. Ezzard Miller: Because you had already voted for it.

[*Laughter*]

Mr. D. Ezzard Miller: By majority. You think I’m so fool?

An Hon Member: Everybody is confused.

Hon. D. Kurt Tibbetts: That shows the confusion.

The Chairman: The question that I put was the amendment from Mr. Miller to amend the “protected area.” And as I heard it, the Noes had it. Is there still confusion?

[*Inaudible interjections*]

Hon. W. McKeeva Bush, Leader of the Opposition: From what I heard, Madam [Chair], the question you put, is that you put the Ayes on Mr. Miller’s [amendment] and all of us said Aye.

Now, to undo that you got—

Hon. D. Kurt Tibbetts: That was not true about all of us said Aye. That is not true. All of us did not say Aye.

Hon. W. McKeeva Bush, Leader of the Opposition: Listen it was a very loud Aye.

Hon. D. Kurt Tibbetts: You said all of us. I am part of this too, and I did not say Aye.

Hon. W. McKeeva Bush, Leader of the Opposition: When I said all, Madam Chair, what I heard and what I saw was a majority—because it was very loud . . . or much more than two or three people over here.

The Premier, Hon. Alden McLaughlin: Madam Chair, may I suggest that to resolve this we call a division and that way we will know?

Hon. W. McKeeva Bush, Leader of the Opposition: Or we take the vote, whichever clause this is for.

The Chairman: Madam Clerk.

[*Inaudible interjections*]

Mr. D. Ezzard Miller: She can’t retake the vote but she can call a division.

[*Inaudible interjections*]

The Chairman: For clarity, so that people will be fully cognisant of what the vote is at this stage, the question was being put on the amendment from the Member for North Side to amend clause 2 for the definition of “protected area,” where he was asking to delete [subsection] (b) “an area specified as a conservation area under section 13;”

Hon. W. McKeeva Bush, Leader of the Opposition: Clause 2, Madam Chair, being . . .

The Chairman: The definition clause.

The vote was put, and to make it absolutely clear we will now embark upon a division.

The Clerk:

Division No. 5

Ayes: 5

Hon. W. McKeeva Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. D. Ezzard Miller
Mr. V. Arden McLean

Noes: 10

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbetts
Hon. O. V. Bodden
Hon. G. Wayne Panton
Hon. Marco S. Archer
Hon. Anthony S. Eden
Mr. Roy M. McTaggart
Mr. Joseph X. Hew
Mr. Alva H. Suckoo, Jr.

Absent: 2

Hon. Tara A. Rivers
Mr. Winston C. Connolly

The Chairman: The result of the Division is as follows: 5 Ayes, 10 Noes, 2 absent.

Negated by majority on division: Proposed amendment to clause 2 failed.

The Chairman: The question now is that clause 2, as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes and one audible No [*Mr. D. Ezzard Miller*]

The Chairman: The Ayes have it.

Clause 2 as amended passed.

AMENDMENTS TO CLAUSE 3

The Clerk: Clause 3 National Conservation Council.

The Chairman: Honourable Minister, you have . . .

Hon. G. Wayne Panton: Yes, Madam Chair, we have a few amendments there.

I, Wayne Panton, Minister of Financial Services, Commerce and Environment, give notice to move the following amendment to clause 3 as follows: by inserting after subsection (5) the following subsection, “(5a) The Council shall meet in a place open to the public and cause to be prepared and published online the agendas and minutes of all meetings of the Council.”

The Chairman: The amendment has been duly moved. Does any Member wish to speak to it?

Mr. D. Ezzard Miller: Madam Chair.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: I wonder if the Minister would consider not limiting the publication to online (because a lot of my landowners in North Side do not necessarily have computers) to at least *publishing*—which would mean publishing it in a newspaper as opposed to simply online—the notices and agendas of the meetings.

Hon. W. McKeeva Bush, Leader of the Opposition: And can the—

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Can the Minister say that when he says “online” whether that is various online media or is it just government’s online functions? Which ones?

[*Inaudible interjection*]

Hon. G. Wayne Panton: Madam Chair, in response, the intention would be to publish that on a government website. And, of course, it could be linked by agreement with other websites.

The Chairman: Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Then, Madam Chair, I would like to support the request by the Member for North Side that at least it is done in the written media.

The Chairman: Member for East End.

Mr. V. Arden McLean: Thank you, Madam Chair.

Madam Chair, it is simple. I agree with the Member for North Side and the Leader of the Opposition that online is not going to cut it. But why can’t we just say that it be “published” there. And then you can put it online but, you know, the date, time, and place of the meeting can be published in the papers. And “published” can also . . . I am sure the Attorney Gen-

eral would say that “published” would cover online and the gazette, or bazette, whichever you want to do.

[inaudible interjections]

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, the view is that this would put considerable expense on the process. The Government Gazette, through which official notices are published now, for example, is online as well.

Mr. D. Ezzard Miller: But it is always distributed in the Post Offices.

Mr. V. Arden McLean: Madam Chair, if I may.

The Chairman: Member for East End.

Mr. V. Arden McLean: Thank you.

Madam Chair, I wonder if the Minister has any idea of how often these meetings would be, because that is what would define the cost. But if you put “published” . . . I mean if you are having a meeting once per month and . . .

[Inaudible interjection]

Mr. V. Arden McLean: One a week? Well what *unna ga* do up there? Good thing you have to curtail *unna!*

[Laughter]

The Chairman: Member, please keep the comments on civil servants to the Chair.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, the purpose of this is so that we have the open and accountable Government that the Government keeps talking about, and, of course, to meet that requirement.

But so that you get people to any meeting would it would be effective to know something about when the meeting is to take place. That’s the purpose, I would think, if you are going to have these meetings. And so whether it creates a cost . . . I said these things will create cost. But that can’t be a very extensive cost to the Government.

So, I would think that to help people who own land who might not normally . . . and a lot of our older people do not go online, let’s face that. A lot of younger people do, but not a lot of our older people. So, I would think that it is appropriate to publish in the papers and [through] whatever other means there may be—on the government television as people are beginning to watch that more and more—more and more you want to give people the knowledge that a meeting

is taking place. That’s the purpose of why the Government has put this here.

Mr. V. Arden McLean: You can’t watch TV [inaudible].

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I understand the concerns. I think, in relation to the comment from the Member for East End, these meetings are going to be happening very frequently in that whenever entities are proposed to make decisions, they will be submitting proposals. You will want to have the meetings fairly frequently to prevent situations where there are allegations that you are holding up a process.

[Inaudible interjection]

Hon. G. Wayne Panton: Now, it may be . . . and perhaps the Member for North Side would be satisfied, Madam Chair, with this being published in the Gazette.

Mr. D. Ezzard Miller: Well that would be better than publishing it online. But I think if the objective is what you say you want it to be, so that the public will know when the meetings are taking place, what the agenda is and what the decision was, the whole thing should be published in the newspaper.

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: I do apologise for even using the word “gazette,” because you have to subscribe to get gazettes unless you go to the post office. And I hardly get them. I mean we can’t do it that way. I was only using that as a reference.

If you say “published” . . . and I hear that they are going to do once a week, Madam [Chair]. Lord, I mean, you don’t even go to work that often. But what I think can happen is that they can at least publish a list of meetings every Wednesday for such-and-such a time at such-and-such a place, if we know that it is going to be once a week. Instead of publishing them every week you publish and notify them. I think that is fair and reasonable. But, of course, the agenda would not be there then either.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Why are we sitting here . . . We have all sorts of amendments to go through and we are sitting here

arguing about whether this should be fully published or not. Publish the thing. You know you are going to create some cost but it can't be that much.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, thank you.

I think the solution is for us to simply send it through Government Information Services. They can distribute it to the media.

Hon. W. McKeeva Bush, Leader of the Opposition: They can distribute it to the media.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: If they are giving an undertaking that that is what will happen, I am satisfied with that.

Mr. V. Arden McLean: Yes, but they don't have to—

Hon. W. McKeeva Bush, Leader of the Opposition: As long as they do not give it to Wendy Ledger.

Mr. V. Arden McLean: But you know what is going to happen, they are going to have meetings and don't do it.

[Inaudible interjections]

The Chairman: Honourable Minister, I believe you want to say something?

Hon. G. Wayne Panton: Yes, Madam Chair. I hope we can get this sorted now.

Madam Chair, I would move that we delete the word "online" from the proposed amendment so that it simply says "published." And then it could be distributed through the Government Information Services (GIS).

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: Very good. Your head *nah* so hard after all.

The Chairman: So, the question is that the word "online" be deleted as it appears in [item] (b)(i)(5a) [of the Minister's proposed amendment]. All those in favour please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to the amendment in clause 3(5a), for the deletion of the word "online", passed.

The Chairman: The question now is that the sub-clause as amended stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, sorry, I think there is one other—

Mr. D. Ezzard Miller: No, but you have to approve that one first. Go ahead, you are doing all right; one at a time. I have two to come with.

The Chairman: Did you have a comment or you are moving on to move another clause, Minister?

Hon. G. Wayne Panton: I think there was a further sub-clause amendment to [clause] 3. Was it not? So . . .

Mr. D. Ezzard Miller: I have it right here Minister, one of those that I submitted. I can read it for you if you want.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: The amendment he is looking for is to delete in clause 3 (8)(d) the word "establishing" and substitute the word "recommending".

[Inaudible interjection]

Mr. D. Ezzard Miller: That's the one you are looking for Minister?

Hon. G. Wayne Panton: Yes, that is correct.

The Chairman: Are you talking about (8)(d)?

Hon. G. Wayne Panton: That is correct, Madam Chair; [clause] 3 (8)(d).

So, the amendment being moved is to remove the word "establishing" and replace it with the word "recommending".

The Chairman: The question is that sub-clause (5a)(ii) *[sic]* be amended by deleting in sub-clause (8)(d) the word "establishing" and substituting the word "recommending". All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Mr. D. Ezzard Miller: Madam Chair.

The Chairman: Member for North Side, you have an amendment as well?

Mr. D. Ezzard Miller: I will withdraw the amendment to [clause] 3(8)(c), which asks to delete the word “coordinating” and substitute the word “recommending”.

The Chairman: Okay.
You also have 3(6)?

Mr. D. Ezzard Miller: Yes, I have an amendment to [clause] 3(6) which reads, “Subject to the provisions of this Law, the Council may regulate its own procedure.” Delete the words “may regulate its own procedure” and substitute the words “shall conduct its business under Roberts Rules of Order, Standards in Public Life Law, and all other legislation governing operation and procedure in Government appointed boards.”

The Chairman: The amendment has been duly moved. Does any other Member wish to speak to it?
Honourable Minister, do you wish to reply?

Hon. G. Wayne Panton: Madam Chair, our position would be to leave the language as it is to provide the flexibility to the Council to regulate its own procedure, which is in keeping with similar provisions in other laws.

Mr. D. Ezzard Miller: Madam Chairman, I would ask the Minister to reconsider that, particularly in the evidence that came out during Finance Committee on the way that the ICTA Board practiced its own procedure. I believe it is time these boards do not have the freedom to operate under their own procedure, but for the law to say that they must abide by all the other laws.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, to comment as well that there is no Standards in Public Life law in place, so we could not agree that amendment as worded anyway.

Mr. D. Ezzard Miller: I will delete “Standards in Public Life Law”—since you do not believe you are going to get it passed today, or what—and stick with Roberts Rules of Order on all legislation governing the procedure in government then.

Hon. W. McKeever Bush, Leader of the Opposition: All procedure intended for such boards or councils.

Mr. D. Ezzard Miller: I will amend it by deleting “Standards in Public Life Law.”

[Inaudible interjection]

The Chairman: Honourable Minister, you have a response?

Hon. G. Wayne Panton: I understand the proposal from the Member, Madam Chair, but our position would remain the same in respect of the [proposed amendment].

[Inaudible interjections]

Mr. D. Ezzard Miller: Put it to the vote and make them vote against it.

The Chairman: If no other Member wishes to speak I will put the question.

Hon. W. McKeever Bush: No, before you do that, Madam Chair, there is an amendment on the floor to remove “Standards in Public Life Law” and substitute . . . he gave another wording.

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Yes.

The Chairman: Member for North Side, could you please restate what your amendment to the amendment is?

Mr. D. Ezzard Miller: Just to delete the words “Standards in Public Life Law” so that it will read: “shall conduct its business under Roberts Rules of Order and all other legislation governing operation and procedure in Government appointed boards.” And that will deal with other laws when they come into effect.

The Chairman: The question is that the words “Standards in Public Life Law” be deleted as it appears in clause 3(6). All those in favour, please say Aye. Those against, No.

Ayes and one audible No

An Hon. Member: To delete it.

Hon. D. Kurt Tibbetts: Everybody is confused.

The Chairman: I believe the Ayes have it.

[Inaudible interjections]

Hon. W. McKeever Bush, Leader of the Opposition: Yes.

But, Madam Chair, these people really have to pay attention to what is going on because they are really causing some confusion.

The Chair has put forward . . . the Member is putting forward the amendment, and he has made an amendment to the amendment to take out “Standards in Public Life Law” and that is what we are voting on. And you heard ‘yes’ so, in other words we are going to have to do something else now because there are Ayes and No, and the Ayes had it.

The Chairman: I heard from both sides, that is why I said “I believe.”

Mr. D. Kurt Tibbetts: So, the Ayes have it.

The Premier, Hon. Alden McLaughlin: I think it would be much better if we left the Chair to chair the Meeting. The Leader of the Opposition keeps sitting in the Chair.

Hon. W. McKeeva Bush, Leader of the Opposition: Now listen here . . . Listen, Madam Chair, I am expecting a little bit of defence from you because I have a right in this Committee, when they confuse things, to try to get myself right where I am going to vote. And that was a definite confusion.

Mr. V. Arden McLean: And they make it unintelligible.

Hon. W. McKeeva Bush, Leader of the Opposition: And the Premier got to get his *yabber* in.

The Chairman: Now that it seems that both sides have had their strike or [have been] equalised let us try to get this back on order.

I believe what the vote was . . . and it would be good to get some consensus on what the vote was.

Mr. V. Arden McLean: The Ayes have it.

The Chairman: The Ayes have it.

Mr. V. Arden McLean: They are going to vote against the clause as amended.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, I seek a division.

The Chairman: Madam Clerk, please call a division.

[Inaudible interjections]

The Chairman: The division is being taken on the deletion of the words “Standards in Public Life Law” from the proposed amendment by the Member for North Side. And it is in clause 3(6).

The Clerk:

Division No. 6

Ayes: 16

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbetts
Hon. G. Wayne Panton
Hon. Marco S. Archer
Hon. Tara A. Rivers
Hon. Anthony S. Eden
Mr. Winston C. Connolly
Mr. Roy M. McTaggart
Mr. Joseph X. Hew
Mr. Alva H Suckoo, Jr.
Hon. W. McKeeva Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. D. Ezzard Miller
Mr. V. Arden McLean

Noes: 0

Absent: 1

Hon. Osbourne V. Bodden

The Speaker: The result of the division, 16 Ayes, and 1 absent.

Agreed by majority on division: The amendment to the amendment in clause 3(6), to delete the words “Standards in Public Life Law,” passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: I believe the Noes have it this time.

Hon. W. McKeeva Bush, Leader of the Opposition: Can we have a division please, Madam Chair.

The Chairman: Madam Clerk, we need to call a division please.

The Clerk:

Division No. 7

Ayes: 7

Hon. Anthony S. Eden
Mr. Alva H Suckoo, Jr.
Hon. W. McKeeva Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. D. Ezzard Miller
Mr. V. Arden McLean

Noes: 9

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbetts
Hon. G. Wayne Panton
Hon. Marco S. Archer
Hon. Tara A. Rivers
Mr. Winston C. Connolly
Mr. Roy M. McTaggart
Mr. Joseph X. Hew

Absent: 1

Hon. Osbourne V. Bodden

The Chairman: The result of the division is 7 Ayes, 9 Noes and 1 absent. The [clause as amended] did not pass.

Negated by majority on division: Clause 3(6), as amended failed.

The Chairman: Member for North Side, you still have an amendment for [clause 3] (8)(c)?

Mr. Alva H. Suckoo, Fourth Elected Member for Bodden Town: He withdrew that.

The Chairman: Thank you.

Mr. D. Ezzard Miller: Madam Chair, I withdrew that amendment.

The Chairman: Thank you.

Mr. D. Ezzard Miller: I should make them vote on it though, you know, just for bad mind [SOUNDS LIKE].

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: I move an amendment in relation to subclause (11).

The Chairman: Just before, if you would just indulge me so that I can move that . . . one minute . . . Please proceed in moving [the amendment to] subclause (11).

Hon. G. Wayne Panton: Thank you, Madam Chair.

I move an amendment, Madam Chair, in respect of [clause 3 subsection] (11) by inserting after the word “orders” where it first appears, the words “and guidance notes” and where it appears for the second time the words “, guidance notes”.

And, Madam Chair—

Mr. D. Ezzard Miller: Mr. Minister, there is no [subsection] (11) capital (A) and (B). There is only [subsection] (11) with [lowercase] (a) and (b). I’m not a lawyer. It might not be significant, but you do not want to amend the wrong thing.

The Chairman: The Member for North Side is correct, but that is something that can be rectified by the Attorney General.

Mr. D. Ezzard Miller: Okay.

Hon. G. Wayne Panton: Yes, Madam Chair, I am grateful for your guidance.

Mr. D. Ezzard Miller: Those two clauses do not exist in the Bill.

The Chairman: Honourable Minister, you were complete with moving it. Did you wish to speak to it?

Hon. G. Wayne Panton: The second part of the amendment to that [subsection] is deleting in subparagraph . . . No.

I am sort of confused now . . .

The Chairman: Honourable Minister, before you move on to [clause 3 (11)](b) I need to put the question first on [clause 3(11)]

Hon. G. Wayne Panton: Thank you, Madam Chair. Sorry, there’s just some confusion.

The Chairman: That’s okay.

The question now is that the amendment to clause [3](11)(a) [*sic*] stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it. The amendment is passed and it stands part of the clause.

Amendment to clause 3(11) passed.

The Chairman: You can move on now to subsection (b).

[*Inaudible interjections*]

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, apologies for the confusion.

The intended amendments are not in (11)(A) and (11)(B), as indicated on the [Notice of Committee Stage Amendments]. It is intended to be an amendment to the first paragraph of [clause 3 subsection (11)].

Mr. V. Arden McLean: Three (11).

Hon. G. Wayne Panton: Three (11).

[*Inaudible interjections*]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, can I get this right?

The Chairman: Honourable Leader of the Opposition, please proceed.

Hon. W. McKeeva Bush, Leader of the Opposition: [Clause] 3(11).

Hon. G. Wayne Panton: Correct.

Hon. W. McKeeva Bush, Leader of the Opposition: That's what I was seeking earlier. [Clause] 3(11) is being amended, and that is the beginning of [subsection] (11)? The opening paragraph is what you are amending?

Hon. G. Wayne Panton: Correct and that's—

Hon. W. McKeeva Bush: The opening paragraph of [clause 3, subsection] (11)? And that is coming then in two subclauses A and B. Am I correct?

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: No.

Hon. G. Wayne Panton: No.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: So, it is not a subclause?

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Okay. But the amendment that we have before us says in subclause (11). And so you are not using a further clause in that? It is just step one and step two?

[Inaudible reply]

Hon. W. McKeeva Bush, Leader of the Opposition: Okay.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: I'm satisfied with that. At least I am.

[Inaudible interjection]

The Chairman: Member for North Side?

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, you have to take out the directives.

Mr. D. Ezzard Miller: Madam [Chair], I believe that if I understood the intent of the Minister in his debate earlier, most of the places where "directives" by the Council now exist in the law, it was his intention to change that to "guidance notes." If that is so, then I think we need to further amend it and it should say, *The Council, subject to any directions of the Cabinet,* (those "directions" are fine) *may give guidance notes for the purpose of giving effect to the provisions of this Law, and such guidance notes may include . . .*

I can then support the Bill and help pass it into law.

[Inaudible interjections]

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I apologise again for the confusion.

Mr. D. Ezzard Miller: You want me to amend it for you to make it easy for you?

The Chairman: Honourable Minister, please proceed.

Hon. G. Wayne Panton: The intention, Madam Chair, is as indicated, to remove the reference to "directives" and include "guidance notes" so the amendment should be inserting after the word "orders" in the first paragraph of [clause] 3(11) the words "and guidance notes" and then delete the reference to "issue directives."

[Inaudible interjections]

Mr. D. Ezzard Miller: But they shouldn't be able to give orders either. They say an advisory council, and an advisory council cannot give orders.

Madam [Chair], maybe I can help the Minister out.

[Inaudible interjection]

Mr. D. Ezzard Miller: No, you can't talk up in ya.

The Chairman: Honourable Minister, do you give way?

Hon. G. Wayne Panton: I do, Madam Chair.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Madam [Chair], I think what the Member is trying to achieve . . . and I would propose an amendment to his amendment which reads: *deleting the words "orders and issue directives" as they appear in the [subsection] and substituting the words "issue guidance notes."* And then both places are taken care of in the [subsection].

Mr. V. Arden McLean: [The words] "orders and directives" need to be taken out and be replaced with "guidance notes."

The Chairman: Member for North Side, does that contemplate subsection (12) where similar words appear? Or [is it] only with [subsection] (11) that Members have concern with.

Mr. V. Arden McLean: And (12) too.

Mr. D. Ezzard Miller: My understanding is that it is everywhere. Because it is an advisory council, directives are not issued as advice; directives are issued to be obeyed from a higher authority.

Mr. V. Arden McLean: [INAUDIBLE]

The Chairman: Members, can we not perhaps seek the advice of the Attorney General? because it seems that it is an umbrella clause that needs insertion where these words appear.

Mr. V. Arden McLean: [INAUDIBLE]

Mr. D. Ezzard Miller: Can't do it like that because Cabinet can issue directives. So, if you do an umbrella clause to remove "directives" then you would remove it from Cabinet. And we do not want to do that.

The Chairman: I am talking about where it appears as it refers to "Council".

[Inaudible interjections]

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, on (12), that is the Council that delegates its functions and can give, other than the making . . . Oh no! We need to delete it from (12) as well—other than the making of guidance notes.

[Inaudible interjections]

Mr. V. Arden McLean: That's to the director. It does not need to come there, and to any subcommittee.

[Inaudible interjection]

Mr. V. Arden McLean: No, it needs to come out.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister?

Hon. G. Wayne Panton: I think I have this clear now, and I apologise once again.

The proposed amendment is as indicated previously, which is: inserting after the word "orders" where it first appears, the words "and guidance notes". And where the word "orders" appears for the second time, the words "and guidance notes".

So, the reference to issue "directives" in the second line and "directives" in the third line does in fact remain as set out in [clause] 3(11), as proposed.

The Chairman: This amendment has been moved. Are there any further comments on it?

Member for East End.

Mr. V. Arden McLean: Madam Chair, are we saying that there are no changes in the amendments that were proposed initially?

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: For this subsection, Madam Chair, that is correct.

The Chairman: Member for East End.

Mr. V. Arden McLean: Thank you, Madam Chair.

So, it will read: *The Council, subject to any directions of the Cabinet, may make orders and guidance notes and issue directives for the purpose of giving effect to the provisions of this Law and such orders and guidance notes and directives may include*
Is that correct?

Hon. G. Wayne Panton: Correct.

