



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT  
ELECTRONIC VERSION**

**2014/15 SESSION**

**25 June 2014**

*Sixth Sitting of the First Meeting*  
(Throne Speech and Budget Meeting)

*(pages 225–244)*

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

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PRESENT WERE:

**SPEAKER**

Hon Juliana Y O'Connor- Connolly

**MINISTERS OF THE CABINET**

Hon Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Home and Community Affairs
Hon D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon Marco S Archer, MLA	Minister of Finance and Economic Development
Hon Osbourne V Bodden, MLA	Minister of Health, Sports, Youth and Culture
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs

**EX OFFICIO MEMBERS OF THE CABINET**

Hon Franz I Manderson, Cert. Hon., JP	Deputy Governor, ex officio Member responsible for the Civil Service
Hon Samuel W Bulgin, QC, JP	Attorney General, ex officio Member responsible for Legal Affairs

**ELECTED MEMBERS**

**GOVERNMENT BACKBENCHERS**

Hon Anthony S Eden, OBE, JP, MLA	<i>Deputy Speaker</i> , First Elected Member for Bodden Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town
Mr Roy McTaggart, MLA	Second Elected Member for George Town
Mr Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town

**OPPOSITION MEMBERS**

Hon. W. McKeever Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
Mr Bernie A Bush, MLA	Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

**INDEPENDENT MEMBERS**

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

**APOLOGIES**

Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
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**OFFICIAL HANSARD REPORT  
THRONE SPEECH AND BUDGET  
2014/15 SESSION  
WEDNESDAY  
25 JUNE 2014  
2:35 pm  
Sixth Sitting**

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

**The Speaker:** Good afternoon.

I will invite the Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure to grace us with prayers.

### PRAYERS

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

Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

I recognise the Honourable Premier.

### CONDOLENCES

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

Before the business of the House began, I just wish to offer you the heartfelt condolences of all Members of the House on the loss of your dear sister [Juliette Casselman]. I want you to please convey on our behalf condolences to your dear mother and to your brothers and sisters on their great loss as well. I wish to recognise and acknowledge your tremendous sense of duty in being here this afternoon, so shortly after your sister's passing. Again, our deepest sympathies.

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

I recognise the Honourable Leader of the Opposition.

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

I wish to add my, and those of us on this side also, thoughts and condolences to you and your family, as I did privately, and to ask you to make sure the family gets this message. Those of us who went through death of family know what it's all about. And I don't think I need to tell you that the only true sustaining matter, issue, in the whole thing is that we have a good Master we can go to. Thank you.

**The Speaker:** Thank you, Leader of the Opposition. Madam Clerk.

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

#### APOLOGIES

**The Speaker:** I have received apologies for the absence from the Honourable Deputy Premier, [the Honourable Minister of District Administration, Tourism and Transport], who is off Island.

### PRESENTATION OF PAPERS AND OF REPORTS

**REPORT OF STANDING FINANCE  
COMMITTEE ON APPROPRIATION  
(JULY 2014 TO JUNE 2015) BILL, 2014**

**The Speaker:** I recognise the Honourable Minister of Finance and Economic Development, Chairman of the Standing Finance Committee.

**Hon. Marco S. Archer:** Thank you, Madam Speaker. I beg to lay on the Table of this honourable House, the Report of the Standing Finance Committee on the Appropriation (July 2014 to June 2015) Bill, 2014.

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

**Hon. Marco S. Archer:** Thank you, Madam Speaker, yes I do.

**The Speaker:** Please proceed.

**Hon. Marco S. Archer:** In accordance with Standing Order 64(7), the Standing Finance Committee agreed that I submit to this honourable House the report of the Committee on the Appropriation Bill.

The Committee first met on 5 June 2014, and, in addition to the first meeting, it had deliberations on 10 subsequent days, the last of which occurred this morning when the Committee met to review and approve the report that has just been tabled. And the Committee therefore held a meeting over 11 days.

The Committee met to consider the items shown on the Schedule to the Appropriation Bill, referred to the Committee by Standing Order 63(3). The Committee considered the Schedule of the Bill and agreed to the appropriations requested therein. I can report that none of the values of the appropriations were changed by the Committee.

The Committee did agree to a minor change to the description of one appropriation on the Schedule to the Bill, that being the description of Transfer Payment TP51, which had the words "and training" added to the initial description so that the final wording for TP51 became: "Other Educational and Training Assistance".

As the proceedings of the Committee have been broadcast publicly both on the radio and television, Madam Speaker, there is no need for me to detail further the deliberations of Finance Committee with respect to the Appropriation (July 2014 to June 2015) Bill, 2014. Therefore, I am to report that the Bill shortly entitled the Appropriation (July 2014 to June 2015) Bill, 2014, was considered by the Standing Finance Committee, which is a committee of the whole House, and passed with one very minor descriptive amendment, as I have just stated, with respect to Transfer Payment TP51.

Thank you, Madam Speaker.

**AUDITORS OVERSIGHT AUTHORITY CAYMAN  
ISLANDS ANNUAL REPORT FOR THE YEAR  
ENDED 30TH JUNE, 2013**

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

**Hon. G. Wayne Panton:** I beg to lay on the Table of this honourable House the Auditors Oversight Authority Cayman Islands Annual Report for the Year Ended 30th June, 2013.

