

**OFFICIAL HANSARD REPORT  
STATE OPENING AND BUDGET MEETING  
2011/12 SESSION  
WEDNESDAY  
14 SEPTEMBER 2011  
11.05 AM  
Twelfth Sitting**

[No audio recording]

## PRAYERS

**Mr. Anthony S. Eden, Second Elected Member for Bodden Town:** Let us pray.

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

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

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

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

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

## ADMINISTRATION OF OATHS OR AFFIRMATIONS

### Oath of Allegiance

*[By Mr. Franz Manderson to be the Honourable Temporary First Official Member]*

**The Speaker:** Honourable Temporary [First Official Member].

**Hon. Franz Manderson, Temporary First Official Member:** I, Franz Manderson, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the II, her heirs and successors according to law, so help me God.

**The Speaker:** On behalf of this honourable House, I welcome the Honourable Acting Deputy Governor to take his place as the Temporary First Official Member. Please be seated.

## READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

### Apologies

**The Speaker:** I have only one message from the First Elected Member for Cayman Brac. He is absent today unavoidably.

## QUESTIONS TO HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

### Question No. 7

**No. 7: Mr. V. Arden McLean, Member for East End** asked the Premier, the Honourable Minister of Finance, Tourism and Development: Why has the Ministry of Finance decided not to produce financial reports for the 2008/2009 financial year?

**The Speaker:** Honourable Premier, Minister of Finance.

**The Premier, Hon. W. McKeever Bush:** Thank you, Madam Speaker.

The answer: The financial year 2008/09 ended on the 30<sup>th</sup> June 2009. At the 30<sup>th</sup> June 2009 the Portfolio of Finance and Economics was still in existence. The Ministry of Finance came into existence in November 2009, as a result of the coming into effect of the current Constitution. Notwithstanding this correction to the question posed, I shall refer to the 2008/09 Financial Statements as being applicable to the Ministry of Finance.

The Ministry of Finance has submitted its 2008/09 Financial Statements to the Cayman Islands Audit Office and the audit thereof is currently in progress. This can be confirmed by page 14 of the Auditor General's Report entitled "Financial and Performance Reporting Progress Update as at the 31<sup>st</sup> July 2011."

The Government will produce consolidated financial statements for the 2008/09 financial year and this will be submitted to the Auditor General's Office for auditing. The consolidated financial statements will be prepared for the audits once the audits for all public entities are completed and audit opinions given by the Cayman Islands Audit Office.

**The Speaker:** Are there any supplementaries? If not we will move to the next question.

#### Question No. 8

**No. 8: Mr. V. Arden McLean, Member for East End** asked the Premier, the Honourable Minister of Finance, Tourism and Development: Is the Government still supporting the proposed development of a port in East End by Mr. Joseph Imparato and/or entities owned by or controlled by him or in which he has interests?

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, the answer: The Government has always said that it would consider an application from the developer, Mr. Imparato, should one be made. As the land in question is now subject of a real estate sale (which has been publicised) this has become a moot point.

**The Speaker:** Member for East End, supplementary?

#### Supplementaries

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

Madam Speaker, just to ask the Premier if the Government will be making an official statement on the situation now, which is, since it is for sale, that they have withdrawn their position on the suitability of that location for a cargo facility.

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, I guess the two words he is looking for is whether we are going to make a statement and one on the suitability. Madam Speaker, as I said, this is all a moot point because the land is being sold to someone else. So, obviously, they can't be any dock on that site.

From my perception there has been nobody to prove to me (and that's me) that that was not a good

site. As to making an announcement, I don't know why we need to say any more than what has already been said. And we consider that there would be no dock there.

The bad thing for this country is that there is no such dock for development as I envisaged, which was for transshipment.

**The Speaker:** Any further supplementaries?

Next question.

#### Question No. 11

[Deferred]

**No. 11:** *What concessions or other inducements have been offered or are being considered with respect to the proposed development by the Hon Family, known as Cayman Enterprise City?*

**Mr. D. Kurt Tibbetts, First Elected Member for George Town:** Madam Speaker, the Honourable Leader of the Opposition has not yet arrived so I would ask if you would consider allowing the question to be asked later on in the sitting after his arrival.

**The Speaker:** Thank you.

#### Suspension of Standing Order 23(7) and (8)

**The Speaker:** In the interest of having things done the right way, the House did not start until late this morning and there should have been a motion to raise Standing Orders to allow the Questions after 11.00. This was not done but I think in the interest of making sure it is recorded we should have such a motion.

#### Suspension of Standing Order 23(7) and (8)

**The Premier, Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

And in keeping with the request from the First Elected Member for George Town, this would still be appropriate. So, I therefore move for the suspension of Standing Order [23 (7) and (8)] to enable Questions to be asked after 11.00 am.

**The Speaker:** It is Standing Order 23(7) and (8).

The question is that Standing Order 23(7) and (8) be suspended to allow questions to be asked after the hour of 11.00.

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

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 23 (7) and (8) suspended.**

**The Speaker:** And we will make it retroactive to the two questions that have just been answered on the Floor of the House.

Do you have any idea when . . . sorry, just one minute if you don't mind. Do you have any idea when the Leader of the Opposition will arrive?

*[inaudible interjection]*

**The Speaker:** Around one o'clock? All right.  
Member for East End.

**Mr. V. Arden McLean, Member for East End:** Madam Speaker, thank you.

Now that we are on procedural matters, I would respectfully ask that when the Honourable Leader of the Opposition is listed on any Order Paper here to do something, ask questions or whatever; that his proper title be placed on the Order Paper. He is constitutionally recognised as the Leader of the Opposition, just like the Premier is constitutionally recognised as the Premier. And I think it is only out of respect that that should be afforded the Leader of the Opposition, Madam Speaker.

**The Speaker:** Member for East End, the heading of the Question does not recognise the official titles of any Member. It has the Third Elected Member for George Town to ask the Premier, the Honourable Minister of Finance, Tourism and Development. But it is not . . . This is something you could have said to the Clerks and they can include it.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

### Appointment of Members of West Bay District Advisory Council

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I do have a number of statements this morning.

Firstly, Madam Speaker, on the District Advisory Councils.

Madam Speaker, I am pleased to report the appointment by Cabinet of members of the Advisory District Council for West Bay, in accordance with section 4 of the Advisory District Council Law (Law 1 of 2011), and with the support of the West Bay MLAs.

As a matter of fact, Madam Speaker, Cabinet took on board the approach of the Members of the Legislative Assembly for West Bay, which was to encourage maximum support from the community, by applying wide scope to section 4(1) of the Law, which notes, inter alia, that “. . . in making the appoint-

**ment, the Governor in Cabinet shall be cognizant of recommendations made to him from within the electoral districts.”**

These nominations arose from two public meetings held by the West Bay Members of the Legislative Assembly responding to letters sent from my office in March.

Unfortunately, although the Leader of the Opposition was also then invited to submit nominations as per section 4(1)(e), and the current Leader was again invited in May to do that, no recommendation has yet been submitted by them. The view taken was that Government should wait no longer and risk losing the interest of the community. The appointments were therefore made, with the Advisory District Council for West Bay to consist of the following in the first instance:

- Chairman—Ms. Darlene Glidden, JP
- Vice Chairman—Mrs. Cora Grant-James
- Secretary—Ms. Eziethamae Bodden, MBE
- Treasurer—Mr. Clinton Hunter
- Member—Mr. Carson Denny Ebanks
- Member—Mr. Ivan Farrington, OMH
- Member—Ms. Tammy Welds

Madam Speaker, I encourage the Leader of the Opposition to submit recommendations for appointment to the Advisory District Council for West Bay; and will repeat this in writing yet again. It is a requirement of the Constitution (under section 119) that these Councils be established. I did not make this up; and while I know that the Opposition does not agree with how the Advisory District Councils are to be set up, it is now the law of the land. Not the Leader of the Opposition nor myself, none of us are at liberty to flout the Law.

I also encourage Members of the Legislative Assembly from the other districts to move forward. The George Town Members of the Legislative Assembly have started their process (That is, the Minister of Community Affairs and the Fourth Member for George Town). And Bodden Town has made some effort and set some time. But we all must put more energy into it. After all, Madam Speaker, the possible benefits are considerable, as a glance at section 3(3) of the Law readily indicates: “**Without limiting the scope of subsection (2), the Council for an electoral district may advise in relation to finance, tourism development, immigration-related matters, district administration, works, gender affairs, education, training, employment, community affairs, housing, health, environment, youth, sports, culture and any other matters affecting the district.”**

But it is ultimately most important that we encourage full understanding of the possible value of the Advisory District Councils, and that the public understands. Because without their active participation this

means of strengthening peace, order and good government in this country cannot succeed.

I want therefore to take this opportunity to remind the public of the provisions of section 5(1) through (3) which require Councils to canvass opinion and do independent research on their own volition, in order to offer advice to the Member of the Legislative Assembly or Members of the Legislative Assembly for their district; as well as to review and seek input on policies and programmes proposed by the said Member or Members of the Legislative Assembly.

The Members are in turn required . . . the Law says [in section 5(2)] that they “**shall consider the advice given by a Council and determine what to recommend to the relevant Minister.**”

Madam Speaker, to do this job well it will take a good deal of effort. It will require hard work, and a watchful disposition, but it has been said that eternal vigilance is the price of liberty. As we seek to create and sustain the institutions necessary to live as a free and democratic society, we will increasingly see the truth of this, and the Advisory District Councils will increasingly prove their value to our evolving system of public governance.

The Advisory District Council can, and if supported will, improve public policy, act as a source of fresh ideas, and lend itself to that blending of leadership and participation, that bridging of tradition and innovation, that will be vital to the form of social compact our people will need to thrive in the global community.

Madam Speaker, I wish the newly appointed members of the Advisory District Council for West Bay, every success. On behalf of my elected colleagues from that district, we pledge them support, and look forward to taking on the many challenges with them.

Madam Speaker, I can also say that the Government will put our best foot forward to assist in getting the District Councils up and running as they will require Standing Orders and other administrative assistance to at least get started. And we are prepared to do that.

**The Speaker:** Thank you, Honourable Premier.

I think you have another statement to make as well.

### **Update on Changes to Legal Practitioners Law**

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, this statement provides an update to this honourable House on the important matter of the changes to the Legal Practitioners Law.

Honourable Members will recall that on the evening of Monday, 11<sup>th</sup> October, the Honourable Attorney General hosted a meeting and invited Members of this honourable House, as well as from the Cayman Islands Law Society (CILS), the Caymanian

Bar Association (CBA) and the Law Reform Committee to discuss the Legal Practitioners Bill and its possible implementation. Unfortunately, the meeting came to an early close because it appeared to us as legislators, that the concerns expressed by Caymanian lawyers for decades regarding articles, promotion and training, remained unsolved.

At the time I invited members of the profession to try and resolve the issues among themselves, and as I understand it, this resulted in one meeting. I then consulted with the Attorney General and shortly after we agreed to ask Mrs. Sherry Ann Bodden-Cowan and Mrs. Theresa Pitcairn (that is, two experienced local lawyers and distinguished Caymanian women) to review the Bill, prepare a report explaining Caymanian intransigence towards the Bill and to make recommendations which would represent a balanced workable Bill.

Colleagues, the continuation of the status quo within the profession is unhealthy for the profession, our economy and the relationship between Caymanian and non-Caymanian professionals. It is important for law firms to continue to succeed, but equally important for our Caymanian professionals to succeed. It is arguable that the only truly sustainable position would be one in which each facilitated the success of the other. It's a fact!

Mrs. Bodden-Cowan and Mrs. Pitcairn met with Mr. Samuel Jackson (another well-established local practitioner), and between them they interviewed, met and corresponded with a wide cross-section of Caymanian professionals, students and articulated clerks, members and chairpersons of the Immigration Board, past and present; some of us as elected representatives, and a few past elected representatives, including Mr. Roy Bodden, the President of the University College, [who spoke] about his experience when he was Minister for Labour, and the Department of Employment Relations. This was done in an effort to obtain a clear and unbiased understanding of the issues and concerns. They also met with many of the foreign partners and the Honourable Attorney General.