[Inaudible interjections]

Mr. D. Ezzard Miller: [Inaudible] to leave directives [inaudible].

Hon. G. Wayne Panton: Not from this provision

[Inaudible interjections]

Mr. V. Arden McLean: You hear what I tell you about abstaining on the second vote?

The Chairman: Honourable Minister.

Sorry, do you wish to respond to the comment or question from the Member for East End? (I was actually consulting with the Clerk so I did not hear if you responded.)

Hon. G. Wayne Panton: I did in fact respond to him and clarify the question he raised. He was reading the full paragraph of [clause] 3(11) as proposed to be amended.

The Chairman: The question is that the amendment to the amendment on [clause 3] sub[section] (11) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and one audible No [Mr. D. Ezzard Miller]

The Chairman: I believe the Ayes have it. The amendment stands part of the clause.

Amendment to clause 3 (11) passed.

The Chairman: Honourable Minister, I think you need to move [your further amendment to] (11).

Hon. G. Wayne Panton: Yes, Madam Chair, thank you.

I move an amendment to [clause] 3(11) by deleting in subparagraph (b) the words “acquiring and managing” and substituting the words “evaluating proposals for the establishment and management of”.

So, the complete [subparagraph (b)] would then read: “(b) criteria for evaluating proposals for the establishment and management of protected areas and for the measures required to protect and conserve protected species and their critical habitat;”

The Chairman: The amendment has been duly moved. Does any Member wish to speak?

If not, the question is that [the amendment] to clause [3](11)(b) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 3(11)(b) passed.

Mr. D. Ezzard Miller: Madam Chair, I think you overlooked an amendment that I filed to delete [sub]section (5) from [clause] 3.

The first amendment in the amendments which I submitted asked for deletion of subsection (5)

The Chairman: Can you go ahead and move it Member for North Side?

Mr. D. Ezzard Miller: Yes.

Madam [Chair], I am moving that [clause 3] [sub]section (5) which says: “The Council may co-opt such persons as it considers necessary to be additional members of the Council, but such persons shall not have the right to vote at meetings of the Council or any of its committees or subcommittees.” Madam [Chair], I do not think it is necessary for them to be able to co-opt and I would like to delete that.

The Chairman: The amendment has been moved. Does any Member wish to speak to the amendment?

Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I beg your indulgence for a moment to put my hand on the amendment.

The Chairman: Certainly.

Mr. D. Ezzard Miller: I'm asking to delete [clause 3] subsection (5), and your (5a) would then become (5). Right?

Madam Speaker, any technical advice the Council needs is provided for in subsection (4). This

could only be in order to put members on that to support a particular proposal in order to get the Council to go in a particular way. And there is no limit to the number of people who can be co-opted as members of the Council. If the intent is to be able to co-opt members to [give] advice to the Council, that is provided for quite adequately in [clause] 4(1)(2) and (3).

Mr. V. Arden McLean: In [4](3) you have to pay them.

Mr. D. Ezzard Miller: Mm-hmm.

The Chairman: Honourable Minister, whenever you are in a position to respond you can so do.

Hon. G. Wayne Panton: Madam Chair, I understand the [Member's] comment and proposed amendment. Our position is that we would not support that on the basis that the additional persons who may be co-opted are clearly not voting members, and the advisory committees that he is referring to in clause 4 and the three subsections there are only, for example, consultants who would be providing specialist services.

Mr. D. Ezzard Miller: Through you, Madam Chair, can the Member explain to me, then, because when we get to Schedule 2 we are going to be arguing about balance between the scientific representation on the Council and the community representation on the Council, what is the purpose of co-opting extra people to the Council if the advice needed is going to be hired under [clause] 4(1)(2) and (3)? What is the purpose of these extra 50 people being added to the Council? There is no number there.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, it would simply be to provide the Council with the maximum degree of flexibility to be able to get relevant advice without having to engage in formal advisory committees and consultancy arrangements. It simply provides a greater degree of flexibility to the Council to hopefully arrive at the best possible decision and advice.

Mr. D. Ezzard Miller: Well, if that is the intent, Madam Chair, I would expect them to submit that they need to be voting members.

[Inaudible interjection]

Mr. D. Ezzard Miller: [Clause] 4(1) and (2) do not have to say that they are consultants and that they are going to be paid; it is an option. The only purpose of that is going to be to off-throw the balance that we set in Schedule 2.

The Chairman: Member for East End?

Mr. V. Arden McLean: Yes, just before the Minister [proceeds], can the Minister . . . I don't know, [clause 3](5) says: **"The Council may co-opt such persons as it considers necessary to be additional members of the Council, but such persons shall not have the right to vote at meetings of the Council or any of its committees or subcommittees."**

Now, you have 13 people already on the Council. Right? They meet once a week. These cannot make up the quorum or anything. They can't vote. They have no powers, nothing.

Now, under clause 4: **"The Council may appoint advisory committees consisting of members of the Council, representatives of districts and persons with knowledge and experience of conservation issues to assist it in the performance of its powers and duties under this Law."**

[Subsection (2)] **"A committee under subsection (1) shall have such powers and duties as the Council may specify."**

[Subsection (3)] **"Members of advisory committees shall be paid such fees or allowances as are prescribed."** If they are not prescribed then they are not paid.

Is it not a duplication of purposes?

You can co-opt them, you can appoint them. I mean is the Council going to appoint these other people permanently? What is the purpose when you look at the makeup of the Council in Schedule 2 (is it)? Schedule 2 [1.](f), **"a person nominated by the National Trust and appointed by the Cabinet; and"** [(g)] (which is going to change now): **"seven persons appointed by the Cabinet, at least three of whom shall have relevant scientific or technical expertise."**

Now, why do we need more expertise on that Council, is the question. Are these going to be professional people under [clause 3](5)?

Hon. G. Wayne Panton: Madam Chair, through you.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: The co-opted members could be individual specialists in certain areas who are accessible to the committee for a particular matter or as general resource persons. This provides the greatest degree of flexibility to obtain the best possible information and consideration to get the best advice and the best result.

I don't feel that I can add much more to that, Madam Chair.

Mr. D. Ezzard Miller: But it could also mean the whole executive of the National Trust. And while they might not be able to vote, they certainly can influence the people on the Board who may be opposed to what

the minority of the Council (as it exists without the co-opted members) is trying to get done.

[Inaudible interjection]

Mr. D. Ezzard Miller: I have seen this happen at the National Trust meetings repeatedly, Mr. Premier.

The Premier, Hon. Alden McLaughlin: Madam Chair, if I may say.

We have been through this time and time again in the consultation process in this House. The National Conservation Council is an advisory body. Let's not become paranoid about what it decides or what it does not decide, or who is influencing it. Ultimately it will be for the Cabinet, or the entity to which it is making recommendations, to make the decisions.

The Chairman: The question is that the amendment stands part of clause 3(5). All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to clause 3(5) negated.

The Chairman: The question now is that clause 3 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: I believe the Ayes have it.

Clause 3 as amended passed.

The Clerk:

Clause 4	Advisory Committees
Clause 5	Annual report to be laid in the Legislative Assembly

The Chairman: The question is that clauses 4 and 5 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 4 and 5 passed.

The Clerk: Clause 6 Functions of the Director.

AMENDMENT TO CLAUSE 6

The Chairman: Member for North Side, I believe you have an amendment?

Mr. D. Ezzard Miller: Yes, Madam Speaker, I am asking that clause 6(1)(b) be deleted because I believe that the secretary of the Council should be appointed by the Council and not by the Director.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, our position is that that section should remain as is so we do not agree to the amendment as proposed.

The Chairman: Does any other Member wish to speak?

If not, the question is that the amendment stands part of clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to clause 6 failed.

The Chairman: The question now is that clause 6 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

Clause 6 passed.

The Clerk: Clause 7 Designation of protected area.

AMENDMENT TO CLAUSE 7

The Chairman: The Member for North Side has an amendment.

Mr. D. Ezzard Miller: Madam [Chair], I am seeking to amend clause 7 by inserting after the word "Council" the words "and adjoining landowners recommend to the Legislative Assembly"; and delete the words "by order designate".

The Chairman: Do you wish to speak further to it?
If not, I will ask the Minister to reply.

Mr. D. Ezzard Miller: Yes, Ma'am. No.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I don't think that we would accept that as an appropriate amendment to the clause. This is in respect of Crown land or Cayman waters.

Mr. D. Ezzard Miller: Madam [Chair], I believe that if the Cabinet is going to designate a piece of Crown

land or a protected area, the adjoining landowners to that piece of Crown land should have a right to know about it.

Hon. W. McKeeva Bush, Leader of the Opposition: Mm-hmm.

Mr. D. Ezzard Miller: So, I am asking that the adjoining landowners are consulted before Cabinet makes the designation of a protected area on Crown land. And my preference would be that the designating of Crown land as protected areas be done by the Legislative Assembly and not by Cabinet.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: In our usual Planning procedures, when something is going to be done on a private piece of land or land owned by government, then we are required to notify landowners. Here, we are dealing with government land but it is where we say it will have effect on somebody else's land. It will have an effect on the contiguous properties. I certainly believe that the least that this House should do is pass on to ourselves that responsibility to know about it.

You can say you are a part of Cabinet now, but you may not be the next time. You may not even be so later on. So, Members don't need to think that they will be there forever. Nobody is going to be there forever. And so you are giving the legislature where we are elected with the responsibilities to deal with people and to protect people as necessary. I see this as being very reasonable. It is not taking anything from Cabinet because after Cabinet deals with it will send it to us. So, it would be Cabinet that sends to us. All we are saying is that Cabinet should not just have it on to themselves.

The Chairman: Member for East End.

Mr. D. Ezzard Miller: Madam Chair, I just believe that it is—

The Chairman: Member for East End, have you given way to the Member for North Side?

Mr. V. Arden McLean: Yes, let him go ahead.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: I believe that it is good governance, good politics, if the Cabinet is going to designate a piece of Crown land as a protected area, that the adjoining landowners should be consulted or at least informed that it is being done.

Hon. W. McKeeva Bush, Leader of the Opposition:
Yes.

Mr. D. Ezzard Miller: It could have a positive effect, but it could also have a negative effect.

Hon. W. McKeeva Bush, Leader of the Opposition:
Right.

Mr. D. Ezzard Miller: And I think that the landowners should be, you know . . . But if the Government does not want to do it, let's vote on it. Let them vote their conscience.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, if we look at the amendment coming up in clause 9 we will find that we are going to notify and consult with proprietors of any land contiguous to the area. Where it says in (6), "**The Council, before submitting a recommendation to the Cabinet to designate a protected area in accordance with a proposal . . .**" the only thing that can be protected area is government land. So, in this case government would have bought it and they are doing a proposal to protect the designated or protected area. And you have to notify the proprietors of land contiguous to that area.

So, there is nothing wrong with the amendment that the Member for North Side is proposing because we are going to do it in [clause] 9 anyway.

Hon. G. Wayne Panton: Right.
Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: May I ask, through you, for the Member for North Side to formulate exactly his amendment again so that—

The Chairman: Member for North Side, would you restate your amendment?

Mr. D. Ezzard Miller: Okay.

Basically it would read: "The Cabinet may, after consultation with the Council and adjoining landowners, recommend to the Legislative Assembly that any area of Crown land or Cayman waters as a protected area in accordance with the Law."

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: The only difference is that it would mean notifying the Legislature that this piece of land is now going to be designated as a protected ar-

ea. That is the only difference between . . . well it would then apply to [clause] 9 as well, that it would have to come to the Legislative Assembly.

Mr. D. Ezzard Miller: The problem is that [clause] 9 does not deal with what is existing Crown land; it only deals with what is not.

The Chairman: Honourable Minister.

Hon. W. McKeeva Bush, Leader of the Opposition:
Why wouldn't you want it to come to the Assembly?

Madam Speaker, before he speaks can I ask the Minister why he wouldn't want it to come to—

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition:
I am asking why he wouldn't want it to come to the Assembly. What is the problem?

Hon. G. Wayne Panton: Madam Chair, having considered the proposal from the Member, we would prefer to have the language remain as it is.

Hon. W. McKeeva Bush, Leader of the Opposition:
But, Madam Chair, can the Member say—

The Chairman: Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition:
Thank you.

Can the Member say where they find difficulty with the proposal coming to this Assembly? What is the problem?

The Chairman: Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin:
Madam Chair, I am just trying to see if I can assist here. In [the Third Notice Committee stage amendment] clause 9(6), which is part of the proposed committee stage amendment handed out. It says: "The Council, before submitting a recommendation to the Cabinet to designate a protected area in accordance with a proposal, shall publish a notice of the proposal in at least two issues . . ." et cetera.

And then in (b), "notify and consult with the proprietors of any land contiguous to the area." Would that address your concerns, Mr. Miller? At least, part of your concerns?

Hon. W. McKeeva Bush, Leader of the Opposition:
I didn't get, Madam [Chair].

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition:
I understand the Attorney General to point out what

[clause 9] (6) is saying, but there was something else he added.

The Attorney General, Hon. Samuel W. Bulgin: Who? Mr. Miller?

Hon. W. McKeeva Bush, Leader of the Opposition: Yourself. In explaining you said . . .

The Attorney General, Hon. Samuel W. Bulgin: [subsection] (6)(b) – “notify and consult with the proprietors”?

Hon. W. McKeeva Bush, Leader of the Opposition: Six?

The Attorney General, Hon. Samuel W. Bulgin: B.

Hon. W. McKeeva Bush, Leader of the Opposition: B?

The Attorney General, Hon. Samuel W. Bulgin: Yes— “(b) notify and consult with the proprietors of any land contiguous to the area.” So, that would take care of the consultation process for adjoining landowners.

Hon. W. McKeeva Bush, Leader of the Opposition: What page are you are reading?

The Chairman: The Amendment.

The Attorney General, Hon. Samuel W. Bulgin: I am reading the Third Notice of Amendment.

Hon. W. McKeeva Bush, Leader of the Opposition: Notice of amendment?

The Attorney General, Hon. Samuel W. Bulgin: Yes.

The Chairman: It's nine.

Hon. W. McKeeva Bush, Leader of the Opposition: And on the Notice of Amendment is that 9? What is the notice of amendment?

Mr. D. Ezzard Miller: [Clause] 9(6).

The Attorney General, Hon. Samuel W. Bulgin: No, I think on reflection there might be an issue there because I think [clause] 7 is more concerned with Crown land, Mr. Miller, as opposed to 9 may not necessarily be Crown land.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes.

The Attorney General, Hon. Samuel W. Bulgin: The Minister will speak for himself, but my understanding is that, certainly, there is contemplation that there might not be any problem in the consultation; but he was not prepared to go as far as saying that it has to come to the Legislative Assembly.

Mr. D. Ezzard Miller: Well, all they have to do is to amend my amendment and say to consult with the landowners, and not accept that (if you don't want to do the Legislative Assembly). But don't just reject it right out.

[Inaudible interjection]

Mr. D. Ezzard Miller: No, no. I asked for what I want. You can amend it to remove bringing it to the Legislative Assembly, and then I will support it.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: I was asking the Minister what his problem was with not sending it to the Assembly.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, it is just an issue of flexibility and not having to burden the Legislative Assembly with something as simple as that.

Hon. W. McKeeva Bush, Leader of the Opposition: Well, Madam—

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, I do not think it is simple. I think it is very appertaining to people's property, and that is one of the big concerns of the public.

That can't be a big thing with the Government, to send it so that Members know about it. It can't be a big issue. And as far as being flexible, it should be flexible enough to send it to us, or to whoever the Legislature is at the time. That's where the flexibility is needed all right. They are not being flexible.

The Chairman: Honourable Minister, do you wish to reply?

Hon. G. Wayne Panton: Madam Chair, we still have a difficulty with the proposal, but we would not have an issue with giving an undertaking that the proposal would be gazetted so that there is notification.

Mr. D. Ezzard Miller: But what is the resistance to having a consultation with the adjoining landowners? There is an opportunity for the Council to impress on the landowners how this is going to increase the value of their land, rather than just publishing something in a gazette that they have not seen, or don't know about. But they see all of these strange people coming next to their land and doing strange things.

Part of the success of this National Conservation Bill as a law has to be community acceptance. And I cannot see what the difficulty is with consultation with adjoining landowners to Crown property. They know they can't stop it, you know, because the law authorises Cabinet to designate it as a protected area if it so chooses. But here is an opportunity for the Council and the Government to get the landowners' support for making this area a protected area and explaining to them the benefits of it.

But if you don't consult with them they are not going to agree with what you are doing. And when they start telling those people that they cannot walk through their land to get to their land because they do not have any right-of-way, what are you going to do? Gazette a road?

Hon. W. McKeever Bush, Leader of the Opposition: Government is claiming that they are making all of these amendments so that they can satisfy the public. But one of the big issues is the effect that these sorts of things will have on private property. That's why we were saying that it affects private property; not directly but indirectly.

Mr. D. Ezzard Miller: Very directly here.

The Chairman: Honourable Minister, do you wish to respond. If not, I would like to put the question.

Hon. G. Wayne Panton: Madam Chair, I think the proposed amendment to [clause] 9(6) should be helpful to the Member for North Side in that it requires publication of the proposal to make Crown land a protected area. And in that there will be a requirement to notify and consult with the proprietors of any land contiguous to the area.

Mr. D. Ezzard Miller: With the greatest of respect, Madam [Chair], I don't think [clause] 9(6) is relevant here because 9(6) involves a whole different process of getting to something nominated by a person in the private sector.

What this does here is . . . the Council is going to be able to get Cabinet to designate existing Crown land as protected areas, and I firmly believe that the adjoining landowners should be consulted. Nine talks about areas that people nominate for it and that sort of stuff, and you go through that whole process of public consultation. And I am quite happy that they are adding the amendments there, which we

asked for, to notify the adjoining landowners, et cetera. But I cannot see any great difficulty in Cabinet accepting that the Council should consult with adjoining landowners before designating existing Crown property.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: To move this along we would accept the proposal to add "adjoining landowners", but remove the reference to "recommend to the Legislative Assembly".

Hon. W. McKeever Bush, Leader of the Opposition: But why you don't want to recommend to the House?

Hon. G. Wayne Panton: I covered that already, sir.

Mr. D. Ezzard Miller: Madam Chair, I will accept that. Half of a loaf is better than no loaf. At least I will know when they are doing it beside my land.

Hon. W. McKeever Bush, Leader of the Opposition: Well, you got to make an amendment to this.

The Chairman: So, someone will need to move an amendment to that effect.

Mr. D. Ezzard Miller: Madam Chair, the Minister is asking me to move it for him. So, I will amend my amendment to read after the word "Council" insert the words "and adjoining landowners". And put a full stop after that.

The Chairman: The question is that the amendment to the [proposed] amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

The amendment to the amendment in clause 7, for the removal of the words "recommend to the Legislative Assembly" passed.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 7 passed

Hon. W. McKeeva Bush, Leader of the Opposition: All of that time and end up saying yes.

The Clerk: Clause 8 Purposes and objectives of a protected area.

AMENDMENT TO CLAUSE 8

The Chairman: There is an amendment to clause 8 as well?

Mr. D. Ezzard Miller: Yes, Madam Chairman.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: I have asked to delete 8(2)(h), "potential for nature tourism". I do not think that is a justification to put a protected area or conservation agreement on Crown land or private land. I think all of the other things above cover it quite adequately without "potential for nature tourism".

The Chairman: Honourable Minister, do you wish to reply?

Hon. G. Wayne Panton: Madam Chair, we would not wish to reduce the flexibility of that criterion.

The Chairman: The question is that that amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to clause 8 failed.

The Chairman: The question now is that clause 8 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 8 passed.

The Clerk: Clause 9 Procedure for designation.

AMENDMENTS TO CLAUSE 9

The Chairman: We have amendments to this clause as well. Can the mover please move it?

Mr. Miller.

Mr. D. Ezzard Miller: Madam [Chair], I am seeking an amendment to [clause] 9(1) by inserting after the word "protected" the words "or conservation"; and delete

the words "by any person or organization" and substitute the words "by the Department of the Environment".

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, 9(1) allows civil society to participate in conversation and discussion, so we would think it would be improper to remove this right that is being provided to members of society. The proposed amendment places an onerous requirement on members of the public, and under 9(2)(a) the Council is already required to consult with Cabinet.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Madam Chairman, I believe if we leave the clause as is (to be made by any person), we could create a big nuisance for landowners who have neighbours who disagree with them or who do not want their neighbours to develop their land. And while in the end they may not get the thing to be designated as either a conservation or a protected area, the whole involvement of one person being able to make this representation and the Council going to all of this expense and time to go through this whole process under [clause] 9 . . . I think we need to somehow find a way to eliminate frivolous objections to this process.

Hon. G. Wayne Panton: Frivolous proposals?

The Chairman: Proposals.

Mr. D. Ezzard Miller: Yes, proposals. Sorry.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I would be grateful if you would oblige me for one minute.

The Chairman: Certainly.

[Pause]

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, thank you for your indulgence.

The provisions of [clause] 9(1) effectively allow an individual or a separate organization to make proposals. But the criteria that they have to satisfy, in terms of describing this and the rationale for it, should avoid frivolous proposals, as the Member for North Side is concerned about. The Council would evaluate any such proposal before taking it any further, speak to the proprietor of the land and ascertain whether there is any interest. There is also a further proposed

amendment through which we make it absolutely clear that if the landowner has no intention of selling, and confirms that in writing, that that is the end of the story.

So, it should not be a drawn out process. It should not cause any inconvenience. It is simply a process through which the public could participate, civic society could participate and interact with the Council as to a proposal which might not go any further and it would not cause any harm or interference with the landowner.

Mr. D. Ezzard Miller: Madam Chairman, through you.

It has to be better to have the person make that suggestion, complaint, or proposal to the Department of Environment which can determine initially if there is any substance to it, rather than activate this whole process which it has to go through. Therefore, if there is rationale and some scientific data, or whatever their proposal, then the Department of the Environment makes the recommendation to the Council to trigger this whole process and the landowner still has a right to stop it.

But I can tell you that some of these who come here from Never-Never and Wherever Land will start to see this as a way to stop the locals from doing anything they want to do. You know we had them come to North Side already and run barbed wire fence out to the reef. And we had to go there and take it down. We had spearguns then, that we could defend ourselves with too. We don't have them anymore. Right?

It is not unheard of, Madam Chairman, for these kinds of extreme things to take place. I think they have one going on in Cayman Kai, right now, where somebody was given permission to build a dock and certain people are claiming that the building of the dock is going to ruin the luminescence that they illegally operate a business out of Rum Point to carry people into. But they can't get Planning to knock the building down because they say it has been there three years and, therefore, they say it does not need Planning permission anymore because it has been there for three years on public open space land.

So, it is not as clear cut. And I do not like the idea that it can just be open to any person doing this stuff.

The Chairman: Honourable Minister. After you reply I will then be putting the question.

Hon. G. Wayne Panton: Yes, Madam Chair. I do not think I have anything more to add. I do not think that the mischief that the Member anticipates is going to be realistic whereby—

The Chairman: The question is that the amendment to clause 9(1) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: I believe the Noes have it.

Amendment to clause 9(1) failed.

Mr. D. Ezzard Miller: Okay, Madam [Chair]—

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: —since they would not accept that, let's see if they will accept the introduction of a new sub-clause (e) to read—

The Chairman: Can I just—

[Inaudible interjection]

Mr. D. Ezzard Miller: Nine (1)

[Inaudible interjection]

The Chairman: Okay. Go ahead.