**The Speaker:** So ordered.  
Would the Honourable Minister wish to speak thereto?

**Hon. G. Wayne Panton:** Thank you, Madam Speaker, just very briefly.

The components of the financial statements are the usual statement of financial position, statement of financial performance, statement of cash flows, statement of changes in net worth, and the notes to the financial statements.

Madam Speaker, the statement of financial performance shows total operating revenue by the Authority for the 2012/13 financial year, totalling CI\$179,276, with total expenses totalling \$169,632, and a net operating income of CI\$9,644.

The Authority ended the 2012/13 financial year with \$297,236 in total assets, and \$197,236 in current liabilities, with a total shareholders' equity of CI\$100,000.

The statement of cash flows shows the net cash provided by the operating activities of the Authority totalled \$191,637 over the financial year. And the net cash and cash equivalents up to June 30, 2013, was CI\$291,637.

Madam Speaker, the Auditor General issued an unqualified opinion in respect of the financial position of the Authority to 30 June 2013.

In conclusion, let me say that the Authority will commence over the course of this coming year with the assistance of the Institute of Chartered Accountants of England and Wales, the first round of inspections under the purview of the law in this coming financial year. Thank you.

**ANNUAL REPORT OF OVERSIGHT  
COMMITTEE OF THE OFFICE OF  
COMPLAINTS COMMISSIONER, 2013-2014**  
*[Deferred]*

**The Speaker:** I recognise the Chairman of the Oversight Committee of the Office of the Complaints Commissioner, the Elected Member for North Side.

**Mr. D. Ezzard Miller:** In accordance with Standing Orders, I seek leave of the House to defer the laying of this report until the next Sitting of this honourable House.

**The Speaker:** The question is that the Annual Report of the Oversight Committee of the Office of the Complaints Commissioner be deferred until the next Sitting of the House.

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

**Ayes.**

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

**Agreed: The Annual Report of the Oversight Committee of the Office of the Complaints Commissioner 2013-2014 deferred.**

**STANDING PUBLIC ACCOUNTS COMMITTEE ANNUAL REPORT 2013-2014**

**STANDING PUBLIC ACCOUNTS COMMITTEE REPORT ON REPORT OF OFFICE OF THE AUDITOR GENERAL ON RESTORING FINANCIAL ACCOUNTABILITY: A TIME FOR CHANGE? JUNE 2013**

**STANDING PUBLIC ACCOUNTS COMMITTEE REPORT ON PUBLIC INTEREST REPORT OF OFFICE OF THE AUDITOR GENERAL ON MANAGEMENT OF AIR AMBULANCE SERVICES JUNE 2013**

**STANDING PUBLIC ACCOUNTS COMMITTEE REPORT ON REPORT OF OFFICE OF THE AUDITOR GENERAL ON MANAGEMENT OF MAJOR CAPITAL PROJECTS JUNE 2012**

**STANDING PUBLIC ACCOUNTS COMMITTEE REPORT ON REPORT OF OFFICE OF THE AUDITOR GENERAL ON FINANCING AND PERFORMANCE REPORTING – STATUTORY AUTHORITIES AND GOVERNMENT COMPANIES FOR THE YEAR ENDING 30 JUNE 2011**

**The Speaker:** I recognise the honourable Councillor, Chairman of the Standing Public Accounts Committee, the Second Elected Member for George Town.

**Mr. Roy M. McTaggart:** Thank you, Madam Speaker, I beg to lay on the Table of this honourable House the following reports:

- Annual Report of the Standing Public Accounts Committee 2013-2014.
- Report of the Standing Public Accounts Committee on the Report of the Office of the

Auditor General on Restoring Financial Accountability: A Time for Change? June 2013.

- Report of the Standing Public Accounts Committee on the Public Interest Report of the Office of the Auditor General on the Management of Air Ambulance Services June 2013.
- Report of the Standing Public Accounts Committee on the Report of the Office of the Auditor General on the Management of Major Capital Projects June 2012.
- Report of the Standing Public Accounts Committee on the Report of the Office of the Auditor General on the Financing and Performance Reporting – Statutory Authorities and Government Companies for the year ending 30 June 2011.

**The Speaker:** So ordered.

Does the honourable Chairman wish to speak to any of these reports?

**Mr. Roy M. McTaggart:** Madam Speaker, thank you for the opportunity, but I think the reports all speak for themselves.

**TOURISM ATTRACTION BOARD FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2012**

**The Speaker:** Honourable Temporary Minister of Tourism and Transport, and concurrently wish to congratulate you on this post in the House and wish you all the best as you endeavour to carry out the duties of your Ministry.

**Mr. Joseph X. Hew:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Tourism Attraction Board Financial Statements for the year ended June 30, 2012.

**The Speaker:** So ordered.

Does the Honourable Temporary Minister wish to speak thereto?

**Mr. Joseph X. Hew:** Thank you for the opportunity, but just to say that I wish the Members will read the report. Thank you.

**ANNUAL REPORT OF STANDING HOUSE COMMITTEE 2013-2014**

**The Speaker:** I will invite the honourable Councillor, Chairman of the Standing House Committee, the Fourth Elected Member for Bodden Town.

**Mr. Alva H. Suckoo, Jr.:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Annual Report of the Standing House Committee 2013-2014.

