



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2013/14 SESSION

30 January 2014

*Second Sitting of the Fifth Meeting
(pages 563–588)*

Hon Anthony S Eden, JP, MLA, Deputy Speaker

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PRESENT WERE:

Hon Anthony S Eden, OBE, JP, MLA
Deputy Speaker

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>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 Franz I Manderson, Cert. Hon, JP	<i>Deputy Governor</i> , 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

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

APOLOGIES

Hon. Juliana Y O'Connor-Connolly, JP, MLA	<i>Speaker</i> , Second Elected Member for Cayman Brac and Little Cayman
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**OFFICIAL HANSARD REPORT
FIFTH MEETING 2013/14 SESSION
THURSDAY
30 JANUARY 2014
10:30 AM
Second Sitting**

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

The Deputy Speaker: I will ask the Honourable Minister of Financial Services to say Prayers.

PRAYERS

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Let us pray.

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

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

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

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

The Deputy Speaker: Please be seated.
Proceedings are resumed.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Deputy Speaker: I have apologies from the Honourable Speaker who is still a bit under the wind.
I am also informed of the late arrival of the Deputy Governor, so I give apologies until his arrival.

PRESENTATION OF PAPERS AND OF REPORTS

SEGREGATED INSURANCE FUND FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

The Deputy Speaker: I call on the Honourable Minister of Health, Sports, Youth and Culture.

Hon. Osbourne V. Bodden, Minister of Health, Sports, Youth and Culture: Thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable House the financial statements of the [Segregated Insurance Fund](#) of the Cayman Islands, for the year ended 30 June 2013.

The Deputy Speaker: So ordered.
Does the Minister wish to speak thereto?

Hon. Osbourne V. Bodden: No, thank you, Mr. Speaker.

NATIONAL GALLERY FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2013

The Deputy Speaker: Honourable Minister of Health, Sports, Youth and Culture.

Hon. Osbourne V. Bodden: Thank you, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable House the financial statements of the [National Gallery](#) of the Cayman Islands, for the year ended 30 June 2013.

The Deputy Speaker: So ordered.
Does the Minister wish to speak thereto?

Hon. Osbourne V. Bodden: No, thank you, Mr. Speaker.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Deputy Speaker: I have no notice of statements. I now call on the Honourable Premier.

SUSPENSION OF STANDING ORDER 14(3)

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I move the suspension of Standing Order 14(3) in order that Government Business may take precedence over Private Members' Business today, Thursday.

The Deputy Speaker: The question is that Government [Business] take precedence over Private Members' Motions.

Honourable Member for East End.

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

Just to ask the Government if it is their intention that we will take up the Private Members' Motions as soon as the Government Business has been completed today?

The Deputy Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I had gotten an indication yesterday from the Member who just spoke, that he would be content for the Private Members' Motions to be put over until my return from the UK next Friday. If he is still so content, I certainly would prefer dealing with them in that way.

The matters which are proposed in all three of the Private Members' Motions are matters which require some careful consideration by the caucus of the Government, and, quite frankly, we have not had the opportunity to properly consider these matters collectively, as you are aware, Mr. Speaker. And so, it would suit us if these matters could be put over until my return from the UK next Friday.

The Deputy Speaker: Member for East End.

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

I wonder if the Premier can give us a date that we would be coming back to deal with these matters. Certainly, speaking for me, at least, and I think the Member for North Side, who has the Private Members' Motions listed, we certainly will be cooperative in that regard so that the Premier can get on with the duties he has to do in England. But, what time will he be back and what time will we resume to deal with these?

Mr. Speaker, the Member for North Side is indicating that Wednesday, the 12th . . . I'll be receptive to that too. I'm not one way or the other.

[Inaudible interjections]

The Deputy Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I understand that the Leader of the Opposition is also going to be away.

Indications from my colleagues are that the 18th would be our preferred—

Hon. D. Kurt Tibbetts: No, the 18th is Tuesday.

The Premier, Hon. Alden McLaughlin: The 18th is Tuesday . . . well the 17th. The 17th would be our—

Mr. D. Ezzard Miller: You would come in Monday and you're off Tuesday for Cabinet, just as well come the Wednesday.

The Premier, Hon. Alden McLaughlin: The 19th?

The Deputy Speaker: The 19th.

Mr. D. Ezzard Miller: I don't agree with that, but the majority can vote for that—

The Premier, Hon. Alden McLaughlin: Fine, the 19th.

Hon. D. Kurt Tibbetts: You're back by then?

[No audible reply]

Hon. D. Kurt Tibbetts: Okay.

The Premier, Hon. Alden McLaughlin: The 19th. I think that would accommodate everybody in the House.

These are very important motions, and I really would want the Leader of the Opposition to be present.

The Deputy Speaker: Member for East End.

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

Mr. Speaker, I find that . . . some of us have to be absent at some stage. There is a Deputy Leader of the Opposition who can convey any position that the Opposition takes. The Premier . . . we appreciate the Premier. He also has a deputy. But in this instance the matters that he has to deal with, I don't know, but I am sure they are in the interest of this country. And certainly we would like to have the Premier here to reject it or accept it.

[Inaudible interjection]

Mr. V. Arden McLean: But I mean, you know, the world goes on and this country has to go on. And we

can't wait for everybody. At some stage some of us are going to be missing. But we have to make provisions for the most important people in this country that the people have sent here to run the country, which are the Premier and the Deputy Premier. But we can't forever be waiting on the Leader of the Opposition, and we need to get these things on the way. And I can't support that.

Hon. W. McKeeva Bush, Leader of the Opposition: *Wha* you say that woman from East End said? Don't involve me in this.

[Inaudible interjection]

The Deputy Speaker: The question is that Standing Order 14(3) be suspended.

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

Ayes and Noes *[Mr. D. Ezzard Miller and Mr. V. Arden Mclean]*

The Deputy Speaker: I think the Ayes have it.

Agreed: Standing Order 14(3) suspended.

The Deputy Speaker: Madam Clerk.

GOVERNMENT BUSINESS

BILL

SECOND READING

STANDARDS IN PUBLIC LIFE BILL, 2013

The Clerk: The Standards in Public Life Bill, 2013.

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

[Inaudible interjections]

The Deputy Speaker: Order!

The Premier, Hon. Alden McLaughlin: Mr. Speaker—

[Inaudible interjections]

The Deputy Speaker: Honourable Premier.

[Pause]

The Deputy Speaker: Quiet please.

[Inaudible interjection]

The Deputy Speaker: Order!
Honourable Premier.

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

Mr. Speaker, I beg to move the Standards in Public Life Bill, 2013.

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

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

Mr. Speaker, the Bill which is fully entitled "A Bill for a Law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes", shortly entitled the Standards in Public Life Bill, 2013, is a Bill that has been the subject of considerable discussion for a long time. It has been duly published. It complies with the constitutional provision with respect to notice. It has been published since October.

Mr. Speaker, its genesis is section 117 of the Cayman Islands Constitution Order 2009. And Mr. Speaker, you and other Members of this honourable House will recall that one of the important parts of the new Cayman Islands Constitution Order was the section entitled "Institutions supporting democracy." The Commission for Standards in Public Life is one of those institutions which the new Constitution establishes. Under that part, Mr. Speaker, are also the Human Rights Commission, the Constitutional Commission, the Advisory District Councils, the Complaint Commissioner, the Register of Interests and the Freedom of Information, all of which form part of the overall package to assist in promoting good governance and supporting democracy and promoting the rule of law in this jurisdiction.

Mr. Speaker, the first Commission was appointed on the 1st February, 2010, and since then it has met diligently and has reported to this House every six months. The Commission is about to make its 8th report. Among the work that the Commission has completed has been a Code of Conduct developed in accordance with section 117(9)(f) for public authorities and public offices. And the Commission also adopted what are known as the Nolan Principles as part of its precepts and guiding principles.

Mr. Speaker, for the benefit of those who may not be entirely familiar with the '[Nolan Principles](#)' I will quickly go through them. And it is notable, Mr. Speaker, that the principles are actually appended to the Standards in Public Life Bill as Schedule 2. They include:

- 1) **Selflessness:** Persons in public life shall act solely in terms of the public interest. They shall not do so to gain financial or other consideration for themselves, their family, or their friends.

- 2) **Integrity:** Persons in public life shall not place themselves under any financial or other obligation to individuals or organisations outside the relevant civil service entity that might seek to influence them in the performance of their official duties.
- 3) **Objectivity:** In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, persons in public life shall make choices on merit, accountability. Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate in their office.
- 4) **Openness:** Persons in public life shall be as open as possible about all the decisions and actions that they take. They shall, as required by section 19 of the Constitution, give reasons for their decisions and restrict or withhold information only when the wider public interest clearly demands or where a law allows for the withholding of information.
- 5) **Honesty:** Holders of public office have a duty to declare any private interest relating to their public duties and to take steps to resolve any conflicts of interest arising in a way that protects the public interest.
- 6) **Leadership:** Persons in public life shall promote and support these principles by leadership and example.

Those, Mr. Speaker, are the Nolan Principles that form the basis for the Standards in Public Life Bill, and, indeed, guided the development of section 117 of the Cayman Islands Constitution which has enshrined those principles in the Constitution itself.

Mr. Speaker, up until the present time, all that we have in writing with respect to the Nolan Principles, or anything approaching them, is the Register of Interests Law. And the Register of Interests Law has very limited application currently. Schedule 1 of the Register of Interests Law only requires the following persons to register their interests: elected Members of the Legislative Assembly, the Speaker, the Deputy Governor, the Attorney General, the Financial Secretary, the Registrar of Interests, candidates nominated for election to the Assembly, and somewhat curiously also, journalists who report on activities in the Legislative Assembly, Mr. Speaker. But it does not have any wider application than that.

So, Mr. Speaker, the Commission, having been established and having been charged with the responsibility under the Constitution for, among other things, the Register of Interests (which is set out in section 121 of the Constitution), is charged also with the responsibility for monitoring standards by persons in public life, charged with the responsibility for ensuring that government contracts are properly tendered

and that the process is fair and equitable, charged with the responsibility for ensuring that there are no conflicts of interest, or, where there are conflicts of interest, that appropriate measures are taken.

The Commission determined that it needed bespoke legislation to be able to carry out its constitutional mandate and responsibility. And so, Mr. Speaker, that has been the genesis of the Bill that is now before the House.

I should say a bit before I go into the provisions of the Bill, Mr. Speaker. And I should advise Members that there are a number of committee stage amendments that are being proposed. I asked for those to be circulated last night, and I do hope all Members have had an opportunity to review them. I do not really propose to speak to the committee stage amendments at this stage in my presentation, but if issues are raised in the debate by other Members, when I wrap up or windup debate on this Bill, I perhaps will address any concerns then. If not, the usual discussion can take place at the committee stage.

But returning, Mr. Speaker, to the Commission for Standards in Public Life itself, as I said; this is established under section 117 of the Constitution. It consists of a chairperson and not less than two, no more than four other members who are appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition. At least one member of the Commission shall be a chartered or certified accountant of at least ten years' experience, and at least one member who is a legal practitioner and has practised in the Commonwealth for at least ten years.

Members of the Commission for Standards in Public Life shall be people of the highest integrity with knowledge of practice in the private or public sector. And the functions of the Commission are:

- (a) to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;
- (b) to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public;
- (c) to supervise the operations of registers of interests and to investigate breaches of established standards;
- (d) to review and establish procedures for awarding public contracts;
- (e) to review and establish procedures for appointing members to public authorities and the terms of their appointment;
- (f) to recommend codes of conduct to prevent any minister, public authority or public officer employing their power for any personal benefit or advantage and to recommend legislation to provide appropriate sanctions;

- (g) to report to the Legislative Assembly at regular intervals and at least every six months; and
- (h) to exercise such other functions as may be prescribed by a law enacted by the legislature.

Mr. Speaker, the key feature of this Bill is to provide the Commission with the legislative framework needed to fulfill its constitutional mandate, as set out in section 117(9) and section 121(5) of the Constitution.