Mr. D. Ezzard Miller: [Clause] 9(1) to introduce a new clause [(e)] which would read: "A nomination of an area for protected status may be made by any person or organization upon the submission to the Council of a proposal which shall contain the following information" (and we add), "[e] the views, concerns, approval and agreement of the proprietor of the land."

Before the person can make the proposal they must talk to the landowner.

The Chairman: Does any Member wish to speak, or does the Minister wish to respond?

Hon. G. Wayne Panton: Madam Chair, this is, again, one that I do not see the point of engaging in. The Council would consider and speak to the landowner to see whether there is any interest if . . . or once the Council has concluded they should speak to the landowner because there could be some potential. If there is none, why bother the landowner? Why have someone go and engage in the conversation with them about something that may not be relevant, may not occur?

The Chairman: The question is that the amendment stands part of the clause. Oh—

Mr. D. Ezzard Miller: Listen carefully, Kurt.

[Pause]

The Chairman: The question is that the amendment to [clause] 9(1) [new subsection] (e) stands part of the

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

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to add new clause 9(1)(e) failed.

The Chairman: I believe there is another amendment for [clause] 9(4).

Mr. D. Ezzard Miller: Yes, Madam [Chair].

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: But I believe the Minister moved an amendment after mine that may address my concern. But I will move my amendment and they can vote it down and then I will vote for his.

In [clause] 9(4)(b), delete the words after the word “land” and substitute, “recommend that a conservation agreement be made with the proprietor of the land”, as opposed to a recommendation that the Cabinet acquire the land.

The Chairman: Does any Member wish to speak to the amendment?

If not, the question is that the amendment to 9(4)(b) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to clause 9(4)(b) failed.

The Chairman: There is an amendment by the Minister for that same [clause].

Hon. G. Wayne Panton: Yes, Madam Chair. Thank you very much.

In accordance with the provisions of Standing Order 52(1) and (2), I, Wayne Panton, Minister of Financial Services, Commerce and Environment, move an amendment to clause 9 of the Bill as follows: In sub-clause (4)(b), by deleting the word “acquired” and by substituting the word “purchased”.

The Chairman: Does any Member wish to speak to the Minister’s amendment?

If not, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 9(4)(b) passed.

The Chairman: Member for North Side, you have an amendment to 9(5)?

Mr. D. Ezzard Miller: Yes, Madam [Chair].

To delete the words “whether any contiguous land which is not Crown land should be acquired by the Crown or whether a conservation agreement should be made with the proprietor of the land.” And substitute the words “whether a conservation agreement should be made with the proprietor of the land where the contiguous land is not Crown land.”

The Chairman: The amendment has been duly moved, does any Member wish to speak?

Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, thank you. We have an amendment in respect of the subsection which—

The Chairman: So the question is that—

Hon. G. Wayne Panton: We would not agree with this proposed amendment.

Hon. G. Wayne Panton: The question is that [the amendment to] clause 9(5) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

Mr. D. Ezzard Miller: No, Madam Speaker, that can’t be that (5) stands part of the clause because he is deleting [subsection] (5) and substituting something else in his amendment.

The Chairman: But I was moving your amendment because he said that the Government was not supporting it.

Mr. D. Ezzard Miller: Oh. Okay.

My amendment? Okay. My apologies.

The Chairman: The question is that the amendment to 9(5) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to clause 9(5) failed.

The Chairman: Minister, you had an amendment as well?

Hon. G. Wayne Panton: Yes, Madam Chair, thank you.

Madam Chair, I move an amendment to clause 9 by deleting sub-clause (5) and substituting the following, which reads: "Where- (a) in accordance with subsection (2)(a), a proprietor of an area is notified by the Council and the Council has consulted with him; and (b) the proprietor of the area confirms in writing thereafter to the Council that he will not agree to his area being purchased by the Government or that he will not enter into a conservation agreement with the Government in respect of such an area, the Council shall not make a recommendation under subsection (4)."

The Chairman: The amendment has been moved. Does any Member wish to speak?

Member for East End.

Mr. V. Arden McLean: Can the Minister tell us why he wants the confirmation of lack of agreement in writing?

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Simply so that we have a record and there is no dispute as to the position of the landowner.

The Chairman: Any further questions or . . .

Mr. V. Arden McLean: One minute please, Ma'am.

The Chairman: Member for East End.

Mr. V. Arden McLean: But this is somebody's private land and you want it and you want him to give you in writing that he does not want to sell it.

An Hon. Member: Why?

Mr. V. Arden McLean: I don't know, that's why I am asking.

I can understand if he wanted to sell the property and you respond in writing and say no, but even that, it just does not sound like it is right that you want to buy my property, and if I say no, then I have to send it to you in writing. What's the purpose of it?

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chairman, through you to the Member for East End, it could be as simple as having a pro forma handing it to the proprietor after a discussion and asking, *Could you just sign this to confirm that that is what you have said*, as opposed to someone else relying information, getting it wrong and

having the landowner then say, *Well, I didn't say that. Perhaps I wanted to sell.*

There are people who have indicated during the public consultation process that they would love to sell, if that was the proposal, even though no proposal has been put to them or considered. But . . .

The Chairman: Member for East End, and then the Member for North Side.

Mr. V. Arden McLean: I can understand "in writing" if they want to sell, but not if they don't.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Chair, I am not sure that the Minister is referring to the correct clauses in this amendment.

It says, "in accordance with subsection (2)(a)". [Subsection (2)] (a) is "shall notify and consult with the proprietor of the area;"

Under 9 I think he means 4(b), because 4(a) . . . and in the second part subsection (4) should read (4)(b) of the section. Because (4)(a) is Crown land; you do not need any stuff about that. Four (b) is the area we are concerned about, not (2)(a).

[Clause] 9(2)(a) reads: "A proposal under subsection (1) shall be received and evaluated by the Council and, for this purpose, the Council- (a) shall notify and consult with the proprietor of the area;"

Hon. G. Wayne Panton: Madam Chair, that is correct. It is at that point that the Council interacts with the proprietor. So—

Mr. D. Ezzard Miller: So, you turn back the amendment to (4)(b) . . . so you are keeping (4)(b) where the Council can make a recommendation to Cabinet that the area be acquired that is not Crown land.

Hon. G. Wayne Panton: Purchased.

Mr. D. Ezzard Miller: You changed it to "purchase", yes, I know. You are keeping that?

Hon. G. Wayne Panton: Yes.

Mr. D. Ezzard Miller: And then you go to (4) . . . Okay. I don't agree with you, but you all are lawyers, not me. Read it carefully and make sure that that is what you want to do.

Mr. V. Arden McLean: They deleting [INAUDIBLE].

Mr. D. Ezzard Miller: They are not deleting (2).

The Chairman: Honourable Minister, do you wish to respond?

Mr. D. Ezzard Miller: They are deleting (5).

Hon. G. Wayne Panton: Madam Chair, I don't think I can provide any further clarity on the matter for the Member.

Mr. D. Ezzard Miller: So why have you gone back to the words "acquired by the Crown" instead of using "purchased by the Crown"?

You've changed "purchased" in (b) but in (5) you have gone back to using the word "acquired".

Hon. G. Wayne Panton: Where is that?

Mr. D. Ezzard Miller: In [clause 9](5), new (b) will say: "the proprietor of the area confirms in writing thereafter to the Council that he will not agree to his land being acquired . . ."

Hon. G. Wayne Panton: It says "purchased".

Mr. D. Ezzard Miller: "Purchased" is in the other one. I am reading the amendment that you filed, you know. You just read it yourself.

[Inaudible interjections]

Mr. D. Ezzard Miller: Yours has "acquired" too? Mine has "acquired" too. Which amendment is correct?

Mr. V. Arden McLean: You sure that is the amendment you have there?

Mr. D. Ezzard Miller: Now listen to me, I'm from North Side but I ain't dumb. National Conservation Bill amendments.

An Hon. Member: Third Notice.

Mr. D. Ezzard Miller: Eh?

An Hon. Member: Third Notice.

Hon. G. Wayne Panton: You're looking at the Third Notice?

Mr. D. Ezzard Miller: Oh, you filed a replacement amendment to this?

Hon. G. Wayne Panton: Yes.

Mr. D. Ezzard Miller: It would be nice to have said that you had.

Hon. G. Wayne Panton: I didn't realise that you were looking at the wrong one, sir.

Mr. D. Ezzard Miller: But you read this, you know. You didn't read that one.

[Inaudible interjections]

The Chairman: The question is . . .

Nobody seems to have anything else to add to it. I will put the question that the amendment stands part of the clause. All those in favour, please say Aye.

Mr. V. Arden McLean: Madam Chair, there is nothing but confusion. We have about 20 amendments here on the table.

[Inaudible interjections]

Mr. D. Ezzard Miller: And he should not be filing another amendment unless he withdrew the previous amendment.

Mr. V. Arden McLean: Exactly!

Hon. W. McKeeva Bush, Leader of the Opposition: It's confusion on that one.

Mr. V. Arden McLean: You have to withdraw—

Mr. D. Ezzard Miller: You have to withdraw the other amendment.

Hon. W. McKeeva Bush, Leader of the Opposition: But the truth is [INAUDIBLE].

[Laughter]

The Chairman: Minister, you are not doing the one that you submitted? [Clause] 9(5)?

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: There are two amendments that he submitted, but one was not withdrawn.

Mr. D. Ezzard Miller: And then he submitted a replacement amendment to that amendment.

Mr. V. Arden McLean: Yes, which is fine if you withdraw the first one. You can't have two amendments of the same thing on the floor.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: The Member is correct. In the First Notice there is an amendment which did in fact refer to "acquired". The Third Notice has the agreed, or intended, amendment which does not refer to "acquired", it refers to "purchased".

The Chairman: So, you are withdrawing one of them Minister?

Hon. G. Wayne Panton: We would withdraw the first proposed sub-clause (5) amendment to clause 9, and move that the proposed sub-clause (5), which appears in the Third Notice, stand.

Apologies to you, Madam Chair, and to Members for all of the confusion.

The Chairman: Okay.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, can I understand exactly what they are doing?

[Inaudible interjections]

The Chairman: He made two amendments. He withdrew 9(5) and now he is moving 9(5) in the Third [Notice], as I understood it.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: By deleting clause (5)? Right.
He is removing that?

The Clerk: Yes sir.

Hon. W. McKeeva Bush, Leader of the Opposition: I told him he was confused you know, but he wouldn't listen to me.

The Chairman: Minister could you just repeat the clause that you wish to have in the Bill so that Members can be clear?

Hon. G. Wayne Panton: With pleasure, Madam Chair. Apologies, again, to Members for the confusion.

The intended amendment to sub-clause (5) of clause 9 appears in the Third Notice, and it reads, by deleting sub-clause (5) and substituting the following: "(5) Where- (a) in accordance with subsection (2)(a), a proprietor of an area is notified by the Council and the Council has consulted with him; and (b) the proprietor of the area confirms in writing thereafter to the Council that he will not agree to his area being purchased by the Government or that he will not enter into a conservation agreement with the Government in respect of such area, the Council shall not make a recommendation under subsection (4)."

Hon. W. McKeeva Bush, Leader of the Opposition: He is moving that?

The Chairman: Yes.

Hon. W. McKeeva Bush, Leader of the Opposition: Removing?

The Chairman: No, he is moving that.

Hon. W. McKeeva Bush, Leader of the Opposition: To stand part of the Bill?

The Chairman: Yes.

Hon. G. Wayne Panton: That is correct, sir.

The Chairman: The question is that the amendment as just moved by the Minister stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it. The amendment now stands part of the clause.

Amendment to clause 9(5) passed.

Hon. W. McKeeva Bush, Leader of the Opposition: This is . . . so he is removing this? Okay, that is what I am saying. Okay, that stands part and this one is removed. Thank you very much.

The Chairman: Member for North Side, I believe you have more amendments to clause 9.

Hon. G. Wayne Panton: He's not giving up.

Mr. D. Ezzard Miller: Madam Chairman, in [subsection] (6) I would like to add, after the word "weeks", the words "notify the adjoining landowners."

The Chairman: The amendment has been moved. Does any Member wish to speak?
Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, we would propose replacing subsection (6) altogether, so we would prefer to take that approach rather than . . .

Mr. D. Ezzard Miller: Madam Chair, I will withdraw the amendment.

The Chairman: Okay.
Honourable Minister, please proceed with your alternative.

Hon. G. Wayne Panton: Thank you, Madam Chair.
Madam Chair, in accordance with the provisions of Standing Order 52(1) and (2), I move an amendment in respect of clause 9(6) by deleting sub-clause (6) and substituting the following which would

read as follows: “(6) The Council, before submitting a recommendation to the Cabinet to designate a protected area in accordance with a proposal, shall- (a) publish a notice of the proposal in at least two issues of a public newspaper circulating in the Islands in each of two consecutive weeks; and (b) notify and consult with the proprietors of any land contiguous to the area.”

The Chairman: Does any Member wish to speak to this?

If not, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 9(6) passed.

The Chairman: The question now is that the clause as amended . . . sorry.

Hon. G. Wayne Panton: We have one more.

The Chairman: We have more amendments to 9. I was being optimistic.

Minister, I believe you also have intention to insert a (6a)?

Hon. G. Wayne Panton: That is correct, Madam Chair. Thank you.

Madam Chair, in accordance with the provision of Standing Order 52 (1) and (2), I move an amendment to clause 9 by inserting after [subsection] (6), as amended, the following sub-clause (6a): “A notification under subsection (6)(b) shall be sent by the Council to the proprietors by registered mail to the address of the proprietors on the Land Register or at their last known address.”

The Chairman: The amendment has been moved, does any Member wish to speak to it?

If not, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

Amendment to clause 9(6) (insertion of (6a)) passed.

The Chairman: Member for North Side, you have another amendment?

Mr. D. Ezzard Miller: Yes, Madam Chairman, in 9(8) to delete the words “twenty-eight” and substitute the word “ninety”.

The Chairman: The Amendment has been moved. Does any Member wish to speak?

Hon. G. Wayne Panton: Madam Chair, I have proposed the same amendment.

The Chairman: So who will withdraw first?

Hon. G. Wayne Panton: I am happy to support the Member’ amendment.

Mr. D. Ezzard Miller: I will withdraw my amendment because it is more likely to get passed if he moves it, and I want it passed.

The Chairman: Thank you.

Minister, do you want to move your version of the amendment then?

Hon. G. Wayne Panton: Yes, thank you, Madam Chair.

In accordance with Standing Order 52(1) and (2), I move an amendment to clause 9(8) by deleting the word “twenty-eight” and substituting the word “ninety”.

The Chairman: The question is that the amendment to clause 9(8) stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 9(8) passed.

The Chairman: Mr. Miller, [Clause] 9 (10) [*sic*] amendment.

Mr. D. Ezzard Miller: [INAUDIBLE—Member’s microphone not turned on, and there was digital noise.]

The Chairman: The amendment has been moved. Does any Member wish to speak to it?
Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I am not sure this amendment is needed given that “protected areas” refers to “conservation areas” as well.

The Chairman: You have completed your response Minister?

Hon. G. Wayne Panton: Yes, Madam Chair.

The Chairman: The question is that the amendment stands part of clause to 9. All those in favour, please say Aye. Those against, No.

Ayes and one audible No [*Hon. G. Wayne Panton*]

The Chairman: Those against, No.

Hon. W. McKeeva Bush, Leader of the Opposition:
The Ayes have it.

The Chairman: I believe the Ayes have it.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Madam Chair, I may be sleeping but—

The Chairman: Second Elected Member for George Town?

Mr. Roy M. McTaggart: Sorry Ma'am, but I don't see any 9 subsection (10)? It stops at (8) and then we get to [clause] 10.

Hon. W. McKeeva Bush, Leader of the Opposition:
Where is (8)?

Mr. Roy M. McTaggart: There is no [clause] 9 subsection (10).

Hon. G. Wayne Panton: You're not sleeping.
It's 10(1) he is talking about.

Hon. W. McKeeva Bush, Leader of the Opposition:
Where is the amendment? Is this a written one or a verbal one he gave?

[Inaudible interjection]

Hon. G. Wayne Panton: It is 10(1) yes.

Mr. D. Ezzard Miller: Ten (1).

Hon. W. McKeeva Bush, Leader of the Opposition:
Ezzard? I thought it would be the Minister who moved that, not Ezzard.

[Inaudible interjections]

The Chairman: Member for North Side, did you intend 10(1) as opposed to 9(10)?

Mr. D. Ezzard Miller: Yes, Madam Chair.

The Chairman: Okay.

Thanks, Second Elected Member for George Town.

So, in light of that, Minister, I take it your response still remains the same?

Hon. G. Wayne Panton: Yes, Madam Chair.

The Chairman: The question is that the amendment to 10(1) stands . . .

Mr. D. Ezzard Miller: You voted on that already, Madam Speaker.

The Chairman: Well actually, that would have concluded 9 so we would have wait until we get to 10.

So, I think that we can finally get to the point where we can say the question is that clause 9, as amended, stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 9, as amended, passed.

The Chairman: Member for North Side, you can move 10(1) once it is read by the Clerk.

AMENDMENTS TO CLAUSE 10

The Clerk: Clause 10 Management plan.

Mr. D. Ezzard Miller: Thank you, Madam Chair.

I would seek an amendment to 10(1) to add after the words "protected area", the words "and conservation area".

The Chairman: The amendment has been moved. Does any Member wish to speak to it?

Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, on the basis that the definition of "protected area" includes "conservation area", we do not see the need to include that.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Amendment to clause 10 failed.

The Chairman: Member for North Side, 10(4).

Mr. D. Ezzard Miller: I am seeking an amendment to 10(4) by the addition of a new sub-clause "c" [which would read]: "have the agreement. . . No, section (c)—

Mr. V. Arden McLean: And then want to reverse the vote.

[Inaudible interjections]

Mr. D. Ezzard Miller: You all finished?

The Chairman: The Member for North Side is attempting to move his motion.

Mr. D. Ezzard Miller: In 10(4) add a subsection (c) that reads "(c) have the agreement of the proprietor of the land."

The Chairman: The amendment has been moved. Does the Minister wish to reply to 10(4)?

[Inaudible interjections]

Hon. G. Wayne Panton: Madam Chair, I have nothing to add on that.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

One audible No *[Hon. G. Wayne Panton]*

The Chairman: The Noes have it.

Amendment to clause 10(4) failed.

The Chairman: The question now is that clause 10 stands part of the Bill. All those in favour, please say Aye. Those against, No.

One audible Aye *[Hon. G. Wayne Panton]*

The Chairman: I believe the Ayes have it.

Clause 10 passed.

The Clerk:

Clause 11	Protective measures
Clause 12	Changes in status of protected areas

The Chairman: The question is that clauses 11 and 12 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: I believe the Ayes have it.

Clauses 11 and 12 passed.

The Clerk: Clause 13 Conservation areas.

The Chairman: There are some amendments to [clause] 13.
Member for North Side?

AMENDMENT TO CLAUSE 13

Mr. D. Ezzard Miller: Thank you, Madam Chair.

I am seeking an amendment to 13(2) to add a new sub-clause (d) which will read: "include the agreed annual compensation to the proprietor of the land."

The Chairman: The amendment has been moved. Does the Minister wish to reply, or any other Member?

Hon. G. Wayne Panton: Madam Chair, 13(2) says "An agreement made under subsection (1) shall- (a) specify the management, administration, financial and enforcement responsibilities of the Cabinet . . ." I think that general statement allows for the terms, or contemplates the financial terms being included in the agreement between the landowner and Cabinet. So, there is not a need to include this specific amendment.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it, I believe.

Amendment to clause 13 failed.

The Chairman: The question now is that clause 13 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 13 passed.

The Clerk:

Clause 14	Conservation agreements
Clause 15	Protected species

The Chairman: The question is that clauses 14 and 15 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 14 and 15 passed.

The Clerk: Clause 16 Listing procedure.

The Chairman: Mr. Miller, you have an amendment to 16(1)?

AMENDMENT TO CLAUSE 16

Mr. D. Ezzard Miller: Yes, Madam Chair.

I am seeking an amendment in 16(1) to delete the word "Council" and replace it with "Cabinet".

The Chairman: The amendment has been moved. Honourable Minister, do you wish to reply?

Hon. G. Wayne Panton: Madam Chair, that is not something that I think Cabinet would want to be burdened with. They would not necessarily know the difference between an *Epinephelus striatus* or *Epinephelus itajara*. So, it is not something that I think Cabinet really wants to be burdened with. The proposal would be to have Council make those additions because that is the scientific and technical advisory body.

The Chairman: Minister, I can't help but comment on your perfected terminology that you just so eloquently expressed. You left a little bit of doubt in my mind that Cabinet did not have the ability.

[Laughter]

The Chairman: Member for North Side.

Hon. G. Wayne Panton: Only one Member.

Mr. D. Ezzard Miller: Madam [Chair], can the Member explain to me why we have the Schedules to the [Bill] today if we are going to allow the Council to alter the Law that we pass today as they see fit, and when they want, as often as they want, whenever they do?

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam [Chair], I am not sure I have much to add. As I said earlier, these are very technical things. While I may have impressed you with those two names that I just gave you, I can assure you that my knowledge and abilities do not go a lot beyond that.

Mr. D. Ezzard Miller: Madam Chair, this is not about Cabinet understanding or pronouncing the names—

Hon. W. McKeeva Bush, Leader of the Opposition: No.

Mr. D. Ezzard Miller: This is about Cabinet allowing the Council to write legislation, because they are amending the law. I really do not think that the Cabinet should give that position up.

Certainly, we do not expect the Cabinet to be equipped to make a great decision as to whether something should be named whatever or put on the

list. But I do not think we should be here today passing a Schedule that the Council can change without our knowledge.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Madam Chair.

Madam Chair, is the Minister saying that Council is going to make these orders and they are saying that Council is only advisory? That is what they have said. Is Council now going to make these orders without Cabinet's knowledge? Or Cabinet will have knowledge of them?

Mr. D. Ezzard Miller: No, this does not require any knowledge of Cabinet.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, if you would indulge me for a minute just to confer with my colleagues.

The Chairman: Sure.

[Pause]

The Chairman: Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: While they are discussing, in the normal procedure of matters going to Cabinet the departments and various staff members prepare these orders, prepare these . . . nobody in Cabinet sits and does this by themselves. These are all done by professional civil servants. Normally, that is how we do an order; that is how we do a paper.

So, are they saying that they do not want to get the paper and pass it so that Cabinet makes it and brings it into force? Is that what they are saying?

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: I don't see why you all can't make the order. They have to do the work, but you all should make the order. Yes.

Mr. D. Ezzard Miller: Moses, *unna* voted here in May to take this from the Marine Conservation Board and *unna* giving it right back today? [SOUNDS LIKE]

Hon. W. McKeeva Bush, Leader of the Opposition: We just took the powers from them to do that.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: See Alden? You made him stick with that phrase “we are minded to do this, we are minded to do this, we are not minded to do that”, so he just kept with the programme. Can’t blame the Minister; blame the Premier.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: That is how he used to pronounce it when I was there.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I think there is agreement that if the Member will amend his proposal . . . or I would like to move an amendment to his proposed amendment by adding in after the word “Council” the words “with the approval of Cabinet”. So, rather than just saying . . . his proposal is to change “Council” to “Cabinet”. We would prefer to simply say “Council, with the approval of Cabinet”.