**The Speaker:** So ordered.

Does the honourable Councillor wish to speak thereto?

**Mr. Alva H. Suckoo, Jr.:** No. Thank you very much, Madam Speaker.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have not received statements for this sitting.

**The Clerk:** Government Business, Bills—

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

**The Speaker:** I recognise the honourable Leader of the Opposition.

### RAISING OF MATTERS OF PRIVILEGE

*[Standing Order 24(9)(e)]*

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, I rise under Standing Order 28, I think, on the matter of privilege, which should be dealt with under Standing Order 14(1)(j).

**The Speaker:** Honourable Leader of the Opposition, did you say 14(1)(j)?

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

**The Speaker:** Which deals with the arrangement of business?

**Hon. W. McKeeva Bush, Leader of the Opposition:** Yes, deals with the order of business at a Sitting and under 14(1)(j), raising of matters of privilege.

**The Speaker:** Honourable Leader of the Opposition, as I comprehend the ambit of Standing Order 14(1)(d), it deals merely with the order of the business as is arranged by the Business Committee, as compared to [Standing Order] 24(9), which any Member may raise various aspects of the business without notice. But as I understand 14(1) and either (a) through (k), that relates to setting the business in a consequential order. Also that can be changed by substantive motion asking for the suspension thereof.

That's why I questioned whether that was the Standing Order you intended to bring to my attention.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, whatever you deem fit.

If it's not that one, you don't want to take it under that one. Certainly [Standing Order] 28(1) which says, "**A Member who wishes to raise a matter which he believes affects the privileges of the House shall do so at the first available sitting of the House. He shall inform the Presiding Officer of his intention, stating the matter which he proposes to raise.**"

"(2) When called by the Presiding Officer, the Member shall briefly state the grounds on which he believes that the matter he is raising affects the privileges of the House."

**The Speaker:** Thank you, Mr. Leader of the Opposition. Thank you for raising this Standing Order.

As I understand this Standing Order it gives any Member, which includes the Member of the Opposition, yes, who wishes to raise a matter if you believe it affects the privileges of the House you can do so at the first available sitting of the House. I believe that the operative section or the subsequent modifier of Standing Order 28(1) states the following words and I quote: "**He shall inform the Presiding Officer of his intention, stating the matter which he proposes to raise.**"

And, "(2) When called by the Presiding Officer . . ." So, under this particular Standing Order you can do when called by Presiding Officer to so do.

For clarification, obviously, the Deputy Speaker was in, so can I just clarify whether the matter was raised with him before now being raised on the floor under this particular Standing Order, Mr. Leader of the Opposition?

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, the Honourable Deputy Speaker can speak for himself, but I certainly did speak to him and gave him the motion that I wished to raise, apprised him of the matter and said that I would be raising it, bearing in mind that the Order of Business states, Raising of Matters of Privilege, and I certainly thought that that was one of the places it could be, and also under [Standing Order] 24, I choose the former one, but nevertheless, Standing Order 28, Madam Speaker, certainly deals with procedure that I wish to embark on.

**Hon. Anthony S. Eden:** Madam Speaker—

**The Speaker:** Yes, Member for Bodden Town.

**Hon. Anthony S. Eden:** Thank you.

The one I utilised was [Standing Order] 24(9)(e) relating to matters of privilege.

**The Speaker:** Okay.

Yes, that's why I asked. Thank you, honourable Member. That's what I asked at the beginning. I wanted to be clear. It is a very important matter. I just wanted to make sure we get the correct procedure. So I just made an initial inquiry whether you are raising it with or without notice under [Standing Order] 24, which is also discretionary, or whether it's 28. It is my understanding that you want to go under [Standing Order] 28, Leader of the Opposition.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, whichever one you deem necessary, I will go with, once I am given that opportunity.

**The Speaker:** Now, Mr. Leader of the Opposition, you are the Father of the House, with the greatest of respect. I wish I had the discretion to be on the floor at moments, but this is one particular time my discretion is reserved after a proposition is made to the Chair. So, if you would be so kind . . . if you need a few minutes, I will more than happy to entertain a five minute break.

**Proceedings suspended at 2:56 pm**

**Proceedings resumed at 3:39 pm**

**The Speaker:** Please be seated.

Madam Clerk, please proceed with Government Business, Third Reading of the Appropriation Bill.

## GOVERNMENT BUSINESS

### BILLS

#### THIRD READING

##### APPROPRIATION (JULY 2014 TO JUNE, 2015) BILL, 2014

**The Clerk:** The Appropriation (July 2014 to June, 2015) Bill, 2014, Third Reading.

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

**Hon. Marco S. Archer:** I beg to move that a Bill entitled the Appropriation (July 2014 to June, 2015) Bill, 2014, as amended, be given a third reading and passed. Thank you.

**The Speaker:** The question is that a Bill entitled the Appropriation (July 2014 to June, 2015) Bill, 2014, 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 Appropriation (July 2014 to June 2015) Bill, 2014, given a third reading and passed.**

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

### RAISING OF MATTERS OF PRIVILEGE

[Standing Order 24(9)(e)]

**Hon. W. McKeever Bush, Leader of the Opposition:** Thank you, Madam Speaker.

I rise now, as I did earlier, to address this matter of privilege, and I do so under [Standing Order] 24(9)(e).