Mrs. Pitcairn is drafting a comprehensive report which will detail their findings. However, a number of concerns have emerged:

- a. As I understand it, the Caymanian Bar Association with the support of the Law Society suggested that the existing Legal Practitioners Law (2007 Revision) requires restructuring because:
  - i. It does not cover the practice of Cayman Law outside of the Cayman Islands.
  - ii. It is estimated that more than 132 attorneys currently practice Cayman Law from overseas offices.
  - iii. There are also attorneys and a number of foreign law firms with no connection to

- Cayman who hold themselves out as practicing Cayman Law.
- iv. Currently the practice of law is not adequately defined, which makes it difficult to claim any breach.
- b. I also understand that based on a draft Cabinet paper prepared by and presented to the previous Government (that's the PPM Government) by the Bar Association, that several needs were stated:
- i. To restructure the fees payable by each law firm to a per attorney basis rather than a tiered basis to avoid the competitive disadvantage that smaller firms are now faced with when compared to medium and large size firms, thus encouraging growth.
  - ii. To encourage the employment of Caymanian attorneys by providing an additional financial incentive to employ and retain Caymanian attorneys over and above the lack of work permit fees and avoid the existing significant disincentive for some firms to add even a single Caymanian attorney.
  - iii. To increase Government revenue overall, ensuring that any additional fees fall with proportional weight on those law firms employing the largest percentages of non-Caymanian lawyers.
  - iv. To ensure that when lawyers practicing Cayman Law overseas become subject to the licence scheme that Government revenue is maximised; and
  - v. To allow for Government to accrue benefit in revenues, as the legal services sector increases in size.

Madam Speaker, nothing was done by the past Government to address the matter with the Cabinet paper. In essence, then, the big law firms and the professional associations have been requesting that a modernised law be introduced to regulate the issue of practicing certificates; that is, where lawyers are located and are licensed to practice Cayman Islands Law abroad, generate revenue in the Cayman Islands, and properly regulate the legal profession.

- c. As we all know, the Caymanian professionals call us and express their woes about lacking of training, unequal treatment, victimisation, glass ceilings and their inability to obtain articles. There is a draft report prepared by a subcommittee of the Bar Association which suggests that everything that Caymanian lawyers have told us for decades is true. There is a perception among Caymanian lawyers that only foreign lawyers reap the economic bene-

fits and successes from the offshore business, and that when the firms get a chance, they do outsource jobs.

Mrs. Pitcairn wrote to the Director of the Cayman Islands Law School (which will soon be the Truman Bodden Law School) on 15 March this year, enquiring as to the likely number of Caymanian students that will be graduating from the Law School and was told that we are looking at an average of 20 students per year (the current projection being 25 in 2011; 19 in 2012; and 17 in 2013). These numbers do not include students studying law abroad, but provide us with a sense of the numbers that will be seeking employment in the profession in the near term.

We have asked Mrs. Bodden-Cowan and Mrs. Pitcairn to assist with the drafting of a Legal Practitioners Bill, and I am hoping to have a Bill available for circulation in November this year. I know that they met with the Honourable Attorney General and partners in major law firms to discuss an alternative system for articles, one that would enable our students to be called to the Bar without having to go to firms for articles, and address the issue of this aspect of training in a more equitable and effective fashion.

Work has also been done on the concept of a "recognised firm" and an "affiliate" to ensure that it works [while] ensuring effective control is maintained in the Cayman Islands, over the overall global network of practice in Cayman law. It is hoped that if we provide, say, six months from the date of passage, for introduction of the new law, every firm will be have time restructure in accordance with the new requirements, and no firm will be obstructed in their conduct of business in accordance with the new regime.

Madam Speaker, I trust that honourable Members appreciate the validity of this undertaking, as well as the prospective benefits of the changes in scope and content of the Law, as envisioned. It is hoped that this process can be concluded on a timely basis to enable us both to address acknowledged issues in the practice of Cayman law, both of a professional and economic nature. We must also not overlook the other prospects for better public governance, in relation to enhancements of our regulatory regime, and our revenue base. What I can guarantee young Caymanians, as Premier, [for those] who need to be articulated and deserve a chance to make it as a lawyer in these Islands, [is that] a system will be put in place by my Administration to make it happen. And I trust that that Bill will come to the House before the end of this year.

Madam Speaker, I do want to take this opportunity to thank the Honourable Attorney General who has been keeping an eye open and giving us guidance on this matter. We know it is highly political, but, Madam Speaker, as I said, these matters have to be addressed and we cannot have Caymanian students completing their law degree and not even given a

chance to be articulated. We will make that happen in this House!

Accordingly, it is hoped that honourable Members can be counted on to continue to support this process and the resulting improvements in the Law. Thank you, Madam Speaker.

**The Speaker:** Thank you, Honourable Premier. I think you have one further statement. Honourable Premier.

### **Impending Establishment of Hospitality Training School for Cayman Islands**

**The Premier, Hon. W. McKeever Bush:** Thank you, Madam Speaker.

Madam Speaker, Members of this Honourable House will recall my presentation at the Tourism Awareness Forum in Cayman Brac 10 days ago. I spoke of the very encouraging air arrival figures that our tourism sector has been recording, and that with the significant increases in air arrivals we could well achieve our target of over 300,000 stay over visitors by the end of this year.

Recent reports show quite a different picture in relation to our cruise arrivals, which have been declining over the same period. But we know what that is, Madam Speaker. We have to take both scenarios into consideration when looking at our short- and long-term plans for our tourism sector. We all know that the development of cruise berthing facilities is a critical part of the plan to improve our service to cruise visitors.

I gave a statement to the papers which explained, Madam Speaker, in a historical way what happened to the cruise proposals for berthing facilities but they did not print that. But that, if you allow me, Madam Speaker, is that in 2003 there were proposals from a company in the States which we accepted, but the public gave us hell on it and there were people in that industry, the cruise industry, who opposed it. That was a company called "Signet". Then, in 2004 I signed an agreement with Misener Marine to do another facility. And the PPM Government that took Office in May 2005 stopped that.

It was all ready to go to be built with the cruise ships participating. The cruise ships were asking. But we do know that the PPM Government was not supporting cruise tourism, as such, at the time. They complained bitterly about the numbers that we had. Then, Madam Speaker, they put in some of their own and nothing happened and the rest is history.

But during that time from 2003 until now (well during that time in 2003, 2004, and 2005 after we demitted or left Office, between that and 2009), the cruise industry ships went out and they invested in the jurisdictions of our competitors, the latest being Roatán and in Falmouth. Huge investments! So the cruise ships are now sending people to those destina-

tions because they have an investment there. There is no muddying the waters with that, Madam Speaker. That is a fact. That is what has happened.

They invested in those other areas, three to four other areas, I believe, including Turks and Caicos. And we did not do anything here and now we have a decreasing cruise population. Well the PPM might be happy because they were against it. But the story has to be told. That is the fact.

Then, Madam Speaker, we all know that the development of cruise berthing facilities is a critical part of the plan to improve our service to cruise visitors, and I am pushing very hard to ensure the timely development of cruise berthing facilities for these islands.

And if they continue with their lies, their innuendoes—

**The Speaker:** Honourable Premier, you know better.

**The Premier, Hon. W. McKeever Bush:** Who am I accusing now, Madam Speaker?

**The Speaker:** "They"; whoever "they" are.

**The Premier, Hon. W. McKeever Bush:** Yes.

**The Speaker:** The word is not permitted on the Floor of Parliament

**The Premier, Hon. W. McKeever Bush:** Well, Madam Speaker—

**The Speaker:** So, Please use another word and proceed with your statement.

**The Premier, Hon. W. McKeever Bush:** Yes.

Their fabrications then, Madam Speaker. But a rose by any other name is just the same. And so, I bow to your ruling, Madam Speaker.

**The Speaker:** Well thank you.

**The Premier, Hon. W. McKeever Bush:** But it wasn't anything good that they are saying about what we are doing now.

But I will continue to push very hard to ensure the timely development of cruise berthing facilities for these Islands, and trust that I can get it done before the next General Election so that another Government—if one comes behind me—does not try to stop that as well.

Madam Speaker, we have been doing well in air arrivals as a result of strategic initiatives from the Ministry and Department of Tourism, and with the support of the private sector. But, Madam Speaker, as a country we need to take a long-term view of the sector. We must ensure that we focus on continued product development, as well as the training and develop-

ment of our human resources within the sector. Specifically, we must attract and retain more Caymanians into the tourism workforce—at all levels. This is a matter of urgency. More Caymanians can and should partake of the benefits of tourism, as the sector grows.

Madam Speaker, hitherto-fore though, I should say, that Caymanians were not gravitating towards the industry because they felt it as part of servitude. They did not want to be serving people. They drifted towards the finance industry and the international business centre.

We must not sit back, nevertheless, and fatalistically accept the outdated notion that Caymanians do not wish to participate in tourism. In fact, the level of participation and the enthusiasm we get from young people for the Ministry of Tourism's Scholarship Programme, and the Tourism Apprenticeship Training Programme (TATP), suggests otherwise.

Thirdly, we know from visitor feedback and from our own research that our visitors search for authentic, local experiences—to experience local culture, taste our food and interact with our people. This is in addition to the great service, value-for-money and memorable experiences, which we do a great job of providing. The bottom line is that our visitors want to leave with a real good feeling about having been here. They are willing to pay, if we can deliver this to them. No doubt about it, Madam Speaker.

You have to wonder, Madam Speaker, why in the BVI [British Virgin Islands] and other places people pay \$6,000 a day to stay in a villa, and \$2,500 a day to stay in a villa. Good service. They get what they want and do what they want to do, Madam Speaker. They will pay for it.

Madam Speaker, today I am pleased to report on a strategic initiative that I am working on (well, we restarted I should say), which will address these three objectives and position us for further growth and an enhanced quality of our tourism product. I speak of plans for the establishment of a Hospitality Training School, which I expect to be operational in early next year [2012].

The Ministry of Tourism will join forces with the University College of the Cayman Islands (UCCI) to provide training at an international certification level for employees in the tourism sector, and for persons interested in new careers in the industry. By establishing the Hospitality School, we aim to:

- provide a well-trained local labour force, with an internationally recognised hospitality certification;
- provide a range of opportunities and careers for young Caymanians;
- enable our local population to directly participate in the economic benefits from tourism; and
- enhance the distinctly local cultural flavor of the tourism sector.

In short, the mission is to develop a hospitality institution to facilitate the certification, career guidance and employment opportunities for a world-class Caymanian workforce.

Once established the school will:

- provide technical skills and work experience for career opportunities in the hospitality industry;
- increase the supply of skilled Caymanians for the hospitality workforce;
- increase the number of visitor interactions with Caymanians in the tourism industry.

Let me address some of the logistics of how the school will be established. This, Madam Speaker, is a two-phased project. The first is a strategic development phase. This phase will offer City and Guilds Certification and associate degree programmes. We intend to establish relationships with institutions such as Cornell University, Johnson and Wales, and affiliated universities. And this is being worked through now with the University College [of the Cayman Islands].

The core areas of study will be food & beverage, food preparation, spa services, front office operations, rooms (housekeeping) and maintenance or engineering. The second, or strategic growth phase, is for further certification, and the establishment of degree programmes. These will include City and Guilds for Skills Certification, and the bachelor's degree programmes of institutions such as Cornell University, Johnson and Wales affiliated universities, and the Culinary Institute of America.

The additional core areas of study in this phase will include spa director, housekeeping supervisor, rooms division manager and watersports/dive instructors. In this second phase, we will also seek to develop the school to accept international students.

Madam Speaker, all will agree that this is a bold and ambitious project and it requires input and support from several different quarters. We need the private sector on board as full partners and it is our intention that they will be involved from the outset in areas such as curriculum development and provision of work-study opportunities. They currently support the Tourism Apprenticeship Training programme, and we will be counting on them for even greater involvement and support, including job placement—definitely job placement—and a clear, upwardly mobile career path for participants.

We will ensure the highest standards of accreditation, including international recognition, so that our students not only receive the best training, but can compete at the highest levels with persons trained anywhere else in the world.

Of course, the Hospitality School will need a home. Thankfully, UCCI has already proven to be a willing and capable partner in our tourism training efforts. UCCI will therefore be the academic institution

that the Ministries of Tourism and Education will be partnering with for the use of campus facilities and lecturers.

In terms of the practical elements of the courses, Government intends to partner with hotels that are willing and able to offer an appropriate learning environment for the programme. We have had discussion on this and we hope the private sector will step up in this regard. The Treasure Island Resort has available capacity to initiate the Hotel Training School—the rooms, front desk, maintenance, kitchen and dining areas that allow for suitable hands-on experience to be gained. Madam Speaker, the Treasure Island Resort is where the Hotel Training School will be at. That decision has been made.

In terms of the management of the school, an advisory council consisting of passionate and committed public and private sector members will be appointed to assist with strategic development and fulfillment of the mission of the school.