As I said earlier, it widens the category of persons who were previously subject to completing a declaration under the Register of Interests Law, 1996, which this Bill will now repeal. In order to do so the Bill creates a category of what is called "persons in public life," set out in Schedule 1 to the Bill, which includes:

1. Members of the Legislative Assembly, including the Speaker.
2. Chief Officers and Deputy Chief Officers.
3. Chief Financial Officers and Deputy Chief Financial Officers.
4. Heads of departments, sections or units and their deputies, as well as any other organised entity within a ministry or portfolio, statutory authority, statutory body, government company, department, section or unit and their deputies.
5. Chief executives of statutory authorities, government companies and their deputies.
6. Members of governing bodies of statutory authorities.
7. Members of governing bodies of government companies.
8. Members of all Commissions created by or under the Constitution.
9. A person holding a full-time or part-time position in a public authority who engages in an activity that is in conflict, is likely to conflict, or may be perceived to conflict with, his position in a public authority.
10. Any other person specified by regulations made by Cabinet.

As I said at the start, Mr. Speaker, the Bill adopts the Nolan Principles as the principles which persons in public life must adhere to. And I went through them in some detail, but repetition bears emphasis, as one of my forebears in this House used to say. The principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Bill, Mr. Speaker, mandates how a person in public life must deal with any possible or perceived conflict of interest which arises during the course of his or her duties in order to avoid instances of corruption or perceived corruption. This includes

taking no part in any discussion or deliberation of the matter before them and recusing himself or herself from the portion of the meeting that discuss any matter that is likely to be perceived as a conflict.

It requires persons in public life, within 30 days of the 30th June this year, to make a declaration annually to the Commission which provides in relation to himself or any connected person, details of their income, assets, liabilities, including, amongst others, any shareholdings; contacts with a public entity and association. The full list, Mr. Speaker, is set out in clause 12(1) of the Bill.

No board member of a statutory authority, public authority, commission or government company (that is, members of governing bodies of statutory authorities, members of governing bodies of government companies and members of commissions created by or under the Constitution) is required to include in a declaration any interest unless there is a possible or perceived conflict with his functions on the entity to which he or she is appointed. When there is doubt as to whether an interest is a conflict the Commission shall make such a determination. Clarifications as to the positions are proposed as committee state amendments.

Mr. Speaker, I should point out here that the obligation with respect to board members of statutory authorities, public authorities and commissions and government companies, the ones I just ran through, are different and less onerous than those with respect to Members of the House and civil servants. Essentially, the difference is that, with respect to those who are Members of this House, the Speaker and the civil servants who are set out in the Schedule, they are required to make full disclosure with respect to all of their assets and the source of their income outside of salary. But with respect to board members, they are only required to make such disclosure where there is a conflict or there could be the perception that there is a conflict with the exercise of their particular duties.

For instance, if you are a member of the Central Planning Authority which is considering for approval plans with respect to a particular development, and you are in some way involved with that development (because you were the architect who drew the plans, or you are bidding on the job), you need to make that disclosure with respect to your activities, because there is conflict or a potential conflict. At least the perception of a conflict could exist.

Mr. Speaker, the Bill provides the Commission with the powers of investigation where it suspects a person in public life has committed a breach of this law. Such investigations may result as a consequence of the Commission's own initiative or from an allegation made by a person. So, Mr. Speaker, if someone complains that they believe that a person in public life has a conflict of interests, or is engaged in some corrupt practice, they are able to complain to the Commission and the Commission now, by virtue of this

proposed legislation, will have the power to investigate that complaint. Without this legislation, although the Commission is mandated to monitor standards, it does not have any investigative powers.

These powers mirror that of the Grand Court allowing the Commission to summon witnesses, require the production of reports, documents, et cetera, and take any other such necessary actions as it considers expedient for the purposes of carrying out its functions.

Mr. Speaker, the Bill contains provisions to protect whistleblowers and information. It is noted that the initial declarations filed by persons in public life will be available to members of the public. It is anticipated that this will occur via the Commission's website. Additional information obtained during the course of an investigation will be privileged.

The Bill also provides guidance to Cabinet on appointing board members (this is contained in Part 6 of the Bill) to ensure that each board has the skills, knowledge and integrity to carry out the duties required of the position in a highly competent and politically neutral manner. It further allows for the removal of board members in instances where a board member is unsuitable to continue to serve, or a conflict of interest has arisen which would bring disrepute to the board.

Mr. Speaker, it provides for Members of the House to continue to be held to a high degree of standing in that any contravention of this Law by a Member shall constitute contempt of the Legislative Assembly, and the Assembly may order that Member suspension from sitting and voting in the Assembly for a determined length of time. This is contained in section 33(1).

Mr. Speaker, the Bill provides for penalties of up to \$100 per day when a person in public life submits a declaration outside the 30-day period (section 11(5)); further penalties of up to \$10,000 and/or imprisonment for a term of two years for persons who fail to furnish a declaration or required information, or who provides false information on his or her declaration, or fails to appear before the Commission when summoned.

During the course of an investigation any person who fails to comply with any of the Commission's requirements is liable for a fine of \$50,000 and/or imprisonment for a term of up to two years.

Mr. Speaker, this is a serious piece of legislation. It is further demonstration of this Administration's commitment to good governance in these Islands. This is a commitment which we have made; it is a commitment we take most seriously. And it underpins our view, Mr. Speaker, our belief that good governance is at the core of the wellbeing and continued success of these Islands. We must ensure that those who are in public life carry out their functions with absolute integrity and that everyone, those who live here and work here and those who do business here and

invest here, can do so in the belief satisfied that all the matters that are dealt with, all the decisions that are taken by boards, statutory authorities, members, senior civil servants and Members of the House are taken on the basis of the Nolan Principles, and that self-interest and conflicts of interest do not influence or colour the decisions that are taken.

So, Mr. Speaker, I am happy to say that we are today ticking another one of those boxes with respect to the undertakings that we gave when we stood for public office, when we published our manifesto, when we said one that of the principal things we were going to ensure was the restoration of confidence, the repair of the reputation of the Cayman Islands Government, that we were going to ensure that integrity and principle were tenets of our Administration. And so I am proud, Mr. Speaker, to be able today to introduce such an important Bill which will have far-reaching consequences, but consequences that I believe will be nothing but positive for the reputation of these Islands and also for the administration of the affairs of Government.

I thank you, Mr. Speaker.

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

Elected Member for North Side.

Mr. D. Ezzard Miller, Member for North Side: Thank you, Mr. Speaker.

Mr. Speaker, I rise to support a Bill for a law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes thereto. And I take the opportunity to congratulate the Government for bringing this Bill.

I do have a few concerns. I agree with most of the Bill, but I do have a few concerns and I understand that in order to raise it in committee I need to mention it in the debate so that I have full licence to question them in detail in the committee.

I start with [clause] 4(1)(c): "**a legal practitioner who has practised in the Commonwealth for at least ten years; . . .**" I would be much more comfortable, Mr. Speaker, if that said: "has practised in the Cayman Islands" for those ten years. I know that the next subsection says that he has to be a Caymanian to be appointed. But we know there are several forms of Caymanians these days under the Immigration Law. And, having been the subject of one of these enquiries where they hired Idi Amin's former chief justice to investigate me, I'm worried that somebody could come here from a similar area of the Commonwealth and be appointed to this Commission because he got Cayman status in a short period of time through being an investor or one of the other lightning-bolt type provisions that gives people Cayman status when they want to come here. So, I would be a lot more comfortable if that said that legal practitioner practised in the Cayman Islands for at least ten years.

I believe we have to recognise our own. I think we have enough Caymanian legal practitioners that we can find these kinds of people from and we do not need to go abroad and appoint somebody who, although he is a Caymanian, if you ask him at the bar where he is from, he is not going to tell you Cayman. He is going to tell you [he is from] somewhere else and they always have somewhere else to go. So, that is one of the things that I will try to get changed on the committee.

I also do not understand why we believe we have to be more generous to people in public office than we are to members of a political party, in that members of a political party, or politicians, are prohibited from being a member for five years, but for public servants and civil servants it is only three years. I think both should be five, because I think it is necessary to have a separation before you get appointed to such an important commission. I don't see why public servants only need three and we need five.

I also have some concerns, Mr. Speaker, about [clause] 5(3) where it says: **"A report, statement, communication or document which the Commission makes in exercise of its functions or which a member makes in the performance of his duties shall not be used in legal proceedings if the Governor certifies in writing that such production is not in the public interest."**

Given the history of Tempura, et cetera, I have great concerns about giving the Governor the authority to unilaterally decide that some document or information that some person may need to use in legal proceedings in civil cases . . . I think this will probably . . . I got have to be careful here, Mr. Speaker, because somebody will tell me that I am not a lawyer . . . and it may not refer to criminal cases. But I don't think the Governor should have the authority to say that if a Caymanian needs to use information here in a civil case under this caveat undefined—because "public interest" is not defined in the law—then that could simply be that it mentions somebody in the UK Government or the Governor himself or herself.

I agree with the amendment that has been filed to [clause] 8(2).

I also have some concerns, Mr. Speaker, because we are making legislation for the future and [clause] 12(1)(l) says: **"such other details as Cabinet may prescribe in regulations."** I think when it is related to this [clause] that should require an amendment to the law and this should come to the Legislative Assembly.

[Inaudible interjection]

Mr. D. Ezzard Miller: No, he never changed it.

[Inaudible interjection]

Mr. D. Ezzard Miller: No, no.

Anyway, in [clause] 15 too, Mr. Speaker, I am a little concerned that the Commission only has to keep the records for three years. I think that five years might be more appropriate because that at least includes a term of the Legislative Assembly. Because here they could destroy the record before the full term of a legislator and there would be no record of what they started and what they finished at. I think that at least that should cover the period elected to the Legislative Assembly, so that it is easier to compare what you came into the Legislative Assembly with and what you are leaving with. If the record is destroyed after three years, there is no way of knowing what you came in [with] in year one and what you are leaving with in year four.

[Inaudible interjection]

Mr. D. Ezzard Miller: Actually, I would be more comfortable with five years.

I also have some concerns, Mr. Speaker, and I know that the Premier in moving it, talked about the investigative powers, which I agree with, that is given to this Commission. But I would also be happier if we allow the Commission to prosecute. And I think we have to provide them with the resources and they can go out and get whatever resources they need. But I think one of the things that holds up and reduces the effectiveness of these kinds of commissions is that after the commission does its work we then refer it to the police and then they have to refer it to the DPP [Director of Public Prosecutions] and in some instances that could take a long time. I don't see why we are afraid to give the Commission the powers to prosecute on its own findings, because the court is going to be the ultimate arbitrator.

I think if we look to the Anti-Corruption in Hong Kong, the thing that separates and ensures the success of that Anti-Corruption Commission is because it can prosecute and it is not subject to somebody else deciding that what they have recommended as an offence is not worthy of prosecution. I would believe that the caliber of the people that we are putting on this Commission, if they determine that somebody committed an offence then they should be able to prosecute it and not rely on some other entity that would not necessarily have been involved in the whole investigative process.

I believe that if we are serious—which I think we are, because the legislation is here—in talking about and implementing the Nolan Principles, we have to give these commissions the resources with which to work to achieve the objective that we ask of them. We should not let them off the hook by allowing them to have the excuse of, *Well, we referred it to the police.*

Recent history, the ICTA [Information and Communication Technology Authority] claimed their interpretation of the law was that they were not re-

sponsible for content and broadcast. But there is no other authority in the country responsible for any content. And even when a legitimate complaint is put before them, they simply refuse to deal with it by saying that it is the police that needs to investigate, not them, and the police do not respond to the written complaint. There are other provisions in the law that gives the Governor permission to intervene immediately. And if you write them about the same complaint and nothing is done about it. So, I believe that we have to give these commissions the resources and the ultimate authority.

[Inaudible interjection]

Mr. D. Ezzard Miller: Oh, well the Government let him off the hook. They gave him a reward and sent him home.