**The Speaker:** [Standing Order] 24(9)(e) reads as follows: “(9) The following motions may be made without notice . . . (e) relating to a matter of privilege.”

Honourable Leader of the Opposition, would you please state for the purposes of the Chair what the matter of privilege is?

**Hon. W. McKeever Bush, Leader of the Opposition:** Yes, Madam Speaker, the Motion is very explicit. It says where we heard evidence from the staff of the Cayman Islands Airport Authority and the Chairman of the Board on the matter of the investigation of the Information Technology Manager's suspension and reinstatement of the same officer, and the retirement of the Acting Chief Executive Officer, to which matters arising therefrom affect the privilege of the Legislative Assembly.

I am not yet putting the motion, as you understand, Madam Speaker, I was only outlining—

**The Speaker:** What the privilege is.

**Hon. W. McKeever Bush, Leader of the Opposition:**—what the privilege is, the matters affecting the privilege.

**The Speaker:** Are you finished?

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I propose to move the motion and then we can take it from there.

**The Speaker:** First, Honourable Leader, I was anticipating you were going to persuade me what the privilege is so that we could decide whether I could exercise the discretion.

What privilege has been breached?

Sorry, Honourable Premier, I didn't catch your eye, so as soon as he responds—

*[Inaudible interjection]*

**The Speaker:** Oh, okay.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, the privilege of this legislature is that the truth was not told to this Legislative Assembly. The Finance Committee, which is a creature of this honourable House, was not told the truth.

**The Speaker:** I recognise the Honourable Premier of the Cayman Islands.

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

If, in fact, that is the allegation of the Leader of the Opposition, then that would constitute a breach, or if that allegation is correct, a breach of the privileges of the House. But I believe that an allegation quite so serious must be outlined in the substantive motion because the motion itself is a privilege motion and it must assert that there has been a breach of some privilege of this House, which the document I have in my hand simply does not do.

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

**The Speaker:** One minute, please.

Thank you, Honourable Premier.

Leader of the Opposition, the Standing Order does talk about relating to a matter of privilege. I have given way for you to continue on that. The onus is on you as Leader of the Opposition to state what the privilege is. And I believe in the interest of transparency, I will give you that opportunity. I would say that I am being persuaded in my own mind that once I have heard what your privilege is I would like to ask for the Hansard, once you have indicated what the breach is. You have said very generally that the truth was not told. And you have a right as Leader of the Opposition, as a Member of this House, to say what that is. I don't expect you to say it verbatim, but if you would give an indication what truth was not told, then I will reserve the right to call for the Hansard.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, as I understand it, I am required to put a motion forward that addresses a matter. This matter that I am addressing I have stated here [is] a matter that affects the privilege of the House and I am asking for it. I expected to expound on that in the course of moving the motion. That's when I expected to expound on it.

Now, Madam Speaker, why they want it explicit in the motion, I don't see why we need it explicit in the motion. Suffice it to me is that the motion resolved that the matter of the Board of the Airport Authorities activity relating to the involvement of the porn matter and suspension of the Information Technology [Manager] and the subsequent retirement of the Acting Chief Executive Officer and the Board's evidence to the Finance Committee on Friday, 20<sup>th</sup> June 2014, be referred to the privilege committee of the honourable legislative assembly as . . . Madam Speaker, I don't think I need to go in, at this stage . . . that I get the chance to move the motion I will expound on it.

There are numerous pieces of paper, there are numerous attempts [recorded in] Hansard where evidence was given that we know is not correct. I can't do that here, but I can certainly do so in a debate, if that is what the Premier wants. I can do that.

And the fact is, if I went on to say that there was a letter, they are going to get up on that side and say that that letter is client privilege. This House has no business with that. This House was given a document. We didn't force anybody to give us that document. But never . . . and so I think that goes out the window.

They might hold that that is client privilege and they don't want to deal with it. But that's their business. That's a good cop-out. My position is that there is other evidence and certainly the Hansard records certain statements that we know can be proven. That's not right. How do I prove that, Madam Speaker, if I am not given the chance to expound upon it, and, therefore, to move the motion, which we have, and which I have a seconder for?

**The Speaker:** One minute, please, Premier, if you don't mind.

Honourable Leader of the Opposition, I have listened intently and quite carefully to what you just expounded, and I believe it is the ambit of the Chair to ask for the Hansard because you are proposing to go on with your motion, which you have a right to do, in order for me to exercise the discretion. At any stage of this process I would like to have in my own hand a copy of those Hansards so that as you put forward your propositions and/or allegations I would not be just subjectively doing, but I would have something concrete in my hand.

Against that background, I would ask Madam Clerk to immediately request a copy of the Hansard and I would go on to the next item of business until I can get those and have an opportunity to read it and follow it as this is a very important motion that can have extreme and severe consequences. I believe any Member has the right to bring it, but at the same time I think the Chair, because of having discretion, this can only be deemed to be exercised against facts and not perception.

Honourable Premier?

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I entirely agree with everything you said. I just wish to make this observation, which I think is very important. It has nothing to do with the evidence which is what the Honourable Leader of the Opposition was referring to. That is a matter for whatever the Hansard says or doesn't say, and anything else he may have. But I believe it is important for this House to have before it the basis of what it is being asked to do.