[Inaudible interjections]

The Chairman: Can someone please move what is intended? because there are about four voices going without any motion.

Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Madam Chair, I think there is some consensus that the clause could be amended to say “the Council, with the approval of Cabinet”. In other words, the Member’s amendment has been further amended to say, “the Council, with the approval of Cabinet”.

The Chairman: I’m just looking to make sure I fully understand it before I put the question.

Are you saying that the application, or the information, will go to Cabinet and go through the process and then will go back to the Council? So, basically the only thing happening is that Cabinet is not approving it.

The Attorney General, Hon. Samuel W. Bulgin: So, a list of species, or a proposed amendment to the species, will be submitted to Cabinet, and Cabinet will grant approval for them to issue the order accordingly.

[Pause]

Mr. V. Arden McLean: Madam . . .

The Chairman: Member for East End.

Mr. V. Arden McLean: Thank you, Madam Chair.

Madam Chair, at some stage today we hope that this Bill will get passed. Schedule 1 is attached. That is Parliament approving a Schedule. When, or how, administratively, can Cabinet approve a Schedule of a Bill without coming back here . . . or anyone else for that matter?

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Chair, it is simple: The Cabinet can do whatever the law authorises Cabinet to do. If the House passes legislation which confers on Cabinet the ability to do so, or the Council the ability to do so, they are authorised to do so in accordance with the law.

[Inaudible interjections]

The Chairman: The question is that the amendment to the [proposed] amendment to clause 16(1) stands part of the [amendment]. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to the amendment in clause 16(1), for the insertion of the words “with the approval of Cabinet” after the word “Council” passed.

Mr. D. Ezzard Miller: Madam Chair, the same amendment is sought in 16(5), and I would be quite comfortable with Council doing it, again with Cabinet’s approval, as opposed to changing the words.

The Chairman: Honourable Minister, could you formulate that motion expeditiously?

Hon. G. Wayne Panton: Thank you, Madam Chair.

Madam Chair, I move a motion to amend the proposed amendment by Mr. Miller to amend his proposal [to 16(5)] which similarly says “Council, with the approval of Cabinet”.

The Chairman: The question is that the amendment [to the amendment] just moved by the Minister [to 16(5)] stands part of the clause.

Sorry, Member for East End, you have . . .

Mr. V. Arden McLean: Stands part of the amendment.

The Chairman: Stands part of the amendment. I beg your pardon.

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

Ayes.

The Chairman: The Ayes have it.

Amendment to the amendment in clause 16(5), for the insertion of the words “with the approval of Cabinet” after the word “Council” passed.

[Inaudible interjections]

The Chairman: The question is that clause 16 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 16, as amended, passed.

The Clerk: Clause 17 Conservation plans.

The Chairman: If there is no debate, the question is that clause 17 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 17 passed.

The Clerk: Clause 18 International measures.

The Chairman: Member for North Side, could you move the amendment?

AMENDMENTS TO CLAUSE 18

Mr. D. Ezzard Miller: Yes, Madam Speaker.

A similar amendment asking that the word “Council” be replaced by the word “Cabinet”. And I would be happy to accept “Council, with the approval of Cabinet”, but I don’t know if you want to go that far because this is dealing with international bodies. You may want to say that Cabinet must do that.

The Chairman: Honourable Minister.

Hon. W. McKeeva Bush, Leader of the Opposition: [INAUDIBLE] should come to the House.

Hon. G. Wayne Panton: Madam Chair, I would prefer to take the approach as we have done with the other amendments. And if I need to amend the Member’s proposed amendment, I so move to change it to “Council, with the approval of Cabinet”.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, one of the things that gives me concern is the many agreements that the Overseas Territories are called upon to agree to. And more and more we are seeing that, because the UK uses it in various agreements with Europe and other countries. And a number of them come through and I feel that we will be getting more and more and that the legislative process will take some part of this agreement.

I’ve heard what the Government said so I do not expect that they are going to agree to what I am asking. But I really believe that it should be the Legislature. If it is not, and is just Cabinet . . . well, at least it is a step in that direction.

The Chairman: Member for East End, do you wish to speak?

Mr. V. Arden McLean: Thank you, Madam Chair.

This is to say if it is not currently listed on one of those conventions, whether or not to submit it for listing. That is what this is. “The Council shall determine whether each protected species is also listed under SPAW [Protocol] [Specially Protected Areas and Wildlife] and the Migratory Species Convention and, if not, whether any regional or international cooperation and assistance is desirable for the protection and recovery of the species, in which case the Council shall submit a nomination for listing under the Conventions as may be appropriate.”

I don’t know if it needs to come here, but Cabinet needs to deal with that.

Mr. D. Ezzard Miller: Yes, yes, Cabinet has to approve it.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, the reason why I say so is because I know the arguments they put up about the Turtle Farm.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I think the Member for East End, Mr. McLean, is correct. We would prefer to have the Council deal with the assessment. And in the penultimate line of 18(1) where it says, “The Council shall” add “with the approval of Cabinet”.

Mr. D. Ezzard Miller: Yes.

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: If the Council determines that this is such a species that need to be protected under one of these international things, Cabinet should approve that to be listed there, *if* they get it listed. They might not want to list it. But at least Cabinet should put some John Henry on it.

Hon. W. McKeeva Bush, Leader of the Opposition: So, Madam Chair, if I understand correctly—

The Chairman: Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition:—where it says “Council shall submit a nomination”, are you changing it? Is that what you are saying? To Cabinet?

Hon. G. Wayne Panton: “. . . shall, with the approval of Cabinet”.

Mr. V. Arden McLean: Submit.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 18(1) for the insertion of the words “with the approval of Cabinet” after the word “Council” passed.

The Chairman: Mr. Miller. You have 18(3)?

Mr. D. Ezzard Miller: In 18(3), similar situation, Madam Chair. I think, again, the Council should have Cabinet’s approval.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: No big deal, same thing.

The Chairman: Member for East End, you have a question?

Mr. V. Arden McLean: Madam [Chair], I was speaking aloud and did not know the microphone was on, but I am saying that it is basically the same thing.

Mr. D. Ezzard Miller: Same thing.

Hon. G. Wayne Panton: Madam Chair, I would be grateful for 30 seconds to confer.

The Chairman: Yes, Minister.

[Pause]

Hon. G. Wayne Panton: Madam Chair, I’m grateful.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Apologies for the time taken again.

The amendment as proposed would be acceptable if it had the same approach of “the approval of Cabinet”.

Mr. D. Ezzard Miller: No problem.

[Inaudible interjections]

The Chairman: The question is that the amendment as amended stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The amendment as amended stands part of the clause.

Amendment to the amendment in clause 18(3) for the insertion of the words “with the approval of Cabinet” after the word “Council” passed.

The Chairman: The question is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 18 as amended passed.

AMENDMENT TO CLAUSE 18(2)

The Chairman: Could you please move 18(2)?

Hon. G. Wayne Panton: Yes, Madam Chair; apologies.

I move the amendment to [clause] 18(2) by deleting the word “authorise” and substituting the word “authorises”.

The Chairman: The amendment has been moved. Does any Member wish to speak?

If not, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The amendment stands part of the clause.

Amendment to clause 18 (2) passed.

The Chairman: If there are no further amendments, the question is that clause 18(2) as amended, stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: Clause 18(2) passed.

Clause 18(2) passed.

The Clerk:

Clause 19	Preventative measures
Clause 20	Permits
Clause 21	Building, etc. in Cayman waters-permits

The Chairman: The question is that clauses 19 through 21 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 19 through 21 passed.

The Clerk: Clause 22 Licences.

AMENDMENT TO CLAUSE 22

The Chairman: Minister, you have an amendment to 22?

Hon. G. Wayne Panton: Madam Chair, yes, thank you. Just a clarification.

I move an amendment to clause 22(2) by deleting the word "engaged" and substituting the words "permitted to engage".

The Chairman: Does any Member have a comment?

If not, the question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 22 passed.

The Chairman: Mr. McLean, I believe you had an amendment.

Mr. V. Arden McLean: Thank you, Madam Chair.

As the elected Member for East End, I move that the Bill be amended in clause 22(2) by the addi-

tion of a new sub-clause (d) to read as follows: "(2)(d) the allowance for the purchase of new and the replacement of parts on any and all equipment used to fulfill the purpose of the license."

The Chairman: The amendment has been moved. Does any Member wish to speak?

Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, thank you.

I understand the purpose of the amendment, and there are other regulations under other laws which relate to potentially effect this. This issue reflects a significant policy issue of the Government which will take some time to consider. At this point I do not think we are supportive of it.

Hon. W. McKeever Bush, Leader of the Opposition: Remember what you said just now. You might have to change it.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, he does not think so. Does that mean he has to confer to find out if there . . . because . . .

Madam Chair, all of the Members on that side has spoken about the ability to utilise a speargun, which is cultural in this country. We have all talked about that. We have all talked about the reintroduction of the ability to do that in this country by virtue of a proper licensing regime. And I believe that this would facilitate that.

I hear the Minister when he says that there are other areas. I think the Customs Law, or some of the other areas, prohibit the importation. But his other colleagues on the front bench have all talked about how fluid a law should be and the ability to change and to amend. So, there is nothing wrong with amending the other laws which would be as a consequence of the amendment of the introduction of this law. That is what happens when you do one law, there are consequential changes in other laws that have to be effected. And we have very competent drafters around who can get that done in a short period of time.

Now, I know, Madam Chair, that there are people here who may not necessarily subscribe to the use of spearguns or seine fish pots or anything of that nature. And I have strong concerns about the abuse of those things as well because it is mass destruction of the marine life. I totally agree with that. But if it is in a controlled environment where only Caymanians and only people of good character are allowed to do that, it is just like the Firearms Law in this country where only [someone] of good character will be issued a licence to use a firearm.

And we continue to blame the abuse of spearguns in this country for its prohibition. And the reason we do that is because we do not enforce it and

take them away. Now with this law, in accordance with the Minister's utterances, we will now give the officers the ability to enforce the law. I don't understand the concern at this stage any longer.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Thank you. Through you to the Member.

The issue, as I said, reflects a significant policy issue. From as far back as 1986 this issue has been dealt with, discussed. And the decision taken back then in terms of policy was to try to minimise the use of spearguns. We have very shallow and close-to-shore fringing reef. We do not have a lot of open shelf. There is a very narrow little ribbon that surrounds the Island where we have reef fish, where spearguns will be utilised. It is potentially very damaging to the marine life to allow the removal of particularly large specimens of different species. Those are the ones that are typically the most prolific breeders. And those are the kinds of targets that spearfishing is particularly aimed at. In addition, there is a potential for a lot of abuse.

As long ago as 1986 there was a conscious decision to try to limit this. And some of our regional neighbours have banned spearfishing outright as a result of these concerns, even areas that have significantly greater shelf and shallow water and reef areas than we do.

For example, the Bahamas banned spearguns, but allow Hawaiian slings. The BVI banned spearfishing altogether. Bonaire has banned spearfishing. Curacao banned spearfishing. The Netherland Antilles, Antigua, Barbuda, Mauritius (I'm going out of the area, of course), Malta, Seychelles are all areas where they have banned spearfishing because of the potential damage that can be caused by overuse and abuse in the marine environment of spearguns.

Changing this position now would reflect a very significant policy change that has been in place for a long time in this country.

The Chairman: Member for East End.

Mr. V. Arden McLean: Thank you, Madam Chair.

I thought the new Progressives were about change.

[Inaudible interjection]

Mr. V. Arden McLean: There is nothing negative about changing the policy to reinstate a cultural practice.

Is it possible then for us to maybe . . . I don't know if we recognise that fish pots are more damag-

ing than spearguns . . . because fish pots have the potential of taking more fish than any one speargun that we can—

[Inaudible interjection]

Mr. V. Arden McLean: You can let 'em out?

You got either one? You let out anything? You see anybody let out anything Mr. Premier?

No, they *nah* going to let it out.

[Inaudible interjection]

Mr. V. Arden McLean: But I understand that it is the large ones we worry about. I don't see those large ones getting out of that two-and-a-quarter inch mesh, and the lobsters and the like and what have you.

So, I don't know . . . and I can tell you that the DoE do not have a tag for every fish pot that is out there. I can tell you that; it is a fact.

Hon. G. Wayne Panton: Madam Chair, with your permission. You do know that fish pots are controlled and licensed?

Mr. V. Arden McLean: I know. That's what I'm saying but—

Hon. G. Wayne Panton: And they are also easy to spot as opposed to . . . So, if you have what they call ghost traps, which have been lost and are easy to spot from the surface when people are snorkeling, if traps are clearly lost they can be addressed.

Mr. V. Arden McLean: I warned him not to go there, Madam Chair.

How many fish pots, ghosts or illegal, or whatever you want to call them, have they found?

Trust me—

Mr. D. Ezzard Miller: And they claim they swim all around the Island.

Mr. V. Arden McLean: Trust me—

Hon. G. Wayne Panton: I didn't know that—

[Inaudible interjections]

Mr. V. Arden McLean: I never said [anything] about banning them. They tag them. And I will bet you that for every one they tag there are four other ones out there. Which ones have they found? You tell me!

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes

The Chairman: The Noes have it.

Mr. D. Ezzard Miller: Madam Chair, can I have a division please?

The Chairman: Madam Clerk, please call a division.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Chair.

The Chairman: The division is on the amendment to clause—one minute sir—clause 22 on sub-clause (2)(d) to add “the allowance for the purchase of new and the replacement of parts on any and all equipment used to fulfill the purpose of the license.”

Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Just to say Madam Chair, that the laws we have—I am just looking at them—allow the use of spearguns now, and they allow us . . . we changed so that we have certain fish pots that we use now, the traditional fish pot in Cayman; not the S-pots and stuff that they used to have under licence. That was done in 2002. And Members have to be aware that we allow the use of the spearguns, that they are in the hands of people and that there is no way . . . from what I see of them, there is no real control from anybody in those hands.

Mr. V. Arden McLean: But they can't get the spearguns.

Hon. W. McKeever Bush, Leader of the Opposition: And they are fixing them and repairing them in all sorts of different ways.

And besides that, from what I hear, they do bring in parts, and it is illegal. I thought it would be better for us to try to find ways and means of being able to have some control of it other than the licence that we do give.

[Inaudible interjections]

The Chairman: Madam Clerk will now call the division.

The Clerk:

Division No. 8

Ayes: 8

Mr. Winston C. Connolly
Mr. Joseph X. Hew
Mr. Alva H Suckoo, Jr.
Hon. W. McKeever Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. D. Ezzard Miller
Mr. V. Arden McLean

Noes: 5

Hon. Alden McLaughlin
Hon. G. Wayne Panton
Hon. Marco S. Archer
Hon. Anthony S. Eden
Mr. Roy M. McTaggart

Absent: 4

Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbetts
Hon. Osbourne V. Bodden
Hon. Tara A. Rivers

The Chairman: The result of the division is as follows: 8 Ayes; 5 Noes, and [3] absent.

Agreed by majority on division: Amendment to add new sub-clause (d) to clause 22(2) passed.

The Chairman: The question is that clause 22, as amended, now stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 22 as amended passed.

The Clerk:

Clause 23	Issuing renewal and amendment of permit and licence
Clause 24	Suspension or revocation of a permit or licence
Clause 25	Conservation officers

The Chairman: The question is that clauses 23 through 25 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 23 through 25 passed.

The Clerk: Clause 26 Powers of conservation officers

AMENDMENT TO CLAUSE 26

The Chairman: Minister Panton, I believe you have an amendment to [clause] 26.

Hon. G. Wayne Panton: Madam Chair, in accordance with the provisions of Standing Order 52(1) and (2), I move an amendment to clause 26 by inserting after sub-clause (2) the following sub-clause: “(2a) Where a person is arrested and detained under subsection (2) the provisions of the Police Law, 2010 which relate to arrests and detentions shall apply accordingly.”

The Chairman: If there is no debate, the question is that a new sub-clause (2a) be inserted to clause 26. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 26 passed.

The Chairman: The question now is that clause 26 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

Clause 26, as amended, passed.

The Clerk:

Clause 27 Seizure of specimen by conservation officer

Clause 28 Seizure of items other than specimen by conservation officer

Clause 29 Compensation for loss arising upon exercise of powers of conservation officer

The Chairman: The question is that clauses 27 through 29 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 27 through 29 passed.

The Clerk: Clause 30 Cease and desist orders.

AMENDMENT TO CLAUSE 30

The Chairman: Minister Panton, I believe you have an amendment.

Hon. G. Wayne Panton: I do, Madam Chair. Thank you.

Madam Chair, in accordance with the provisions of Standing Order 52(1) and (2), I move an amendment to clause 30(1)(d) by inserting after the word "environmental" wherever it appears, the word "impact".

The Chairman: If there is no debate, the question is that [the amendment to] clause 30(1)(d) stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: I believe the Ayes have it.

Amendment to clause 30 passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 30 as amended passed.

The Clerk: Clause 31 Offences and arrests for offences under this Law generally.

AMENDMENT TO CLAUSE 31

The Chairman: Minister Panton, you have an amendment to clause 31?

Hon. G. Wayne Panton: Yes, Madam Chair, thank you.

Madam Chair, in accordance with the provisions of Standing Order 52(1) and (2), I move an amendment to clause 31(3) by deleting the words "subsection (1)" and substituting the words "subsection (2)".

The Chairman: The amendment has been moved. Does any Member wish to speak?

If not, the question is that amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 31 passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 31, as amended, passed.

The Clerk: Clause 32 Offences in protected areas.

AMENDMENT TO CLAUSE 32

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Thank you, Madam Chairman. I am seeking an amendment to delete 32(2).

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, we also have a proposed amendment. We are not in favour of deleting 32(2).

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Thank you, Madam Chair.

Madam Chair, I have some serious concerns about this where these people are going to be deemed to be guilty. And my greater concern is that in some instances it is going to be absolutely impossible for the person to prove their innocence.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes.

Mr. D. Ezzard Miller: If it happens in a critical habitat, or a protected area, on a species which is endemic or confined to that protected area, I could see reason for this. But this will also happen in other areas where people in my constituency, for example, who have to launch their boat at the Kaibo in order to get it into the water, have to transit a marine park to get to areas from which they can take conch and/or lobster. And on the way back, if the marine officer stops them in that marine park they are *deemed* to have taken the conch from that marine park.

It is impossible for anybody to prove that the conch or the lobsters did not come there because conchs and lobsters are the same anywhere you find them around the Island. Even the person who was coming back from Cuba brought some conch with him. He could be deemed to have gotten them and he is guilty.

Madam Speaker, I believe, particularly given the additional authority and powers of the Conservation Officer under the Bill, that this is an unnecessary provision in the law, and that it is going to place particularly my constituents, who in most cases will not have the financial resources to hire powerful lawyers to delve into case history and other stuff in order to protect themselves . . . there is great potential for abuse of this. I would really be happy if the Government would just take out 32(2).

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I believe I will defer to the Honourable Attorney General to respond on this.

The Chairman: Honourable Attorney General

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Chair.

The current proposal in the Bill says that “he shall be deemed, unless he proves otherwise, . . .” which is, in effect, the person with whom the contraband is found will have to prove otherwise. What we

are trying to do is mitigate the language here because as it is now, it squarely places the burden on him, essentially, to prove his innocence, which is not what is intended. So, the language would say “until the contrary is proven,” which means several things. It could mean that the person is required to give at least a reasonable explanation as to how he or she came into possession of it. But it also means that there might be other circumstances which will emerge later to clearly establish that the person is not guilty. And that is what is contemplated.

But, clearly, the presumption is that it is taken from that area and it is something that is particularly within that person’s knowledge as to where this thing comes from. So, it is requiring an explanation, at least. And whether that explanation holds or not depends on other circumstances. But it does not relieve the Crown of the burden of proving the person’s guilt. The Crown still has to prove beyond a reasonable doubt if the person is guilty of the crime.

Mr. D. Ezzard Miller: Madam [Chair], I hear the Attorney General.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: I guess I should bow to his superior legal knowledge—but I won’t.

Madam [Chair], it says that the person is *deemed* to have committed the offence, and in the meantime he is going to lose his conch and his lobster—and he may lose his boat, right?—until he is given an opportunity to prove . . . and it is impossible for the person to prove otherwise.

Even if he has witnesses in the boat, under the current Marine Conservation Law when the officer charges him, he charges everybody in the boat with the same offence. So, no one in the boat can be a witness for the other person because they are all charged with the same offence. I do not see how a person that this section *deems* to be guilty has any chance whatsoever, or any possibility of proving his innocence. And I just think it is too much advantage for the Marine Conservation officers.

Mr. V. Arden McLean: Madam Chair, if I may.

The Chairman: Member for East End.

Mr. V. Arden McLean: I don’t know if the Attorney General is going to reply to that. Obviously, we are losing sight in some way of how these things happen. In East End sound there is a park that is protected. You cannot take any conchs from there.

Mr. D. Ezzard Miller: Rum Point is the same thing.

Mr. V. Arden McLean: We launch by the Heritage field. Now for me to go to Coxen Bank to fish for

snappers or whatever, or up that way through Colliers Channel, I have to pass through—

[Inaudible interjection]

Mr. V. Arden McLean: Yes, yes, by Blue Hole and up to Dacres Bluff. That is a protected area.

I stopped between Blue Hole and East End and picked up five conchs in open season. Now I am going to Colliers to go over the channel, and if that marine officer boards [my boat] somewhere around Dacres Bluff or Gun Bay dock, and I got five conchs on my boat, I'm in plenty of trouble, *ya nah!* They are even going to arrest the lines I have in that boat. I don't how . . .

I think that is what Mr. Miller is trying to get across. But I can't prove that I did not get them in that area because there is plenty conch in there, you know. But that is not the only place conchs are, and there are no tags on them and these conchs are endemic to that area between Gun Bluff and Dacres Bluff from Blue Hole up.

I just don't understand how I am going to get out of that. And then my boat is going to be confiscated because it is me alone and I cannot prove that I did not pick them up in there.

The Attorney General, Hon. Samuel W. Bulgin: But can I ask how would the marine officer prove where you got it from?

Mr. V. Arden McLean: He can't either. But if—

Mr. D. Ezzard Miller: No, but on the contrary . . . I am glad you brought that up, Mr. Attorney General, because—

The Chairman: Can we have just one Member speaking at a time please?

The Attorney General, Hon. Samuel W. Bulgin: And can I just say that the only person who knows where it comes from is you.

Mr. V. Arden McLean: Right!

The Attorney General, Hon. Samuel W. Bulgin: So, it is something that is peculiarly within your own knowledge.

Mr. V. Arden McLean: Yes.

The Attorney General, Hon. Samuel W. Bulgin: And it requires an explanation. That is all the law is saying. The assumption—

Mr. V. Arden McLean: No.

Mr. D. Ezzard Miller: No, that is not what it is saying. It says you're "deemed."

The Attorney General, Hon. Samuel W. Bulgin: The assumption is . . . no, Mr. Miller, it does not say that you are guilty.

Mr. V. Arden McLean: One minute please.

The Attorney General, Hon. Samuel W. Bulgin: The *assumption* is that you take it from a protected area. That is an *assumption* because you are found with it there. And it is for you to offer a *reasonable* explanation, such as you did just now. It may very well be that in addition to the explanation that you provide that you may have other supporting evidence to prove that, whatever that is. We can't sit here and think of an exhaustive list of what those can be.

But it is something that is peculiarly within your knowledge; otherwise you are basically saying that this law is impossible to police.