[Inaudible interjection]

Mr. D. Ezzard Miller: The point I'm making, Mr. Speaker, is that I believe that we have to give these important commissions the best possible chance of achieving the objective for which they were created. I do not believe that telling them after they have done all of this investigation, they have found something that they believe they can prove is wrong, that that finding is then subject to some other arbitrary decision of facts or whatever they arrive to their decision on. I think if they are brave enough to do the investigation, they have findings, give them the authority and the resources to prosecute and let the court be the arbitrator.

Another thing that I don't like, Mr. Speaker, is several times we see that the Cabinet "may" do certain things to bring this law into effect. I think that should be "shall" and not "may" because there is no success in putting these things on the books and then all that is necessary to make them effective is not done ASAP. And the part I am talking about is in [clause] 22(1), **"Where the Commission is satisfied, on the basis of an enquiry conducted under this Part that – (a) a breach of any of the provisions of this Part has been committed; or (b) an offence has been committed, it shall forthwith refer the matter to the Royal Cayman Islands Police Service and the Director of Public Prosecutions together with a certified copy of the declaration in question and a report of its findings.**

"(2) In any case where the Commission determines that the subject matter of an enquiry under this Part is – (a) already under investigation by the police whether or not charges have been preferred; or (b) already the subject matter of proceedings in a court of law, the Commission shall hold its own enquiry in abeyance, pending final disposition of that investigation and those proceedings."

As I said earlier, I believe that they . . . and I'm not sure that in [clause] 24 it refers to "section 11", which I believe the Register of Interest is a public document . . . any person in the public can asked that it be seen. I don't know whether . . . It says that, **"The Commission shall not divulge to any person or authority information or any document disclosed under section 11 . . ."** because in reading the earlier part of the Bill I assumed that the Register of Interest was a public document that could be inspected by any member of the public during normal working hours. And I just want to make sure that this section does not conflict with that and contradict it so that somebody can say, *Well, section 24 prohibits me from seeing what somebody else put on it.*

As I said, Mr. Speaker, I am not a lawyer so I could be wrong. I am just taking a commonsense approach to what I read.

Now, Mr. Speaker, under Part 6: [26(1)] **"Notwithstanding the provisions of any other Law –"** (I'm really curious about this and I don't understand the provision) **"(a) board members of a public authority shall be appointed by Cabinet; and (b) one of those board members shall be appointed to be the chairman by Cabinet."** I think that in some of the laws that currently exist Cabinet appoints the board members and a separate person is appointed as chairman. So there may be some instances where . . . the way I read this it says that the person who is going to be appointed chairman has to be one of those who is appointed under the other section of the law about board members. As long as there is no conflict in it I don't have a problem with it.

So, Mr. Speaker, with those few short comments I support the legislation. I congratulate the Government on bringing it here. I think it is timely, and I think it is a good piece of legislation. But I do have those concerns about the legislation and will seek to have them addressed individually in committee stage.

Thank you, Mr. Speaker.

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

I call on the Fifth Elected Member for George Town.

Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town: Thank you, Mr. Speaker.

Mr. Speaker, I campaigned on a return of ethical leadership and good governance for these Cayman Islands. And I rise to support the Standards in Public Life Bill, 2013, or, as it is named, "A Bill for a law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes."

Our leaders must live by the highest code of ethics in order to restore confidence, trust and respect in the hearts and minds of the people of the Cayman

Islands, and also the world. I think the first step in reestablishing good governance was the election of responsible accountable leaders who are committed to putting the interest of the country first. I think this Bill proves that commitment and is a good second step in order to restore good governance in the Cayman Islands. That first step, Mr. Speaker, was, I believe, the reestablishment of a good relation with the UK.

In fact, Mr. Speaker, in our national priorities plan, my independent colleagues and I promised to pass and implement the Standards in Public Life Bill if elected. We are happy, as part of this Government, to be putting our weight behind it. I can only speak personally, and I'm sure my colleagues will echo this, but I am extremely happy that this is one of the priorities of this Government.

We have to go further, though, Mr. Speaker, and request political reform. When we are looking at our leadership and good governance we have a few steps to ensure appropriate procurement systems with a centre-of-excellence approach. And to strengthen the penalties for public office in proprieties, I think, like I said before, that this is a good step, but I would charge my colleagues that we have a long way to go. But in these four years we can accomplish that by enacting good legislation such as this Bill.

Therefore, Mr. Speaker, with those few words, I am happy to support the passage of this Bill, and the amendments thereto that were sent out yesterday. I suggest that because of the importance of this Bill, we all promise to improve public awareness of what constitutes conflicts and corruption, because we have to be seen as transparent, we have to be seen as leading the way and we have to be seen as just and upright leaders. In improving the awareness of the electorate, letting them know what constitutes good and bad behaviour and what corruption is, we will have strengthened them and we will have strengthened this country.

Mr. Speaker, I come from a governance background. That is what I did as my career. So I am very aware of the risk of not doing it right.

I think we also have to amend our Anti-Corruption Law to address perceptions relating to conflicts of interest, to also ensure that what is seen is also done. It is already in the Constitution and it is already adhered to by Members of Cabinet. We need this to be done by all members of our community in order to stamp out some of these practices.

We have also started, as this Government, to proactively look at the third pillar of this which is financial accountability and putting in place policies because we recognise that good financial management is the key to good governance.

So, Mr. Speaker, with those few observations I am quite happy that we are on the right track in putting the country back to where it needs to be, by building a strong base of good governance and practices

and implementing the Nolan Principles and the other areas as set out in the Objects and Reasons of the Bill.

I thank the Premier for bringing the Bill to this Honourable House and I am happy to support it.

Thank you, Mr. Speaker.

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

I recognise the Second Elected Member for George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Thank you, Mr. Speaker.

Mr. Speaker, I rise today to also publicly state my support for the Standards in Public Life Bill as it now stands before us for approval in this Assembly.

Mr. Speaker, I was one of those original commissioners and was very much involved in the drafting of this legislation. Not drafting it but in contributing to the legislation as it was being drafted. I resigned my commission on January 20th, 2013, once I declared my candidacy for the legislature. And so I was never able to see this piece of legislation, or to see it being implemented during my term as a commissioner.

I know that for the first four years of the Commission's existence it has hampered its work because this is so necessary to allow the Commission to fulfill its constitutional mandate. But I have to say I am delighted today that the Premier has brought this legislation forward because it will give me opportunity now, on the other side of the fence, to be able to see this legislation implemented finally come to fruition to give the Commission the power and authority it needs to conduct its work in bringing transparency and a heightened sense of ethics within the public service, and for all persons who work in public life.

Mr. Speaker, I think it is important for any person dealing with a person in public life, whether it be the civil service or within the legislature, wherever—public authority, statutory authority, government company—that whoever they are dealing with, the person dealing them is free of conflicts, whether they are real conflicts or perceived conflicts, as there is a distinction, but the two can create the same issues of problems. And that however and whoever they are dealing with, they are dealt with in a fair and impartial manner.

Mr. Speaker, sometimes we think conflicts are a bad thing; that they are evil. But they exist everywhere in life. They exist in everyday things that we do. The question is how to deal with those conflicts. They need to be mitigated wherever they can be mitigated or eliminated. And I am glad that there are provisions here to deal with these conflicts when they do arise, because I believe so many times we have seen throughout history and throughout times where conflicts are not disclosed and sometimes citizens of this

country are disenfranchised by the outcomes of decisions taken by people in public life.

Underpinning this legislation are the Nolan Principles. Mr. Speaker, I too come from a background of high ethics and transparency in my former role as managing partner of one of the accounting firms here. I've lived all of my life under a microscope in terms of how I invested, what I was allowed to invest in, and had that monitored on an annual basis. So, I am accustomed to this type of life. I am accustomed to identifying conflicts of interest and mitigating them, or avoiding them in the first place. So this is nothing really new to me. But I am grateful too, to see that these types of principles will now be enshrined and become a part of the ethos and the mindset of our public service.

Mr. Speaker, the challenge that we face going forward is that all persons in public life will now need to be trained on these principles, educated on them, helping them to understand what these principles truly mean in their life and what it will mean for them in terms of their daily decision-making to ensure that the real meaning and the true intent of this legislation is achieved. So, I think that our public service will have some challenges in terms of educating and bringing these things forward and implementing them within the public service to ensure that the intent is achieved with this legislation.

Mr. Speaker, I am delighted to say I will be supporting this legislation and I am looking forward to voting at the appropriate time because it will give me great pleasure to see this legislation finally come to fruition for the Commission and for the people who have worked so tirelessly over the past four years to see it come to this point. And with those few comments, Mr. Speaker, I will conclude my debate and contribution to this legislation. Thank you.

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

I recognise the Sixth Elected Member for George Town.

Mr. Joseph X. Hew, Sixth Elected Member for George Town: Thank you, Mr. Speaker.

Mr. Speaker, I rise quickly to also offer my support to this Bill entitled a Bill for a law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes.

Mr. Speaker, a few short weeks ago we were here passing another monumental Bill into law and that was the National Conservation Law. Mr. Speaker, that Law preserves our natural environment for our future, for our children's children and for our children's grandchildren. Today we are here with the Standards in Public Life Bill, another important piece of legislation, but this time preserving the core values of our people and our Government. It is the responsibility of

us, the leaders of this country, to display the highest level of honesty, integrity and principles. We are the ones who set the standards. We are the ones that the young people of this country look up to. We are the ones that the students in our high schools read about and study about. We are the ones that our students in universities are following, and we are the ones who are making the decisions that will affect the rest of their lives.

Mr. Speaker, I have always been an advocate for transparency. I have also been extremely outspoken, even prior to getting involved in politics, with regard to conflicts of interests on our boards and in our authorities. So, Mr. Speaker, in many instances I have seen many upright and good citizens have their reputations tarnished just because of the perception of them being in a particular position. We put them there to compromise their integrity. They can go there with the utmost of the right intentions. However, one little incident, one view, one perception of a particular case or of a particular matter can ruin that individual's reputation for the rest of their life.

It does not matter all of the good they did in the past. That one incident can ruin all of that and ruin their reputations and this is why I believe that this Bill is so important so that we can operate these boards. We have to rely on the expertise of volunteers. I know there is a stipend with a few of those but, really, the persons that we are asking to take those posts are not there for the money. They are volunteering their expertise and their time for the betterment of this country.

Without procedures and policies and laws in place like the Standards in Public Life, we are putting those persons' reputation at jeopardy, Mr. Speaker. So, I am very happy to rise here today to offer my support to this Bill and to say that I will be voting for the Bill and its amendments later this morning.

Thank you, Mr. Speaker.

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

I recognise the Fourth Elected Member for Bodden Town.

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Thank you, Mr. Speaker.

Mr. Speaker, I also plan to be brief, but I am rising to give my support for this Bill. I am sure many people remember on the campaign trail that I talked about supporting this legislation and supporting any move that this Government would make to further transparency, and I am sticking to that promise. As the Premier mentioned earlier, this is another check that we can put on that list of things we promised to do.

I campaigned for transparency, Mr. Speaker, and I believe that if I am prepared to operate under

the principles and standards set in this Bill, I don't see why anyone should have an issue with doing the same. We are representatives of the people and we have to represent according to higher standards and in the most transparent way possible.

Mr. Speaker, our Government has suffered from a perception that corruption, or favours, cronyism, exists. And I have seen it and heard about it when I deal with some of the boards and board members and people who have to deal with the boards. I applaud the Government for pushing this issue because I think we need to stamp that perception out. The more we can do to clean up the perception that any government operates in that way, the more the country will benefit.

The Premier mentioned earlier that he is going to be on an international talk show in the UK in the near future. I am sure that he is going to be grilled with numerous questions that may be aimed at our reputation internationally. I think this Bill is a shining example of what we are prepared to do to defend and protect this country from unwarranted accusations and threats. Anything we can do to clean up our reputation, Mr. Speaker, I will support.