It is not enough, Madam Speaker, in my respectful submission, to simply say "matters arising out of the discussion in Finance Committee effects (I think he means "affects") the privilege of the Legislative Assembly". In my view, respectfully, the motion must say what the privilege is that is being breached if this House is being asked to vote on the motion. We can't have generalisations and broad allegations about all sorts of things. The motion must zero in on what the specific privilege is that is being breached, in my respectful view.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I—

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

**Hon. W. McKeever Bush, Leader of the Opposition:** Thank you, Madam Speaker.

I hold that that is not necessary. But if the Premier wants me to do an amendment, I will say that lies have been told to this House. But again, how do I prove that to you or to the House, whom I have to prove it to, Madam Speaker, without doing the motion—

**The Speaker:** Hence—

**Hon. W. McKeever Bush, Leader of the Opposition:** I understand what you said earlier. And I am prepared to go that route. I am answering what I think the Premier is trying to stop.

**The Speaker:** I have made the ruling on that insofar as the procedure and process. I would like to have in black and white, as soon as possible, an unedited copy of the Hansard. In the interest of time we will move on to the next item of business. I would indicate that it is the intention, unless there is another section of surprise, to adjourn at 4:30 this afternoon.

## BILLS

### FIRST READINGS

#### TAX INFORMATION AUTHORITY (AMENDMENT) (NO. 2) BILL, 2014

**The Clerk:** The Tax Information Authority (Amendment) (No. 2) Bill, 2014.

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

#### PLANTS (IMPORTATION AND EXPORTATION) (AMENDMENT) BILL, 2014

**The Clerk:** The Plants (Importation and Exportation) (Amendment) Bill, 2014.

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

#### ANIMALS (AMENDMENT) BILL, 2014

**The Clerk:** The Animals (Amendment) Bill, 2014.

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

## BILL

### SECOND READING

#### TAX INFORMATION AUTHORITY (AMENDMENT) (NO. 2) BILL, 2014

**The Clerk:** The Tax Information Authority (Amendment) (No. 2) Bill, 2014.

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

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

I beg to move the Second Reading of a Bill entitled the Tax Information Authority (Amendment) (No. 2) Bill, 2014.

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

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

I rise to present the Bill on behalf of the Government. It is a Bill to make provision for the Tax Information Authority to facilitate the automatic exchange of information as may be required under the terms of an Agreement scheduled to the Tax Information Authority Law and to provide for incidental and connected purposes.

The principal Law under which the Cayman Islands meets the requirement for international cooperation for tax purposes is the Tax Information Authority Law, which has been in place since 2005. Included as part of this Law are all of the Agreements and ar-

rangements with our treaty partners, whether in the form of a Tax Information Exchange Agreement, or, in the case of the UK, a dual tax agreement, or a Double Taxation Agreement, or, since 1 January 2014, the Convention on Mutual Administrative Assistance in Tax Matters.

All of these legal instruments are part of our Law. There are currently 35 Tax Information Exchange Agreements. And if I include the Convention partners, we have in excess of 60 exchange of information agreements under this Law alone.

The purpose of the Law is to enable the exchange of information in accordance with these various Agreements and international standards, and the scope and terms of the Law must be aligned to those objectives and reflect those obligations. There are different methods for exchange of information for tax purposes. These include “on request” and “automatic exchange of information” as allowed by relevant legal instruments.

The Tax Information Authority Law was originally enacted to facilitate on request information, which is then, and remains, part of the international standards. However, with the advent of the United States’ Foreign Account Tax Compliance Act (FACTA), and the endorsement by the G-20 countries of automatic exchange as a new global standard, the Law requires amendment in order to facilitate this form of exchange.

The new Tax Information Authority Agreement with the United States, the Double Taxation Agreement with the United Kingdom, and the Conventions, all of which are part of our Law (as I mentioned earlier), already permit the automatic exchange of information. The Model 1 Intergovernmental Agreements signed in 2013 with the United States and the United Kingdom to implement US FACTA and the UK similar equivalent requirements are technical mechanisms for these automatic exchanges of information to be achieved.

Now, all of these require principal amendments to the Tax Information Authority Law, and that is what is proposed in this Bill.

Madam Speaker, in addition, the Cayman Islands is one of over 50 jurisdictions, including all G-20 and OECD [Organization for Economic and Cooperation Development] countries, and the Crown Dependents and Overseas Territories, which have committed to the early adoption of the OECD Common Reporting Standard for the automatic exchange of financial information. This was published by the OECD in February of 2014. This has been endorsed as the model for the global standard for automatic exchange of information.

Madam Speaker, these proposed amendments will also serve to accommodate automatic exchange, or exchanges under the Common Reporting Standard, and the technical requirements for those will be provided for in regulations in due course.

Whilst exchange of information on request is carried out currently under the Tax Information Authority Law, the jurisdiction (the Cayman Islands) is no stranger to automatic exchange. Since 2005, we have engaged effectively with automatic exchange of information for purposes of the European Union Savings Directive under the Reporting for Savings Income Information European Union Law and its associated Agreements. That is a specific automatic exchange regime, and that remains in place as a key component of our international cooperation network.

Automatic exchange of information has now been endorsed by the G-20 leaders as a new global standard. With the requirements of FACTA and the Common Reporting Standard, the amendments proposed in this Bill are necessary to ensure that the automatic exchange provisions of Agreements which are currently schedule to the Tax Information Authority Law have the required domestic legal enforcement and framework. Automatic exchange does not, and will not at this point, necessarily replace on request. And those two methods will continue to co-exist.