Mr. D. Ezzard Miller: No, no, no, no, no.

Mr. V. Arden McLean: Well, Madam Chair—

Mr. D. Ezzard Miller: No, no, no, no.

Mr. V. Arden McLean: I'm still on the floor.

The Chairman: Member for East End and then the Member for North Side and then the Fourth Elected Member for West Bay and then the Fourth Elected Member for Bodden Town.

Mr. V. Arden McLean: Wow!

Anyway, Madam Chair, let me disabuse the Attorney General, please.

Okay. During the debate the Minister and some of his other colleagues, I believe, spoke of the purpose of disdain when the marine officer comes up on those who are in the park abusing it and taking the protected species out of the park. Their excuse is, *We didn't get them in here, we got them outside.* That is the purpose of this, in order that they can arrest anyone found in the park, and they have to prove it.

So, here I am, the innocent . . . and there are more good citizens than there are bad ones because I have lots of older fishermen in East End who are not going into that park and every time they go to pick up some conch to go fishing and go across the park now, they are going to be *deemed* to have taken it from there. Whereas, we are trying to address an issue—which I hope we do—which is, those who go in that park we need to stop them from doing that.

I am supportive of the objective, but in trying to address one issue you are affecting another issue adversely, which is the good people. They are now going to have to prove it. They are going to handcuff

your hands and feet and drag you to George Town and send the case file to the DPP who will charge you because you were in the area, you were in the park.

Therein lies your problem, Mr. AG, in that you need to make provision for those of us who do not abuse it and go in that park. How do you do that?

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Madam Chairman, the burden of evidence that something wrong was done has to be on the officers who are making the arrest.

If I am in the marine park and have three people outside the boat and I am handing conch over the side of the boat, there is no question as to where I got the conch from. But if I am passing through the marine park and he stops me . . . and this is not a figment of my imagination. This happened to me. I never had anything onboard, because he was looking for lobster and conch and all I had was three fry jacks at the time and he bounced that boat all over the reef and almost mashed it up—he should have had to pay a \$500,000 fine for destruction to the reef. How can I possibly prove that I did not take the conch from that area?

I can understand if you amend it and say well if the species is endemic to a particular habitat and there is no possibility of them being outside, but every conch that I have seen is the same!

I think this has the potential to affect really honest, hardworking people, while you are still going to let the ones off because they are going twelve o'clock at night and your man is at home sleeping!

The Chairman: The Fourth Elected Member for West Bay.

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: Thank you, Madam Chair.

Madam Chair, what the Members for North Side and East End are saying is absolutely correct. The onus should not be on the boat owner to prove where he got the conch from. The officer should actually catch him in the marine park diving for conch or lobster or whatever they have before they can prosecute them.

I know when I go to get conch I go from there to Kaibo or Rum Point. If they catch me in between I could get arrested and charged for that too. So, the onus should not be on the boat owner or the boat captain. The onus should be on the officer to prove where the boat owner or the captain got the protected species.

The Chairman: Okay.

Member for Bodden Town, will you give way to the Minister? Or do you wish to make your comment first? And the Leader of the Opposition?

Minister Panton.

Hon. G. Wayne Panton: Madam Chair, I will allow my colleague.

The Chairman: Fourth Elected Member for the district of Bodden Town.

Thank you, Minister

Mr. Alva H. Suckoo Jr., Fourth Elected Member for Bodden Town: Thank you, Madam Chair.

I just wanted to . . . and I think most Members have already made the point, but my concern with this is just where the burden of proof lies because the [Bill] says "shall be deemed." In reading "deemed" I am taking that to mean that you are presumed guilty until proven innocent, which I think is the wrong way around.

I would prefer to see less bias placed in this so that the officer would have to prove beyond a reasonable doubt that the individual took the specimens, rather than the other way around.

The Chairman: Honourable Minister.

Mr. Premier, you wanted to make an intervention?

Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam [Chair], it is not the burden of proof, it's the evidential burden, as you well know. And the reason for it . . . this is a very difficult issue, because the marine conservation officers are criticized often for not doing enough. But there are great challenges involved in proving that the contraband has been taken from a marine park. And so this was an attempt, really, to strengthen the hand of the conservation officers.

We hear the concerns. And I am going to let the Minister deal with that, but we all need to understand that the same challenges which exist under the current legislation, and the same criticisms that will continue about enforcement officers . . . and I have heard many times the Members for East End and North Side, not just now but in the past, complain about this and that happening and not enough being done in terms of enforcement.

We need to understand the limitations that there are because there are not sufficient numbers of enforcement officers to have eyes everywhere. And they have to operate on the basis of suspicion, on the basis of intelligence, and often when they stop the vessel, the boat, whatever has been done has already been done. You rarely find people in the act of diving up conch or shooting lobsters; it's after the fact.

So, we hear the concerns and the Minister is going to respond because we certainly do not want to go against the will of this House in relation to anything. But I just wanted to register all of that because I think it is important that we understand the effect of the changes that we are proposing with respect to this particular provision.

The Chairman: The Honourable Leader of the Opposition was next in line, then the Member for North Side, East End and, perhaps, then, the Minister would be next.

Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chairman, while there are concerns about the burden of proof, I certainly understand the difficulties that marine officers would have, but what we cannot do is make people guilty if they are not. And that is what the problem is here.

It starts with the view that a person is guilty. That is where it starts off. And I would be concerned. I don't know who all of the marine officers are, but if we go according to how the police go . . . humph, you are guilty without them even proving anything.

I am caught in between the two things. We want to conserve and we want to make sure that our law is followed. But we do not want to make people go through difficulties that they should not. And from my view, that is what is going to happen. Innocent people go for recreational reasons (my son does). And while there are people out there doing the things that we know we do not want done, you cannot kill the innocent because somebody is out there doing wrong.

The Chairman: Members for North Side, you want to give way to the Minister or . . . ?

Mr. D. Ezzard Miller: No Ma'am.

The Chairman: Okay. Please proceed.

[Inaudible interjections]

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Thank you, Madam Chairman.

Madam Chair, I agree with the Premier that we have complained about enforcement. But the problem with enforcement this is not going to solve. The problem with enforcement is competence, attitude and ability, and spending time where they are supposed to spend the time rather than spending time where they should not be spending time.

The enforcement can be enhanced by having good marine and conservation officers. And, as I spoke to earlier, if we pass this Bill today and we are getting close to the position that it will be unanimously passed and the community believes that it is a part of it, there are people in North Side who will support the marine officers if the marine officers will only accept the support. Okay.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, I just want to confirm that for once in a very long time the Premier has made statements in here that coincide with how I feel and what I have done, which is that I complain a lot about it.

I am concerned about this. I am extremely concerned about it because my constituency has complained a million times. The other night they were complaining to the Minister about enforcement and ensuring that the people are caught who are poaching the wildlife. They are very concerned.

But on the other hand, I have constituents who are extremely honest. I believe the key to it is to ensure that a marine officer is on the water most of the time. Now that requires a policy shift in the Government. And we like to talk about policies, not necessarily this Government, but it has been forever that we have neglected the provision of enforcement in the marine environment. What we have done is try to legislate morality and hope that people are not going to do it. And that is precisely what this is going to do, but it is going to go that much further and then criminalise honest, good people who will never . . . and then they will have a record because they cannot prove otherwise.

We need to get officers up there and stop them from dragging around other peoples' boats and staying home all the time. They need to be out on the water. The gas they are burning with DoE truck needs to be burnt in the boat.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, through you. Thank you.

As the Premier has said, Madam Chair, this is an issue that we understand the concerns about and we share some of the concerns. This provision was an attempt to strike a balance between having more effective enforcement and satisfying a lot of the public concerns that there is inadequate enforcement.

There is also the issue that we have barely stable, if that—probably declining—populations of conch. When they intercept poachers with 400 conch you know that that is a very significant hit to the conch population.

[Inaudible interjection]

Hon. G. Wayne Panton: Right.

My point, Madam Chair, is that this was an attempt to require people simply to provide an explanation.

The provision as drafted originally went too far, we agree. So there was a proposed amendment to rectify that. But in light of the concerns of the Members of the House . . . and clearly I understand those

concerns and, indeed as I said, we share those concerns. We are prepared to concede the amendment and we would be withdrawing our proposed amendment.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, can he repeat what he is going to do? Withdraw the amendment and the clause too?

[Inaudible interjections]

Hon. G. Wayne Panton: We would agree—

Mr. V. Arden McLean: Withdraw the amendment and delete the clause?

Hon. G. Wayne Panton: Yes.

The Chairman: They are agreeing to your amendment?

Mr. V. Arden McLean: Yes but . . .

[Inaudible interjection]

The Chairman: Ezzard's amendment.

Mr. V. Arden McLean: We need do something, though.

Mr. D. Ezzard Miller: No, no, no, we got plenty [INAUDIBLE]

Mr. V. Arden McLean: We need to do something.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

Hon. W. McKeeva Bush, Leader of the Opposition: Can we have a division?

Mr. V. Arden McLean: Madam Speaker, I thought he had moved the withdrawal of the amendment and the deletion—

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: I don't know what it is they have done.

The Chairman: This is the amendment [by the Member for] North Side that I was putting the question on.

[Inaudible interjections]

The Chairman: Let me do it again.

Can Members please pay attention? It is getting a bit late.

[Inaudible interjection]

The Chairman: The question is that the amendment, being in clause 32 to delete subsection (2), stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 32 passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 32 as amended passed.

The Clerk:

Clause 33	Offences relating to protected species
Clause 34	Offences in Cayman waters
Clause 35	Alien species
Clause 36	Offences by corporations
Clause 37	Injunctions
Clause 38	Penalties

The Chairman: The question is that clauses 33 through 38 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 33 through 38 passed.

The Clerk: Clause 39 Appeal against decisions of the Council.

AMENDMENT TO CLAUSE 39

The Chairman: Minister Panton, you have an amendment to [clause] 39?

Hon. G. Wayne Panton: Madam Chair, in accordance with Standing Order 52(1) and (2), I move a motion to amend clause 39 as follows: in sub-clause (1), by deleting the word “ten” and substituting the word “twenty-one”.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 39 passed.

The Chairman: The question now is that the clause as amended?

Hon. G. Wayne Panton: Madam Chair—

The Chairman: Sorry, we have two more amendments so let’s just go ahead.

Hon. G. Wayne Panton: One more amendment I think in relation to sub-clause (3) which is by deleting the word “fourteen” where it appears and substituting the word “twenty-one”.

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The amendment stands part of the clause.

Amendment to clause 39 passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 39 as amended passed.

The Clerk: Clause 40 Vessels.

The Chairman: The question is that clause 40 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 40 passed.

The Clerk: Clause 41 General obligations.

The Chairman: Minister Panton, do you have an amendment to clause 41?

Mr. D. Ezzard Miller: Madam Chairman.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: I have a number of amendments to 41 that I would like to withdraw at this time on the basis that the Minister tabled his amendments to [clause] 41. I would withdraw my amendments and accept his amendments.

The Chairman: Thank you.
Honourable Minister.

[Inaudible interjections]

Hon. G. Wayne Panton: Madam Chair, thank you.

The Chairman: Honourable Minister.

AMENDMENTS TO CLAUSE 41

Hon. G. Wayne Panton: Madam Chair, in accordance with the provisions of Standing Order 52(1) and (2), I move an amendment to clause 41 as follows: In sub-clause (2), by deleting the words “directives giving” and by inserting after the word “guidance” the word “notes”; and in sub-clauses (3) and (4), by deleting the word “directives” and substituting the words “guidance notes”.

The Chairman: Do you have one [amendment] in 41(4), Minister?

Hon. G. Wayne Panton: Yes, Madam Chair.
I similarly move an amendment in respect of [clause] 41(4), by inserting after the word “entity” the words “except Cabinet”.

[Inaudible interjections]

The Chairman: The question is that the amendments to clause 41(2) stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendments to clause 41(2) passed.

The Chairman: The question is that [the amendments to] clause 41(3) and (4) stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

Amendments to clause 41(3) and (4) stand part of the clause.

The Chairman: The question now is that the clause 41 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 41 as amended passed.

The Clerk:

Clause 42	Schedules of inspections
Clause 43	Environmental impact assessments
Clause 44	Judicial review
Clause 45	Fees

The Chairman: The question is that clauses 42 through 45 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 42 through 45 passed.

The Clerk: Clause 46 Environmental Protection Fund.

AMENDMENTS TO CLAUSE 46

The Chairman: Member for North Side, you have an amendment?

Mr. D. Ezzard Miller: Thank you, Madam Chairman.

In clause 46(5) I would like to delete the word “negative” as it appears before the words “resolution of the Legislative Assembly” and substitute the words “affirmative resolution of the Legislative Assembly”.

The Chairman: Does any Member wish to speak?
Honourable Minister.

[Inaudible interjections]

The Chairman: We’re dealing with 46(5).
Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, we would agree to that amendment as proposed.

The Chairman: Thank you.

The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

[Inaudible interjection and laughter]

Amendment to clause 46 (5) passed.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: The question now is that the clause 46 as amended stands part of the Bill.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, yes, I do have a notice of an amendment.

In accordance with Standing Order 52(1) and (2) I would move an amendment in respect of clause 46(4), by deleting the word “Governor” and substituting the word “Cabinet”.

The Chairman: I don’t believe there is any debate on that.

Mr. V. Arden McLean: Oh no, there won’t be any debate on that!

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 46(4) passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 46 as amended passed.

The Clerk: Clause 47 Management of the Fund.

The Chairman: Honourable Minister.

AMENDMENT TO CLAUSE 47

Hon. G. Wayne Panton: Madam Chair, thanks.

In accordance with Standing Order 52(1) and (2), I move an amendment to clause 47, by deleting sub-clause (1) and substituting the following: “(1) Pursuant to this Law, the Council shall advise the Cabinet on the use of the Fund and shall be responsible for the management of monies disbursed from the Fund to carry out any of the activities required to give effect to the purposes of the Fund as directed by the Cabinet.”

The Chairman: The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to clause 47 passed.

The Chairman: The question now is that the clause as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clause 47 as amended passed.

The Clerk:

Clause 48	Designation of conservation wardens by the Council
Clause 48	Directions to the Council by the Cabinet
Clause 50	Regulations
Clause 51	Repeal of the Marine Conservation Law (2013 Revision)
Clause 52	Transitional arrangements

The Chairman: The question is that clauses 48 through 52 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 48 through 52 passed.

The Clerk: Schedule 1

The Chairman: The question is that Schedule 1 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Schedule 1 passed.

Hon. W. McKeeva Bush, Leader of the Opposition: I have a question.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, I'm trying to see . . . while I have seen the name Meagre Bay Pond and all of those, is Vulgunner's Pond still government's property?

Hon. G. Wayne Panton: That's not included.

Hon. W. McKeeva Bush, Leader of the Opposition: I believe it is government's property; Vulgunner's . . . it's not government property? Is she saying it is not government? It's private property?

[Inaudible interjections]

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, just to clarify in terms of Schedule 4, I think it is.

[Inaudible interjection]

Hon. G. Wayne Panton: I'm just clarifying.

These ponds mentioned here are in fact mentioned in the Animals Law as protected areas. So, Vulgunner's, I—

Hon. W. McKeeva Bush, Leader of the Opposition: Vulgunner's Pond, I believe is government's property and I am just inquiring whether there is any movement in the direction to give some protection to it.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: It's government property. As far as I know, Vulgunner's is government . . . all I am seeking, Minister is some . . . Madam Chairman, through you, I am speaking to the Minister and asking him to get some commitment through the department to look at it; and, if it is not, to give it some protection if it is not now in the protective realm.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Yes, Madam Chair, through you to the Leader of the Opposition, we would be happy to consider reviewing that proposition to see whether there is anything we can do there.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, I know the Leader of the Opposition was given more privileges in here than me, but he just applied for a protection of a pond. I need one too. If the Minister wants to take it now or little later under Schedule 4 I will wait until Schedule 4.

The Clerk: Schedule 2.

The Chairman: Mr. Miller had an amendment.

Mr. D. Ezzard Miller: Madam Chairman, on the basis of the amendments that have been filed by the Minister, I would like to withdraw the amendments which I have proposed under Schedule 2 as related to sub-clause (1).

The Chairman: [Sub-clause] (1)(a) and (b)?

Mr. D. Ezzard Miller: Yes, all of those that relate to sub-clause (1), which would be (1)(a),(b),(c),(d),(e) and (f), et cetera. That whole section is being withdrawn.

The Chairman: Thank you.

Mr. V. Arden McLean: Up all night writing 'em and then got to withdraw 'em.

[Laughter and inaudible interjections]

AMENDMENTS TO SCHEDULE 2

The Chairman: Minister, you have an amendment as well?

Hon. G. Wayne Panton: Yes, Madam Chair, thank you.

On the basis that Mr. Miller has withdrawn, I move an amendment in respect of Schedule 2 paragraph 1(1), by deleting subparagraph (c); and by deleting subparagraph (g) and substituting the following: "(g) eight persons appointed by the Cabinet, at least four of whom shall have relevant scientific or technical expertise."

The Chairman: Is there any debate?

If not, the question is that Schedule 2 be amended.

Hon. G. Wayne Panton: Madam Chair, I have one further amendment to that too.

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

Ayes.

The Chairman: The Ayes have it. Schedule 2 as amended now stands part of the Bill.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Sorry.

Hon. G. Wayne Panton: I have one further amendment.

The Chairman: There's one more amendment.

Hon. G. Wayne Panton: With apologies.
Madam Chair. Thank you.

I move an amendment to Schedule 2 by inserting after paragraph 1 the following paragraph – "(1A) In appointing persons under paragraph 1(1)(g) the Cabinet shall appoint at least one person from each of the following districts-

- (a) West Bay;
- (b) George Town;
- (c) Cayman Brac and Little Cayman;
- (d) Bodden Town;
- (e) North Side; and
- (f) East End."

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Madam Chairman, I have a little concern with the way that the amendment is being put forward.

It is my understanding the amendment is going to appoint eight persons by Cabinet; four of whom must have relevant scientific qualifications. And then how are you going to get six district representatives of the other four? Or are you saying that if one of the scientific officers is from North Side, that that is the North Side representative?

That is the problem I have, Madam [Chair], because we need here to ensure that there is balance and that the community has at least a slight chance of getting something. If you are going to have five civil servants, most of whom have technical and scientific experience, the Deputy Director of the DoE and then you are going to have four other people, plus somebody from the National Trust, plus you are going to have someone from Planning, someone from the Agricultural Department, these are all people with some scientific experience. So there are nine people and then potentially there is going to be four people who would be representatives of the community.

If the person from North Side is being appointed because of his scientific knowledge, then he is

not really representing the community. And I would be happier if the eight people that you want to [appoint] by Cabinet that only two were scientific officers and the others were community representatives from each district because I think it gives the Council more balance. And we have to get community acceptance of this whole process.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Thank you, Madam Chair.

Madam Chair, the issue is that the board is a board which provides technical advice. Ninety-nine, 95 per cent of what it is going to be doing is advisory. It is advising entities, it is advising Cabinet. It needs to have a sufficient degree of people on who add to that level of technical experience and knowledge so that it can appropriately advise.

I don't see how it is not possible to have Members or representatives on the Council from different districts who have these qualifications. These individuals live in the different districts in this country; they do not live somewhere else. So it should be entirely possible to find people with some relevant scientific or technical expertise. It is not that specific. It is not confined to specific degrees or specific areas or anything like that. So, it should be entirely possible to be able to identify. And it won't necessarily apply to all districts because you might have two representatives or two individuals appointed by Cabinet who reside in George Town. One can be the George Town representative and the other can be just one of at large ones.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chairman.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chairman, if I understand, eight persons you have just added by the Cabinet; four of whom shall have relevant scientific or technical expertise. What we are trying to do now is to appoint one person from each district, separate and apart. Am I right?

Mr. D. Ezzard Miller: No, no, no, no, that is what we want.

Hon. W. McKeeva Bush, Leader of the Opposition: So, the six people here have to come out of that eight? Is that what you are saying?

Hon. G. Wayne Panton: That is correct.

Mr. D. Ezzard Miller: And four of them—

Hon. W. McKeeva Bush, Leader of the Opposition: I would rather think though, Madam Chair, that you are getting people out of the various districts, and I don't know if you are going to find scientific people so much. But you will find some very knowledgeable lay people in the communities who have knowledge mostly of the environment around them. You can find good lay people. But to say that you are going to find scientific people, I believe you are barking up the wrong tree.

Hon. G. Wayne Panton: Madam Chair.

Hon. W. McKeeva Bush, Leader of the Opposition: Mind you some of the lay people in West Bay I would not know if I would want to go and support them . . . but you will find good ones.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: The amendments that were made were in respect of the removal of (c) the Chief Officer of the Ministry and effectively increasing the numbers under (g) from seven to eight. The current draft provides under (g) that it is seven with at least three of whom have relevant scientific or technical expertise. So, increasing that number . . . the proposal was to increase the number by one, the quota would increase the number of people who have relevant scientific or technical expertise by one as well to get the balance so that there are individuals represented on the board who have relevant expertise.

As I said, it is a fairly general qualification and Cabinet can decide to what extent it recognises those qualifications in terms of relevant scientific or technical expertise. It is relatively broad, so it does not constrain the identification of qualification of members to anything specific.

[inaudible interjection]

Hon. G. Wayne Panton: You don't need to have a PhD or a Masters or perhaps even a Bachelor's.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Chair, that does not help the concerns the Members of Parliament expressed during the debate in that we want balance.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes.

Mr. D. Ezzard Miller: You have in fact put the balance worst than it was under the existing Schedule without amending it. Except that you have said that four of these scientific officers could come from different dis-

tricts, but they could also come from the same district. And I believe that you need . . .

You know, I used to have a professor at university who operated the board of the Lutheran Church. I asked him one day what he was doing with Farmer John in his boardroom amongst all of these high-powered qualified attorneys, lawyers, bankers and doctors. And he said to me, *“Miller, there are times when Farmer John makes all of them look stupid because he takes a commonsense approach and he is not looking at it through the prism”*, which is what we are looking at here with these scientific officers. And what I am interested in is having more community based representation on this.

Because, if you look at things like the Rockefeller Foundation and their environmental fellowships and all of that, they tell you that more than 70 per cent of the damage done to the environment is not done by developers; it is done by ordinary people in the community. And we have to get a buy-in from these communities for these things that we want to do.

Therefore, I really believe that we need to appoint ordinary people who do not have to have environment . . . because it says “relevant scientific experience.” And we are talking about conservation in the environment. It has to be qualification and experience in the environment. It can’t be somebody with legal expertise.

And the understanding that I had was that we were going to amend (g) to allow a representative from each district, irrespective of the qualifications, and to allow greater community participation.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister, do you have anything to add?

Hon. G. Wayne Panton: Just to add, Madam Chair, to reiterate, technical expertise is overlooked at times during this discussion. It is not necessarily something science based. So, it is fairly general, it is fairly broad. It is having the balance between . . . we have four people who are appointed by Cabinet who do not need any kind of scientific or technical expertise, and we have four who do. Now, as I said, that is a fairly broad and general qualification.

I think it is really important to remember that this Council is going to be advising. As I said, 95 per cent of the time, or greater, it is going to be just giving advice. The only time it actually makes decisions is in relation to 41(4) where it is protecting protected areas, conservation areas or critical habitat areas.