I want to thank the Premier and all individuals who were involved in bringing this Bill forward. I think it is something that has been waiting for quite some time. I know we have moved if forward since the introduction of the new Constitution. And while it may seem academic for most, it is quite an accomplishment and they should be applauded for their efforts.

I agree with my colleague from George Town, Mr. Speaker; that we must do everything we can to help those individuals whom we put into positions of power and trust, to not become subject to unfair accusations. The more we can do to make the operations of those individuals transparent, the less opportunity others will have to criticise and condemn.

So, with those few short words, Mr. Speaker, I offer my support for this Bill and I will be voting in the affirmative. Thank you.

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

I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Mr. Speaker. Just to say a few words in support of the Bill.

Mr. Speaker, the issue of integrity in public life is very current, very topical throughout the world, and, of course, no less so in the Cayman Islands.

As a small jurisdiction we have over the years consistently developed practices and legislation to confirm our willingness to take steps to comport with what have been considered international norms of transparency and openness; certainly, in respect of the conduct of public life and also matters dealing with people and persons in the private sector. Mr. Speaker,

that, is why we have signed numerous tax exchange agreements. We have embraced numerous conventions that have been extended to us, and have put legislation in place to give legislative effect to them, starting with the Mutual Legal Assistance Treaty, with the Vienna Convention. We did all of those matters.

In some countries, of course, the conduct in public life is regulated, by and large, by what are called conventions. The Nolan Principles that we are espousing today are enshrined in the legislation. And some of the other concepts that are embodied in this are values and codes that other countries observe by way of conventions. But they are nonetheless extremely important. We have gone a step further and enshrined them in legislation giving legislative underpinning.

Mr. Speaker, in 2008 we enacted the Anti-Corruption Law. Before that we had the Public Service Management Law, which has certain provisions in it dealing with codes of conduct for civil servants. We have our customs and conventions that guide conduct of parliamentarians and others in public life. And we have had our challenges over the years and we will continue to have challenges.

The honourable Member for George Town mentioned the need to educate our board members. If you look at most of the statutory authority laws you will see that it speaks to the issue of conflict of interest. But is it clear from some of the things that we are seeing, some of the issues that we have been confronted with, that there are in a number of cases, genuine misunderstanding as to the import of those provisions. Some people think that all you really need to do is to make a declaration and stay and participate in the meetings. And that is notwithstanding the fact that in some of them it makes it clear that you recuse yourself after making a declaration and have it recorded.

So, there is a lot to be done. I mean, it is impossible to legislate integrity in public life. It is impossible. It takes more than that. It takes a culture. A cultural thing is that sort of a sea change . . . well, I shouldn't say a sea change, but really what it means is that it has to do with the person; people understanding the importance of these things. So, legislation will say one thing. But unless you have the right body, the right mind, the right mindset to give effect to the requirements of the legislation, we will continue to have challenges and so.

Of course, it does not help being a small jurisdiction where you are looking for certain expertise to put on boards and commissions, and you are looking for people with requisite knowledge, background, and so on. And some of these people are involved in businesses where they have to make their own living, have to care for their families, and government is trying to draw on their expertise and they have to find a way to balance that with their ability to conduct their business and make a living. So, it is a balancing exer-

cise. We want the best minds, the best expertise on these boards, but they are faced with the possibility of, *Well, if I sit or serve on this board, it simply means that my business is going to be compromised or my ability to make a living has to be put on hold*, and so on.

It is always going to be a challenge to find the right people to put on boards and so on. But I agree that if you are going to ask for efficiency and good administration, then you need to find persons with the right skillset.

Mr. Speaker, over the years the world (and I say ‘the world’) has focused on us because there is this perception that we are not where we should be in terms of international benchmarks. And I say “perception” because each time that we have been reviewed, and God knows we have been review-fatigued by now . . . we have been reviewed by just about everybody everywhere. Any sort of initiatives that they come up with, the Cayman Islands is a guinea pig for these. So, whether it is the FATF [Financial Action Task Force], the OECD [Organisation for Economic Cooperation and Development], the GAO [Government Accountability Office], the Committee for Fiscal Affairs, just about everybody, Cayman Islands is the place to start with. I don’t know if they are saying that there is something that is hidden under some rock somewhere that they have not been able to discover, but they have always come up short, because the fact is that we have gone much further than some of our colleagues, some of our metropolitan countries.

The Deputy Speaker: True.

The Attorney General, Hon. Samuel W. Bulgin: When you look at how we comply with the recommendations under the FATF, the Cayman Islands sits at the top of these countries—major European OECD countries. Cayman sits at the top of the Apex in terms of our compliance with the recommendation set by the FATF.

If you look at what happened in terms of information exchange in tax matters, it’s the same thing, the Cayman Islands is very much sitting at the top of the apex with all of these other countries. But for some reason we have not been able to shake some of these things.

We have had an anti-corruption law in place. We have the UK Bribery Act that applies to us. We have the Convention itself that has been extended to us since 2010. We have been told what we know all along, that as far as the United Nation Convention on Corruption is concerned, we have the necessary legislative framework in place to give effect to it. We had an anti-corruption law long before that. So, we are at the stage where we are ready to have the convention extended to us to basically sort of augment (if you will) our existing legislative framework with these things.

So, we are very much there, and we have every reason to be proud. We have had our challenges but name me one country that does not have in these things. So, we need to continue to demonstrate that we are a country that takes these things seriously. We have public officers. We have parliamentarians. We have people in our judiciary. We have persons all over the place who do understand and embrace these values and attitudes as it relates to our conduct in public life and good administration.

The Bill is an excellent bill. It deals with, as I said, some of the things that other countries observe by way of conventions and customs. We have codified them in legislation and this is very important.

It is also important to note that there is a sort of a comfort for just about every potential stakeholder. And by that I mean those who are genuine whistleblowers, and who are aware of things happening, transgressions taking place, and are prepared to come forward and make a report. They are protected under the legislation. I think clause 23 provides certain protection for these whistleblowers.

But the contrary is also true; clause 17(2) makes it quite clear that busybodies will be punished. So those who think that it is good and in order to make unfounded and unnecessary allegations against people and just want to be busybodies, clause 17(2) of the Bill says that you run the risk of being prosecuted and dealt with severely. So, it provides comfort to both sides, to all stakeholders.

I certainly welcome the passage of this legislation which is, although the title of the Bill is “A law to preserve and promote integrity in public life”, I would certainly say it is a Bill to *further* preserve and promote integrity in public life, which is what it is. These are incremental steps we are taking in this area. And the effort and the passage of this Bill is something that this entire House should embrace.

Thank you.

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

I recognise the Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Thank you, Mr. Speaker.

[Inaudible interjection]

The Deputy Governor, Hon. Franz I. Manderson: I will be brief as well.

First I want to commend the Government for bringing this Bill to the House. It is timely and necessary. The Civil Service welcomes the Bill, and I would go as far as to say that the Bill shines a light over the Civil Service and it promotes transparency within the Civil Service.

For quite a while, Mr. Speaker, I think all of us would have heard allegations that senior civil servants

were making decisions to further their interests, and this Bill makes it very clear that that is not possible. But it goes further. If someone believes that I am making a decision to further my benefit, or in a situation where I have a conflict of interest, because I am required to fill out the Register of Interests, they can view that on the Commission's website or by visiting the Commission's office. If they believe that I have not been truthful, they can make a complaint and the Commission can then investigate. I think that is very important in that we have provided the Commission with the necessary teeth for them to carry out their work and that for the Bill to have the necessary penal provisions so that it would be a deterrent to anyone who would seek to violate the law once passed.

Mr. Speaker, I also support the section on whistleblowing. As the Honourable Attorney General said (I won't rehash that), that has been one of our shortcomings for quite awhile, in that we have not been able to provide whistleblowing protection to persons who come forward with information. People say that they are reluctant to come forward with the information because they are afraid that they will lose their jobs or some other action will be taken against them. Clause 23 of the Bill makes it very clear that they will now have adequate protection.

Mr. Speaker, I believe one of the other benefits of the Bill is that it promotes investor confidence in our Islands. I think investors coming here want to be assured that the elected Government and the Civil Service arm of government are all observing the Nolan Principles, which is set out in clause 2 of the Bill. I believe that will go a long way to assure investors that the Cayman Islands is open for business and we are happy to regulate ourselves and promote transparency and accountability.

Mr. Speaker, a lot of work has gone into this Bill, and it would be remiss of me if I did not thank the Commission for Standards in Public Life or the Commissioners, past and present, in particular the Chairman, Mrs. Thompson, for all of the hard work and the Commission's Secretariat, Ms. Boddin, who is here, and other members who have worked very hard on this Bill. I know that our civil servants in legal drafting have done a tremendous amount of work in putting this together, dealing with some committee stage amendments, and I want to recognise all of them for their hard work.

Again, in summary, Mr. Speaker, I want to thank the Government and commend the Government for bringing this Bill. It is timely, it is necessary. It will be supported by the Civil Service. We understand that we have to abide by this law. We look forward to doing it. We look forward to promoting Standards in Public Life. I have shared this Bill with senior civil servants, and I want to assure everyone that we are committed in the Civil Service to abiding by the rules and regulations set out in this Bill, and to promote standards in public life.

Thank you, Mr. Speaker.

The Deputy Speaker: I recognise the honourable Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Mr. Speaker, I shall be very brief.

Let me start by also congratulating the Government. What I do know is that when I was a part of that Government, the PPM, we always strived to ensure that honesty and integrity was a part of the administration. I am pleased that all those who have since joined, have followed suite. I would expect no less from them. So, I join the chorus of congratulating them in bringing this Bill. I think it is necessary. I have always believed it was necessary.

I should say, though, that I had a number of concerns with it prior to the circulation of those amendments last night sometime. And I had seen some mistakes in it, like [clause] 30, but I noticed that Mr. Biliika Simamba, the draftsman, has now spotted those and is correcting them. Mr. Speaker . . . and many of those highlighted by the Member for North Side (because he and I had lengthy discussions on this Bill since it has been circulated) were concerns of mine as well. So, I am sure at committee stage we will be able to address those.

Mr. Speaker, I heard the Premier in his presentation of this Bill, and now the Attorney General, speaking about the perceived conflicts in a small society, such as ours, particularly when it comes to statutory bodies, and the balance we have to try and maintain (that is, the expertise that is needed and where that expertise comes from), or whether or not we can put people there without what we think is the requisite experience or expertise, and what will become of those statutory bodies. I think the Premier used the example of the Planning Authority.

I don't know if we have fully appreciated that in many instances people on the Planning Authority (and I can think of one who is a very good friend of mine, no disrespect to him) would be bidding, or potentially bidding, on projects even before they come to Planning because the developer or builder is looking to do costing on that development, especially construction, and would ask these people to submit bids, or get them to do a preliminary review of those plans. And then once it gets there, I don't think with any disrespect to any of them, they would probably . . . if it could be perceived, yes, that that is a conflict because they had done this three months before or six months before. But what will happen if that person says, *Well, I don't even think I am going to get the contract*, and doesn't declare that in good faith?

I have seen so many times that the Planning Tribunal has overruled, on perceived conflicts, the decisions of Planning. I can think of one development in my constituency where the developers lost the whole development because a member of Planning

had signed a petition and declared it but it hadn't left the room. These are the things we need to be careful with because it could very well create a problem for developers. And then regardless of how many people we have on those (like Planning), the majority of them are involved in the construction industry.

And the majority of them may very well conflict, or have a conceived conflict and then they can't hear the matter. And this could happen on a lot of those things. So, I don't know how the Attorney General or my perceived good friend, the Premier, could explain that to us.

[Laughter]

Mr. V. Arden McLean: Perceived former friend, Mr. Speaker.

[Laughter]

Mr. V. Arden McLean: Anyway, I would like to hear from the Premier in his response if those things had been considered because they resonate with me because of other experiences I've had, especially in my constituency, and as a member of the Planning board for many, many years.