Madam Speaker, the specific requirements of the intergovernmental agreements with the United States and the United Kingdom, and the Common Reporting Standard are all highly technical in nature and these will be accommodated, Madam Speaker, in detailed regulations and guidance, as I mentioned earlier, which will form part of the package of implementing measures, including the amendments which are proposed in this Bill.

They are significant measures for our financial services industry, and I have to acknowledge the considerable work done on these complex matters by the joint working group comprised of representatives of industry and the Ministry of Financial Services, ably chaired by Councillor, Mr. Roy McTaggart.

Madam Speaker, in addition to the proposed amendments to facilitate the automatic exchange of information, there are a number of other technical amendments proposed, and also amendments which are consequential to these proposals. I will explain these in more detail as I go through the clauses in the Bill.

Turning to the specific clauses, Madam Speaker:

Clause 1 sets out the short title.

Clause 2 of the Bill amends section 2 of the Law, which is the definition section. This clause sets out the definition of “automatic exchange of information,” and inserts a new definition of “tax purposes” in place of the reference to “taxation matters.”

In line with the language of the international standard and to ensure that the ambit of the Law covers all forms of exchange of information, including automatic exchange, it also makes amendments consequential to the repeal of Part IV and Schedule 2 of the principal Law (which I will mention further in relation to clause 9 of the Bill).

Clause 3 of the Bill amends section 3 of the principal Law which makes provision for the ambit of the Law. This clause extends these parameters to expressly include the automatic exchange of information. This is necessary, as I said earlier, to fulfil these obligations under intergovernmental agreements and similar agreements for automatic exchange of information which were not contemplated when the Law was first enacted. It also makes certain further amendments consequential to the repeal of Part IV and Schedule 2.

Similarly, clauses 4, 5, 6, 7 and 8 do the same.

Clause 5 also inserts into section 5(2) a new paragraph designated as (aa), and amends paragraph (e) to make express provision for the Tax Information Authority (which is a Competent Authority under the Law) to facilitate the automatic exchange of information arising out of obligations under the relevant agreements.

Clause 9 repeals Part IV of the principal Law which contains sections 9 through 15. These sections, and Schedule 2 which is repealed by clause 17, provide the facility to list countries to which information could be provided without the need for a bilateral agreement. These provisions are no longer necessary as all of the jurisdictions listed in Schedule 2 are either Tax Information Authority partners or are party to the Convention. Following the evolution of global standards since 2009, there is no present, or future, need for this particular facility and its repeal is, therefore, proposed by this Bill.

Clause 10 amends section 17 to clarify the scope of the section and to more accurately align its terms with the existing definition section (section 2) of the Law).

Clause 11 proposes to repeal and substitute section 18 to be in line with the extended scope of the Law and, accordingly, to extend the protections in the Law to persons who provide information to the Competent Authority for any tax purposes, including automatic exchange.

Clause 12 proposes to amend section 19 to confirm that the provisions of the Confidential Relationships (Preservation) Law (2009 Revision) do not apply to information provided to the Competent Authority for any tax purposes, including automatic exchange of information.

Clauses 13, 15 and 16 make amendments consequential to the repeal of Part IV and Schedule 2 of the principal Law, which are affected by clauses 9 and 17 of the Bill.

Clause 14 proposes to insert a new clause to make provision for the confidentiality of all information provided or received by the Competent Authority.

Clause 17 proposes to repeal Schedule 2 of the principal Law.

Madam Speaker, the Cayman Islands has a robust, well-placed and respected regime for the ex-

change of information for tax purposes and this has been developed and enhanced over many years now under successive Government administrations. Following the rigorous examination by expert assessors from the OECD Global Forum on Transparency and Exchange of Information for Tax Purposes, it is very gratifying that the published Peer Review report in relation to the Cayman Islands places us in the category of largely compliant, and at the same level of many of the OECD countries, certainly many of the larger countries, including the US, UK, Germany, Italy and The Netherlands, as examples. The same is true of many of our competitor jurisdictions.

The pace of change in the international tax arena has been unprecedented, certainly over the last two years, or year and a half, even. As a result of our positive engagement with our partners and the relevant international bodies that are involved, we have maintained, and, indeed, we have improved, our good standing in the international community.

The amendments proposed by the Bill are necessary to ensure that we continue to meet those high standards and that the Cayman Islands are able to meet their obligations under the relevant legal instruments and to keep our tax cooperation mechanisms in line with developing international standards and best practice. The amendments proposed by this Bill will ensure that we remain in that well-respected position.

Madam Speaker, this concludes my presentation in respect to this Bill. I therefore commend the Tax Information Authority (Amendment) (No. 2) Bill, 2014, to honourable Members for passage.

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak? Final call: Does any other Member wish to speak?

If not, I will invite the Honourable Minister for Financial Services to exercise his right of reply.

**Hon. G. Wayne Panton:** Madam Speaker, I would just acknowledge the tacit support of Members of the House and thank them.

**The Speaker:** The question is that a Bill entitled The Tax Information Authority (Amendment) (No. 2) Bill, 2014 given a second reading.