Now, when it is giving advice to the entities which are making decisions in the country which may have an impact on the environment, those entities, Madam Chair . . . for example, the Central Planning Authority, the National Roads Authority . . . certainly, the Central Planning Authority is going to be the pre-

dominant one and that one has provisions for representatives from the different districts. So, the actual decision-making bodies will have the district representation that the Member for North Side speaks to.

The Council itself, by virtue of this amendment through our agreement, will also have district representation. But we are simply seeking a balance so that we have sufficient people on there who have scientific or technical expertise so that the advice which is being given is sound and the best possible advice.

The Chairman: The question is that the amendment to Schedule 2 stands part of the Schedule. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to Schedule 2 passed.

The Chairman: The Schedule as—

Mr. D. Ezzard Miller: No, Madam Chair.

The Chairman: Do you have more amendments?

Mr. D. Ezzard Miller: Madam Chair, I have two other amendments to propose to Schedule 2.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: To delete the words “The Council shall elect a chairman from among its Members” and substitute “The chairman shall be appointed by Cabinet”.

The Chairman: Honourable Minister

Hon. G. Wayne Panton: Madam Chair, if I could have 30 seconds.

The Chairman: Sure.

[pause]

Hon. W. McKeeva Bush, Leader of the Opposition: [INAUDIBLE]

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair.

The Chairman: Yes, Honourable Leader.

Hon. W. McKeeva Bush, Leader of the Opposition: While most, if not all, boards, councils, have the various heads of those departments, or whatever gov-

ernment entity, the directors sit on the board and there is a secretary. We do know that the present head of the Department of Environment is a very knowledgeable person in regard to the work that they do. But what happens in the future when they do not have as good a person there as the head? What happens then? You then have to depend on mediocrity somehow.

I think they need to give themselves some leeway in being able to choose the person. Cabinet needs to have that say.

Hon. G. Wayne Panton: Madam Chair.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, we were certainly interested in trying to reduce the amount of things Cabinet dealt with, but, certainly, since they were appointing some of the members, I have no issue with Cabinet appointing the chairman.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Yeah, we want to give Alden power. Want to give him responsibility. He does not have any.

[Laughter]

Mr. D. Ezzard Miller: Madam Chairman.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: We need to vote on the amendment.

The Chairman: The question is that the amendment to [paragraph] 2 of Schedule 2 stands part of the Schedule. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to Schedule 2 passed.

The Chairman: Member for North Side, you have one [paragraph] 8?

Mr. D. Ezzard Miller: Yes, Madam Chairman, in [paragraph] 8 of the Schedule where it says "The Director shall cause the names of all members of the Council as first constituted and every subsequent change to the membership to be published in the Gazette." I believe that should read "Cabinet" instead of "Director".

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, ten seconds.

Hon. D. Kurt Tibbetts: Madam Chair, if I may.

The Chairman: Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Chair, Gazette notices farmed out through Cabinet decisions (hear me carefully) are done through the various ministries or portfolios or departments which are directly involved with the subject. So just to say that this is in keeping with what is now the norm; this is absolutely no different. In fact, to do it the way that the amendment is being proposed would change what the norm is.

I do not see any difficulty there because what happens is . . . Let's be practical about it. The Director will get notice through the Ministry for the gazette notice to be published. It will begin with an extract, I believe. And once the extract gets to the Ministry, then the Ministry will issue instructions and then the chain of command simply verifies when it is done and it is published in the gazette. So, there is really no different process than what is proposed, as I see here, than what obtains now. And there is no reason anyone has shown me to change that.

I hear where the possible fears are, but when we look at the practicalities of it I do not see any difficulty with it, Madam Chair, as it is proposed. The problem that I do see in changing it is that what we are really saying is that what we have now does not work. And I do not think we should do that.

[Inaudible interjections]

Mr. D. Ezzard Miller: Madam Chair, on the basis of that explanation I will withdraw the amendment.

[Inaudible interjections]

The Chairman: Member for North Side, did you withdraw it?

Mr. D. Ezzard Miller: Yes.

The Chairman: Okay.

The question is that the Schedule 2 as amended stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Schedule 2 as amended passed.

The Clerk:
Schedule 3
Schedule 4

AMENDMENT TO SCHEDULE 3

The Chairman: You have a question on Schedule 3, Member for North Side?

Mr. D. Ezzard Miller: No, I have not filed an amendment on it, but I wonder if the Minister would consider adding [in Schedule 3] a section to the management plan, a new [paragraph] 4 that says “The consent approval and agreement of the proprietor” when the Management Plan applies to a conservation area.

Hon. G. Wayne Panton: What is it for?

Mr. D. Ezzard Miller: The management plan, you have all of the things that must be in a management plan. A management shall contain . . . you have one, two, three. Right?

Hon. G. Wayne Panton: Yes.

Mr. D. Ezzard Miller: And I am wondering whether you would add as [number] 4, “. . . shall contain the consent approval and agreement . . .” or some language to show that the proprietor of the land agrees to the management plan of the land. I do not have any particular wording that I would . . . you know.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I will need 30 seconds to confer with my colleagues.

Hon. W. McKeeva Bush, Leader of the Opposition: Boy, it is something to six [o'clock] you know. It's getting close to that time.

Mr. V. Arden McLean: I bet *unna* will go home and sleep tonight.

Mr. D. Ezzard Miller: Mac *nah* going to sleep. He is leaving now so that he can go out on what he planned. He does not plan to sleep tonight.

[Inaudible interjections]

The Chairman: Honourable Minister, if you are ready.

Hon. G. Wayne Panton: Yes, Madam Chair.

Madam Chair, these Management Plans are in respect of protected areas or conservation areas. If they are protected areas, the protected area can only be done for Crown land. And if it is a conservation area, it is already done with the agreement of the landowner.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Chair, in the Conservation Agreement there is nothing in this section that says that the management plan, which the department or the Council develops for that conservation area, has to have the approval of the proprietor.

All I am asking is that . . . and I am not particular, if you want to say that the consultation and consent and approval of the proprietor only relate to those management plans which are related to conservations areas under Agreement. But you do not want the situation where there is an agreement but then you do a plan and the proprietor does not like what the plan says. And you have to get him to accept it because you really do not want him to simply terminate the agreement because he was not consulted on the management plan, for whatever species we are trying to protect. I just think that we need to include the proprietor as much as possible in order, again, to get acceptance and get these things done.

I do not see any problem once the technical people have done the management plan to discuss it with the proprietor of the private land on which the Conservation Agreement is done so that he agrees with the management plan.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chair, I crave your indulgence for 30 seconds more.

The Chairman: Certainly.

[Pause]

Hon. G. Wayne Panton: Madam Chair, after further consultation and discussion, I do not think we are going to be in a position to agree with the proposal from the Member for North Side in respect to Schedule 3.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Chairman, I think we need a bit more explanation.

I don't understand why every time we come up to giving landowners and proprietors information and stuff there seems to be a big resistance to do it, unless there is, in fact, some unwritten conspiracy here.

The man is giving up his property under certain conditions of an agreement as a conservation area. Yes, he is involved in the conservation area. But the management plan for the species might be doing things to his property and might affect, in his view (whether it is real or not) other animals, et cetera, in his area. And all I am asking for is to say that in developing the management plan before it is finalised, the proprietor should be consulted and agree to it. I do not think that is being unreasonable.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: I'm just in agreement.

The Chairman: Honourable Minister of Environment.

Hon. G. Wayne Panton: Madam Chair, the hour is late and Mr. Miller is determined. I don't think it is necessarily appropriate, but I am willing to concede to his request. If Mr. Miller feels that that will provide sufficient comfort to some of his constituents, we can do to that.

The Chairman: The Third Elected Member for West Bay.

Mr. Bernie A. Bush: Through you, Mr. Minister, I think what the [Member] for North Side . . . and I've heard some people say this as well. What they are saying is that these things—

Hon. G. Wayne Panton: Are conceded.

Mr. Bernie A. Bush: No, no, I know that. But we want to get people to buy into this with us, to work with us on these things. So, that is why.

Hon. G. Wayne Panton: That's what I'm doing, sir. I have just conceded it.

The Chairman: The question is that the amendment to Schedule . . .

[Inaudible interjections]

The Chairman: Out of an abundance of caution, Minister, would you or the Member for North Side move the motion again? I see some quizzical expressions.

Mr. D. Ezzard Miller: With your permission, Madam Chairman, that Schedule 3 be amended by the addition of a new [paragraph] that says: "consent approval and agreement of the proprietor" in addition to the other things. Or I guess we can just say "the agreement of the proprietor" which will cover most ills.

[Inaudible interjections]

Mr. D. Ezzard Miller: So, the amendment would read, Madam Chairman, in [paragraph] 4, "the agreement of the proprietor of the property under the conservation agreement . . ."

The Chairman: Member, are you talking about under [paragraph] 3 of Schedule 3 is where you want to put it?

Mr. D. Ezzard Miller: No, add a new [paragraph] 4.

Hon. G. Wayne Panton: "To the plan"?

Mr. D. Ezzard Miller: Yeah—"to the plan". That's fine.

Mr. V. Arden McLean: No it says that already.

Mr. D. Ezzard Miller: It is about the management plan.

Mr. V. Arden McLean: "The Plan shall contain" blah, blah, blah . . .

Mr. D. Ezzard Miller: "The agreement of the proprietor".

Mr. V. Arden McLean: Yes, "The agreement of the proprietor".

Hon. G. Wayne Panton: "To the plan".

Mr. D. Ezzard Miller: We do not need "to the plan".

Mr. V. Arden McLean: We don't need "to the plan".

Mr. D. Ezzard Miller: We need "to the plan"? Okay, Ms. Cheryl says we need it, so please add "to the plan".

The Chairman: Are Members clear now?

The question is that the amendment to Schedule 3 stands part of the Schedule. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Amendment to Schedule 3 passed.

The Chairman: The question is now that Schedule 3 as amended, stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

Schedule 3, as amended, passed.

The Chairman: The question is that Schedule 4 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Mr. V. Arden McLean: Madam Chair, sorry.

The Chairman: Member for East End

Mr. V. Arden McLean: I'm sorry.

Madam Chair, I mean this is a foregone conclusion that this Bill is going to go through now and turn into law.

[Inaudible interjection]

Mr. V. Arden McLean: You stay out of this.

[Laughter]

Mr. V. Arden McLean: Madam Chair, there is a pond owned by government right there where Health City is being constructed now. So I want to go on record to ask the Minister to make that a protected area as quickly as possible. I know not many people go there, but it is below sea level. I believe, 1.5 feet above sea level or something—

[Inaudible interjection]

Mr. V. Arden McLean: Crown—100 acres. And it has whistling ducks and all of that. It got a bit of swamp and moorhen and all of those kinds of stuff. Right there behind Warren's piece of land, between Warren and all of that.

An Hon. Member: Where it is?

Mr. V. Arden McLean: You know where it is. You went walking there plenty.

So, if somebody can write that down and fly over that tomorrow I would appreciate that. And put pegs on it. Right around it.

The Chairman: Honourable Minister, I believe he is looking for an undertaking.

Hon. G. Wayne Panton: Madam Chair, the Member does have the ability under section 9 of Bill once it becomes law to make that recommendation.

[Laughter]

Mr. V. Arden McLean: But you don't see I'm even—

Hon. G. Wayne Panton: The Council will consider it.

Mr. V. Arden McLean: I'm even preempting the assent to the law and doing it *ya* now. You *nah* I got no paper to put it on.

The Chairman: Honourable Minister, is that your final answer?

Hon. G. Wayne Panton: That's my final answer Ma'am. We'll consider it.

Mr. V. Arden McLean: Fool around with their final answer. Fool around with them up in *ya*.

The Chairman: The question is that Schedule 4 stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Schedule 4 passed.

The Clerk: A Bill for a law to promote and secure biological diversity and the sustainable use of natural resources in the Cayman Islands; to protect and conserve endangered, threatened and endemic wildlife and their habitats; to provide for protected terrestrial, wetlands and marine areas; to give effect to the provisions of the Protocol concerning specially protected areas and wildlife to the Convention for the Protection and Development of the Marine Environment of the wider Caribbean region; to give effect to related provisions of the Convention of Wetlands of International Importance especially as waterfowl habitat, the Convention on the Conservation of Migratory Species of Wild Animals, the Global Convention on Biological Diversity and the United Nations Framework Convention on Climate Change; to repeal the Marine Conservation Law (2013 Revision); and for incidental and connected purposes.

The Chairman: The question is that the Title stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Title passed.

COMMITTEE ON BILLS

INSURANCE VALIDATION BILL, 2013

The Clerk: The Insurance Validation Bill, 2013.

Clause 1	Short title
Clause 2	Validation

The Chairman: The question is that clauses 1 and 2 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 1 and 2 passed.

The Clerk: A Bill for a law to validate the charging and collection of segregated portfolio fees and other due fees, during specified periods; and to make provision for incidental and connected matters.

The Chairman: the question is that the Title stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Title passed.

NOTARIES PUBLIC (AMENDMENT) BILL, 2013

The Clerk: The Notaries Public (Amendment) Bill, 2013.

Clause 1	Short Title
Clause 2	Amendment of section 2 of the Notaries Public Law, 2013 - interpretation
Clause 3	Amendment of the principal law to change the word "Governor" to "Cabinet"
Clause 4	Amendment of section 3 – eligibility for appointment as notary public
Clause 5	Amendment of section 4 – authorization and application for appointment
Clause 6	Amendment of section 5 – appointment of notaries public
Clause 7	Amendment of section 11 – proceedings for misconduct
Clause 8	Amendment of section 15 – regulations
Clause 9	Amendment of section 17 – transitional provisions
Clause 10	Repeal and substitution of Schedule 1 – form of application for appointment as notary public
Clause 11	Amendment of Schedule 5 – Notarial Acts and Fee Schedule

The Chairman: The question is that clauses 1 through 11 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 1 through 11 passed.

The Chairman: Honourable Attorney General, you have a new clause?

NEW CLAUSE 9A

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Chair. I have one committee stage amendment. May I proceed?

The Chairman: Please proceed.

The Attorney General, Hon. Samuel W. Bulgin: In accordance with Standing Order 52(1) and (2), I, the Attorney General hereby move the following amendment to the Notaries Public (Amendment) Bill, 2013, by inserting after clause 9 the following clause:

"9A. The principal law is amended by inserting after section 17 the following section–

"Validation 18. Any act carried out between 6th November, 2013 and the coming into force of this Law, by a person– (a) whose appointment by a Notary Public lapsed by reason of his not having provided proof of completion of the prescribed training programme by 5 November 5, 2013; and (b) who was acting in purported exercise of the powers conferred by the Notaries Public Law, 2013, is validated."

Madam [Chair] may I just explain what happened here, because when the Notaries Public Law, 2013 was enacted there was a provision notice put in which says that existing notaries ought to undergo a period of training, and they had six months from the time the Law was passed in May to complete that training or else their notaries would lapse. But no training took place. And we are now amending the Law to take that provision out and grandfather in existing notaries so that they are not required to do this training.

So, all of those acts of notarisation that have been done during the period . . . we are now just seeking to validate them to ensure that there are no problems going forward.

The Clerk: New clause 9A Insertion of section 18 – validation.

The Chairman: The clause has been deemed to have been read the first time. The question now is that the clause be read a second time. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The clause is deemed to have been read a second time.

Does any other Member wish to speak?

If not the question is that the clause be added to the Bill as clause 9A. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

New clause 9A passed.

The Chairman: A Bill for a law to amend the Notaries Public Law, 2013, to adjust the application for appointment procedures; and to provide for incidental and connected purposes.

The Chairman: The question is that the Title stands part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Title passed.

The Chairman: The question now is that the Bills be reported to the House.

House resumed at 6:00 pm

Hon. Juliana Y. O'Connor-Connolly, Speaker, presiding]

The Speaker: Please be seated. The House is now resumed.

SUSPENSION OF STANDING ORDER 10(2)

The Speaker: I recognise the Honourable Premier for the suspension of Standing Order 10(2) to allow the business to continue beyond the hour of 4.30 pm.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may resume after the hour of interruption.

The Speaker: The question is that Standing Order 10(2) be hereby suspended to allow the House to continue its business beyond the hour of interruption. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

REPORTS ON BILLS**NATIONAL CONSERVATION BILL, 2013**

The Clerk: The National Conservation Bill, 2013.

The Speaker: Honourable Minister responsible for Environment.

Hon. G. Wayne Panton: Madam Speaker, thank you very much.

I beg to report that a Bill entitled, The National Conservation Bill, 2013, was considered by a Committee of the whole House and passed with amendments.

The Speaker: The Bill has been duly reported and is set down for third reading.

INSURANCE VALIDATION BILL, 2013

The Clerk: The Insurance Validation Bill, 2013.

The Speaker: Honourable Minister responsible for Financial Services.

Hon. G. Wayne Panton: Madam Speaker, thank you.

I beg to report that a Bill entitled, The Insurance Validation Bill, 2013, was considered by a Committee of the whole House and passed without amendments.

The Speaker: The Bill has been duly reported and is set down for third reading.

NOTARIES PUBLIC (AMENDMENT) BILL, 2013

The Clerk: The Notaries Public (Amendment) Bill, 2013.

The Speaker: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Madam Speaker, I beg to report that a Bill entitled, The Notaries Public (Amendment) Bill, 2013, was considered by a Committee of the whole House and passed with one amendment.

The Speaker: The Bill has been duly reported and is set down for third reading.

THIRD READINGS**NATIONAL CONSERVATION BILL, 2013**

The Clerk: The National Conservation Bill, 2013.

The Speaker: Honourable Minister responsible for Environment.

Hon. G. Wayne Panton: Madam Speaker, I beg to move that a Bill entitled, The National Conservation Bill, 2013, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The National Conservation Bill, 2013, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: I believe . . . Honourable Leader of the Opposition?

Hon. W. McKeeva Bush, Leader of the Opposition: I'm going to ask for a division, Madam [Speaker].

The Speaker: Madam Clerk, please call a division.

[Inaudible interjection and laughter]

The Clerk:

Division No. 9

Ayes: 15

Noes: 0

Hon. Alden McLaughlin
 Hon. D. Kurt Tibbetts
 Hon. G. Wayne Panton
 Hon. Marco S. Archer
 Hon. Tara A. Rivers
 Hon. Anthony S. Eden
 Mr. Winston C. Connolly, Jr.
 Mr. Roy M. McTaggart
 Mr. Joseph X. Hew
 Mr. Alva H Suckoo, Jr.
 Hon. W. McKeeva Bush
 Mr. Bernie A. Bush
 Capt. A. Eugene Ebanks
 Mr. D. Ezzard Miller
 Mr. V. Arden McLean

Absent: 2

Hon. Moses I. Kirkconnell
 Hon. Osbourne V. Bodden

[Applause]

[Inaudible interjections]

Mr. D. Ezzard Miller: This is Ezzard's Bill now you know. I got 40 amendments approved. This is my Bill that *unna* voted on.

[Inaudible interjection]

Mr. D. Ezzard Miller: Absolutely. I agree.

[Inaudible interjection]

Mr. D. Ezzard Miller: That's good if they can do that.

The Speaker: The result of the division is as follows: 15 Ayes and 2 absent.

Mr. V. Arden McLean: Both of them were PPM.

An Hon. Member: Oh my goodness.

[Laughter]

The Speaker: Accordingly, the National Conservation Bill, 2013, has been read a third time and is passed.

Agreed by majority on division: National Conservation Bill, 2013, given a third reading and passed.

[Applause and desk thumping]

Hon. G. Wayne Panton: Madam Speaker, before I mention the Insurance [Validation] Bill, I crave your indulgence just for a minute to thank the House, thank all of my colleagues, thank the Department of Environment and its staff, the Legal Drafting staff, everyone else who worked so hard late into the evening to accomplish the passing of the National Conservation Law.

I am being asked to specifically thank the Member for North Side. I certainly do that . . . I included the whole House, and that goes for the [Member] for East End as well.

[Inaudible interjections]

Mr. V. Arden McLean: You said colleagues in the House.

The Speaker: Order.

Mr. V. Arden McLean: Colleagues over there, not over here.

Hon. G. Wayne Panton: That is how you see it, sir. I regard you as a colleague. Nevertheless . . .

[Inaudible interjections]

THIRD READINGS

INSURANCE VALIDATION BILL, 2013

The Clerk: The Insurance Validation Bill, 2013.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I beg to move that a Bill entitled, The Insurance Validation Bill, 2013, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Insurance Validation Bill, 2013, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Insurance Validation Bill, 2013, given a third reading and passed.

NOTARIES PUBLIC (AMENDMENT) BILL, 2013

The Clerk: The Notaries Public (Amendment) Bill, 2013.

The Speaker: Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled, The Notaries Public (Amendment) Bill, 2013, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Notaries Public (Amendment) Bill, 2013, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Notaries Public (Amendment) Bill, 2013, given a third reading and passed.

The Speaker: I recognise the Honourable Premier.

CHRISTMAS GREETINGS

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, before I start what has become the customary practice in this House at the last Sitting of the last Meeting of the year, and that is to extend Christmas greetings to our constituents, I just want to add my voice to that of the Honourable Minister of Environment, in thanking all concerned for persevering to this point where this House has been able—I should not say it is an unprecedented show of unanimity, but, certainly, a relatively rare show of unanimity—to pass one of the most important pieces of legislation that has been brought to this House and passed in many a year, and that is the National Conservation Bill.

I certainly want to say how, not just proud, but how gratified at the unswerving dedication to this particular cause of the Department of Environment led by Mrs. Gina Ebanks Petrie and all of her dedicated staff who have persevered for years and years and years through (quite frankly) four administrations to get us here. And I want to thank them especially.

I want to thank all Members of this House and, in particular, the Members of the Opposition, Mr. Miller, in particular, because, say what we might, one really must have great respect and regard for the attention to detail that that Member has demonstrated with respect to this rather intimidating Bill. And while we did not agree with every interpretation he had, and while we did not agree with necessarily every amendment he proposed, I believe that what has been demonstrated here today bodes well, augers well for the future, not just of this House but of democracy in the Cayman Islands and for the country as a whole.

I do not have the exact number, but I believe the number of amendments are somewhere around 35. There were a lot more that were put; but those were the amendments which were made. If someone has the exact number I would be grateful. But I believe I was checking—

Mr. V. Arden McLean: He submitted 33. I did one—

The Premier, Hon. Alden McLaughlin: I think there was somewhere around 35 amendments.

Mr. V. Arden McLean: That he did?

The Premier, Hon. Alden McLaughlin: No, those that the House has accepted and approved to the Bill itself; not proposed, approved.

So, for those who would continue to say that this was a Bill that was railroaded through the House with inadequate notice, without adequate consideration for the views of the community and of Members of this House, I think that they will have some difficulty in sustaining that position now.

I know the Bill is not perfect. Certainly, it is not perfect. But it, I think, a major step along the road to conserving this country its flora, its fauna, its natural assets for generations to come. So, I just want to thank all Members of the House again, and all of those who helped with that.

Madam Speaker, as I said, it has been the practice in this House ever since I have been here and I believe before I came here 13 years ago, that on this occasion, the last sitting of the last Meeting of the calendar year, Members take the opportunity to extend greetings to their constituents and to wish all a very merry Christmas and a happy prosperous New Year.