The advisory council will consist of 10 to 12 members drawn from the following areas:

- UCCI (including the Dean of Academic Affairs), two members
- Ministry of Tourism, one member
- Ministry of Education, one member
- Department of Tourism, one member
- Chamber of Commerce, one member
- Immigration Department, one member
- CITA (Restaurant and Accommodations sectors), three members (and, Madam Speaker, not included, but there will be a member from Cayman Brac)
- Financial Services, one member

The school will also require considerable input and support from the Department of Immigration. The school will work with the department to develop and offer incentives to private sector entities that become key partners in this programme, particularly with regard to a successful record of employment of high school graduates. We must ensure that graduates are provided with the employment opportunities befitting their training and certification, and the support of Immigration is essential in this regard.

The TATP has demonstrated that this support is needed, as often apprentices face challenges finding work experience and employment after graduation. We will be counting on Immigration to help address this issue. And I will be talking to the private sector myself, as the Minister responsible, and the department will be talking to CITA and other private sector partners, the hotels and condos in this regard. They will understand that we will have to employ Caymanians. We can't have a school, train them and then give out the work permits for it. That's not going to happen.

Madam Speaker, a Hospitality School has been talked about in the past and is long overdue for

our tourism sector. People will remember that I purchased the John Silvers Inn from Caribbean Development Bank when that was going under. I took a lot of stick for it, but that is where we intended for the Hotel Training School to be. But that did not happen because the Ministry did not support a hotel training school, and so that programme and prospect languished and got nowhere. They then utilised that [Inn] as apartments for persons who did not have homes.

The time has come, however, for us to get it done so that young Caymanians will have further opportunities to become qualified professionals within the sector, with a clear path for employment and advancement.

Madam Speaker, there will have to be a selling job done. But I am hearing now more than ever, different from the 90s when I tried to get a similar programme up and pay them \$200 per month and only got 10 people. But they are now seeing it. They are now saying, *Well, I will take a job there*. But some of them have to be trained in certain areas. And they recognise that they can make good money, as foreign nationals do, in the hospitality services industry. There is nothing wrong with it, Madam Speaker. Our parents worked there and raised us on it. Nothing wrong with it!

In the long run, our tourism product will benefit as the school will ensure that more of our young people are deployed to become the faces and the local, culturally rooted voices that our visitors want. It will be in their hands to plan for provision of the "authentic" experience visitor's desire.

For these reasons, my Ministry will focus significant commitment and resources to this project and I trust that I can also count on the support of all honourable Members.

Thank you Madam Speaker.

**The Speaker:** Thank you, Honourable Premier.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, I have another statement but that has not reached you as yet, so I will desire to speak to that or make that statement later in the day.

**The Speaker:** Thank you.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

##### Gender Equality Bill, 2011

*[Continuation of debate thereon]*

**The Speaker:** Does any other Member wish to speak on this Bill? [pause]

Honourable Minister, Second Elected Member for Cayman Brac and Little Cayman.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** Thank you, Madam Speaker.

Madam Speaker, I wish to offer a few brief remarks in support of the Gender Equality Bill, 2011, as has been brought by my Honourable colleague and ministerial friend, Minister Adam.

This is a happy day for Cayman with the passage (as we anticipate) of this Bill. The last Speaker of the House, Mrs. Edna [Moyle] from North Side, and I, together with the Minister have worked diligently to see this day come to fruition. I wish to go on record, as has been the case with others, to offer and extend my congratulations to Ms. Tammy for her diligence, her determination, commitment, and her performance in seeing this Bill through some very stormy waters. At long last it has reached the Floor of this Parliament. And members from NGOs (Non-governmental Organisations) have looked towards this.

On many occasions the United Kingdom have asked us at our various women's conferences, as to the progress of this Bill, so I am looking forward with eager anticipation that they will now extend the relevant international treaties to give the extra teeth to the Gender Equality Bill here in this jurisdiction.

Just by way of quick introduction, Madam Speaker, one would see from taking a look at the Bill—and I want at this juncture to say, having looked at the Bill in great detail, that it is a very well drafted Bill. There will be some anticipated amendments after discussion, which the Honourable Minister will so deal with. But save and except for those few instances the Bill is drafted quite well, and I wish to commend them for their efforts in this regard.

There are six parts to the Bill, Madam Speaker, and Part 1 deals with the Preliminary provisions that are set out in the Bill. Part 2, Madam Speaker, deals with the protection against gender discrimination, a very important and integral part of the Bill. Part 3 provides for various exceptions to the Bill as would be in any case where rights are being given, they have to be caveats and exceptions carved out for the proper operation of any said Bill.

Part 4 provides for the various offences, and Members would see that there are offences vary from \$5,000 up to \$20,000, and we would ask that all employers and employees take time to really read this Bill because ignorance of the law is, as always, no excuse. Part 5, Madam Speaker, establishes a Gender Equality Tribunal for the determination of complaints by the Tribunal. We thought that this was very necessary rather than going straight to the court. It would give members easier access. It would be more affordable and it would still be a determination by their

peers as it were. Part 6, Madam Speaker, provides for a few other miscellaneous matters.

I won't go into all of the merits and demerits of the Bill, but there are a couple of aspects that I would like to draw Members' attention to.

I am especially pleased, Madam Speaker, that clause 41 of the Bill provides that this particular legislation binds the Crown. That is significant, Madam Speaker, in that I am aware, as others Members are aware, especially young Caymanians I know of in the police force, for example. I have gotten representation that members wanted to get extra training, for example, to attend the Law School, which is the most common example that comes to my ears. And for whatever reason, they are not allowed to do so. In this case, some were males and some were females. And, Madam Speaker, it is important that legislation like this that deals from a neutral perspective across the board, does, in fact, binds the Crown and that the Crown is not exempted so that they can have equal access to these rights that are now being entrenched in our legislation.

Madam Speaker, there is also need, I believe, to look at [clause] 2 which deals with "marital status." And I just wish to read that into the record. It says: "**marital status' means the status or condition of being-**

- (a) single;**
- (b) married;**
- (c) married but living separately and apart from one's spouse**
- (d) divorced; or**
- (e) widowed,**

**and includes the status"** (and this is the important part, Madam Speaker) "**of a man and a woman who, although not married to each other, are living with each other in the same household as husband and wife."** (Which would be otherwise referred to as a common law spouse.)

Through the ages we have been able, both the female representatives who have traversed through this honourable House, as well as other NGOs, have really pushed to ensure that this was added in, in the various pieces of legislation because there was a lot of inequity and non-parity that was going on because of this not being recognised.

Madam Speaker, I know within my own constituency, as we now speak, of a particular common law situation, and she is incurring quite a bit of medical expenses. For whatever reason, she still has not been able to access those benefits. And, in fact, they have been common law [husband] and wife probably as long as I have been alive, and they have two separate homes right next to each other, Madam Speaker, but spend more times under the same roof than in the individual homes. And I have asked, not just this Social Services, but those under previous administrations to look at this situation so that this particular lady

has full access to her health benefits, and so far I have not succeeded.

I have not, Madam Speaker, out of an abundance of caution, spoken to the Honourable Minister because I believe that his technical staff is more than able to deal with it without having to seek his assistance. So I want to make that absolutely clear right here and now.

Madam Speaker, [clause] 3 is of particular significance as it contains therein the prohibited grounds for discrimination. And in particular [clause] 3(2) sets out that the grounds for discrimination is “**(a) sex, marital status or pregnancy**” (three important categories) “**(b) any characteristic based on gender which appertains generally or is generally imputed to persons of a particular sex or marital status or pregnant state.**”

Again, having worked in a private sector, I have seen and witnessed situations where when females walked in for the jobs being highly qualified, comments were made by the male partners that they would not be hiring them because they did not want to have to pay the extra monies for their time off for pregnancy. This will no longer allow them to get away with that nonsense in this modern era, Madam Speaker.

We also see, Madam Speaker, that there are exceptions set out to the prohibitions on discrimination in employment in [clause] 4. I believe the Minister has an amendment that he will speak to at a later stage dealing with 4(3) which we are happy to support on this side.

There will be, Madam Speaker, some genuine occupational qualifications where a job exists. And the Bill also contemplates this in [clause] 5(2) that members of the public would need to pay cognisance to, to ensure that they are on par with each of these provisions.

It makes provisions also, Madam Speaker, for special measure which would, in fact, promote equality. They are set out in [clause] 6 where “. . . **by Order made by the Governor in [Cabinet] to promote equality of opportunity in Employment based on the grounds set out in section 3(2) . . .**”

I'm happy, Madam Speaker, to see clause 8 which reads: “**An employee shall not pay unequal remuneration to men and women performing work of equal value for such employer.**”

Over the years I have attended various women conferences around the world since I have been in parliament. It gives me great delight, when we debate compare other countries, such as India and some parts of the South Pacific, and see the limited rights that women have there, and men to some extent. But believe it or not when we do the “peeling away” exercise in Cayman, we still have discrimination that is going on.

I know for my own self when I was fortunate and humble enough to be given the position of

Speaker, although it was the same position that had been previously held by a gentleman, it took almost a year or more for them to decide what my benefits and salary was going to be. And if that is happening at the highest level of parliament, can you imagine what is happening at a much lower level?

Madam Speaker, while I am on that, I think now that this Law is being put into force, it is time that the protocol section look at the position of Speaker, because it is one of our highest positions here and I believe as recent as last week when we had to work so late, you do not yourself have a proper vehicle or security to take you home in those wee hours of the night.

And let me just say out of abundance of caution, because things get twisted every way. I had no briefing from Madam Speaker, but having been a Speaker before and a female at that, having to go home at all sorts of hours and the fact that one is provided for the Queen's Birthday, it tells me that at least someone recognises that the Office of Speaker is more than overdue for such consideration. I wish to go on record tonight for that consideration to be given now that we have a statutory recognition that there should be equality of gender.

Madam Speaker, the proposed Bill also makes provision where there are partnerships. This is another area that we see a lot of discrimination ongoing, whether it is legal, accountancy or otherwise, where the females are having a tremendous time. They have the intellectual capability, they have the tenure of experiences but they seem to have a glass ceiling in getting the partnership. So, this now sets out very well in [clause] 9(1) that there can no longer be discrimination in this regard.

There are a number of other areas, for example, qualifying bodies that no longer be can discriminate; a person or an educational authority, clause 11 an employment agency, clause 12. And, of course, as it relates to clause 12 subsection (3), Madam Speaker, sets out the exceptions that would have to be put there in order to have a balanced view.

Madam Speaker, clause 12(4) sets out that in the case where a person who knowingly, or recklessly, makes a statement referred to in [subsection] (3) that it was not a discrimination and the agency so realising that, that person would be guilty of a fine to the tune of \$5,000. So, it shows that the Government takes this matter of discrimination quite seriously and has put some teeth into this piece of legislation once it is passed today.

The other section that gave me special delight was clause 13 which deals, Madam Speaker, with goods and services and facilities, in particular, as it relates to goods. It says: “**A person who, whether for payment or not, provides goods and services or makes facilities available, shall not discriminate against another person on any ground specified in section 3(2)-**

- (a) **by refusing to provide that person with those goods or services or to make those facilities available; or**
- (b) **in the manner in which or in the terms and conditions on which those goods or services are provided or those facilities are made available to that person.”**

I've been here long enough, Madam Speaker, to see where persons would go into (again, I am referring to my constituency) a particular business establishment for a particular service, and because of the district that they came from . . . the instance that comes to my mind was in Spot Bay, in an area close to what we refer to as “Mr. Rafael’s. A grandmother and a young child were refused service to get photographs taken for no reason other than they were considered as nobody within the person’s mind. So today is a good day for those persons who have fallen through the cracks and some persons’ social compass will no longer be able to get away with that nonsense unless they are willing to be subject to fines under this Law. A good day! And I congratulate the Honourable Minister for bringing this to this forum today.

Persons should not also discriminate with advertisements or application forms, Madam Speaker. And we know that there is some cleverly maneuvering in this regard. Once the vote is taken today this will bring an end to this, otherwise they will face the sanctions that are contained herein.

There are carve-outs, Madam Speaker, for religious bodies in clause 18 which says: “**Nothing in Part 2 affects-**

- (a) **the ordination of priest, ministers, or of religion, or members of a religious order;**
- (b) **the training or education of persons seeking ordination or appointment as priests, ministers of religion or members of a religious order;”**

And we know for example with the Catholic religion, what they stand for, as it makes various carve-outs here.

There is also a significant section in Part 4 dealing with Offences Relating to Gender Discrimination in 20(1). It says: “**A person shall not induce or attempt to induce another person to do any act which contravenes Part 2 . . .**” In other words the receiver is just as bad as a thief even in the Gender Discrimination Law.