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

**Ayes.**

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

**Agreed: The Tax Information Authority (Amendment) (No. 2) Bill, 2014, was given a second reading.**

**BILL****SECOND READING****PLANTS (IMPORTATION AND EXPORTATION)  
(AMENDMENT) BILL, 2014**

**The Clerk:** The Plants (Importation and Exportation) (Amendment) Bill, 2014.

**The Speaker:** If we could have a moment to allow the Honourable Minister to move his Bill.

I recognise the Honourable Minister of Planning.

**Hon. D. Kurt Tibbetts:** Madam Speaker, I beg to move the second reading of the Plants (Importation and Exportation) (Amendment) Bill, 2014.

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

**Hon. D. Kurt Tibbetts:** Yes, Madam Speaker. I believe I will be brief.

Before I begin, I just wish to say that there are some committee stage amendments for this Bill and the very next Bill which are all in connection with the recently passed National Conservation Law (NCL). The purpose of bringing these two amending Bills is for them to be in line with what was approved in the National Conservation Law and so that all three can walk hand-in-hand and the National Conservation Law can come into effect. I believe those committee stage amendments have been circulated, and when we get to that stage I will move those amendments.

So, I say that, asking Members to hear these two Bills and understand those committee stage amendments also without me having to expand upon them before we get to committee.

Madam Speaker, I am happy to move this Bill, which is the Plants (Importation and Exportation) (Amendment) Bill, 2014.

The Bill seeks to amend the Plants (Importation and Exportation) Law (1997 Revision) as a consequence of the enactment of the National Conservation Law, 2013. Many of the provisions remain the same. But there are a number of new and amended provisions. Let me just quickly go through the main changes.

Clause 1 provides the short title and commencement provisions.

Clause 2 amends section 2 of the principal Law by inserting a definition for "National Conservation Council".

Clause 3 amends section 4 of the principal Law in order to provide that the director of the Department of Agriculture when considering an application for a licence to import a live or viable specimen of an alien or genetically altered plant, in accordance

with any directives issued by the National Conservation Council, shall consult with that Council and take into account any views of the Council before granting any such licence. That is simply so that both arms and agencies shall be working together. In other words, in layman terms, so that the left hand knows what the right hand is doing at all times.

Clause 4 seeks to amend section 10 of the principal Law, which deals with penalties, that provides that a person who imports a live or viable specimen of an alien or genetically altered plant without a licence commits an offence and is liable on conviction to a fine of up to five hundred thousand dollars or to imprisonment for a term of four years or to both.

Clause 5 amends section 10 of the principal Law to provide that prior to making regulations relating to any live or viable specimen of an alien or genetically altered plant, the Cabinet shall consult with the National Conservation Council.

Clause 6 contains transitional provisions.

If we look at clause 6, it reads: "**6. (1) After the commencement of the National Conservation Law, 2013 and this amending Law all proceedings in respect of offences committed or alleged to have been committed against the principal Law prior to the date of the commencement of the National Conservation Law, 2013 and this amending Law shall be dealt with as if the National Conservation Law, 2013 and this amending Law had not come into force.**"

What that is simply saying, Madam Speaker, is that any offences which were ongoing and not concluded prior to the passage of this Bill and the commencement of NCL, then those offences have to be dealt with as if those two laws did not exist so that you don't get somebody knowing a law as it was and being dealt with on a perceived offence being carried forward into possible penalties which the new law might have and the old one did not.

Madam Speaker, this amending Bill is with those proposed amendments that I just explained. I certainly commend this Bill to honourable Members of this Legislative Assembly and trust that it will see safe passage. Thank you.

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak? Final call, does any other Member wish to speak?

If not I will call upon the Honourable Minister of Planning, if he wishes to exercise his right of reply

**Hon. D. Kurt Tibbetts:** Madam Speaker, there is no need to expound, just to say a big thank you to what I perceive to be silent support for the Bill.

**The Speaker:** The question is that a Bill shortly entitled the Plants (Importation and Exportation) (Amendment) Bill, 2014, be given a second reading.

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

**Ayes.**

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

**Agreed: The Plants (Importation and Exportation) (Amendment) Bill, 2014, given a second reading.**

## BILL

### SECOND READING

#### ANIMALS (AMENDMENT) BILL, 2014

**The Clerk:** The Animals (Amendment) Bill, 2014.

**The Speaker:** I recognise the Honourable Minister of Agriculture.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker. I would like to move the Second Reading of the Animals (Amendment) Bill, 2014.

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

**Hon. D. Kurt Tibbetts:** Thank you, Madam Speaker.

This Bill seeks to amend the Animals Law (2013 Revision) ("the principal Law") as a consequence of the enactment of the National Conservation Law, 2013. The amending Bill seeks to amend the licensing regime under the Law and for incidental and connected purposes.

The majority of the provisions in the Law remain the same. And there are a few proposed amending provisions.

Clause 1 provides the short title and commencement provisions.

Clause 2 seeks to amend section 2 of the principal Law by inserting a definition for "National Conservation Council".

Clause 3 seeks to amend section 3 of the principal Law to provide that no animal of any description shall be exported from these Islands to any country or from one of the Islands to another of the Islands, otherwise than in accordance with the legislation.

Clause 4 seeks to amend section 5 of the principal law to provide that no live animal or biological product shall be exported save under licence.