Madam Speaker, this is the first Christmas of this Administration. The months since we took office at the end of May have been a very eventful time, but we have reached the end of the year, quite happy and pleased with the progress we have made on a number of fronts. I will not take the time of this House, or, indeed, those who are listening to me, to try to recite what we have managed to have done over these months. But I have to say, Madam Speaker, that to-

day my heart is full with gratitude and with pride that we have managed to get the National Conservation Bill passed into law with the unanimous support of all Members present.

That, I believe, will stand out in my legislative career as one of the most rewarding events because I have been part of decision-making in this House for some time. But it is, as I earlier said, a rarity that we reach this particular point, particularly when we are dealing with controversial legislation which has attracted the kind of national debate that this has.

So, Madam Speaker, on behalf of myself and the Government, (although each Member will have an opportunity to speak), I just want to say to the people of this country that we are again honoured and privileged to have been chosen to lead this country over the course of this term. We have gotten down to work from the very start. We have plans. We have been given the issues that are important to this country very careful consideration. We just delivered the Strategic Policy Statement. The country knows where it is that we are proposing to take it, and all indications are, Madam Speaker, that the tough times that we have been dealing with over the course the last five years or so, are starting to ease, that the economy is starting an upward climb again, and certainly, optimism is strong. I believe all of this bodes well for the country over the course of the ensuing years, particularly over the course of 2014 to come.

And so, Madam Speaker, I wish to take this opportunity, finally, to wish all who reside in this country, and in particular, my constituents in the district of George Town, a wonderful Christmas Season and a happy and healthy and prosperous New Year.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I too want to take this opportunity to wish yourself, your family, your constituents, people of the Brac and Little Cayman, Members, colleagues here of this honourable House, all of our staff and all of our families, and indeed, all of our people, a very good Christmas and a healthy and more prosperous 2014.

Certainly, I would like to take this opportunity to thank the staff for their work over the past year, staying here many nights late with us. We recognise that they have families they need to take care of and yet they are with us. And so we want to put on record our appreciation.

Madam Speaker, the New Year is upon us shortly, and certainly, in regard to what is ahead, only God knows. But there is a Christmas carol that I love and it talks about "A thrill of hope, the weary world rejoices, for yonder breaks a new and glorious morn . . ." And so that is where we take off, a thrill of hope, praying that the New Year will be better for all of our people.

It has been a rough time, but I always trust in God and I believe that things in our Islands can be better if we make it better. So, we have to do that. Of course, world positions impact us and we never know what they are going to do out there and so we hold all of them also in our prayers.

Madam Speaker, I am not easily discouraged, and so I am not now.

The Speaker: Does any other Member wish to send greetings?

Member for North Side.

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

Madam Speaker, just to say that I am as happy as pleased as anyone else in this country and in this House that we have finally gotten a National Conservation Law, because the people of my constituency, although they have stood up against things that they believe should not be in the law, deep down we all want to do the same thing. And I want to thank the Government for accepting many of the proposals that came from my constituency. It, in their view, makes the law a better law.

Mr. Premier, I am glad and proud to take ownership of the Bill that was finally passed today and I believe that we will acceptance in my constituency for what was finally done, and I believe that that is a milestone that you, the Government, and all of us can be justly proud of.

I would just like to extend Christmas greetings to all of the staff and their families and thank them for all of the support they have given to me over the years. I've been around these Halls dealing with them for a long time and always found them to be supportive and willing to go the extra mile to help.

To colleagues and their families on both sides of the aisle: Merry Christmas and a happy and prosperous New Year. And, like the Premier, I believe that there is optimism in the air and I believe that we can all look forward to a better New Year than we have endured for the last several. So, merry Christmas, happy New Year and best wishes, in particular for a healthy 2014 for everyone. Thank you, Madam Speaker.

The Speaker: Member for East End.

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

Madam Speaker, contrary to what people may think of us, today proves that what we have always said, we can work together in the interest of this country. First of all, we are Caymanians and that speaks for something. And we will ever forever be Caymanians.

Let me thank the Government also for their receptiveness for the many concerns the Member for North Side and I had. He submitted the amendments. I don't know if I continue to play the same role with the

Premier when we were in Opposition—one did and the other backed up. But I believe that it bodes well not only for democracy, like the Premier said, but it is about what people think of us in this honourable Chamber as well.

Madam Speaker, I had many concerns about this Bill because of my constituents. I am comfortable with the Bill. I know there will always be things to put in it. But the reason this Bill did not progress to this point is because of the many problems we had with it. And in most instances people were not prepared to compromise. This Government has shown that they are capable of doing that. Long may it live (I hope).

So, Madam Speaker, again, I congratulate them and I guess now we all take ownership since all of us voted for it, with the exception of the Deputy Premier and the Minister of Health. They can't be part of this now.

[Laughter]

Mr. V. Arden McLean: But, Madam Speaker, they are a part of it. I would not leave them out, especially my good friend from Cayman Brac.

Madam Speaker, all that is left for me to do is to say merry Christmas to my constituents, first, and to say to them that it is a good day today. I know that things have been hard on all of us in this country for a long time but I trust that they will spend time with their families and find comfort in the Season that is upon us, and make sure they eat lots of food over the Holidays.

To my colleagues—

Mr. D. Ezzard Miller: Both sides of the aisle.

Mr. V. Arden McLean: Both sides of the aisle. I express sincere and best wishes to all and their families.

Indeed, it is a pleasure to work with them, most times, and today was one of those rare, but very good, times. 'Merry Christmas and a happy New Year.' And certainly, the 27th of January will soon be upon us to return here to these hallowed Chambers.

To the staff, I say thank you all very much for the 13 years that I have been here. I know we have lost a few through retirement over this last year. To those I wish a very prosperous New Year and a merry Christmas.

Last but not the least, to my family I would like to extend publicly my best wishes, that is, my wife, two children, siblings and extended family.

And, Madam Speaker, I know I brought the ironwood and I know some of my colleagues have not seen Winter's Land cistern and I would like to extend an invitation for us to visit there. And I will provide the lunch.

And Hon. Member: Oh Lord.

[Inaudible interjections]

Mr. V. Arden McLean: They were so good to me, Madam Speaker, I must return that favour so that they can see what we have saved here today, hopefully. Thank you.

The Speaker: I recognise the First Elected Member for Bodden Town unless he wishes to give way to the Honourable Minister for Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, forgive me, I did not know my erstwhile behind was standing. And I must remember he was elected some hours before me so I must give way.

[Laughter]

The Speaker: The spirit of Christmas continues.
First Elected Member for Bodden Town.

Hon. Anthony S. Eden, First Elected Member for Bodden: Thank you First Elected Member for George Town.

Madam Speaker, as I listened to my former Cabinet colleague from East End, the nostalgia he brought, he and the Member for North Side . . . when this debate first started I was scared to death because I was not sure which way they were going. But I am pleased to see that we have gotten to the stage . . .

I must take my hat off to the Director, Ms. Gina. I have seen her so many times in Cabinet making presentations during the three terms that I served there; and, Madam Speaker, you likewise. I must say this Parliament was sworn-in in May. The last two times that we have sat, we have passed some extremely, extremely important legislation; that is, the proposed amendment to the Penal Code affecting women and children, and now today, the Conservation Bill, now law.

I want to thank all of my colleagues for the civility of just spending 21 years in here and seeing some tumultuous times. Today is a day of uplifting and promotes what parliamentarians should be. And also, whether it is the Christmas spirit or not, it was very touching.

Madam Speaker, it is good to see you back in the Chair and I want to say a big thank to you and all the staff, Anita and all of those who prepare the food.

I just want to say to my constituency of Bodden Town that has returned me for the sixth term, a very blessed Christmas and a healthy New Year. I would encourage us all (in recent times there have been many deaths in each of our districts) to please remember those people. Visit them, comfort them. Again on Saturday a member of North Side's district there is another big funeral. These are times that bring family together. Many of us older ones do not have

any parents but if you can spend some time with those. Comfort them who are mourning.

Madam Speaker, on behalf of my family I want to wish all of my colleagues here and the chief officers and all of those others who are within the government system who make sacrifices behind the scenes that we do not see at times, I want to say a special thank you to them.

To my colleagues and families, [I wish] once again, a blessed Christmas and a healthy New Year. Thank you.

The Chairman: Honourable Minister responsible for Planning.

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

Just before I start I would humbly request of the Member for East End: Now that we have gotten through this all, I would like very much if when we come back here if the piece of ironwood would be moved.

[Laughter]

Mr. D. Ezzard Miller: No that stays here to mark—

Mr. V. Arden McLean: To mark—

Mr. D. Ezzard Miller: The Observation Law.

Mr. V. Arden McLean: —today.

The Premier, Hon. Alden McLaughlin: Not on the table though?

Mr. D. Ezzard Miller: No, no.

Hon. D. Kurt Tibbetts: I was not suggesting it be moved out of the building.

Mr. V. Arden McLean: No, it's not going to stay on the Table.

Hon. D. Kurt Tibbetts: That's all I meant; was the table.

Mr. V. Arden McLean: And I go place the Premier [INAUDIBLE]

[Laughter]

Hon. D. Kurt Tibbetts: Because it looks a bit overbearing when we have a look at it.

Madam Speaker, it is that time. And this is my 22nd time and, God knows, I never had any idea that this would be the way it is in my life. But here I am with all of my colleagues this evening. Today, Madam

Speaker, was a good day. That is, perhaps, the best way to put it. It was a good day. It proved that with God all things are possible. Because I want you to know (although I would have no doubt that you would not know), I prayed about this because I know it was not going to be easy.

Madam Speaker, the year has been challenging and, as my colleague, the First Elected Member for Bodden Town, mentioned just a few minutes ago, this year, especially, many of our friends and our constituents have lost loved ones. I know that even now they mourn. Some of them passed very recently, some not so recently, but there have been many. And I want to extend words of comfort and hope to them because God is a good God and He has told us that when we mourn and when we hurt the only master is time and His Ministry. So, give it some time and with him ministering through friends and family, the pain will ease. In the meantime we have to go on, Madam Speaker.

I certainly want to wish for all, not only my friends, constituents, but for everyone who hears the message, a blessed and a very happy Christmas; a safe Christmas. And certainly, I believe with the feel that I feel, things will be better next year because God is a good God and if we work hard enough we can make things better. And there are still those who suffer and are not able to meet their commitments, and God knows that I know every one of us in here sometimes wishes that we could do more. But like everything else we have our own limitations also. So, we do our best and move on and hope and pray and do our best endeavours to make things better for all of us.

Madam Speaker, as usual, it is a pleasure working with you as Speaker. I certainly want to wish you and yours a very merry Christmas. I know that you will be doing what you have to do to make as many others as you can to have an enjoyable one also.

To the staff of the Legislative Assembly, I have to say that even when the pressure is on, they are the best. And we really, really, really appreciate all that they do and continue to do, and certainly, I wish for them and theirs all the best for the Holiday Season.

My colleagues and their families, I would wish the very best. I can't even think of anything that I am not so sure of this time. I can really say it truthfully that for all of us we ended so well today, nobody will remember anything that did not go right during the course of the year. But I would wish for all of us and our families the very best.

Madam Speaker, just before I sit, I want to say a very special thank you to the Minister of Environment. He is very well experienced in his profession. He has risen to the top in his profession, but as I watched his demeanor over the last couple of days, as calm and collected as he wanted to be, I could see and sense the nervousness, but he weathered the

storm. And he has shown that with the right intentions in this Parliament we can really achieve whatever we wish to. Certainly, he was well supported by not only his Ministry staff, but the Director and her team from the Department of Environment, and I certainly wish to congratulate all of them.

I wish for all of those in my Ministry and the subjects that I hold, and indeed the entire civil service, a very happy and safe Christmas and trust that next year will be better for all of us.

Madam Speaker, last but not least, to my family for putting up with all of this for so many years and still surviving as one unit. Thank you, Madam Speaker.

The Speaker: I recognise the Fourth Elected Member for West Bay.

Capt. A. Eugene Ebanks: Thank you, Madam Speaker.

Madam Speaker, today is indeed a good day. Firstly, I would like to commend the Minister of Environment for bringing the Bill and for persevering to see it through. This is the second time since I have been here, as I recall, that it has come. I am happy that we have finally gotten it through. Actually, it has been the third time since I have been here that it has come before this House and had not made it through.

It is like I told the Minister during my [debate on the] Throne Speech and Budget Address, that as long as it was fair he would have my full support. And when I raised concerns, especially about the North Sound operators, the West Bay boaters, he assured me that they would be addressed. So, I want to publicly thank him for that very much. It means a lot to me and a lot more to the West Bay boaters.

Madam Speaker, I would like to take this opportunity to thank you and all the staff of the Legislative Assembly for their hard work and late hours and their sacrifices they have made on many occasions to accommodate us.

I would also like to thank my West Bay constituents, my family and a hardworking West Bay district United Democratic executive party; a working Party.

It has been great that we finally got this through and I want to thank everyone for their cooperation in this Bill. And I now want to wish every one of my colleagues here in the House, a very happy, healthy, prosperous and joyous Christmas, and a 2014.

With that, Madam Speaker, I want to say thank you very much and I wish for you and your family, especially, a great Holiday Season and a 2014. Thank you.

The Speaker: Thank you.

Does any other Member wish to bring greetings at this time?

I recognise the Fifth Elected Member for the district of George Town.

Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town: Thank you, Madam Speaker.

This Bill that is law now was obviously very important. It was very controversial. It had its supporters and its detractors, but I am glad that we showed the country that in spite of differences we could come together, reason, debate and compromise.

Madam Speaker, I have not been here very long, but I know that whenever I am in the hallowed halls of this honourable House it never ceases to dawn on me just how important our role is for the future of these Islands. And first and foremost, like one of the Members who [spoke] before said, we are all Caymanians—first and foremost. And so at this time of the year when people naturally come together and people try to forget the past and look to the future, Madam Speaker, it is good to reflect on how good we actually have it.

Mr. V. Arden McLean: We complain too much.

Mr. Winston C. Connolly, Jr.: I would like to publicly thank the staff of the Legislative Assembly under your column, Madam Speaker. I would like to extend warm gratitude to you as well when you correct those new ones among us when we might slip up.

I would like to thank the colleagues on both sides of this House who extend their experience, their words—even though sometimes not so kind. But most of all, in terms of where I sit or stand in this House, I would like to extend my gratitude to those people who put me here because without those constituents, their belief and faith in me and all of us in here, we would not have this awesome opportunity to protect their future, to look into their eyes and give them hope and try to solidify some of their dreams.

Madam Speaker, I would like to also recognise my family, my wife Leslie (whose birthday is tomorrow) and my son Wade, for all the sacrifices that they have [had to make] this year, and probably for at least the next three and a half years. I would like to also extend warm Christmas greetings to everyone in the Cayman Islands, particularly the people of George Town and wish them a merry Christmas and a happy, healthy and prosperous New Year. Thank you, Madam Speaker.

The Speaker: I would like to recognise the Third Elected Member for the district of West Bay.

Mr. Bernie A. Bush, Third Elected Member for West Bay: Madam Speaker, I too would like to congratulate the Minister for bringing the Bill, and his flexibility in working with us. I would like to thank two people in particular who assisted me a lot; the Leader of the Opposition and the Member for North Side. Every

question I had I ran through the two of them to get a double take on it. I would like to say a special thank you to Mr. Miller.

When I came to this House, besides my team, Mr. Anthony Eden and Mr. Kurt Tibbetts both sat me down and gave a few pointers. I would like to say a special thank you. And on this side over here, Mr. Miller and Mr. McLean also did [the same thing]. And like some of my other colleagues said, it made it a lot easier.

On the Bill, once again congratulations and I am also very happy to be a part of it. From the very beginning I wanted to be a part of it, just a few things which were corrected very early. So, it was easy sailing for me. Thank you.

To my district of West Bay I say a thank you very much for putting trust in me.

To my colleagues it was a pleasure working with you all. I would like to wish you all and your families a pleasant merry Christmas and a healthy, happy prosperous New Year.

To the whole of our small beautiful country, especially to the young people, please be careful. It is a time of giving. This will be my first Christmas without my mother. Take care and love your families. Thank you all very much and merry Christmas to everyone.

The Speaker: I recognise the Honourable Minister responsible for Finance.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Thank you, Madam Speaker.

Madam Speaker, I want to say thank you for your guidance and patience with us as newcomers. I recognise that sometimes we do not quite do it right but you always give us a gentle nudge or some kind of instruction. I also recognise at this time my colleagues, the seniors among us, the Honourable Kurt Tibbetts; the Premier, Mr. McLaughlin; Mr. Anthony Eden; the Member for North Side, Mr. Miller; and the Member for East End, Mr. McLean; and even Mr. Bush, himself from West Bay. I am grateful for this spirit of camaraderie that is in this House. And as Mr. Connolly said earlier, I think despite whatever differences of opinions we may have at times, deep down inside we all know that we are Caymanians first and we are here to put Cayman first.

So, Madam Speaker, having said that, I want to wish you and your family and your constituents, a happy, healthy merry Christmas, and a prosperous New Year and a safe Holiday Season. I know over the holidays we sometimes let our hair down.

[Inaudible interjection and laughter]

Mr. D. Ezzard Miller: Good one Marco; good one.

[Inaudible interjections]

Hon. Marco S. Archer: Madam Speaker, I always manage to elicit—

The Speaker: I've given you forgiveness that it is hearsay.

[Laughter and desk thumping]

Hon. Marco S. Archer: I'm thankful, Madam Speaker, that . . . This is precisely why I think there is something special about the Christmas. It changes our whole psyche. And for anyone listening out there, I hope that if they have not yet realised it they will come to realise the significance of Christmas. It is about a gift to mankind. Not so much the gifts *between* mankind but the gift *to* mankind.

I am not saying that we could not have been as jovial at any other time. But people, for whatever reason, their spirits are lifted come December. They know it is something special about that time of the year. Even if we get the date wrong, there is something special about that occasion.

So, Madam Speaker, I wish you and yours the best for the Season. To the staff in the Legislative Assembly, I want to say thank you as well because we arrive here and we come with our thoughts and desires but it is your diligence and effort that makes it all happen. So, to the Clerk, the Serjeant, the Deputy Clerk and all of the other support staff, I want to say thank you, and wish them a merry Christmas and a happy and prosperous New Year when it does come.

Madam Speaker, colleagues, I now realise that this is a 24/7, 365 job. So, I wish for them that they will get some downtime over this holiday season to spend with their families. Our families sacrifice quite a bit that we can be role models, that we can be confidants, that we can be councillors, that we can be representatives and some of everything else to our constituents. So, I am hoping for everyone here that they will have some downtime, even so much as one day to be with their loved ones and to catch up and to say and do the things that they would not otherwise have time to do.

To my staff in the Ministry of Finance and Economic Development, I want to say thank you very much for all of your efforts and hard work over the last six to seven months since we have been elected. Much of what has been done and the hope that is evident throughout the country would not have been possible without their work and their dedication. So, I want to acknowledge them and give thanks, as well as all of the civil servants who would otherwise have played their part, because, Madam Speaker, no one ministry or department is more important than the other. I think by now everyone should realise that they are all mutually dependent. If you remove one it becomes more difficult for all of the others.

To the people of George Town, once again I would like to say thank you for your confidence in me and I hope to see as many of you as possible over the holidays, either in the shops or at social gathering or perhaps even at church. But in saying that, I want to wish you all a merry Christmas, a happy and prosperous New Year, and most importantly, Madam Speaker, that it will be a safe one. In addition, Madam Speaker, that they too will recognise that the greatest gift of all is what we celebrate at this Season.

I'm often asked, *What do you want for Christmas?* I have never been the kind of person to really crave for anything, much to my colleagues' pleasure, because it gives them something to say. So, over the years I have come to realise that all I really need for Christmas is happiness. And what makes me happy is knowing who I am, where I am going, and having my loved ones with me.

Madam Speaker, I wish for every one of my constituents and the wider public in the Cayman Islands, the same, because, as Mr. Tibbetts alluded to earlier, unfortunately, because of the circumstances that exist, there are many people who may not recognise the reason for which they should be happy, simply because they are unable to provide material gifts at this time of the year. I know it is hard, I know the desires are there but I wish for them the joy that comes with knowing the Lord.

Madam Speaker, for my family and friends I am very much looking forward to spending the Christmas holidays with them and being able to laugh and joke and just enjoy one another's company. And to be thankful for the gift of friendship and family and the love that is derived from having those relationships. So, I will wish them merry Christmas on this occasion, and hopefully I will be able to do so in person and for the warmth to be experienced in person.

In conclusion, Madam Speaker, I am thankful for the many people who constantly say that they are praying for me. Sometimes they will say they are praying for me and sometimes they will say they are praying for all of us. And I want to express my heartfelt thanks at this time to them for their prayers. Because, I know it is because of their prayers that we have succeeded over these last six or seven months. We can do so much and no more. And because of their prayers we are able to do the things that we otherwise would not be able to do. So, I want to say thank you to all of them and I also want to ask them to continue to pray for us that we will remain humble, that we will continue to be blessed to carry out our duties and responsibilities, and that the Lord will give us the wisdom that we need to do what is necessary for our people.

I also want to wish them merry Christmas, Madam Speaker, and if I have missed anyone, my sincere apologies. Merry Christmas to all and a happy and prosperous New Year. Thank you.

The Speaker: I recognise the Second Elected Member for the district of George Town

I beg your pardon. If I could have your indulgence, I did actually catch the eye of the Minister of Education just as the Minister of Finance was standing, but it slipped me. So, if you would be so kind as to give way to her, I would be greatly appreciative. Thank you.

Honourable Minister of Education.

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Thank you, Madam Speaker, and thank you Second Elected Member for the district of George Town. It is obvious that your mom taught you well.

Madam Speaker, I would like to also reflect my gratitude for being a part of this very historic moment in time in this House. What we have been able to achieve here today by successfully navigating what was initially seen as a very controversial, a very polarising Bill, having not one but two separate factions of opposition at one point, I think has been nothing but extraordinary. It showed the power of what we as leaders in this country can achieve when we have the single purpose in mind, which is to do what is best for the people in the interest of this country as a whole.

Madam Speaker, I am very proud to be standing here as a Member of Cabinet, and also as the independent elected Member for the district of West Bay. I am also very happy to see and acknowledge the fact that even though the district of West Bay is one of those unique situations where we have Members on both sides of this hallowed House, we were able to come together as a House. In particular from West Bay, we showed our constituents that we can work together for the betterment of this country, and that by putting the differences of political perspectives aside we can achieve what is good, what is right, and what will ring through for ages to come.

Madam Speaker, I would also like to take this opportunity to publicly thank the Minister of Environmental Health, for, as a colleague in Cabinet he was very fastidious in seeing that this Bill came to the House. Not only that, Madam Speaker, I want to thank him for accepting the many amendments that came from both across the aisle, but from within the Government Bench and even within Cabinet. He was determined to see this Bill through and we as a Government and a House as a whole are obviously all committed to the conservation and preservation of our natural flora and fauna. This rang true here today. And without the willingness to compromise, we would not have gotten here, so again, I would like to say thank you for that.

Madam Speaker, I would like to also take this opportunity to thank the people of West Bay for their faith in taking a risk, taking a chance on achieving something that has never been achieved in the last 30 plus years, which is to say we want to have represen-

tation that bridges the gap. And, Madam Speaker, as a Member of the Government, and as a district representative from West Bay, I always try to keep that focus in mind when I go to deliberate within Cabinet, but also deliberate on the floor of this House and caucus. And so, Madam Speaker, I would like to say thank you to my constituents for continuing to show their support and for continuing to see me as one of their representatives and coming to me for advice, but also for giving me their opinion. I continue to look forward to having that open dialogue in the New Year.