There is an amendment that the Honourable Minister will speak to that will come up in Committee stage dealing with the independence of the Tribunal, and I will leave that for the Honourable Minister to so describe, Madam Speaker. But it was also raised by the Member for East End, and I just wanted to give intimation that it has been duly considered. The same applies to subsection (2), Madam Speaker, of [clause]

25, and the Honourable Minister will speak to the amendments he wishes to bring in that regard as well, Madam Speaker.

Madam Speaker, we will also see an upcoming amendment, I believe, as it relates to revocation. I believe that that is warranted and necessary and I will perhaps comment on that at Committee stage. But I want to just speak to clause 32 before concluding. It says: “**A person who has reasonable grounds for believing that another person is engaging or has engaged in discrimination contrary to this Law may, in the form approved by the Tribunal, file a complaint with the Tribunal.**”

In other words, Madam Speaker, any person can bring the complaint but they have to do it with the victim’s consent as is set out in clause 33(1). So it is not just left to the complainant because oftentimes we find that there is duress because they are afraid of their employer and may not want to say something. But an observer who has the knowledge of the complaint, once the complainant consents, can have access to justice by way of the Tribunal or in appeal to the Courts of this country.

In clause 33(6), Madam Speaker, it says: “**A person who –**

- (c) **fails without reasonable excuse to comply with a requirement or a summons . . . ;**
- (d) **destroys or alters, or causes to be destroyed or altered, any document, or other matter or thing required to be produced under subsection (4); or**
- (e) **hinders, obstructs, prevents or interferes with the Tribunal in the exercise of a power under this section,**

**commits an offence and is liable on summary conviction to a fine of five thousand dollars.”**

Madam Speaker, clause 34 sets out the various findings of the Tribunal and of particular interest is subsection (a)(ii) which gives the Tribunal the ability to give directions—1) to stop discrimination, 2) to order compensation and 3) that the compensation, or perhaps (ii)(a) would not exceed \$20,000. And also it gives them the power to specify the specific time period in which to pay it. So, I am happy to see that extra provision there to ensure that justice is done with this piece of legislation.

[Clause] 34(3) also sets out: “**A person who fails to comply with a direction of the Tribunal given pursuant to subsection (1)”** (which I just read, Madam Speaker) “**commits an offence and is liable on summary conviction to a fine of five thousand dollars.**”

In the spirit of compromise clause 35 deals with the empowerment of the parties coming to an agreement. And they have a duty to notify the Tribunal in writing of the terms of the said agreement.

There is a section dealing confidentiality, which is most significant. There are fines attached thereto, and it deals with the member, Madam Speaker, so that they won't divulge or make use or produce any document to any person who has no business with such documents. And, in fact, that also attracts a fine of \$5,000, in 36(2). There is an exception in subsection (3) which Members can read at their own pleasure.

Also of significance though, Madam Speaker, is 36(5). It says: "**A defendant bears an evidential burden in relation to a matter in subsection (4).**" And subsection (4) basically deals with the prohibition of a person from making a record of the information divulging or communicating information. And, Madam Speaker, I mention this mainly to bring to Members' attention that the proof of evidence is on the defendant and that is a shift for those of us who have studied law. So they need not think that they can do this and the prosecution or the complainant will have to prove it. The proof will be on them, which is, as the case with the Drug Law, Madam Speaker.

We also see, Madam Speaker, on Part 6 that there is proof of exception: "[clause 38] **Where by any provision of this Law, conduct is excepted from being conduct that is unlawful under this Law or that it is a contravention of this Law . . .**" Again, the onus of proving the exception lies on the person claiming the exception.

So, we need to take notes of these shifts of the burdens of proof. And again, Madam Speaker, as any good piece of legislation, it does not just end with the Tribunal, but, in fact, [clause] 39 gives the approval where if a person is aggrieved, they have 28 days after receiving the decision from the Tribunal to make an appeal to the Grand Court against the decision.

And finally, Madam Speaker, clause 40 empowers the Governor in Cabinet to make necessary regulations which will give effective implementation of this Law, and for the general carrying out to this effect.

So, Madam Speaker, with those words I am happy to support this piece of legislation. I am equally humbled and privileged, having worked on it, to see this day, and I look forward with eager anticipation for the successful passage of this important piece of legislation in parliament today.

I thank you.

**The Speaker:** Thank you, Honourable Minister.

Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Does any other Member wish to speak? If not, I call on the mover of the Bill to conclude the debate.

Honourable Minister of Community Affairs, Gender and Housing.

**Hon. Michael T. Adam, Minister of Community Affairs, Gender and Housing:** Thank you, Madam Speaker.

Madam Speaker, I wish to thank the Members of this Legislative Assembly who have spoken and given their support to the Gender Equality Bill. It is clear from the dialogue that has occurred in this honourable House that the Members of the Legislative Assembly are supportive of the Gender Equality Bill, 2011.

The Second Official Member, the Honourable Attorney General, recalled in his remarks that the Cayman Islands have been on a long journey in developing this piece of legislation. And as he rightly pointed out, this legislation won't guarantee that the Convention on the Elimination of all forms of Discrimination Against Women (or CEDAW) will be extended to us. However, it is our hope that we can have CEDAW extended to the Cayman Islands and join the other countries around the world to show our support for the principles of nondiscrimination between women and men.

As the Honourable Attorney General stated, this legislation will also be supported by the principles of the Bill of Rights. Additionally, we already have in place other pieces of legislation that support these principles of nondiscrimination, and we are confident in the capability of the court system and the Gender Equality Tribunal (once it is established) to hear the claims of discrimination.

Madam Speaker, I wish to thank the Honourable Leader of the Opposition, the Third Elected Member for George Town, for lending his support to this Bill and the principles of Gender Equality. Additionally, I would like to thank the Second Elected Member for Bodden Town for his remarks of support and my colleague, the Second Elected Member for West Bay, the Honourable Minister of Education, Training and Employment for also giving his support in speaking to the importance of this Bill in our society from a labour perspective.

Madam Speaker, the Elected Member for East End stated that he supported the Bill, but he did raise some concerns over a few sections. We have reviewed his comments and concerns, and I can promise the Member that when we reach the Committee stage we will address the issue of the requirement of the years of experience for the Chairperson of the Gender Equality Tribunal.

In regard to the Member's concern of why there were exemptions listed in [clause] 4(3)(a) and (b) that exclude private household or private educational authority, Government did not want to take away a citizen's freedom to choose the kind of person who they would want working in their house while persons are still given the opportunity to choose freely. This does not, however, allow them to discriminate against the employee once he or she has been hired.

In regard to the concern about the exemption for private educational authority we have noted the Member's concern and will consider at Committee stage.

Madam Speaker, the elected Member for East End, as well as the Honourable Deputy Premier, also raised concern over [clause] 24 which states that the Tribunal shall not be subject to the direction or control of any other person. This also has been taken on board and will be dealt with at Committee stage.

Madam Speaker, the elected Member for East End also questioned if Government was saying it was okay for churches to discriminate because they were given exemptions in [clause] 18 on religious bodies. In this instance, Government is fulfilling the principle of the separation of Church and State, and therefore does not want to legislate to the churches who they can and can't select to be ordained or trained as their religious leaders. Madam Speaker, this exemption is only applicable to the selection or appointment of the church's religious leaders. Therefore it means that persons who work for religious bodies could make claims for protection against sexual harassment, for example.

Madam Speaker, again I thank the elected Member for East End for his support, comments and lively debate.

Madam Speaker, additionally, I would also wish to thank the Deputy Premier, the Honourable Juliana O'Connor-Connolly, my ministerial colleague for her comments and her analysis of the Bill when she was previously responsible for Gender Affairs, prior to this moving to my Ministry in July of last year. And, Madam Speaker, as we have heard, the Deputy Premier is extremely intimate with this legislation and I will certainly look forward to her continued advice and support as we now move to develop the public education programme.

Madam Speaker, you will recall earlier that I provided some information on the genesis of this Bill, including the consultation process. I am sure that you can appreciate that Government had the difficult task of trying to ensure a balance of the interests of all persons likely to be affected by this legislation. Even after the consultation period had passed and the Bill was approved by the Governor in Cabinet and sent to the Legislative Assembly, the Government was still open and willing to listen to and consider the concerns put forward by the Cayman Islands Law Society and supported by the Cayman Bar Association, the Cayman Islands Chamber of Commerce, Insurers Managers Association, and the Compliance Association. On behalf of the Government, I would like to thank those NGOs for their valuable comments and perspectives that they provided on this new piece of legislation.

Madam Speaker, on behalf of the Government, I am kindly requesting to bring forward a few amendments (which were drafted as a result of feedback from the private sector) at Committee stage. And some of those amendments that Government is proposing are as follows: a commencement date of January 31, 2012, in clause 1; revising the definition of "employer" in clause 2; revising the definition of "sex-

ual harassment"; inserting a new clause 16A "liability of employers" which gives a defence for the employer to show that the employer took all reasonable steps to prevent the employee from discriminating.

Madam Speaker, I am very proud of what will be the final version of this progressive piece of legislation as the result of the collaborative effort of many persons and organisations. It is my hope that this piece of legislation serves our country well into the future as we aim to create a fairer working environment free of gender discrimination and sexual harassment, and a more level playing field for women and men in regard to their access to employment, training and qualifications, professional partnerships and goods and services.

Madam Speaker, I know that some of the ideas in this Bill will require many of us to shift the way we think and act in order to create an environment for Gender Equality to truly blossom. However, I believe that any learning curve that we experience is worth the growing pains it produces. Madam Speaker, as we mature into a more modern jurisdiction we can proudly say we now have legislation which enhances and embraces diversity by protecting individuals from gender discrimination.

The Government looks forward to launching the Public Education Campaign on this legislation, very shortly, in order to ensure that the spirit of this Law which we all agree is so important, realises its full potential once the Bill is commenced into Law on the 31<sup>st</sup> January 2012.

Madam Speaker, the Gender Equality Bill, 2011, will no doubt serve as a beacon to other countries in the Caribbean, and, indeed, the world, that the Cayman Islands do not condone gender discrimination. It is my hope that this piece of legislation serves our country well into the future as we aim to create more safeguards that strive to ensure an equitable future for our daughters and sons, and, in turn, a more harmonious and prosperous Cayman Islands.

Madam Speaker, I would like to put honourable Members on notice that after consultation and advice there will be some additional amendments to the Gender Equality Bill, and I will be seeking to move these amendments at the Committee stage. Madam Speaker, I would therefore beg your indulgence for a short break or perhaps take lunch to enable my technical staff to complete the amendments and circulate the amendments to yourself and other honourable Members of this House.

Thank you, Madam Speaker.

**The Speaker:** Thank you, Honourable Minister.

We will take the lunch break at this time. We will return at two o'clock.

**Proceedings suspended at 12.31 pm**

**Proceedings resumed at 2.45 pm**

**The Speaker:** When we took the lunch break the debate had been wound up on the Gender [Equality] Bill, 2011, and we were in the process of moving to Committee.

Madam Clerk.

**The Deputy Clerk:** Committee on Bills.

**Some Hon. Members:** Madam Speaker, we have to take the vote.

*[Inaudible interjections]*

**The Deputy Clerk:** Did you put the question on the Second Reading?

**The Speaker:** No, I haven't put the question on the Second Reading.

*[Inaudible interjections]*

**The Speaker:** Yes.

*[Inaudible interjection]*

**The Speaker:** The question is that a Bill shortly entitled the Gender Equality Bill, 2011, be given a second reading.

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

**Ayes.**

**The Speaker:** The Ayes have it.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, may we have a division please?

**The Speaker:** Pardon me?

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** May we have a division please?

**The Speaker:** A division?

*[inaudible interjections and long pause]*

**The Speaker:** When everybody else has done the Chair's job, let me know so I can continue.

**The Deputy Clerk:**

**Division No. 8–2011/12**

**Ayes: 8**

Hon. Michael T. Adam  
Hon. J. Mark P. Scotland

**Noes: 0**

Hon. Cline A. Glidden, Jr.  
Capt. A. Eugene Ebanks  
Hon. Alden M. McLaughlin, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Anthony S. Eden  
Mr. D. Ezzard Miller

**Absent: 7**

Hon. W. McKeeva Bush  
Hon. Juliana Y. O'Connor Connolly  
Hon. Rolston M. Anglin  
Mr. Ellio A. Solomon  
Mr. Dwayne S. Seymour  
Mr. Moses I. Kirkconnell  
Mr. V. Arden McLean

**The Speaker:** The result of the division, 8 Ayes, 0 Noes, and . . . I don't have a list of the absentees . . .

**The Deputy Clerk:** Yes you do.

*[Inaudible interjections]*

**The Deputy Clerk:** Seven.

**The Speaker:** The result of the division, 8 Ayes; 0 Noes; and 7 absentees.

The Gender Equality Bill, 2011, has been given a second reading.