The Minister of Lands and I were members of the Planning board for many years and had many conflicts on there—not between him and I, but . . . And those are the things that I have concerns about because the Appeals Tribunal for Planning has this way of talking about natural justice. And usually that is the grounds under which they rule against Planning. And we cannot have too many of those against Planning because development is our stock market in this country.

The Deputy Speaker: True.

Mr. V. Arden McLean: Mr. Speaker, at committee stage I have a few other ones that I believe I'll question to see if there is some discussion. But, certainly, Mr. Speaker, we have to be extremely careful we do not lose too many people from our statutory authorities.

The other one I believe we need to think about is Cayman Airways. We remember when that was the political football. Now it has become the sacred cow. I remember us coming to parliament and doing an indemnity for all the Members. Will that be required any longer? Because that is a statutory authority, isn't it? Statutory company or entity, whatever we want to call it. But I think someone needs to . . . I don't know if the Deputy Premier has thought about this, but will that indemnity no longer be required now that we will have a Standards in Public Life Law?

Certainly, that is a matter that needs to be addressed. It needs to be looked at. I think there are a couple of other statutory authorities that we have that

those indemnities [were] made by parliament. And I think Cabinet has made some too. I can't remember whether they were agreed by Cabinet and came here. But there are a number of those boards. I think the one in West Bay as well; the Turtle Farm I think is one.

It has to be approved by the Legislative Assembly. I understand that, but my question Mr. Attorney General (since you were not here—Mr. Speaker, through you), is: Will they no longer be needed now that people have to declare their interests? But, of course, those indemnities, I think, were to do with the expenditures of money and they would not be held responsible for any incurred debt. Whether or not they are needed no longer, we really need to look at that too because people just spend money without any concern because they are not going to be held responsible.

So, Mr. Speaker, I support the Bill and I again commend the Government for bringing it at this stage. And I believe the amendments that were circulated will address the majority of my concerns. So, with those few words, Mr. Speaker, I thank you.

The Deputy Speaker: We will pause for the luncheon break and return at 2 pm.

Proceedings suspended at 12:27 pm

Proceedings resumed at 2:15 pm

The Deputy Speaker: Please be seated.

Debate continues on a Bill for a law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes.

Does any other Member wish to speak? [pause]. I recognise the Honourable Minister of Health.

SECOND READING

STANDARDS IN PUBLIC LIFE BILL, 2013

[Continuation of debate thereon]

Hon. Osbourne V. Boddan, Minister of Health, Sports, Youth and Culture: Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this very important Bill, as you just outlined, and just looking here at the Progressive's Manifesto in regard to this area, I would like to read a segment from this public document with your permission, which says that—

The Deputy Speaker: So ordered.

Hon. Osbourne V. Boddan: Thank you, Mr. Speaker.
“The People's Progressive Movement has a record of honesty and integrity in office of which

we are very proud and we intend to build on that and to further strengthen the institutions of government to protect against abuse of office and corrupt practices by those in government. We are the party that passed the Freedom of Information Law in 2007 and we are the party that passed the Anti-Corruption Law in 2008. We shall continue to uphold the highest standards of good governance by:" (and the very first one, Mr. Speaker) **"• Enacting legislation to give effect to the Commission for Standards in Public Life."**

That is followed by some other important stuff that some yet to come. But I used that as a platform to start my short contribution today on this landmark piece of legislation.

Mr. Speaker, it is based on the Nolan Principles, as we have heard, which are well known, and it certainly accords with my own feelings in regard to honesty and integrity, and especially when it comes to someone else's funds or property. My colleague from George Town referred to the fact that he also was trained as an accountant and went on to become a partner with one of the big accounting firms here. One of the things you have to learn to live with when training as an accountant, and, of course, not all do, but those of us who believe in ethics will certainly know that we believe in accountability and honest representation when it comes to dealing with other people's money and their records.

Mr. Speaker, I've always said when people talk about the police or people in authority harassing them, if you have done nothing wrong you have nothing to fear. Certainly, even if you are charged, your day in court will come and you will be exonerated. So, I have nothing to fear with legislation such as this, which is certainly a very strong piece of legislation and it applies across the public sector, starting with us here in Parliament and extending itself into the Civil Service and other public officials.

Schedule 1 lays out the various categories and, like I said, it starts with Members of the Legislative Assembly, chief officers and deputy chief officers, chief financial officers and deputy chief financial officers; heads of departments, chief executives of statutory authorities, members of governing bodies, governing bodies of statutory authorities and members of governing bodies of government companies; members of all commissions created by or under the Constitution, and a person holding a full time or part time position in a public authority. So, just about everybody, I think, when it comes to public office is being held accountable once they have reached a certain level of seniority, and, of course, people who will serve on boards as we move forward.

Mr. Speaker, I think that there will be those among us who will be concerned with legislation such as this. I think it will be largely accepted and largely welcomed, because Cayman, Mr. Speaker, is built and has been built on good governance. When we go

overseas to promote these Islands or when we deal with them from within, one of the first things that we put up on that board or that screen is "Good Governance," "Stability," an "Honest Environment." Those are the things that we sell; not just the sand, sea and sun. And these are the things that concern investors and people who want to do business with the Cayman Islands, the fact that they know they can come here and not find corrupt practices and corrupt politicians and corrupt officials to *buy* their way rather than *earn* their way.

Mr. Speaker, I am not here to throw any stones, but certainly we have all heard over the years the many accusations and innuendoes when it comes to corrupt practices in our Island. And it has been a matter of concern and we've seen countries where this has taken them right down to the bottom. We do not want to join that group of countries. We need to be able to hold our head up high and say that the Cayman Islands is one of the leaders in governance, one of the leaders in transparency, one of the best places to do business, and give confidence to attract the right people.

Mr. Speaker, bad governments attract bad people, and good governments attract good people. I would like to think that I am a part of a good government and I've always been and think that what we are seeing now is a testament of that. The people who we see wanting to do business here are people that, although we have to screen and do due diligence, are largely in part good people that are now saying, *We want to come back to these Islands to do business. We would not come beforehand.* So, this is why legislation such as this and the Anti-Corruption Law and all of the others, Freedom of Information and everything else, go hand in hand, Mr. Speaker. We cannot underestimate the importance of this.

Mr. Speaker, I was elected in 2005 to 2009 and now I am back since last year. And one of the things that hurt to the core sometimes is the bad reputation that the word "politician" engenders. You hear more and more, *Oh, you're one of them.* They don't care which side you are on, you're one of them. We need to change that image. And yes, we will always take our licks—politicians—it's the nature of the business. Politics is an adversarial business. But we want to be able to say that we are a Government in large part, and I'm speaking on both sides of this House, Mr. Speaker, that people will look at and admire and say, *Those people, whether they are on my side or the other side, are honest, they are hardworking, they are doing their best for these Islands.*

Legislation such as this, Mr. Speaker, will ensure that we go a long way towards cleaning that image up. Of course, it starts with the people that you elect. You have to elect the right people. You have to appoint the right people, because no legislation in the world will be fool proof against someone who wants to get around it. But we have to make sure that when we

put ourselves forward for public office, that, we do so bearing in mind that we are simply a custodian of our peoples' assets, our peoples' reputation, and we have a big responsibility. And I take that very seriously, Mr. Speaker.

Mr. Speaker, I mentioned before that some people being appointed to our boards may find this a bit challenging. And, as was said earlier by the Member for East End, we live in a small society and it is always a challenge under the best of circumstances to find good people to help and step forward and throw their hat in the ring for love of country. Because being on a board is certainly not a financially rewarding position, or it shouldn't be. Therefore, as a Government we have discussed this, we know that this will not ease the process. That's for sure. But we are prepared to take that risk because it is worth it.

We have board members who, naturally will have conflicts of interest, and it is for them . . . and hopefully the board has enough members on it that are not in that position (where they recuse themselves) and allow the business to continue. I hope that we do not have a situation where too many people too often will have to leave a room and we do not have a quorum. That is not impossible either.

But, Mr. Speaker, I think that it is very, very important that we show the highest degree of integrity when it comes to our business practices and what we are doing on this country's behalf. The fact that we are moving more and more towards open board meetings and open committee meetings, I'm sure will also enhance this process.

Mr. Speaker, a Commission is being set up under this legislation and they will have a very, very important role to play. We have to ensure, Mr. Speaker, that they are given all the tools and resources it will take for them to do their job properly. We have to first of all, put the right people on that Commission. The Bill calls for certain areas to be represented and certain people to be on. But their job, Mr. Speaker, is a very, very important one, and I would like to just run through a few of the various tasks that they will be assigned with.

The "[functions of the Commission](#)" per [clause] 5, Mr. Speaker, are:

- (a) to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;
- (b) to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers;
- (c) to supervise the operation of the Register of Interests and to investigate breaches of established standards;
- (d) to review and establish procedures for awarding public contracts (that's a big one);

- (e) to review and establish procedures for appointing members to public authorities, and the terms of their appointment;
- (f) to recommend codes of conduct to prevent any Minister, public authority or public officer employing their power for any personal benefit or advantage, and to recommend legislation to provide appropriate sanctions;
- (g) to report to the Legislative Assembly at regular intervals, and at least every six months; and
- (h) to exercise such other functions as may be prescribed by this or any other Law enacted by the Legislature.

That's a large job, Mr. Speaker. It is a very, very important one.

We have seen too often, and heard, not just on the political side . . . because I think oftentimes the politicians get all the licks, but there are other arms of Government. There are the judicial and administrative arms. And we have heard many times accusations throwing across the bow at each of those, and therefore it is very, very important that we are seen to be very fair in terms of the justice meted out, when, at the same time, as the Honourable Attorney General pointed out, we have to protect those that are bringing these situations to light, and we have to ensure that justice is swift. Justice delayed is justice denied, Mr. Speaker. I learnt that much in law.

Oftentimes we see things being drawn out and drawn out and drawn out until they gradually fade away. We trust that this legislation will go some way towards stopping that type of behavior in these Cayman Islands.

Mr. Speaker, it is a very proud day to stand here again with yet another iconic piece of legislation being passed by this Government. The recent [passing of the] Conservation Law was another such day. We will continue to do what is right to protect the reputation of these Cayman Islands, Mr. Speaker. Because without that, as you like to say sometimes, "dog eat our supper." If we do not uphold those principles and create and maintain an environment of honesty, accountability and transparency, because our economy is one that is based on finance and tourism largely, we will see that the golden goose will fly away and we will not have any more golden eggs.

We have challenging times right now in these Cayman Islands, but it would be a lot harder, I dare say, if we didn't have our financial industry. And they would be the first to take flight when things go haywire. We need to make sure that that does not happen.

So, once again I would like to offer my full support for this legislation. I intend, certainly, to abide by it. I know my Government does, and, I am sure all Members of Parliament will feel the same. I want to

thank all of those who have worked extremely hard over the past few years on this, Mr. Speaker, and I also want to commend our Premier for introducing it to this honourable House. With those few words, Mr. Speaker, I thank you.

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

I recognise the Minister of Health . . . Education.

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Thank you, Mr. Speaker. I was wondering if you were giving me another subject matter to add to my very long list of responsibilities.

The Deputy Speaker: I promise I won't.

Hon. Tara A. Rivers: Thank you very much, Mr. Speaker.

I, too, would like to publicly lend my support to this Bill and to say that I am proud to be a Member of this Government that is bringing this very important piece of legislation forward for consideration by this honourable House.

Mr. Speaker, as you may be aware, and remember, I campaigned very much on the theme of it being time for a new generation of leaders; leaders who are willing to stand by our convictions, leaders who are willing to tackle the important issues, such as this Bill that we have before us today, and (as my colleague from the district of George Town mentioned) most recently, the National Conservation Bill which was also seen as an important but thorny issue. This Government tackled that within the first six months of office.

Mr. Speaker, it is important that the country recognises, and I think the country spoke when they elected the Members of this honourable House. Many of us campaigned along formal political lines. Many of us, myself included, didn't. We campaigned as independent minded leaders who are willing to work together for the betterment of this country. And, Mr. Speaker, I am happy to say that bringing this Bill forward and putting this Bill in legislation and, hopefully now, taking it forward with respect to the implementation, was a political promise of myself and other independent candidates then, independent Members on the Government Bench now.