Madam Speaker, as Minister of Education, Employment and Gender Affairs, I also want to take this opportunity to thank the wider community and country as a whole for giving me the support that many of you have given over the past seven months.

Madam Speaker, I would also like to thank the very capable, some seasoned, some Members of the freshman class of 2013 like myself, but all very competent Members in this House. I would like to take this opportunity to wish you all a very merry Christmas. I know things are going to be equally busy in our communities during this time, but as several Members said before, I hope you take some time to reflect on the meaning and spirit of Christmas and spend time with your families, loved ones, church family and friends.

I would like to publicly thank you, Madam Speaker, as the steward of this House, and, in particular, as my adopted mentor in many respects as the veteran woman in this House. I look to you in many ways to help to navigate the unique challenges that we have as women parliamentarians.

I would also like to thank the staff of the Legislative Assembly for the tireless efforts that they put in to seeing that the business of the House can be conducted. I publicly thank you and continue to look forward to working with you in the New Year.

Madam Speaker, the staff of the Ministry of Education, Employment and Gender Affairs which includes the various departments and the schools, our teachers, our administrators, it is always inspiring to see such commitment by many of those persons that I have tasked and entrust to do what is needed in order to carry out the policies, directions, and directives of the Government.

I would like to take this opportunity to publicly [acknowledge] the dedication that I have seen as a result of coming into the Ministry, a ministry that obviously went through transition, as most did. But, Madam Speaker, as we can see, it is a ministry that is so very critical to this country, a ministry that has some very tough challenges that we have to deal with. But I am confident, Madam Speaker, that with the continued support of this Government and the House as a whole, we will be able to work through and leave this place a better place than when we found it when we first took office.

Madam Speaker, I would be remiss if I did not publicly thank from the bottom of my heart, my family. Because, as a mother of a young child, Madam Speaker, you know it is not easy. It is not easy giving of yourself tirelessly and selflessly day in and day out to serve the greater good of this country. And I know that I would not be able to do what I am doing and be who I am without the awesome support and the support system, starting with my mother and my other immediate family members.

Madam Speaker, this is a time of rejoicing and coming together. But, like the Third Elected Member for the district of West Bay, it is also a time of sadness in my family as we are celebrating Christmas the first time without my stepdad. So, I ask that you continue to keep us in your prayers and know that [you] give flowers while you have the people with you because when they are dead and gone, they will never know about it.

Before I close, Madam Speaker, I would just like to reflect very briefly about the past seven months, my time here in the House as a Member of Parliament. To say that my time has been uneventful would be not quite accurate. But what it has taught me, Madam Speaker, is that the many struggles and many challenges that one faces just continue to reinforce the inner strength and the strength that comes from knowing and trusting in God and doing what you understand to be His will. If you lean upon not your own understanding and let Him direct your path, it will be as it should be.

Just having that sense of faith, having that sense of knowing and belonging, and knowing that I have so many prayer warriors out there who have lifted me during the many times where many would like to tear me down. That has caused me to become a more focused, stronger, but also humble person, because I recognise that without having a support system, be it at home, be it amongst colleagues, be it amongst friends, and without having that sense of purpose and knowing that you are here—not because you have to be here but because you choose to be here, and you choose to make every day count—is something that will continue to keep me uplifted.

Madam Speaker, it is a sense of excitement that not only comes with this time of the year but with knowing that all of the activities, the stuff happening behind the scenes are starting to bear fruit. It is a very exciting time for me and I look forward and have a sense of optimism for what 2014 will bring.

I also want to say to those people out there that may be experiencing the struggles, your personal struggles, your personal challenges, I know what you are going through. I understand what you are going through. But rest assured 'this too shall pass.' Keep your eye on the future and the positive-ness that will come out of your determination. I say that by actually giving thanks, even in the face of all of your struggles, having a positive outlook can very much determine

the outcome. And so, Madam Speaker, I just want to say a big thank you to everyone who has contributed to my being right here where I am, and to say God bless you all and have a very merry Christmas and a prosperous and happy New Year. I look forward to seeing you again in January 2014.

The Speaker: Second Elected Member for George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Thank you, Madam Speaker; a few shorts words from me.

I stand here this evening, Madam Speaker, as a truly happy man. Yesterday in my contribution to this debate on the National Conservation Bill I asked this House to let's get together and deliver an early Christmas present in the form of passage of that [Bill]. I had no doubt, Madam Speaker, that we would get there.

But what I did not anticipate, Madam Speaker, is that we would wrap it up in the most colourful of Christmas paper, put the biggest bow on it and present it to the people of the Cayman Islands this evening and say, *Merry Christmas!* That is truly a remarkable accomplishment what we did this afternoon, ladies and gentleman.

[Desk thumping and applause]

Mr. Roy M. McTaggart: And to do it in complete unanimity in this House was something I never dreamed we would get to. But it shows what we can do, Madam Speaker, when we are of the same mind and of the same vision. And I just want to express my deep and heartfelt thanks to everybody in this House of what we did. And I say that with the sincerest of hearts.

I must thank the Minister for his perseverance because I know it has been a struggle for him and a challenge. But he has persevered in steering this Bill through and it has truly, I think will make a difference to this country.

The commitment, maturity, and the desire to accomplish, are all qualities that I would like to see us continue [with] in this House. It was such a pleasure to work this afternoon and to get this thing accomplished. It has really left me in a very happy mood tonight, and I know this Christmas is going to be happy, and giving the comments that we have all been hearing about renewed optimism, not with within this Assembly, but outside and within the country. People feel more optimistic. I am optimistic as well and happy as we move into 2014 that it is truly going to be a better year for us.

There is much to look forward to. There is much for us to be optimistic about and I pray that as 2014 emerges that the spirit of camaraderie and working together will continue in this House. And I believe with all of my heart, Madam Speaker, if we work to-

gether we can accomplish much for the benefit of this country.

Madam Speaker, I wish for you, I wish for the Assembly staff, all of my colleagues in this House, I wish for my constituents in George Town and everyone within the wider Cayman Islands, the happiest of Christmases and a very happy and prosperous New Year. Thank you, Madam Speaker.

The Speaker: I recognise the Sixth Elected Member for the district of George Town.

Mr. Joseph X. Hew, Sixth Elected Member for George Town: Thank you, Madam Speaker.

Madam Speaker, I think the passing of this Bill was timely as it represents a future for the next generation of Caymanians as we look forward to the future and a New Year of renewed optimism that we have heard so much about.

Madam Speaker, being one of the rookies here, I heard from across the hall earlier that we have not seen anything yet. But, to me, it felt like a baptism of fire in the last couple of months, with the Immigration (Amendment) Bill and the National Conservation Bill.

I would like to take this opportunity, Madam Speaker, to wish yourself and your family and your constituents, many of which are my family, in Cayman Brac a very joyous and merry Christmas and a prosperous New Year when it comes, and that they all remain safe and enjoy the blessings of our Saviour over the Christmas Season.

I would also like to take the time to wish the Clerk of the Assembly and the staff, the Serjeant and everyone here, a very merry Christmas and also to say a very heartfelt thank you for all of your support and efforts over these last few months. Within the first couple of times stepping into this Legislative Assembly I very quickly realised what an important role they all play and the levels of commitment and hard work that they put in. So, I say thank you and I wish everyone here in the Legislative Assembly, all of the staff, a very merry Christmas and a joyous New Year as well.

Madam Speaker, I would also like to take the time to thank the staff in the Ministry of Tourism and Transport for their support and for welcoming me into the Ministry. They have been extremely gracious and kind to me and very supportive, so I want to say thank you to them and to wish a merry Christmas and a happy New Year as well.

Madam Speaker, of course, I would not be here without my constituents, so I would again like to thank them for giving me the opportunity to represent them here and I look forward to seeing as many of them as I can over the Christmas period and hope to spend as much time as possible as I can with them. However, I would like to publicly wish them a very safe, merry and joyous Christmas and a blessed and prosperous New Year.

Madam Speaker, my message for all of the people of our beautiful Islands is that they remain safe over the Christmas and that they spend time with their families and to remember the real reason of Christmas, and, as the Minister of Finance said, earlier this week, to remember Christ in Christmas.

Madam Speaker, on the passing of the National Conservation Bill a while ago, there was a lot of nostalgia and a lot of talk about our childhoods and families. I would ask the people of the Cayman Islands to perhaps reflect back on that and bring back some of our ways from those days. Spend time with your neighbours and your families and help those who are in need. Remember your neighbor down the street who may not have the meal that you have at Christmas and offer to share it with them. And take the time out to stop and talk to persons on your road and on your way home. Get to know your neighbor and bring back the way we used to be.

In closing, Madam Speaker, as I am cognisant of the time this Friday evening (it's 7:25). I would like to thank my parents and my immediate family for their support. It truly gives me pleasure to be here to represent my country, but it makes it even more special to know how proud my parents and my immediate family are of me. So, I would like to say thank you to them and I look forward to spending some time with them over the Christmas.

Last, but not the least, to my wife and my two sons who have sacrificed, just as much, or perhaps more than I have, since being elected as an MLA for the district of George Town. Thank you so much for your support, your love and your understanding. I look forward to coming home to spend some time with you over the weekend and over the Christmas period.

Madam Speaker, again, I wish everyone in this House all of my colleagues here, that they too find some time to spend with their families and that they have joyous, healthy and safe Christmas and I will see them all in the New Year. Thank you.

The Speaker: I recognise the Fourth Elected Member for the district of Bodden Town.

Mr. Alva H. Suckoo Jr., Fourth Elected Member for the district of Bodden Town: Thank you, Madam Speaker.

Madam Speaker, it has been a long night. As a matter of fact it has been a long week. But I think what we have accomplished here tonight will bring many life times of good to this country. So, I have no issues with working late to get this task done today.

Madam Speaker, I do not think there is very much more that I can say with regard to what we have done here. I just want to thank my colleague for Bodden Town, the Minister of Environment for, as I said earlier in my address, having the courage and the foresight in bringing this Bill forward. I am proud of him for what he has accomplished as well.

I want to thank yourself, Madam Speaker, and the staff here at the Legislative Assembly for all of the assistance you have rendered to us since we have been here. With me being a first-time politician it has not been easy. There have been a few moments when I think all of us, the freshmen, have felt a bit overwhelmed. But we have always had people to turn to, to guide us and to help us and I want to thank you for that.

I also want to thank all of my colleagues in the House, especially Members of the Progressive's and the Progressive's Led Government because they also have Members from C4C who have joined us. I appreciate having their camaraderie and their support in everything that we have set out to do. But also, Madam Speaker, I have to thank my colleagues on the other side of the House. There has been nothing but respect and wisdom and guidance offered from them to me, and I know sometimes it is a little bit worrisome. Comments have been passed that I may be trying to slip over on the other side but there is no fear of that happening, Madam Speaker. I am an individual who tries to work with everyone and I appreciate everyone. I understand that everyone has something good to offer this world.

I would also like to thank the Premier, Madam Speaker, for having the confidence in me and for making me a part of this team. I think of all the new Members of the Government I am probably the one who gives him the most trouble, at times. But that is the kind of leader he is. It does not affect our relationship at all. I appreciate his patience with me and he has continued to guide me and help me grow into becoming a better representative.

[Inaudible interjection and laughter]

Mr. Alva H. Suckoo Jr.: Madam Speaker, as a first time representative it has not been easy. When one is first elected one gets the sense that one knows everything there is to know. And you think you know what it is exactly that you have to do. But every day is a learning experience.

The one thing that I have quickly learned is that everything is not always what it seems like in respect to dealing with constituents and dealing with the problems of this country. There's always a lot to learn, but there is also unique approaches that you have to apply to dealing with people. You have to understand people and you have to feel what people are feeling to be a good representative. I believe every Member in this House has that gift. And that is why we have been chosen to be here.

As my colleague from George Town said, the best gift we could have given this country, Madam Speaker, is what we have delivered tonight. Given the financial constraint of the budget I do not think we could afford to have given anything else, thanks to the Minister of Finance. But we have delivered something

that this country can be thankful for, for decades to come, and I am proud to have been a part of that.

Madam Speaker, I want to thank my family for putting up with me and supporting me. It has not been easy. Just tonight alone I am supposed to be doing something with my daughter, but duty calls so I am here. I think she understands.

I also want to thank the constituents of Bodden Town, Madam Speaker, for allowing me to represent them, for choosing me to represent them in this honourable House. I do have to apologise to some of the Bodden Towners because we have been quite busy and we have not been as easily available as we would like to be, but I am pleased to say that we will be opening the constituency office next week and I plan to be there the majority of the time meeting with the constituents.

Obviously, Minister Panton and Minister Bodden have a much heavier workload than me, so I will try my best to work with them to assist the constituents in Bodden Town.

Madam Speaker, I want to remind the constituents in Bodden Town and throughout these Islands to be safe, to practice safety and commonsense. We know the young people, sometimes, when it is this time of the year, tend to go a bit overboard with alcohol consumption and speed. As a new representative I have already attended many funerals.

Madam Speaker, I just want to windup by saying again, a big thank you to everyone within the sound of my voice. I am extremely proud to be representing my district. And I plan to continue in the same fashion that they have seen me begin and to only improve.

I want to wish all of my constituents a merry Christmas and a prosperous New Year and look forward to socialising with them over the Christmas Season and ask them to remember that this representative is not afraid of turtle meat or Cayman style beef or turkey so I will be looking forward to sharing some Christmas cheer in meals with all of my constituents. I am looking forward to it, as a matter of fact.

[Inaudible interjection and laughter]

Mr. Alva H. Suckoo Jr.: I also want to apologise to my colleague from Bodden Town, Minister Bodden (who, unfortunately, could not be here). He also sends his greetings to the constituents and to everyone here. And I just want to say, Madam Speaker, thank you and merry Christmas and a happy New Year to you all.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Minister of Environment and Financial Services.

Hon. G. Wayne Panton, Minister of Environment and Financial Services: Thank you very much, Madam Speaker.

I must confess I stand with a little bit of trepidation. I have been struck over the last half hour, or forty-five minutes, really, with what has happened here today. I was not kidding this morning in my winding up when I said that I had gotten a bit emotional listening to the Premier and his wonderful contribution yesterday. Obviously, it was very nostalgic, but I was so impressed with the way he articulated and took on the passion for this Bill and the environment as well. And I do want to thank, again, all of my colleagues in this House—every corner, every side of this House. And, Madam Speaker, I certainly want to thank you as well. This process has been quite nerve-racking and your patience, your indulgence, your guidance has been very welcomed and I appreciate it so much, not just today.

We have been elected for nearly seven months now. As my colleague from George Town said, it has felt like a baptism of fire jumping into so many issues immediately—having to do trips to the UK, having to stay up long nights with the Premier working on things. Unfortunately, when you are doing these trips it ends up being 22-hour work days. And then he immediately told me when I got back that I had to go out and present the Bill, talk to everyone in the communities and districts. I gladly did so. That was a process where there was a degree of nervousness, but I felt a degree of elation as well by going out and having the opportunity to meet everybody and talk to them about whatever concerns they had.

The most emotional thing for me, Madam Speaker, was the realisation of what happened here today with the support across the aisle, the unanimous support on this Bill.

I was supposed to pick my son up from the airport at around 4.30 this afternoon. Obviously I did not make that, and I certainly want to apologise to him for not doing that. He has come home from school for the Christmas holidays. But at least I know what the environment means to him and I hope he accepts this as a present as I hope the whole country accepts the law as a present, as Mr. McTaggart said. It certainly is a big present with a big bow, and I think we should all, every single one of us in this House, be justly proud of our achievement here today.

Madam Speaker, I would like to thank all of the staff of the Assembly. They have been very gracious, been very helpful, every one of them. I sometimes see the Serjeant there, the sweat coming off of his brow and I think I don't know if that is a job that I could do. But he does it graciously, as they all do. It is with much gratitude that I say thanks to all of you.

I would also like to thank all of the staff in my Ministry. I think I have a fantastic group of people, very committed, very dedicated, and I will be there to help them achieve the best for this country through

the next four years at the very least, hopefully with God's help and assistance.

I would like to thank all of my colleagues in Cabinet, particularly the Premier for his guidance. I know sometimes, perhaps, he might see a little bit of that bully that the Minister for Finance referred to. But let me say, Madam Speaker, since it is Christmas, I forgive the Minister for telling everyone that that is what he jokingly calls me. We have a great relationship, great team. I'm very proud of all of them—every single one of them—and for the contribution they make.

I am equally happy and proud of my colleagues on the other side of the House because I think they have a tremendous amount to contribute as well. I do not wish to cause any harm to, particularly, the Member for East End. So I will stop what I am saying in respect of him, lest he passes out. But let me say that I would like to wish all Members of this House a very safe, happy and joyous Christmas, a prosperous New Year.

I would like to extend greetings for a happy, joyous and safe Christmas to all of my constituents, my colleagues, my friends, my family in Bodden Town, and a prosperous New Year to them as well.

I would also like to thank my family, my parents who have been a big support to me. In fact, they came to some of the public meetings. I was hoping they did not get upset by some of the comments that were being made, but they have been so helpful. I will be forever grateful to them. I will be forever grateful to my wife and my son, and, again, I have to apologise to him for not being able to pick him up but daddy will see you a bit later, son.

Madam Speaker, it has been an incredible day. This is, to me, an incredible moment considering what we have achieved. It has been something that I have been very passionate about. And I suppose the Christmas Season . . . this time of the year adds a whole new dimension to it as well. So, I wish all of the Cayman Islands, all of our residents, Caymanians, the best. I want them to all have a happy Christmas, a joyous time and share the Holidays with their family and friends. That is what matters the most—not the presents, not the gifts. It is what we mean to each other. It is that human compassion and that friendship that matters. I think that is what God intended and that is clearly what I would advocate, what I would like to see people reflecting on.

So much has been said by my colleagues, I do not think I need to add more to that but I will endorse everything they have said because they have clearly covered all of the bases.

Thank you once again, Madam Speaker, and I look forward with a huge amount of optimism going forward into the New Year, both in terms of what we can achieve, the benefits that the country can derive from us working together and what I think will be the results in the coming year. I think it will only benefit

the Cayman Islands. I think we have a lot to look forward to. Once again, Madam Speaker, thank you very much.

The Speaker: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I certainly would like to add my voice in wishing for just about everyone a holy and blessed Christmas Season. And to remind us all (if we do need reminding) that the significance of the Season is to share and to ensure that there are smiles on the face of those who are less fortunate. And so I am sure . . . although I do not have the wider constituents, I certainly am confident that my colleagues appreciate the significance of it. And as they have always been doing, will continue to reach out to those who deserve assistance and support.

Madam Speaker, I will certainly in my own way make sure that to the extent that I can, will assist in putting smiles on the faces of some of those who are less fortunate.

Let me use this opportunity to say, Madam Speaker, to yourself, to my colleagues in this House, to the staff, and certainly to my own staff in the Portfolio, to colleagues in the civil service and to all members of our security forces and the essential services, I wish for all and families, a merry peaceful, quiet but enjoyable Christmas Season.

It has been recognised, and it probably bears repeating, that it has been a challenging year for us. It has been a challenging year for us in our personal lives, some of us, and it has been a challenging year for us as a jurisdiction. But as the Honourable Premier has publicly recognised today in this statement, as a jurisdiction we can certainly hold our own on the big stage and we have managed to distinguish ourselves in the international forum. So, even though we have had our challenges, we have had our setbacks, we certainly have had our fair share of successes as well, and we look forward to continuing that in the New Year.

To the Premier and his Government, to all honourable colleagues, I wish to add my voice of congratulations for the way that you have all coalesced in ensuring the passage of this very important piece of legislation. It has been quite a long journey. And, of course, I have to recognise the relentless campaign (if I might call it that) of the Director and her staff. I think she probably would like to . . . Well, I don't know if you want to call it a victory lap, because hard work now begins in trying to police and enforce what we do have there. But her perseverance is certainly admirable.

So, Madam Speaker, I certainly wish for all a very enjoyable Holiday Season and am looking for-

ward to seeing all of us here back in the New Year with a renewed sense of vigour and commitment.

Let me just say that publicly to our new colleagues who have joined this Chamber in the New Year, it has been quite admirable in the way they have transitioned into their respective roles. Certainly the dedication, the professionalism, the passion, grace and dignity with which they have gone about it is something that we need to sort of publicly recognise and to be thankful that the future of our country is in good hands. Thank you.

The Speaker: Does any other Member wish to speak? [pause]

If not, I would beg the indulgence of the honourable House to just say a few remarks.

As most have already been said, I would just wish to perhaps share these words that, “¹The heights by great men reached and kept were not attained by sudden flight, but they, while their companions slept, were toiling upwards through the night.”

I believe that there is no testimony without a test, and I am very privileged to have been afforded the opportunity to be in the Chair for such an auspicious occasion as this. Very few things keep me on Grand Cayman (as much as I like it) on a Friday evening when I have the opportunity . . . and, in fact, this particular Friday evening my things are actually packed and sitting on the back of my vehicle. But I can say that as I wish the constituents of Cayman Brac and Little Cayman and the wider Cayman Islands a very merry and blessed and happy joyous and safe Christmas and a very prosperous and Christ filled New Year, that if I had to miss Cayman Airways all over again, this certainly would have been one of those occasions that I would easily justify to all and sundry.

This has been a long time coming. And yes, we needed it, but nothing happens before its time. And if I may be permitted to call names, Gina and Mr. Bothwell, I believe that when you go home tonight that you well deserve every ounce of happiness and gratefulness and gratitude that you can get. So, enjoy some downtime.

[Applause]

The Speaker: And I am not the person responsible for the civil service. But I believe that if there was anything that ought to springboard off of performance contracts, perhaps you should be the first recipients thereof.

Members, as I sat here I went through a rollercoaster of emotions, from being extremely proud of the young parliamentarians that I see sitting within this Chamber, and the mature way in which you enveloped your mind and illustrated your high degree of

cognisance for the merits and demerits of all other pieces of legislation that is here. I want to thank you also for, with open arms, taking on board the [Speaker's Rules](#) which were probably equally controversial in some quarters.

And I want to take this opportunity to especially thank the Honourable Premier as he has endeavoured to work (and I would not want to describe the hours) and to still find time for the Speaker, for the Legislative Assembly and for all of the colleagues in this House, and for the very brave move he took when he made a very innovative move in Finance Committee.

On behalf of the staff of the Legislative Assembly, I want to say a very, very special thank you for the respect that you show to the staff and for your willingness to make able provisions for them. And I personally would like to thank Ms. Zena, Ms. Sharon and all other members of the staff for the diligent and arduous and meticulous job that they carry out here in this hallowed Chamber.

So, as we leave here tonight, whatever makes you happy within the law that you just passed, please so indulge. I thank you for the opportunity.

[Applause and thumping on desk]

ADJOURNMENT

The Speaker: I recognise our Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, after all that has gone on in this Chamber and all that has been said, these last few hours all I can say now is “Glory to God in the highest and on earth, peace and good will to all men”.

Madam Speaker, I move the adjournment of this honourable House until Wednesday, 29th January, 2014.

The Speaker: The question is that this honourable House be adjourned until Wednesday, 29th January, 2014, at 10:00 am sharp. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

AT 7:56 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM, WEDNESDAY, 29 JANUARY 2014.

¹ Henry Wadsworth Longfellow