**Agreed by majority on division: The Gender Equality Bill, 2011, given a second reading.**

**The Speaker:** The House will now go into Committee to consider the Bills.

### House in Committee

## COMMITTEE ON BILLS

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

With Leave of the House, may I assume that, as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in these Bills?

Would the Clerk please state the Bill and read the clauses.

### University College (Amendment) Bill, 2011

**The Deputy Clerk:** The University College (Amendment) [Bill], 2011.

Clause 1	Short title
Clause 2	Amendment of section 3 of the University College Law (2010 Revision) – establishment of College

**The Chairman:** The question is that clauses 1 and 2 do stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 and 2 passed.**

**The Deputy Clerk:** A Bill for a Law to amend the University College Law (2010 Revision) so as to make certain changes in relation to the appointment of Members of the Board of Governors; and for incidental and connected matters.

**The Chairman:** The question is that the Title do stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

### Gender Equality Bill, 2011

#### Part 1—Preliminary

**The Deputy Clerk:** The Gender Equality Bill, 2011.  
Clause 1 Short title

**The Chairman:** Honourable Minister, you have an amendment to that section?

**Hon. Michael T. Adam:** Clause 1? Yes, Madam Chair.

**The Chairman:** Would you proceed please?

#### Amendment to clause 1

**Hon. Michael T. Adam:** Madam Chair, that the Bill be amended as follows: by deleting clause 1 and inserting the following clause: "1 (1) This Law may be cited as the Gender Equality Law, 2011; (2) This Law shall come into force on the 31<sup>st</sup> day of January 2012."

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not, I will put the question.

The question is that the amendment forms part of the clause.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 1 passed.**

**The Deputy Clerk:** Clause 2 Interpretation

**The Chairman:** Honourable Minister.

#### Amendment to clause 2

**Hon. Michael T. Adam:** Thank you, Madam Chair.

In clause 2, by deleting the definition of "employer" and substituting the following definition – "employer" means any person who has entered into or stands ready to enter into a contract of employment with an employee, and includes any agent, representative or manager of such person who is placed in authority over an employee"; and by deleting the definition of "sexual harassment."

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not I will put the question.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 2 passed.**

#### Part 2—Protection against Gender Discrimination

**The Deputy Clerk:** Clause 3—Prohibited grounds of discrimination.

*[Off microphone discussion]*

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 3 passed.**

**Deputy Clerk:** Clause 4—Prohibition on discrimination in employment.

**The Chairman:** There's an amendment for that clause?

#### Amendment to clause 4

**Hon. Michael T. Adam:** Yes, Madam Chair.

In clause 4 by deleting subsection (3) and substituting the following, “(3) Subsection (1) does not apply to employment for the purposes of a private household.”

**The Chairman:** The question is that clause 4 as amended stand part of the Bill.

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

**Mr. V. Arden McLean, Member for East End:** Madam Chair, if I may.

May I respectfully ask that when we are putting these clauses, if you could take a glance over to this side so that we would be able to catch those of us who would like to make comments or ask questions, Ma'am?

**The Chairman:** Read clause 4 again please.

**The Deputy Clerk:** Clause 4—Prohibition on discrimination in employment.

**The Chairman:** Honourable Minister, would you read your contribution again, please?

**Hon. Michael T. Adam:** Yes, Madam Chair.

**The Chairman:** The amendment.

**Hon. Michael T. Adam:** In clause 4 by deleting subsection (3) and substituting the following, “(3) Subsection (1) does not apply to employment for the purposes of a private household.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?  
Member for East End.

**Mr. V. Arden McLean:** Madam Chair, I wonder if the Minister can explain to us how and what this amendment satisfies, because I know I spoke of it when I debated, but it would be interesting to hear what part of private household employment this would apply to.

*[inaudible interjection]*

**The Chairman:** Honourable Minister.

**Hon. Michael T. Adam:** Madam Chair, I thought that was quite clear. It does not apply to employment for the purposes of a private household.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** So, Madam Chairman, the effect of the amendment is to delete the provision as it relates to a private educational authority?

**The Chairman:** Honourable Minister.

**Hon. Michael T. Adam:** Yes, Madam Chair, that is correct.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** And, Madam Chair, I wonder if the Minister can explain the basis for that.

**Hon. Michael T. Adam:** Thank you, Madam Chair.

[In clause 4] subsection (3)(1) . . .(a) was deleted because we felt that it was not in order to discriminate on the sexes of those being employed in a private educational authority *[sic]*.

**An Hon. Member:** Which makes sense.

**The Chairman:** Member for East End.

**Mr. V. Arden McLean:** One (a) or (b)?  
It's (b).

*[inaudible interjection]*

**Mr. V. Arden McLean:** Okay so . . . We understand it is being deleted. That is the amendment that is currently before us. Is there any reason, other than debate in here, why it is being deleted? Was this an oversight or is it now an understanding that schools cannot be exempt?

**Hon. Michael T. Adam:** Madam Chair, in particular the private schools.

**Mr. V. Arden McLean:** Okay.

The amendment [to clause 4(3)] says “subsection (1) does not apply to employment – [(a)] for the purposes of a private household.”

My argument has been that there are positions within household employment that either sex can perform. But we are going to allow someone to say that if one sex who is more, or as, qualified as the other one can be chosen over one sex because of the preference of wanting that sex even though the other one is more qualified?

**The Chairman:** Can I ask a question here? We are deleting, as I understand it, clause 4(3), both (a) and (b), and then substituting “[(3) Subsection (1)] does not apply to employment for the purposes of a private household.”?

Is that what we are doing? Is that clear?

**Hon. Michael T. Adam:** That is correct.

**The Chairman:** Thank you.

*[inaudible interjection]*

**The Chairman:** It does not apply to employment—“For purposes of a private household.” We are taking out that section, [both] (a) and (b), and just putting in one sentence?

**Mr. V. Arden McLean:** Madam Chair, what I am saying is that in the advertisement in the papers for an employee to carry out employment within a private household we are allowing them to discriminate to say that they want a female or they want a male.

*[inaudible interjection]*

**Mr. V. Arden McLean:** Yes.

Can the Minister say if we are going to allow discrimination in that area?

*[inaudible interjection]*

**Hon. Michael T. Adam:** Madam Chair, it is not an issue of discrimination; it is an issue of preference for one’s own household.

**Mr. V. Arden McLean:** Madam Chair, can the Minister then explain to us what the use of this Bill is? I thought the title was . . . let me see what the title says—“Gender Equality.” Is that right?

**Hon. Samuel W. Bulgin:** Madam Chair, just a minute.

**The Chairman:** Yes, Honourable—

**Hon. Samuel W. Bulgin:** The Bill was never intended to regulate how a person operates their private household. And so, if it is that you need a gardener, or you need a nanny, it is entirely a matter for the family as to who they would like within their private household to carry out those businesses. That is plain and simple. It is nothing new; there is no cutting edge. That is sheer commonsense.

**The Chairman:** Third Elected Member for West Bay.

**Hon. Cline A. Glidden, Jr., Third Elected Member for West Bay:** Madam Chair, just [for] my understanding to make sure, and the Minister can confirm, the understanding would be, and I think the example was used for a nanny. If the person wanted due to caring and tendency that we recognise that you wanted to choose a woman to take care of your children over having to choose a man, the Bill is trying to give the provision to allow for that consideration to be given.

So I think that is something . . . maybe the Member for East End is trying to congratulate the Minister on being so considerate. Or, if he is not trying to do that, maybe he should do that.

*[inaudible interjection]*

**The Chairman:** Have we exhausted the questions on this issue? If so, I will put the question.

The question is that clause 3, as amended—

**The Deputy Clerk:** Clause 4.

**The Chairman:** Sorry, clause 4, as amended, stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it. Clause 4 stands part of the Bill.

**Agreed: Clause 4 as amended passed.**

**The Deputy Clerk:**

Clause 5 Exception for genuine occupational qualification

Clause 6 Special measures to promote equality

**The Chairman:** The question is that clauses 5 and 6 do stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 5 and 6 passed.**

**The Deputy Clerk:** Clause 7—Sexual harassment.

**The Chairman:** I think there is an amendment for clause 7. Honourable Minister.

#### **Amendment to clause 7**

**Hon. Michael T. Adam:** Yes, Madam Chair.

Madam Chair, by deleting clause 7 and substituting the following clause: “Sexual harassment” 7. (1) Any act of sexual harassment constitutes discrimination based on sex within the meaning of section 3.

(2) A person shall not commit sexual harassment against any other person.

(3) In deciding whether conduct has the effect referred in subsection (4) the following must be taken into account –

(a) the perception of the person against whom the sexual harassment is alleged to have been committed;

(b) the other circumstances of the case; and

(c) whether it is reasonable for the conduct to have that effect.

(4) In this section “sexual harassment” means unwanted conduct of a sexual nature against an employee by an employer or another employee –

- (a) in the workplace;
- (b) or in connection with the performance of, or recruitment for work,

which is threatened or imposed as a condition of employment on the employee or which creates a hostile working environment for the employee, being conduct which has the purpose or effect of violating the dignity of the employee or intimidating, degrading, humiliating or offending the employee.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not I will put the question.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 7 passed.**

**The Deputy Clerk:**

Clause 8	Equal remuneration
Clause 9	Professional Partnership
Clause 10	Qualifying bodies
Clause 11	Vocational training bodies

**The Chairman:** The question is that clauses 8 through 11 do stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 8 through 11 passed.**

**The Deputy Clerk:**

Clause 12	Employment agencies
Clause 13	Goods, services and facilities
Clause 14	Indirect discrimination
Clause 15	Advertisements
Clause 16	Application forms, etc.

**The Chairman:** The question is that clauses 12 through 16 stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 12 through 16 passed.**

**Hon. Michael T. Adam:** Madam Chair, there is an amendment in clause 16. Sorry.

**The Deputy Clerk:** That is a new clause. We will have to deal with it at the end.

**Hon. Michel T. Adam:** Oh sorry. Okay.

*[Off microphone discussion]*

**The Chairman:** Do 16 again.

*[Inaudible interjection]*

**The Chairman:** Okay, sorry.

### Part 3—Exceptions

**The Deputy Clerk:**

Clause 17	Charities
Clause 18	Religious bodies
Clause 19	Provisions in other Laws

**The Chairman:** The question is that clauses 17 through 19 stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 17 through 19 passed.**

### Part 4—Offences Relating to Gender Discrimination

**The Deputy Clerk:**

Clause 20	Pressure to discriminate
Clause 21	Victimization

**The Chairman:** The question is that clauses 20 and 21 stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 20 and 21 passed.**

### Part 5—Gender Equality Tribunal

**The Deputy Clerk:**

Clause 22	Establishment of Tribunal
Clause 23	Functions of Tribunal

**The Chairman:** The question is that clauses 22 and 23 stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 22 and 23 passed.**

**The Deputy Clerk:** Clause 24—Independence of Tribunal.

**The Chairman:** We have an amendment to 24?

**Amendment to clause 24**

**Hon. Michael T. Adam:** Yes, Madam Chair.

In clause 24, by deleting the word “functions” and substituting the words “function under section 23.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not, I will put the question.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 24 passed.**

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 24 as amended passed.**

**The Deputy Clerk:** Clause 25—Composition of Tribunal.

**The Chairman:** There is an amendment in clause 25?

**Amendment to clause 25**

**Hon. Michael T. Adam:** Yes, Madam Chair.

In clause 25(2)(a) by deleting the words “of at least ten years’ standing.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not, I will put the question.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 25 passed.**

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 25 as amended passed.**

**The Deputy Clerk:** Clause 26—Tenure of members.

**The Chairman:** There is an amendment in clause 26?

**Amendment to clause 26**

**Hon. Michael T. Adam:** Yes, Madam Chair.

By deleting [clause] 26 and substituting the following [clause]— “[Tenure of members]” 26. The appointment of a member shall be at the pleasure of the Governor in Cabinet.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not, I will put the question.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 26 passed.**

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 26 as amended passed.**

**The Deputy Clerk:**

Clause 27 Declaration of interest  
 Clause 28 Resignation

**The Chairman:** The question is that clauses 27 and 28 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 27 and 28 passed.**

**The Deputy Clerk:** Clause 29—Revocation

**The Chairman:** There is an amendment in clause 29.  
 Honourable Minister.

#### **Amendment to clause 29**

**Hon. Michael T. Adam:** Madam Chair, by deleting [clause] 29 and substituting the following: “29. The Governor in Cabinet shall at any time, in writing, revoke the appointment of a member if, upon evidence, the Governor in Cabinet is satisfied—

- (a) that the member is disqualified from being a member under section 25(3);
- (b) that the member is unable to perform the functions of his office;
- (c) that the member is guilty of misconduct;
- (d) that the member has been disqualified or suspended on grounds of misconduct, by a competent authority, from practicing a profession;
- (e) that the member is disqualified on grounds of national security; or
- (f) that there is any sufficient cause.”