Mr. Speaker, we also saw the fact that this is a crucial piece of legislation that we need to ensure that the pillars of our democracy remain strong, remain sturdy, remain rooted on truth and justice and preserving and protecting our future prosperity as a country.

Mr. Speaker, smart, honest, independent minded leaders working together have been able to

form a Government that will draw strength from similarities but also a diversity of ideas.

Mr. Speaker, what this piece of legislation does is give some teeth to what have become very fashionable buzz words, "good governance". We now have legislation that actually helps to create the underlying teeth which will help to operationalise the Nolan Principles by which we should all be living as leaders in this country.

Mr. Speaker, I, too, supports the committee stage amendments that will be coming forward. There were a number of concerns that I had, that have been addressed in those as well, with respect to ensuring that we can still hold and maintain the highest level of governance amongst our non-elected officials (so to speak), the persons that will be acting in a public capacity on boards, ensuring that what is required of them is balanced and reasonable, given the role that we are asking them to do, but the role that they are agreeing to do by agreeing to sit on these boards.

Mr. Speaker, the hard work has now begun. Based on comments said thus far, I anticipate that this Bill will pass, hopefully unopposed. Now the work to educate the public on what it means to be in a potential, or a possible, situation of conflict of interest and what a conflict of interest entails is an important one.

Mr. Speaker, as we heard earlier, conflicts arise on a daily basis. Some of them are avoidable, some of them unavoidable, but it is our job, as a society, to learn to recognise these conflicts. If they are in a situation that put us as elected representatives or put the leaders of this country, in terms of the Civil Service and other members of statutory boards and otherwise, it is not only left up to our conscience to act accordingly, but this legislation actually makes it a requirement to act according to those principles of good governance. And for that, Mr. Speaker, we are only stronger as a democracy, stronger as a country and stronger as a people. Assuming that this legislation does pass this honourable House we will be in a position to state unequivocally that we not only believe in the principle of good governance, but we intend to abide by such.

So, with that I will just say thank you to the Premier and again, I am proud to be a part of this Government to bring this piece of legislation forward.

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

Honourable Minister of Financial Services.

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

Mr. Speaker, I would like to start off by congratulating the Premier for the good work that has been done on this Bill with the team. For the benefit of the listening public, of course, those members of Cabinet have already demonstrated their commitment to

this Bill by approving it to be tabled, so it is not necessary to really spend a lot of time (and I have to say I probably don't intend to spend a lot of time) talking about it. It is clear, and I think the country, having elected a Government that they feel is trustworthy, it is clear that this piece of legislation is exactly the sort of thing they would expect the Government to be bringing forward.

The Standards in Public Life Commission was put in place by the 2009 Constitution. From a private perspective, having been outside of Government observing what was going on, it has been a source of frustration for me since then, that this piece of legislation had not been brought by the previous government to give the Commission the tools and the legs that it needed to function effectively. So, I am, of course, very happy, very pleased that we are now bringing this piece of legislation forward to support and give effect to that very important Commission which is part of several other commissions created by Part VIII of the Constitution, essentially, as institutions to support our democracy.

Mr. Speaker, if we have these institutions in place fully operational, there is no doubt that they function well and we will function well to improve our democracy to take it forward. One of the biggest things that I think this Bill in particular will do for the people of this country is to give them the opportunity to have trust. Because it is a very fashionable thing around the world these days to distrust politicians, distrust political groups, distrust those that function in public life. And while I know and believe that the country has elected a Government that they feel they can trust, I think we have to be in a position where the perception is improved as well, and they can see for themselves what is going on, reach their own conclusions and establish that degree of trust.

So, Mr. Speaker, I mentioned that it was a global phenomenon; it is very much a local phenomenon as well. You only have to go on the blogs, observe the comments in the various media to see it is an issue that people are concerned with. And I am very pleased that this piece of legislation will go a long way, I think, to addressing that, addressing the concerns of people, avoiding the speculation and allowing them to trust the Government they elected, trust the institutions of government, trust the organisations of government.

Mr. Speaker, the Honourable Attorney General talked about the elements of compliance, the culture of compliance, the success that we have had as a jurisdiction within the financial services industry. This has been demonstrated time and again, as he said. We have been assessed and assessed and assessed, both officially and unofficially. We have had academic studies done by professors around the other side of the world who found Cayman not to be wanting.

Of course, that is in a business context; that is a private sector context in terms of the operations of it, although regulated by the public sector regulators. What we are doing is creating the fundamental parts of the institution of government now that will ensure that trust is there. People can't have confidence in their government until the trust is established, and this will do that. This will create the trust, will establish the trust and will allow the confidence to develop and deepen.

So, Mr. Speaker, with those truly few words, I would simply say, as others have said, that I commend this piece of legislation to this House, to this country, because I think it is a fundamental element of restoring trust and confidence. I am very pleased to be part of a Government that has demonstrated that it means what it says and is putting this Bill in place.

Thank you very much, Mr. Speaker.

The Deputy Speaker: I recognise the Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Thank you very much, Mr. Speaker.

Mr. Speaker, I rise to give my support to the Bill before us. Mr. Speaker, when I say "I", I mean the official Opposition.

Mr. V. Arden McLean: I'm glad they're leaving us out of it.

Hon. W. McKeever Bush, Leader of the Opposition: Mr. Speaker, I don't need to leave the independent Members, who have spoken and put their case well before the House and have given their support to the Bill. But if they want me to reiterate, then I can do that. I am always willing to hold up the unofficial Opposition when needed.

No doubt, Mr. Speaker, the legislation is welcomed. Mr. Speaker, just to make it absolutely clear, this Bill will repeal the Register of Interests legislation, one that I piloted in this House. That, and the present, and only legislation that we had—where Members recorded what they owned, what company they were a part of, what they did—is that piece of legislation. I piloted that legislation in 1996.

That piece of legislation, Mr. Speaker, was on the business paper of the House since 1989. And we believed that we should try to put it in practice. We felt, just as I feel about this legislation: "**It is something which can only contribute to the national interest and assists the preservation of public confidence in our democratic system.**" And I am reading from my own words on the 17th July, 1996; that legislation being on the Order Paper for that long.

We put a committee of the House forward to deal with that foundation piece of legislation. That

¹ 1996 *Official Hansard Report*, page 575

committee dealing with that law had been deliberating since 1994 when the lady Member for North Side, our deceased colleague, the late Mrs. Edna Moyle, the Deputy Speaker at the time, was the chairman of that committee.

No doubt, Mr. Speaker, all of us as elected people . . . I know that we talk about elected people, I don't know why we don't spread it right across the board. And some Members have managed to say that. But they zoned in on the House—ourselves, as Members. They didn't really expand and say, *You know, this pertains to those persons whom we appoint.* And some managed to say that, as I said. But all of us are aware, Mr. Speaker, and we felt then as I feel now, that a law can contribute to allaying doubts as may enter on the political scene.

All of us then, and since then, as I believe we are now, are aware that no matter what law we put in place, no matter what we try to do it will never stop evil minded persons from making unfounded allegations and telling outright lies. Those who over the years, including now, who have had to suffer attacks and accusation on our integrity from vicious persons, will continue to be targeted in that manner as long as we are in the public domain—no matter what law is in place and how close we follow it.

Mr. Speaker, you've been here long enough and you've been around long enough. We would want to ensure that whatever is being complained about to that Committee, or that Commission when it is set up, what anyone reports or says about anyone, is said with facts—not hatred or political vendettas or for other vindictive reasons. Perception is one thing while facts will be facts.

We operate a democratic system of governance and we will always, and must always, be concerned about the efficacy, the integrity and the effectiveness of our political system. There are many factors, Mr. Speaker, when positively present may lead to success, and when negatively absent can lead to failure. And so I have no doubt that Members here, all who campaigned on it, will leave no stone unturned to continue to contribute to the success of the system and minimise any danger of failure.

On the matter of consideration of this kind of legislation, the question of private versus public interests would arise. And it will be that we have people appointed to boards, and Civil Servants, police . . . I don't recall how far it goes. I know it does not cover the Governor. I know that. But it ought to, except for the constitutional provisions that this bars us from putting that in the legislation. It will be that people will feel that the invasion of privacy would be so great as to outweigh the advantage to the public interest.

But over the years, from the context of the present legislation, the Register of Interests, I have mine and have never failed to put everything that I own, and that of whatever my family owns on that [Register]. And they have checked it and rechecked it

and double checked it, and investigated and pulled under the stones, under the carpet and it is all there and has always been all there. I have never hidden anything in anybody's name, or any company's name, or made anybody do anything else but what I have owned and have been involved in.

I either put it there or declared it and even when I declared it here in this legislature, I still wrote it in the Register of Interests, the only thing that we had.

Mr. Speaker, as I said, all the persons that we have included in the legislation would be concerned. But we have to look at it in the wider context. My position, my attitude over my (it was 12 years then back in '96; today it is 30 years and 5 months this year) being elected to this honourable House is that when I entered politics, by that very Act I had turned my back on my private person and had made myself a public servant. While there is a line between our privacy and our public duty, we cannot really . . . well, by any stretch of the imagination, regard our entry into politics as part of an act of private surrender. Because in this day and age when some are so willing to judge us wrongly, our surrender to the public scrutiny must be measured in large enough quantities to, as much as is possible, show willingness on our part to be open.

Many times I have to ponder, though, Mr. Speaker, how people can be so vicious. Why are some of our people, small in number though we be, so willing to think the worst of their fellowman and are prepared to get up tongue-in-cheek as paragons of virtue in our Island like nobody knows who they are or where they come from, and what they have been doing.

One of the sad traits, Mr. Speaker, in some Caymanians is that jealousy and envy runs so prevalent that a person cannot own a decent home for their family or drive a decent car. And let me tell this House something and those new Members something: You are lucky today that you can drive a car and you don't hear about that anymore. But the day when I entered here and the Member for North Side entered the same time with me, when we got a car, you stole it or you went a-whoring for it, and you were not supposed to do that. Thank God that we have progressed a bit passed that because when you come and look in this car park and see all of these nice cars, *Oh God*, back then you were a thief outright, my son. You shouldn't have had that.

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: You cannot drive a decent car. You can't own a successful business before fingers are pointed and accusations made.

What it seems to me, Mr. Speaker, is that outsiders come here—*outsiders come here*—own big homes, have big cars and are made directors of companies with many perks, sit on our boards, get all

kinds of benefits. They got homes now that I believe you could see from the Moon. It is probably one of the eight wonders of the world. They came here with a pair of Keds, one black pants and one white shirt. Caymanians do it—and don't just say Caymanians, just say Members of this House—and you've done wrong to get it.

Mr. Speaker, it should be a pride and joy when we find a capable Caymanian to be asked to serve as a director in a reputable institution, or to own a good home for his family, or to have a decent car, or to have a good business if they have done all of that in the proper fashion in the right way. Once it does not impinge upon public interests, Mr. Speaker. But it seems to me we can't do that. We must not do that. Caymanians, at least some, seem to think that is wrong.

When we look at our history, Mr. Speaker, in this country, the practice of elected people doing political work along with their personal business, has been part of our way of life for decades. Check it back! It has been accepted as legitimate for as long as we could remember. It is interesting that as long as certain classes of individuals were doing it, no murmur or protest was heard.

Mr. Speaker, of course, time has evolved and there is a paradigm shift. Those of us who are good democrats have to work and live with it, and we in this House are going to have to work with it and live with it because no one needs to think that they will go scot-free, no matter how much they get up in this House or elsewhere and talk about how good little boys we are, that you are not going to take licks and fingers will not be pointed. Those of us who have been here long enough, and if you stay here long enough, that is exactly what is going to happen. That's what's going to happen, as has happened to all of us.