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto? If not, I will put the question.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 29 passed.**

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 29 as amended passed.**

**The Deputy Clerk:**

Clause 30	Vacancy
Clause 31	Remuneration and expenses
Clause 32	Complaint
Clause 33	Hearing of Complaint
Clause 34	Findings of Tribunal
Clause 35	Agreement
Clause 36	Confidentiality
Clause 37	Protection from liability

**The Chairman:** The question is that clauses 30 through 37 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 30 through 37 passed.**

#### **Part 6—Miscellaneous**

**The Deputy Clerk:**

Clause 38	Proof of exceptions
Clause 39	Appeal
Clause 40	Regulations
Clause 41	Law binding on Crown

**The Chairman:** The question is that clauses 38 through 41 stand part of the Bill.

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

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 38 through 41 passed.**

**The Deputy Clerk:** New Clause 16A.

**The Chairman:** Standing Order 52(8) Says, “**New clauses shall be considered after the clauses in the bill as printed have been disposed of and before the consideration of the new schedules.**”

Honourable Minister.

#### **New Clause 16A**

**Hon. Michael T. Adam:** Thank you, Madam Chair.

By inserting after clause 16 the following clause: – “Liability of employers” 16A. (1) Any act done by an employee in the course of his employment shall be treated as done by his employer whether or not it was done with the employer’s knowledge or approval.

(2) In proceedings under this Law against an employer in respect of an act alleged to have been

done by an employee in the course of the employee's employment, it is a defence for the employer to show that the employer took all reasonable steps to prevent the employee— (a) from doing the act; or (b) from doing any act of that description.

(3) This section shall not apply to an offence under this Law."

**The Deputy Clerk:** 16 A—Liability of employers

**The Chairman:** For the benefit of all concerned, when the Member moved the clause and the Clerk read the marginal note of the clause, the clause is taken to have been read a first time.

The question is now put that the clause be read a second time. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 16A read a second time.**

**The Chairman:** The question now is that this clause be added to the Bill as clause 16A and that the subsequent clauses be renumbered accordingly. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

This new clause will be added to the Bill and the subsequent clauses be renumbered accordingly.

**Agreed: New clause 16A added to the Bill.**

**The Deputy Clerk:** A Bill for a Law to provide for the elimination of gender discrimination in employment, training and recruitment; to provide for the payment of equal remuneration to employees who perform work of equal value; and to provide for incidental and connected purposes.

**The Chairman:** The question is that the Title do stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**Agreed: Title passed.**

**The Chairman:** That concludes proceedings in Committee.

The question now is that the Bills be reported to the House. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it.

**Agreed: Bills to be reported to the House.**

**The Chairman:** The Bills will now be reported to the House.

**House resumed**

**The Speaker:** Please be seated.  
Report on Bills.

## **REPORT ON BILLS**

### **University College (Amendment) Bill, 2011**

**The Deputy Clerk:** The University College (Amendment) Bill, 2011.

**The Speaker:** Honourable Minister of Education.

**Hon. Rolston M. Anglin:** Madam Speaker, I beg to report that a Bill entitled, The University College (Amendment) Bill, 2011, was considered by a Committee of the whole House and passed without amendments.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

### **Gender Equality Bill, 2011**

**The Deputy Clerk:** The Gender Equality Bill, 2011

**The Speaker:** Honourable Minister of Community Affairs, Gender and Housing.

**Hon. Michael T. Adam:** Madam Speaker, I have to report that a Bill shortly entitled, The Gender Equality Bill, 2011, was considered by a Committee of the whole House and passed with amendments.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

## **THIRD READINGS**

### **University College (Amendment) Bill, 2011**

**The Deputy Clerk:** The University College (Amendment) Bill, 2011.

**The Speaker:** Honourable Minister of Education.

**Hon. Rolston M. Anglin:** Madam Speaker, I beg to move that a Bill entitled, The University College (Amendment) Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled, The University College (Amendment) Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The University College (Amendment) Bill, 2011, read a third time and passed.**

### Gender Equality Bill, 2011

**The Deputy Clerk:** The Gender Equality Bill, 2011, third reading.

**The Speaker:** Honourable Minister of Community Affairs, Gender and Housing.

**Hon. Michael T. Adam:** Madam Speaker, I beg to move that a Bill entitled, The Gender Equality Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled, The Gender Equality Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Gender Equality Bill, 2011, read a third time and passed.**

## MOTIONS

### GOVERNMENT MOTIONS

**Government Motion No. 2/2011-12—Tax Information Exchange Agreements between the Cayman Islands and various jurisdictions as of 18 August 2011**

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

I beg to move Government Motion No. 2/2011-12—captioned the Tax Information Agreement Order 2011, which further reads, with your permission, Madam Speaker, as follows:

**WHEREAS in 2000 the Government of the Cayman Islands entered into a commitment to the Organisation for Economic Cooperation and Development for the effective exchange of information on tax matters;**

**AND WHEREAS it is acknowledged that the Government of the Cayman Islands has the right under the relevant terms of Entrustment from Her Majesty's Government of the United Kingdom to negotiate, conclude and perform tax exchange agreements;**

**AND WHEREAS the Government of the Cayman Islands has negotiated and concluded Tax Information Exchange Agreements with the following countries, namely, Japan, India and South Africa.**

**AND WHEREAS the Governor-in-Cabinet, pursuant to section 3(5) of the Tax Information Authority Law (2009 Revision) has approved, by way of an Order, the scheduling of the abovementioned agreements to the said Tax Information Authority Law;**

**AND WHEREAS section 3(5)(a) of the Tax Information Authority Law (2009 Revision) provides that an Order made under the said section is subject to an affirmative resolution of the Legislative Assembly;**

**AND WHEREAS the Government of the Cayman Islands pursuant to section 3(5) of the Tax Information Authority Law (2009 Revision) is seeking approval of the Legislative Assembly for the attached agreements to be scheduled to the Tax Information Authority Law;**

**BE IT THEREFORE RESOLVED THAT the Tax Information Exchange Agreements be scheduled to the Tax Information Authority Law (2009 Revision) as follows:**

**Twenty-Second Schedule: Agreement Between the Government of the Cayman Islands and the Government of Japan for the Exchange of Information for the Purpose of the Prevention of Fiscal Evasion and the Allocation of Rights of Taxation with Respect to Income of Individuals;**

**Twenty-Third Schedule: Agreement Between the Government of the Cayman Islands and the Government of the Republic of India for the Exchange of Information with Respect to Taxes; and**

**Twenty-Fourth Schedule: Agreement Between the Government of the Cayman Islands and the Government of The Republic of South Africa for the Exchange of Information Relating to Tax Matters.**

**The Speaker:** The Motion has been duly moved, does the Honourable Premier wish to speak thereto?

**The Premier, Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

Madam Speaker, the domestic legislative infrastructure for the provision of tax information by the Cayman Islands to other jurisdictions is The Tax Information Authority Law. This Law provides the nec-

essary framework and procedures for the effective implementation and administration of Cayman's International obligations in the area of co-operation in tax matters.

The Law also establishes the Tax Information Authority as the Cayman Islands' competent authority, which is the sole dedicated channel in the Cayman Islands for international co-operation in matters involving the provision of tax related information.

Madam Speaker, currently there are 20 Bilateral Tax Information Exchange Agreements which appear as the Schedule to the Law; the United States, Denmark, the Faroe Islands, Finland, Greenland, Iceland, Norway, Sweden, the United Kingdom, Ireland, the Netherlands, New Zealand, France, Netherlands Antilles, Australia, Aruba, Portugal, Germany, Canada and Mexico.

To allow the addition of further agreements, Madam Speaker, for the provision of tax information, the Law provides a mechanism in section 3(5), that the Governor in Cabinet may make an order adding such further agreements as schedule to the Law.

To use the technical language of section 3(5)(a), that section reads as follows and I quote: ". . . **add a Schedule to this Law for the purpose of setting out and giving effect to an agreement for the provision of information in taxation matters; or . . .**" Where the Governor in Cabinet makes such an order it is subject to an affirmative resolution of the Legislative Assembly.

So, Madam Speaker, by order of the Cabinet on 30 August, three recently signed Bilateral Agreements for the provision of tax information were approved by Cabinet for additions as Schedule to the Law, namely: 1) with Japan, which was signed on the 7<sup>th</sup> February 2011; 2) with India, which was signed on the 21<sup>st</sup> March 2011; and 3) with South Africa, which was signed on the 10<sup>th</sup> May 2011.

Madam Speaker, I therefore commend Government Motion No. 2/2011-12 to all honourable Members of the House for their support and passage. Madam Speaker, the effect of the House passing this Government Motion is to add three tax information exchange agreements to the Tax Information Authority Law, which is the last step required to permit the provision of information under those agreements.

**The 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] If not, I will call on the mover of the Motion to conclude the debate on it.

**The Premier, Hon. W. McKeeva Bush:** No, Madam Speaker, thank you very much.

**The Speaker:** The question is: BE IT THEREFORE RESOLVED THAT the Tax Information Exchange

Agreements be scheduled to the Tax Information Authority Law (2009 Revision) as follows:

Twenty-Second Schedule: Agreement Between the Government of the Cayman Islands and the Government of Japan for the Exchange of Information for the Purpose of the Prevention of Fiscal Evasion and the Allocation of Rights of Taxation with Respect to Income of Individuals;

Twenty-Third Schedule: Agreement Between the Government of the Cayman Islands and the Government of the Republic of India for the Exchange of Information with Respect to Taxes; and

Twenty-Fourth Schedule: Agreement Between the Government of the Cayman Islands and the Government of The Republic of South Africa for the Exchange of Information Relating to Tax Matters.

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

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: Government Motion No. 2/2011-12 passed.**

**The Speaker:** Before we begin "Other Business" on the Order Paper, I did give two commitments this morning; one to the Leader of the Opposition (or to one of the Opposition Members on behalf of the Leader of the Opposition) to allow him to ask his question this afternoon; and the other, to the Premier to present a further statement. I'm going to call on those now before we go into Other Business.

Leader of the Opposition, your question.

## **QUESTIONS TO HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

### **Question No. 11**

**No. 11: Hon. Alden M. McLaughlin, Jr., Third Elected Member for George Town, Leader of the Opposition** asked the Honourable Premier, Minister of Finance, Tourism and Development: What concessions or other inducements have been offered or are being considered with respect to the proposed development by the Hon family, known as Cayman Enterprise City?

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeeva Bush:** Thank you, Madam Speaker.

The answer: As part of the definitive agreement negotiated with Cayman Enterprise City, the Government is obligated to create a new law to govern the operation and regulation of special economic zones. A separate law is required given that special economic zones around the world are often established under regulatory and tax provisions that are different from the jurisdiction in which they are located. This is done through specific legislation and therefore Cayman will be no different in the approach we are taking.

As the Bill is now being circulated to Members of this honourable House, I will not at this stage go into the specifics, but rather allow for the full 21 days for Members to familiarise themselves with the provisions of that Bill. I can, however, state that the relevant departments and government agencies have been consulted.

It must be noted that the CEC Zone is being established primarily for international businesses. Firms located in the Zone will not be allowed to compete in the domestic economy. Further, as such firms are likely to be highly mobile, the choice of our jurisdiction will come down to cost and quality of service. This is a risk that the developer will bear, and one that does not have a direct cost to the Government, other than processing licenses and permits. These costs are minimal and will be covered by the fees that will be charged.

Within the above context, it is contemplated that the Law will provide for the following concessions:

1) An exemption from the Trade and Business Licensing Law. Instead a specific regime for licensing zone companies will be introduced that provides for a reduced rate per licence.

2) An exemption from the Local Companies (Control) Law, specifically to remove the 60/40 ownership requirement. I am sure it can be appreciated that 'Fortune 500' companies will bypass our jurisdiction if they are forced to take on Caymanian participation.

3) A specific regime for zone employment certificates as opposed to the work permit application processes. This will offer a reduced rate for each certificate issued to expatriate workers in zone businesses.

4) Exemption from taxes (that is direct taxes such as income or profit, et cetera) should they be introduced at any time.

Again, I would highlight that the CEC zone presents an opportunity to attract international businesses that may not have considered our jurisdiction. The concessions that are being offered are essential to jumpstart new industries in our jurisdiction, thereby diversifying the economy and creating new business and employment opportunities for Caymanians.

There are no huge costs to Government, and what little cost that are incurred mainly for administration will be more than covered by the fees charged and collected.

The economy will benefit tremendously from an influx in businesses and professionals with high disposal income. This will result in greater spending in the local economy at stores, restaurants, renting of apartments, et cetera. These are new opportunities. Government's role is the creation of the framework to facilitate these new industries. It is up to the developer and other service providers to create the product that will attract these new businesses.

Madam Speaker, only last week Cabinet approved the Special Economic Zone Bill which will create the framework for special economic zones.

As mentioned before, copies of the Bill are being circulated to Members and after 21 days we shall hopefully debate and pass the Bill.

**The Speaker:** Are there any supplementaries?

If there are no supplementaries we will continue with the Other Business now. The Premier has asked that his [statement] comes at a later time in the afternoon.

We will take the two Private Member's Motions first and then we will have the presentation of the statement.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### **Private Member's Motion No. 4/2011-2012— Removal of Duty from Medicine and Medical Supplies**

**The Speaker:** Member for North Side.

**Mr. E. Ezzard Miller, Member for North Side:** Madam Speaker, I beg to move Private Member's Motion No. 4/2011-12—Removal of Duty from Medicine and Medical Supplies.

**WHEREAS the Customs Law now provides a duty of twelve percent on medicines and medical supplies;**

**AND WHEREAS the Government has signed a Memorandum of Understanding (MOU) with at least one investor that allows a reduced duty on medicines, medical supplies and life-saving equipment;**

**AND WHEREAS most Caymanians are feeling the economic pinch and especially senior citizens who are on fixed incomes;**

**BE IT THEREFORE RESOLVED that this Legislative Assembly instruct the Government to remove the duty on medicines and medical supplies effective July 1, 2011.**

Madam Speaker, I had circulated an amendment to the resolve section because of the time [which had] elapsed [since] filing the Motion on 5 May 2011, to change the effective date to the 1 January 2012.

**The Speaker:** Is there a seconder for this Motion?

*[inaudible interjection]*

**Mr. V. Arden McLean, Member for East End:** Madam Speaker, I beg to second the Motion.

**The Speaker:** Do you want to alter the resolve to say “consider”?

**The Speaker:** And since this is a consequential amendment, I will just read the change of date into the resolution.

*[inaudible interjections]*

BE IT THEREFORE RESOLVED that this Legislative Assembly instructs the Government to remove the duty on medicines and medical supplies effective January 1, 2012.

**The Speaker:** Member for North Side, do you want to change the wording of the resolution?

The Motion has been duly moved, does the mover wish to speak thereto?

**Mr. D. Ezzard Miller:** Madam Speaker, if, in your opinion, it needs to be changed to “consider,” I do not have a problem with that.

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

**The Speaker:** Would you read the resolution again so that I can read it back into the Minutes?

Madam Speaker, I have received much representation from Members of my constituency, and in particular, the retired persons who do not have CINICO insurance provided by Government who are struggling to pay for medicines and medical supplies on a monthly basis.

*[inaudible interjection]*

While, Madam Speaker, a 12 per cent reduction in price may not seem like much, if you are spending \$200 per month every month for medicine and medical supplies from a fixed income, a savings of \$24, or \$288 per year, can mean a lot.

**Mr. D. Ezzard Miller:** BE IT THEREFORE RESOLVED that this Legislative Assembly instruct the Government to consider the removal of duty on medicines and medical supplies effective January 1, 2012.

Madam Speaker, I urge the Government to give its support to this Motion.

**The Speaker:** The resolution now reads: BE IT THEREFORE RESOLVED that this Legislative Assembly instruct the Government to consider the removal of duty on medicines and medical supplies effective January 1, 2012.

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

**The Premier, Hon. W. McKeever Bush:** And then what?

**Hon. Cline A. Glidden, Jr., Third Elected Member for West Bay:** Madam Speaker, just on a point of clarification.

**The Speaker:** I am sure the Government has been asked to consider things before.

I wonder if the Speaker could give me some understanding of how this Motion fits in with Standing Order 24(2) which says: “**Except on the recommendation of the Governor signified by a Member of Government, the House shall not proceed upon any motion the effect of which, in the opinion of the Presiding Officer, makes provision for imposing or increasing any charge on the revenues or other funds of the Islands, for altering any such charge otherwise than by reducing it or for compounding or remitting any debt due to the Islands.**”

*[inaudible interjection]*

Madam Speaker, just having had knowledge of before and knowing that motions such as this have come but they ask for consideration. The Motion just moved says: “BE IT THEREFORE RESOLVED that this Legislative Assembly instruct the Government to remove the duty on medicines and medical supplies [and life-saving equipment].” And I am just wondering how that . . .

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, where are we standing with the Motion? Has the Member tried to amend his Motion?

**The Speaker:** The Member has amended the wording of the Motion.

**The Premier, Hon. W. McKeever Bush:** No, well he can’t amend it like that. This House has to accept that amendment.

**The Speaker:** Motions coming before the House . . . we have a lawyer on the staff of the Legislative Assembly who clears these matters.

*[inaudible interjection]*

**The Speaker:** I am going to ask that we go ahead with the debate. If you want to vote against the Motion, you vote against the Motion.

The Motion is on the Floor of the House.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker—

**The Speaker:** We are not going to argue the point.

**The Premier, Hon. W. McKeeva Bush:** Yes we are going to argue on a point, Madam Speaker, because the rules of this House says—

*[inaudible interjection]*

**The Premier, Hon. W. McKeeva Bush:** —the rules, Madam Speaker . . . please allow me. The rules of the House says that a motion cannot be put before this House as the [Third Elected] Member for West Bay read out, asking Government to do what this Motion . . . it cannot be done.

And we are sticklers for procedures in here these days, when they want to be. I saw that Member voting against a very important motion that he agreed with yesterday or the day before (whatever it was) in principle, because it was a procedural that he did not agree with. Well, this is very important as well. And a procedure is a procedure, and the House must be guided by the rules. Where they are not clear then the Speaker has that ability to say otherwise. But this absolute!

**The Speaker:** I will suspend the House for ten minutes.

**Proceedings suspended at 4.05 pm**

**Proceedings resumed at 5.42 pm**

**The Speaker:** Proceedings are resumed.  
Please be seated.  
Member for North Side.

## PRIVATE MEMBERS' MOTIONS

**Private Member's Motions No. 4/2011-12 and No. 5/2011-12**  
*[Withdrawn]*

**Mr. D. Ezzard Miller, Member for North Side:** Madam Speaker, I crave the indulgence of the House in accordance with Standing Order 24(14) to withdraw [Private Member's] Motions No. 4 and No. 5 on today's Order Paper, standing in my name.

**The Speaker:** The question before the House is that the Member for North Side be given leave to withdraw

[Private Member's] Motions No. 4 and No. 5, which are on the Order Paper today standing in his name.

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

**Ayes.**

**The Speaker:** The Ayes have it.

Member for North Side, your motions are accordingly withdrawn.

**Agreed: Private Member's Motions No. 4/2011-12 and No. 5/2011-12 withdrawn.**

*[inaudible interjections]*

**The Speaker:** Pardon me.

**An Hon. Member:** It didn't have a seconder.

**An Hon. Member:** It's been voted on.

*[Inaudible interjections]*

**The Speaker:** Maybe if everybody in the House had been paying attention to what was going on we would have gotten this straight. But everybody is having a conversation. It is time for that to stop!

**An Hon. Member:** Yep! Tell um!

*[inaudible interjections]*

**The Speaker:** I am going to wait for order in the House to continue and then we will all be on the same page.

*[pause]*

**The Speaker:** Section [24](14) says, "A motion may be withdrawn with the leave of the House; but if so withdrawn it may be made again at another meeting of the House, after notice has been given as required by paragraph (5)."

Paragraph 5 simply says, "Subject to the exceptions specified in paragraph (9), no Member shall make a motion unless he has given notice in writing of that motion either at some previous sitting of the House, or to the Clerk, not less than five clear days prior to the commencement of the meeting of the House at which such motion [is to] be made."

Member for North Side, you made a *request* to the House. Is this supposed to be regarded as a motion?

He is making a *request* to withdraw with leave of the House. He is asking for leave of the House to withdraw. There is no motion. There is a simple vote on the withdrawal of his motion from the Floor of the

House. I don't see where there is a need for a second order in that regard. He is not making a motion; he is *requesting* leave of the House to withdraw his motion.

That is what [Standing Order] 24(14) says.

I have ordered the motions withdrawn and what the Member does after that, we will see.

Now, I am going to call on the Premier to make his statement he was going to make earlier today.

## **STATEMENTS BY HONOURABLE MINISTERS/MEMBERS OF CABINET**

### **Re-examination of the Rollover Policy**

**The Premier, Hon. W. McKeever Bush:** Thank you, Madam Speaker.

Madam Speaker, since the rollover policy was introduced, global economic conditions have deteriorated and the financial crisis which began in 2008 has continued to plague most of the developed countries of the world. Additionally, specific increases in competition have been putting pressure on our financial industry and other areas of our economy. Low and no tax financial centres such as Singapore and Switzerland have experienced increased growth in their financial industries by over 20 per cent during this financial crisis. Developed economies, such as Canada, have also begun to pursue the economic benefits of having a viable international financial industry.

Cayman is therefore facing stiff competition from a variety of other jurisdictions. It is my opinion, as Minister for Financial Services with responsibility for economic development, and it is also the view of the Government, that the policy needs to be re-examined. It has been said that the continuation of the present policy has led to a decline in all sectors of the economy. It has therefore negatively affected jobs for Caymanians, and will continue to cause our people to suffer economic hardship.

There was time when the Cayman Islands had many more persons from overseas in our workforce, and international businesses operating in these Islands. Very few of our people were unemployed during this time. Many of our young people were able to establish their own businesses, and to have a place in the growth of the country. Unfortunately, some of these local businesses have had to close, and others are experiencing very pressing financial difficulties.

Madam Speaker, there are certain raw realities of our economic profile that we must face up to. We have no known mineral resources. We would be hard pressed to compete in manufacturing or agriculture due to the challenges of scale alone. My Government is aware of possible niche market potential in certain areas, and is aware especially of the issue of food security, and the potential for health and tourism benefits from agriculture, horticulture, fisheries and forestry.

However, such growth will take investment and right now we remain dependent on our service industries to create economic activity, and jobs for our people. Our major economic sectors remain in financial services and tourism, and our economic activity is driven by them. It is from these sectors that large chunks of government's revenue are generated.

Madam Speaker I have been urging since the 2009 General Elections for reform to the present rollover system. Many didn't anticipate the serious impact our Islands' economy would suffer, and opposed any such reform. We simply cannot wait any longer, as our people are suffering, jobs are difficult to come by, many are having difficulties paying their mortgages, paying the light bills, buying food and paying school fees and others are using up their savings to keep their businesses operational.

Many thought rolling over qualified and trained persons would create opportunities for Caymanians. This has not happened. In fact, many of the persons that were rolled over took up positions in other competing jurisdictions. The lack of their skills was correspondingly felt here as we failed to gain the economic activities that would have created additional employment for us.

Madam Speaker the time for the right decision to be made is now. Accordingly, I intend to present a paper to the Cabinet next week to place a temporary suspension on the rollover policy for up to two years pending an urgent report from a committee to be established with membership from the Chamber of Commerce, Cayman Finance, the Immigration Review Team (IRT), and other important organisations and persons who represent a range of small businesses.

This committee will be tasked with reviewing the positive and negative aspects of the rollover policy in light of the current economic conditions of the Cayman Islands in the context of the current and anticipated world financial conditions, and the competition which we face. The committee will be also tasked to receive input from a wide cross-section of our community and relevant data from the Immigration Department and to provide their findings and recommendations to the Cabinet within 180 days.

Having due regard to confidentiality concerns, these recommendations and findings will be widely disseminated, along with Cabinet's decisions in the matter.

The appropriate amendment will be made to the Immigration Law (if that is necessary). That Amendment should give clear directions to Immigration that if a person is being rolled over they would be given an opportunity to re-apply for a work permit. It would be reasonable to expect that persons rolled over in the 30 days immediately prior to the effective date of the amendment should also be allowed to re-apply for a permit. The Board would be given opportunity to grant or refuse all such applications and the usual considerations should then apply (that is, the

availability of suitable Caymanians, the good character of the applicant, et cetera).