Mr. Speaker, I'll never forget, my house was being reroofed and my house got washed away because they did not cover up properly in May of the very first rains for the year. And I had to stay somewhere else for a couple of months until I could . . . but we lost practically everything except some of the furniture. Rugs, clothes, children books, a lot of my library got swept away. And because I stayed somewhere else, they said I owned that condo. And then the elections swung into place in '96 and they said I had two homes—*two*—up on the Shores.

It became so strong that they went to the owners in the Shores and said they wanted to know where my two houses were. And I called them and said, *I want to know where they are too. You tell me if you got two homes up here I want to know where they are.*

Mr. V. Arden McLean: And you need one now to live in *nah*?

Hon. W. McKeeva Bush, Leader of the Opposition: And I needed one then—not to pay rent for four months, or five months it was. So don't think that we never took our licks.

As you will find out yourselves, these instigators are very clever in their work; not necessarily our own people either. They are clearing their work because they never actually accuse you of anything specifically. They do not make any charges, but they craft their remarks or questions in such a way as to leave the impression that you are doing something illegal or immoral or dishonest. While they don't accuse you face-to-face, they are now faxing it, they are now putting it on radio shows, they are now putting it on the blogs. And we gulp it all down because they say so, not realising what they are doing us. *Oh, it's McKeeva now? That's good! Give him all the licks. Let him take it, he deserves it. Yeah. Beat the piece out of him.* But while one finger is pointing in one direction, there's one pointing in the other direction most times. Something is pointing in the other direction most times. They are no respecter of persons. They will beat us, beat me, but there will be somebody else's turn later.

Mr. V. Arden McLean: They don't care if they hurt your family either.

Hon. W. McKeeva Bush, Leader of the Opposition: Oh, tell me about that. Pray you don't have to bury one.

Clearly, we ourselves cannot go around responding to every comment, explaining every allegation, challenging every remark and explaining what you are all about. You don't know . . . grandma used to say, *You can lock up from a thief.* That's what my grandmother used to say: *You can lock up from a thief but you cannot lock up from a liar.* That is why I welcomed that legislation then and that is why I welcome the legislation now.

We will always have allegations made against us. Somebody said it just a while ago. If you have nothing to hide you will have your day. I have nothing to hide. Let us get the facts. Let everybody see the true picture and what do they do then? I know what they do; they start at somebody else.

Mr. V. Arden McLean: Didn't accuse you of not paying your electricity bill?

Hon. W. McKeeva Bush, Leader of the Opposition: Or accuse you of something else. I certainly pay my electricity bill all the time.

You know there's a song that is sung in Jamaica: *"Yu no heary whe' di young man sey? No tie yu donkey dung de! Mek 'im bray."*

Mr. Speaker, we have all sorts of forces to work with or against us. I don't expect, nor should we expect, that we are going to get everybody to support

us. [It will] never happen. So, I am pleased for the legislation. Perhaps there are areas that could be made stronger, I don't know. But I liked what the Honourable Attorney General said: "It is a law to *further* preserve and promote the integrity of public officials and institutions." As I said, this piece of legislation is repealing the piece that I put in place in 1996.

I was privileged also to pilot in 2003 the Complaints Commissioner legislation. That helped our democracy, and still does.

So, Mr. Speaker, we appoint people to our boards and we have to give them the wherewithal to work. While we have to strengthen our democracy with this sort of legislation, I have always warned against what we can't work with, making it so that we can't get anything done. People will take that and twist it and turn it the way they like. But the fact is that we are only 55,000 people. The day that we can't get good people, because good people are scared to have their names smeared and refuse to go on boards, I don't know what kind of democracy we would then have.

In one of the reports the Auditor General put out, he made reference to the point that good governance has to take into consideration our makeup, our heritage, our culture, our historical context. We know that this country and the way we developed, the way we worked, was because we had commonsense people—not necessarily lawyers and doctors and accountants. We had one or two of them and they could guide, and you will always need that. It's the best thing when you can have them and, thank God, we might not have had so many in those days but we got plenty today of our own that we can call on.

But we developed a good commonsense approach from those kinds of people who sat on those boards because they knew the community. They knew where a house was being built. They knew who was who and they could make their best judgment. And while people complain and talk, anything can be said and will be said about us on the international stage, particularly so when there is not one of us sitting in front of them to challenge them. But what they can't say and what we should not allow anybody to say—because it is not so—is that this country has not done well in how we have developed.

Yes, there are things that are not right. And some of them coming new on the scene now . . . some of the new Members might think otherwise. They went to a college somewhere and saw something and so they have a different view of it. And yes, as I said, there are those paradigm shifts. But the fact is that they themselves would not have been able to go to university and get that education that they brag about were it not for good commonsense people who stood here for 30, 40 years and did the work, developed the country, brought the revenue so that they could go and get the education overseas.

So, I'm not ready to take it that all has been wrong and that all is now wrong. That's why I chose to be a different kind of Opposition. No I'm not going to do it. Because we have come too far, done too much good to allow other people to come now and try to make you believe that, because they are on the scene, everything is going to be fine and dandy and nothing is going wrong. No!

They were only able to get that education to be able to contribute because somebody else paved the way for them. So, when they start to talk about whom they are going to look at and how they are going to look at people to sit on the boards, let us be careful. Hear what I say? Because you could get people who do not have our interests at all! And if you think that is not possible, you would be sleeping all the time in these Cayman Islands.

So, I am glad that the Government has now brought the legislation. We didn't get it here. I don't know how far it got, though I gave my support to the Commission but I could not draw up legislation. But it is here now and I certainly support it. The Opposition supports it.

While I am at the point in my life (as I said, I'm not 9, I'm 59) where I believe I have more yesterdays than tomorrows to look forward to, my goal is to now prepare the next generation, or to help prepare the next generation of workers, of fighters, of defenders of our way of life and whatever we do. I believe it will be done in their best interests regardless of whether it is us on this side or whether it is them on that side. I believe we all have that aim and objective and I am not going to stand here to decry anybody to say otherwise because I don't believe otherwise, and I am not going to cut off my nose to spite my face. I won't do that. I'm not going to do that, not at this point in my life.

So, I look forward to committee stage. I have one attempt in the committee. As I said, I felt like the Governor who, like Duncan Taylor, received more salary and allowances . . . well, the Premier didn't (did not then, does not now, I don't think) receive any allowances. They receive more salary. The Governor, who is entertained all over the Island, at least he was, and has money to entertain whomever he wishes, and at least he did; and who can receive gifts by virtue of being top power, and has more influence because he is the top power that he could pedal if he wished, or found it convenient to do so. He appoints people. We can't unappoint the persons that he appoints. The elected arm can't do that.

So, in the interest of fairness and transparency, the Governor should file a full report and should be accountable to someone to check on him, and I believe . . . well, of course, that someone would be the Secretary of State. But, of course, we can't do that in legislation. We can't force that in legislation. But they should do so, and I say so publicly. And then we should receive that report as Members of the House because it is our money he spends when he has his

people, his friends, down at Government House. It is our money he is spending and he doesn't have to pay back.

But I repeat, we can't do that because we can't put it in legislation. But I believe that that is what ought to happen.

Again, I want to thank the Government. I want to thank the Commission, those in the past and those in the present who are leading the Commission, those members, for coming thus far with this legislation. Again, Mr. Speaker, we have nothing to fear but fear itself. Thank you, Mr. Speaker.

The Deputy Speaker: We will take a ten minute break. Please be back by five to.

Proceedings suspended at 3:25 pm

Proceedings resumed at 3:50 pm

SECOND READING

STANDARDS IN PUBLIC LIFE BILL, 2013

[Continuation of debate thereon]

The Deputy Speaker: Please be seated.

Debate continues on the Standards in Public Life Bill, 2013. Does any other Member wish to speak? [pause].

I acknowledge the Honourable Minister of Finance.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Thank you, Mr. Speaker, I will be brief.

I would first like to congratulate the Honourable Premier in bringing this legislation to this honourable House. So, I rise to say that I too will be supporting a Bill for a Law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes.

Mr. Speaker, I would regard this as a comprehensive piece of legislation. As well as being comprehensive, Mr. Speaker, it is also proportionate. It is not doing more than is necessary to ensure that those who are in public office, or in public life somewhat, or who are public servants, are held to the highest standards, and, of course, that they should be men and women of integrity.

Mr. Speaker, I recall last year in the early months of the year there was a lecture at UCCI by Professor Trevor Munroe from Jamaica. At the time, of course, there was raging debate as to whether parties were the worst thing on earth or if individuals were inherently better. And I recall him mentioning that there was some survey done in the eastern Caribbean (I think, it was St. Lucia and St. Vincent, perhaps) and

the scores that were given did not directly correlate to the perception that parties were inherently corrupt.

I recall rising to ask a question of Mr. Munroe and the question was: Is it really the case that it is the party system that lends itself to corruption? Or is it the case that it is individuals who become members of parties that are inherently corrupt? And I distinctly recall that he could not really answer the question.

Now, Mr. Speaker, the relevance of what I've just said is for the simple reason to say that I am extremely pleased that this legislation goes beyond just elected Members. I have always been a law abiding citizen. I've always tried to live from what I earn. I have certain beliefs and principles by which I live. But I do recognise that now that I am a Member of Parliament and, as has been correctly said in this House, just by virtue of being in that position, people will now point fingers at [us]. But I am firmly of the belief that it is possible to be an honest representative of the people and to leave a political life as honest as you entered.

Having said that, Mr. Speaker, because corrupt individuals are not something unique to public life or political life, this legislation now extends to those who may, for whatever reason, decide that the way to enrich oneself is to avoid public scrutiny as a member of parliament, but position oneself in a particular position to benefit from certain information or contracts or whatever. So, this legislation, Mr. Speaker, ought to make the general public extremely pleased that everyone now is on a level playing field.

Having spent some years in the Civil Service and now in Parliament, I am able to see things from both perspectives. I am not saying that anyone in the Civil Service is in any way corrupt, but this legislation, as well holding Parliament accountable, it also holds the Civil Service accountable, because there is this perception the only politicians are corrupt. I believe that individuals are corrupt, not institutions.

Mr. Speaker, I also mentioned that it is proportionate—proportionate in the sense that you are only required to disclose only those interests where conflicts are likely to arise, or may be perceived as a conflict with the functions on the entities in which the individual is appointed to serve. So, it is not asking for a list of every asset you own or every organisation that you have some links to, but only those that will relate to the function you will perform and the service you will provide to your country.

Mr. Speaker, I also welcome the protection in this legislation that is given to whistleblowers, because for a very long time . . . it's a very small community. You will see things that you are not absolutely certain, but there is someone who knows. But out of fear of victimisation, out of fear of being ostracised, out of fear of maybe not having a job, no one will say anything. So, for many, many years we have seen many people . . . and I would say years in the sense

of decades because I sometimes spend a lot of time watching people.

So, we now have legislation that covers and protects those who have the courage and the moral fibre within them to report what they know to be illegal. And I think, Mr. Speaker, that for those of us who are in support Bill, it says a lot that we are willing to do this to protect those who might otherwise be victimised.

Mr. Speaker, the Bill also goes further in that it makes it an offence, or in the sense that we can be held in contempt of the Legislative Assembly as a Member if we fail to do what is the correct thing to do, and that is to provide the information to update the Register.

Mr. Speaker, I recall in the last couple of years where there was great controversy as to whether or not there were meetings, or whether or not they should be having meetings for the committee that dealt with the Register of Interests. This legislation removes that requirement now and every Member is now required to provide their information to the Commission on Standards in Public Life. So, we will no longer have those discussions. We will no longer have those quarrels. If you don't play then you are out of the game and I think that is a wonderful thing, Mr. Speaker.

Mr. Speaker, if we hold ourselves out as public figures and we ask the public to elect us to office, then I think it is only fair that the public should know what we acquire while we are in these Chambers. We are public servants and we did say that we were coming here for the public's interest. So, as I have said before, I think it is both comprehensive yet proportionate. And for that reason, Mr. Speaker, I am happy to stand here and be on public record giving my support to this piece of legislation. Thank you.

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

I recognise the Honourable Minister of Tourism.