Madam Speaker other measures, including specific incentives, are being activated to encourage large and medium sized financial institutions to utilise the Cayman Islands as a viable jurisdiction for their business activities. A prominent concern in these pursuits is to secure the best employment prospects for our people.

It is the Government's intention to encourage suitable economic activity and to have Caymanians obtain viable employment in qualified various fields. Madam Speaker one of the undesirable scenarios we are seeking to prevent is that in which senior managers are rolled over, their jobs relocated to other jurisdictions, and the Caymanian secretaries and administrators working in the business become immediately unemployed.

When this happens rental apartment revenues are lost, plumbers, electricians, shopkeepers, supermarkets, construction companies, heavy equipment operators, truck owners and every other business feels the economic impact in these Islands. Madam Speaker my information is that there are over 2,200 rental apartments currently empty in this country. These are owned by Caymanians who have invested heavily in their country who are now unable to meet mortgage payments, insurance and other fixed costs associated with their investments, and who now therefore risk severe losses.

And so people may be tempted to say, *Well, if you are not sending people home, it does not help this situation.* But who is to know that when more people are rolled over there will be more apartments lost. That is exactly what will happen. So we will increase and compound the situation.

Madam Speaker we need the right people to remain on Island to ensure that our people have the ability to benefit within their own economy. Those among us who continue to oppose the investment in our country—which creates jobs—are adding to the suffering of our people. The Government will take steps—if I have anything to say about it—to ensure that Caymanians are employed with each business established in this country and we will return to economic viability.

Any business which does not put policies in place for the employment and promotion of able and willing Caymanians, is not the sort of partner we need for our sustained development, and will not be permitted to continue or to benefit from this temporary suspension of the rollover policy unless such policies are put in place on a timely basis.

In other words, Madam Speaker, no one need to think that because there will be a temporary suspension that we are just going to give carte blanche to people to let go of Caymanians. In other words, if they are going to keep on people, they have to put something forward to say how many Caymanians they have

and how many they are going to keep, or how many they can rehire, in fact. Not how many they are going to keep because they have to keep them. How many they can rehire.

What has happened is that as we let go the managers and the top brass in companies, then Caymanian secretaries lost their jobs, Caymanian administrators lost their jobs, and, Madam Speaker, we have unemployment. If they are going to keep them we want to make sure that Caymanians are kept and we need to find out how many Caymanians will be re-employed. Because I am sure that there were fair enough and good enough excuses to have let go some people. But now we have to be given surety in this matter.

Madam Speaker, just one more thing, which you might not have note of there: Amongst the current amendments that will be introduced into the Immigration Law (which is being worked at now by the IRT) will be an opportunity for persons who invest upwards of [C\$]500,000 on a home, or other developed real estate, to apply for and be granted the right to permanently reside in the Islands thereby encouraging inward investment for persons who have lived in the Islands or persons moving to the Islands who have the ability to make such investments.

I will discuss also with Cabinet and discuss it with the public as I feel we need to fast track the Law and hopefully by November, that part of the Immigration Law can be changed. If we can get people building homes immediately, if we move fast enough, this will create a huge injection in the economy of work and the spinoff from that. And it will be a buffer in the double-dip recessionary period that is now being experienced in the United States of America.

Madam Speaker—

**The Speaker:** Honourable Premier, I do need that to add into the file because I do not have all of that stuff you just said.

**The Premier, Hon. W. McKeever Bush:** Yes Ma'am, that is in record now but you will have it. I can give you that.

**The Speaker:** Thank you.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, we must all work together to ensure Cayman secures a buoyant and sustainable economy.

Some people say the almighty dollar is not the only thing in the world. No, there are many more important things in life. But the fact is, when our people do not have money, when they can't pay their bills, when their children need money, crime rises sometimes. And, Madam Speaker, Members of this House are continuously pressured by our people in all areas of this country.

Our friendly, fast and efficient business ethos must return without any further delay. Each one of us in all walks of life has a part to play in promoting our country and developing it as one of the most desirable places to work and conduct business.

One of the ways in which the Government can take the lead in this is to re-examine the rollover policy. I therefore crave the support of the honourable Members, and the community at large, in this important exercise and trust that we will wait to see what the recommendations will be from that committee.

Madam Speaker, this morning as I woke up about 4.30, this song came to me: It is written by a Howard Watler in 1907, and he says:

*I would be true, for there are those who trust me;  
I would be pure, for there are those who care;  
I would be strong, for there is much to suffer;  
I would be brave, for there is much to dare.  
I would be friend of all—the foe, the friendless;  
I would be giving, and forget the gift;  
I would be humble, for I know my weakness [we are not always that; we are human];  
I would look up, and laugh, and love, and lift [and perhaps we are not doing that enough];  
I would look up, and laugh, and love, and lift, but I would be brave for there is much to dare.*

**The Speaker:** Honourable Leader of the Opposition.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I would like to thank the Honourable Premier for his soliloquy. But I would also like, Madam Speaker, pursuant to Standing Order 30(2) to ask him a few short questions in relation to the statement he just made.

**The Speaker:** Leader of the Opposition.

### Short Questions

[Standing Order 30(2)]

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I just want to understand the procedure, because there were a number of different points made, and a number of different timelines have been alluded to. I just want to understand, Madam Speaker, what it is that this House will be asked to do and when it is likely that we will be so asked.

Madam Speaker, on page 2, paragraph 2 of the statement, the Premier says that: **“Accordingly, I intend to present a paper to the Cabinet next week to place a temporary suspension on the rollover policy for up to two years pending an urgent report from a committee to be established with membership from the Chamber of Commerce, Cayman Finance, the Immigration Review Team,**

**and other important organisations who represent a range of small businesses.”**

Then, Madam Speaker, the following paragraph in the statement says: **“The appropriate amendment will be made to the Immigration Law.”**

And then, Madam Speaker, in the bit of the statement which is not printed, the Premier alluded to November as a time, or a possible time, when certain other Immigration amendments will be brought.

Now, Madam Speaker, the provisions which established the limited term, or the rollover policy as it is commonly called, are part of the Immigration Law and the Law can only be amended by this House. And so, Madam Speaker, my question to the Premier is: Is he proposing to bring the amendments which relate to the temporary suspension of the rollover policy to the House when the House meets next? And, if so, when can Members expect to see those draft amendments?

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I think what I said is very clear.

I pointed out all the matters that I see impacting us. And perhaps those who sometime ago said that it was not working and they have to accept now that it is not working, perhaps they recognise that too. But they might have forgotten that they said that.

Anyway, what I did say, Madam Speaker (and I am referring to the Leader of the Opposition), I did say that I intend to take the matter up with Cabinet next week. And so, Madam Speaker, what governs the rollover policy is the Immigration Law. So, naturally there would have to be an amendment to that. And that is what I talked about, a temporary suspension of that section or clause of the Law, the section of the Law.

And he did ask what the House is asked to do. The House is asked to do nothing at this time other than to behave themselves, be good little boys and give this the support that is needed, and tell the truth at all times cost it what it will.

Timeline? Madam Speaker, I did say that we are going to set up a committee that will speak to how we treat this matter of people being here for a long period of time, and that committee would report after 180 days.

I did say, Madam Speaker, in the other matters that I raised, that the IRT which is the committee that has been existing for years (which the Leader of the Opposition was also part of at one time), is looking at the aspect of PR (Permanent Residency). That is the aspect that I believe can move us quickly into some of what I call . . . create a huge injection in the economy, and would be a buffer in the double-dip recessionary period.

If we are all paying attention to what is happening on the world stage, particularly in the United States as to what is happening there. The prospects do not look good. And while our budgets here have

been improving, we are incurring some extra expenditure as we just voted \$4.6 million extra.

And so, Madam Speaker, if they have moved far enough on with that aspect (the IRT) I would be asking them to move fast enough and ask Cabinet to fast track the change in the Law to allow what they are proposing or what they are working on in that. As I said, an amendment that will be introduced in the Immigration Law for opportunity for persons to invest upwards of [\$]500,000 in a home to apply for and be granted the right to permanently reside in the Islands, thereby encouraging inward investment for persons who have lived in the Islands or persons moving to the Islands who have the ability to move such investments or make such investments. That is what I said I will discuss with Cabinet about fast tracking.

**The Speaker:** Leader of the Opposition.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, perhaps I need to be more pointed.

Cabinet does not have the authority to change the legislation which includes the provisions relating to limited term or the rollover policy. And so, Madam Speaker, what I am trying to establish from the Premier—given that the House is meeting, or I understand the House is to meet again starting the 28<sup>th</sup>—is he proposing to bring the necessary amendments to allow this temporary suspension at the next Meeting of the House? And, if so, when might we see the proposed legislation?

Madam Speaker, just to make it very clear and to remind everyone: In my response on behalf of the Opposition to the Throne Speech and Budget Address, the Opposition put forward the need for a review of the rollover policy. So I am not seeking to be controversial or confrontational. What I am seeking, Madam Speaker, is to understand how the procedure is to work for us to get to the point that the Premier has suggested.

**The Premier, Hon. W. McKeewa Bush:** Madam Speaker, I thank the Member for not being controversial, but I thought I did relate to the House my intention to take a paper to Cabinet at next week's Cabinet meeting that will ask for a suspension.

The House will meet on the 28<sup>th</sup>. And naturally, if you are going to seek a temporary suspension, that would be the earliest that we would bring it. But there would be an amendment. I thought I would be clear because, as I said, I thought I said the Law had to be amended. Obviously, if the Law has to be amended there has to be an amendment.

*[inaudible interjections]*

**The Speaker:** That brings us to the end of the business on the Order Paper and I think it is a good time to call for an adjournment motion.

**The Premier, Hon. W. McKeewa Bush:** Madam Speaker, I would like to thank you for the night we sat here after two o'clock. I want to thank you and the staff and those people who stayed here with us. And I want to thank, Madam Speaker, my own Members who stayed here.

Madam Speaker, I am probably going to step out of line here but I am going to ask all of us . . . some of us can't get here. The two Sister Island people have to travel up and down on a plane. That is unsure a lot. But the rest of us need to understand that this House is our business, and if we are supposed to start here, then we should be here. And if I as Premier can be here, and I have a constituency to run and three ministries plus some big departments to monitor and work with, then all of us can be here.

**And Hon. Member:** Hear, hear!

**The Premier, Hon. W. McKeewa Bush:** We do waste too much time and I can see that, Madam Speaker. So, perhaps from here on in I hope that we will take all of this constructively and we try to pay attention to time that is valuable for other people, as much as it is for ourselves.

*[Applause and desk pounding]*

**An Hon. Member:** Hear, hear!

**The Premier, Hon. W. McKeewa Bush:** Madam Speaker, at least my Members don't walk out though you know. They stay here and do their business. So those who are thumping the benches out there, when they walk out they are not doing anything besides going to talk under the Almond Tree.

*[inaudible interjection]*

**The Premier, Hon. W. McKeewa Bush:** Yeah, that is what you all do, like today.

## ADJOURNMENT

**The Premier, Hon. W. McKeewa Bush:** Madam Speaker, I think this closes the Meeting of the House, and so the 28<sup>th</sup> will begin a new Meeting. So there would be some questions and other matters that would be outstanding. At least some Ministers are saying that their staff are still preparing some questions. So, those questions will be put back on the Order Paper when the House meets for the 28<sup>th</sup>, God willing.

And so, Madam Speaker, I move for the adjournment of this honourable House until the 28<sup>th</sup> day of September, God willing.

**The Speaker:** Can I have the relevant Standing Order?

*[inaudible interjections]*

**The Speaker:** For the adjournment motion. You are adjourning under which Standing Order? It is usually stated.

*[laughter]*

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, it is late in the day. I think you better accept at this time that we are adjourning under the Standing Order that adjourns the House at this time because I don't have it in front of me!

*[laughter and inaudible interjections]*

**An Hon. Member:** *[off microphone]* Are you proroguing? I thought you were proroguing.

**The Speaker:** No, you are prorogued for a Session, not for a Meeting.

*[inaudible interjection]*

**The Speaker:** You prorogue the House before a Session, at the end of the Session. This is a Meeting. We are still in a Session; that is yearlong.

The question is that this honourable House do now stand adjourned until 28 September. And we will begin a new Meeting which would be the Second Meeting of the House in this 2011/12 Session.

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

**Ayes.**

**The Speaker:** The Ayes have it.

The House is accordingly adjourned until 28 September [2011] at 10.00 am.

**At 6.20 pm the House stood adjourned until 10.00 am, Wednesday, 28 September 2011.**