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

Mr. Speaker, I rise to make a very short contribution in support of a Bill for a Law to preserve and promote the integrity of public officials and institutions; and for incidental and connected purposes.

Mr. Speaker, first I would like to compliment the Premier for bringing the Standards in Public Life Bill, 2013, and piloting it. Based on all of the other Members who have spoken I think we see safe passage ahead of it.

I would also like to address just a few points in it. The Bill seeks to repeal the Register of Interests Law, 1996. Mr. Speaker, this Register of Interests has

served us for a long period of time, as we have heard from some of the speakers earlier. Basically, the Register of Interests Law required the following persons to register their interests: the elected Members of the Legislative Assembly, the Speaker, the Chief Secretary (now the Deputy Governor), the Attorney General, the Financial Secretary, and candidates nominated for election to the Assembly. That will all stay the same under this new legislation.

But what actually takes place with section 117 of the Constitution Order 2009 for the Cayman Islands, is that it provides for the establishment of the Commission of Standards in Public Life. So, basically what we are doing today is regularising the Constitution.

In the new Constitution the functions are also stipulated that one of these is the duty to supervise the operation [of the] Register of Interests referred to in section 121(1) and to investigate breaches of established standards in public life. This Bill seeks to implement the Constitution in that respect. Significantly, this Bill is interesting because it not only wraps in the register that is in place now, but it also extends the scope of the Bill to public officers to whom now disclosure will also apply. So, it adds more transparency, Mr. Speaker, to the way business is done here in the Cayman Islands.

Mr. Speaker, under clause 4 it also sets out how the Commission will be appointed, which I think is extremely important. The Commission will be appointed by the Governor, but it will not be appointed until the Governor consults with the Premier and the Leader of the Opposition. It provides that the Commission shall not be under the control of any other person or authority. This, I believe, brings safety and balance to the Commission itself that it will have the ability to carry out the duties that the Constitution has set out for it to do.

Mr. Speaker, it provides for the details of how disclosures relating to conflict of interest [are to be made]. We've heard about the importance of the statutory authorities and the government boards. These government boards, and also the public that is now mandated to disclosure, have the ability through this legislation to understand how the conflicts of interest are to be mitigated, and to ensure that a person who has an interest in the matter not only discloses it, but also does not directly or indirectly participate in decision making.

Mr. Speaker, it also goes on to give comfort to the board members that we've talked about that are so willingly give their time and their expertise and perform a duty that most of them are not paid for. It sets out that a board member will be the person who "**has the skills, knowledge and integrity to carry out the duties required in a highly competent and politically neutral manner**" [clause 26(2)(a)] as they are appointed to a board.

It also, I think very importantly, points out for the board members for balance: [29(1)] **Where there is a possible or perceived conflict of interest with respect to any matter that comes up for discussion, a person in public life shall disclose his interest and – (a) shall, as soon as the matter comes up on the agenda, immediately leave the place in which the deliberations are taking place and shall not participate, directly or indirectly, in the deliberations . . . shall otherwise comply with such regulations as Cabinet may make with regard to conflict of interest.**” And (2): **“A declaration of interest made under this section and the absence of the member concerned shall be recorded in the minutes of the meeting.”**

So, Mr. Speaker, that sets out the balance for not only the public sector but also the statutory authorities and the mitigation of conflicts which in our small country will always arise when we all are participating in good governance and moving the country forward.

Mr. Speaker, I believe that this legislation is very important for the people of the country, and also for the investors from the tourism standpoint. And the people who are coming here to visit us, to invest here, to look at opportunities look for things like this, Mr. Speaker, and this gives them much comfort for when they make the decision of where they are going to invest and participate in businesses.

So, I am happy to lend voice and join voice with all of the other Members who have spoken and support this Bill when the vote comes. Thank you, Mr. Speaker.

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

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

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

Mr. Speaker, I want to start by thanking all Members of this honourable House who have spoken for their contributions and their support of this important piece of legislation. I want to also thank those who have not spoken for their tacit support of the Bill.

Me. Speaker, I want to especially thank the Leader of the Opposition who gave a very long and comprehensive address indicating his wholehearted support of the Bill.

Mr. Speaker, I have to say though, that as he spoke I thought about the Apostle Paul and his conversion on the road to Damascus, because it became apparent to me as we worked on this Bill that this Bill had actually come to the Cabinet, which was led by the Leader of the Opposition, not once but twice, and had been deferred in each instance.

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

The Premier, Hon. Alden McLaughlin: So, Mr. Speaker—

Hon. W. McKeeva Bush, Leader of the Opposition: You know why?

The Premier, Hon. Alden McLaughlin: For whatever reason—

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

The Premier, Hon. Alden McLaughlin: —I am happy that the Bill I presented today now enjoys the support of the entire House, including the Leader of the Opposition.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I wish to address some specific points which were raised by the Member for North Side. At one point he suggested that changes should be made to clause 4(1)(c) which states that a legal practitioner who has practised in the Commonwealth is one of the requirements or one of the conditions under which a person may be appointed a member of the Commission. But, Mr. Speaker, the difficulty with that is that legislation simply mirrors the provisions in the Constitution itself. And so we are not able to depart from those.

Another point he made was that he wanted changes to clause 2(b) and (c) to make them uniformed; that is, Mr. Speaker, the provisions which said that you would be disqualified from holding the office if you had held in the preceding three years a public office or if you had held office in a political party in the preceding five years, and he wished them to be the same. Again, these provisions mirror those in the Constitution.

He also suggested that clause 5(3), which gives to the Governor the power to decide that a particular report is not in the public interest . . . that the Governor ought not to have this unilateral power. Mr. Speaker, we have consulted with the Honourable Attorney General who has confirmed that it is appropriate for the Governor to have that power in these particular circumstances.

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the same honourable Member also referred to clause 12(1)(l), which is the section dealing with the declarations that ought to be made. Having set out *in extenso* a whole range of interests which have to be declared by Members, it then goes on to provide **“such other**

details as Cabinet may prescribe in regulations.” And the objection of the Member seemed to be that Cabinet ought not to have this power and they ought to be . . . if the changes are to be made they ought to be done by the House.

Mr. Speaker, the view of the Cabinet and the view of the Government is that this is not an unusual provision at all and that Cabinet ought to have this ability to add other interests which appear to the Government to be important, to be disclosed and to be able to do so in Cabinet rather than having to bring an amending bill to the House.

Mr. Speaker, the same Member also suggested that declarations should be kept for a longer period. He suggested five years. The Bill says at the moment that they will be kept for at least three years. We have no issue on this side, Mr. Speaker, in changing this. If this is the will of the House we can do so at the committee stage. I would suggest to the Member that if he is still pressing for this particular point that he should move the appropriate amendment during the committee stage debate.

Mr. Speaker, the same Member also suggested that the Commission should have the power to prosecute persons themselves. Again, Mr. Speaker, there is a constitutional bar to this responsibility for criminal prosecutions vested in the Office of the Director of Public Prosecutions. And so I am afraid that even if we wished to we can't accede to that particular proposal.

He also suggested that where the Bill provides that Cabinet “may” do certain things throughout the proposed legislation that those should be changed to Cabinet “shall.” Having reviewed that, Mr. Speaker, we are of the view that the Bill as drafted is the way that we wish it to be, that Cabinet has the permissive power to do certain things; not that Cabinet is required to do them as the change would require.

The Member also pointed out in clause 24 that references, keeping declarations private, is contradictory to the Bill. And he is right. There is a committee stage amendment proposed with respect to that.

I have to confess, Mr. Speaker, that my note of what the Member said with respect to Part 6, clause 26(1), where the clause says that Cabinet is to choose the board members and then to choose from those board members a chairperson . . . he seemed to suggest that there was something problematic about that. But I haven't been able to understand quite what the issue was. In committee stage if it is still a point the Member wishes to press, then we can perhaps seek to resolve that.

Mr. Speaker, the Member for East End inquired as to whether we need to say anything about indemnities already in place for statutory boards. We don't think that that is the case. The indemnities are with respect to any (shall I call it?) honest mistakes made during the execution of the duties of the board

member. In that case, anyone can make an honest mistake and the indemnities given would require Government to cover whatever the consequences of that are. But those are only with respect to actions which are lawful, though mistaken, perhaps, and which are carried out within the scope of the mandate of the particular board. If someone goes off on a frolic of their own, the indemnities won't cover what they do, and they will have to deal with any consequences that flow from that.

Mr. Speaker, the Leader of the Opposition raised the point about the Governor not being subject to the legislation. As I believe has been pointed out to him, there's a constitutional bar to that occurring. Indeed, if that were to be pursued as he has pointed out, it would require a change to the Constitution.

I believe, Mr. Speaker, that I have covered all of the . . . or, I shouldn't say all, but the main points that we discern from the debate of Members of the House that required some change or proposed some change to the legislation.

I spoke at some length when I introduced the Bill, Mr. Speaker, and I do not propose to rehearse that. I just wish to conclude by paying a special thanks and recording the gratitude of the House and the country as a whole to the current and previous members of the Commission on Standards in Public Life who have worked diligently over the course of these past years, not only to get the Commission up and running, but to consider carefully the Constitution and the requirements of the Commission, and to put together the necessary drafting instructions to have the Bill that is before the House drafted, and who have since considered many, many times and for a number of years, the impact of those provisions, responded to criticisms, concerns, as recently as last night, quite frankly, Mr. Speaker.

So, I wish to pay tribute to the first and current chairperson, Mrs. Karen Martinez-Thompson; Mrs. Nyda Mae Flatley; Mr. Hedley Robinson; Mr. Ian White; and to previous members of the Commission, Mr. Roy McTaggart and Pastor Winston Rose, for their hard work, for their industry, for their commitment to having this through.

I also, Mr. Speaker, wish to pay tribute to the hard work, dedication of the members of the Legal Drafting team who have put this together, who have responded to all of the concerns, who have made the changes and the adjustments. I would start naming some names, but, because I haven't been around from the start, I am bound to leave someone out. But I know that some of them are here and, certainly, Mr. Bilika Simamba I know has been intimately involved with this, and I wish to express my gratitude and that of the Government to him and the entire team for all that they have done with respect to this particular Bill, and what they do generally, for which they usually do not get sufficient acknowledgement and thanks.

Mr. Speaker, again I wish to record my gratitude to all Members of the House for their support of this important piece of legislation. I think that history will be kind to us for having put in place yet another tenet of the good governance framework which is so critically important to this country.

I am pleased to have been associated with two previously important pieces of governance legislation: the Freedom of Information legislation and the Anti-Corruption legislation. This is yet another limb (if I may say that) to that growing tree of governance in the Cayman Islands. I think that all in Cayman and more broadly will applaud the efforts and the unanimity of this legislature in approving this important piece of legislation. I thank you, Mr. Speaker.

The Deputy Speaker: The question is that a Bill shortly entitled the Standards in Public Life 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.

Hon. W. McKeeva Bush, Leader of the Opposition: Divide, Mr. Speaker.

The Premier, Hon. Alden McLaughlin: You're serious?

Hon. W. McKeeva Bush, Leader of the Opposition: Of course, I am serious.

The Deputy Speaker: Madam Clerk.

Hon. W. McKeeva Bush, Leader of the Opposition: If I could trust you I wouldn't have asked for it but I can't trust you.

The Clerk:

Division No. 11

Ayes: 16

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

Noes: 0

Mr. D. Ezzard Miller
 Mr. V. Arden McLean

The Deputy Speaker: The results of the Division, [16] Ayes, 0 Noes. Passed unanimously.

Agreed: The Standards in Public Life Bill, 2013, given a second reading.

ADJOURNMENT

The Deputy Speaker: Honourable Premier, as we approach within a few minutes of the hour of adjournment, I would ask if you would move the motion thusly.

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

Mr. Speaker, I adjourn this honourable House until 10:00 am tomorrow.

The Deputy Speaker: The question is that this House do now adjourn until 10:00 am tomorrow, 31st January.

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

At 4:28 pm the House stood adjourned until 10:00 am, Friday 31st January 2014.