Clause 5 seeks to repeal and replace section 9 of the principal Law to provide that any application for licences to export an animal, a carcass or a biological product must be made in writing to the Director of the Department of Agriculture, and an application for import and exportation must be accompanied by the prescribed application fee.

Clause 6 seeks to repeal and replace section 10 of the principal Law in order to provide that the Director of the Department of Agriculture, when considering an application for a licence to import a live or viable specimen of an alien or genetically altered animal, shall, in accordance with any directives issued by the National Conservation Council, consult with that Council and take into account any views of the Council before granting any such licence. The new section 10 would also make it clear that application and licence fees paid under sections 9 and 10 are not refundable.

Clause 7 seeks to amend section 11 of the principal Law to provide that prior to making regulations which relate to the importation of a live or viable specimen of alien or genetically altered animals, the Cabinet shall consult with the National Conservation Council.

Clause 8 seeks to amend section 13 of the principal Law, which deals with offences, to provide that a person who imports a live or viable specimen of an alien or genetically altered animal without a licence commits an offence and is liable on conviction to a fine of up to five hundred thousand dollars or to imprisonment for a term of four years or to both.

Clause 9 of the Bill seeks to repeal section 78 of the principal Law which prohibits the hunting of protected animals.

Clause 10 seeks to repeal section 79 of the principal Law which prohibits the hunting of game birds.

Clause 11 seeks to repeal section 80 of the principal Law which provides that the Grand Cayman Blue Iguana and the Cayman Brac and Little Cayman Rock Iguana, and all non-domestic birds, other than game birds, are protected animals.

Clause 12 seeks to repeal section 81 of the principal Law which lists birds which are game birds.

Clause 13 seeks to repeal section 82 of the principal Law which designates animal sanctuaries.

Clause 14 seeks to repeal section 83 of the principal Law which prohibits hunting and other activities in an animal sanctuary.

Clause 15 amends section 86 of the principal Law which gives power to the Cabinet to make regulations. That clause seeks to repeal subsections (a), (b), (d) and (f), which will now be prescribed in the National Conservation Law.

Clause 16 contains transitional provisions so as not to prejudice any person who may have been under any allegations prior to the enactment or commencement of both this amending law and the National Conservation Law, that that person would not have to face those allegations under the new laws.

I commend the Bill. Both of these Bills are, for the purpose of these amendments, to bring both laws in line with the National Conservation Law.

Thank you.

**Moment of interruption—4:30 pm**

**The Speaker:** Honourable Premier, we have now reached the hour of interruption.

**The Premier, Hon. Aiden McLaughlin:** Madam Speaker, we could go to committee stage on these Bills and get that behind us in light of what we have tomorrow. There are three private members' motions, plus these outstanding matters which the Leader of the Opposition has raised. If the House is so minded, we could go to committee and get through these within a half an hour and have that behind us.

**SUSPENSION OF STANDING ORDER 10(2)**

**The Premier, Hon. Aiden McLaughlin:** I don't hear any dissent, so I move that the relevant Standing Order is suspended in order for the business of the House to continue beyond the hour of interruption.

**The Speaker:** The question is that Standing Order 10(2) be suspended to enable the House to continue proceedings beyond the hour of 4:30 pm.

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

**Ayes.**

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

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Does any other Member wish to speak before I put the question? Does any other Member wish to speak? Final call, does any other Member wish to speak?

If not, I will ask the Honourable Minister responsible for Agriculture if he wishes to express his gratitude for the tacit support or expound further.

**Hon. D. Kurt Tibbetts:** Certainly so, Madam Speaker. And even if it sounds like it might be taking a chance, I do wish to thank Members for their tacit support.

**The Speaker:** The question is that a Bill shortly entitled the Animals (Amendment) Bill, 2014, be given a second reading.

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

**Ayes.**

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

**Agreed: The Animals (Amendment) Bill, 2014, given a second reading.**

**House in Committee at 4:34 pm****COMMITTEE ON BILLS**

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

**The Chairman:** Please be seated.

The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Honourable Attorney General to correct minor errors and such the like in these Bills?

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

**TAX INFORMATION AUTHORITY (AMENDMENT) (NO. 2) BILL, 2014**

**The Clerk:** The [Tax Information Authority \(Amendment\) \(No. 2\) Bill, 2014](#).

Clause—1 Short title.

**The Chairman:** The question is that clause 1 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 1 passed.**

**The Clerk:** Clause 2 Amendment of section 2 of the Tax Information Authority Law (2013 Revision) - definitions and interpretation.

**The Chairman:** The question is that clause 2 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 2 passed.**

**The Clerk:**

Clause 3 Amendment of section 3 - implementation

Clause 4 Amendment of section 4 - Tax Information Authority

Clause 5 Amendment of section 5 - functions of the Authority

Clause 6 Amendment of section 6 - procedures for public policy determination

Clause 7 Amendment of section 7 - procedures for the execution of a request

Clause 8 Amendment of section 8 - powers of Judge to compel witness or for production of evidence

**The Chairman:** The question is that clauses 3 through 8 stand part of the Bill.

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

**Ayes.**

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

**Agreed: Clauses 3 through 8 passed.**

**The Clerk:**

Clause 9 Repeal of Part IV-requests for information from scheduled countries  
 Clause 10 Amendment of section 17-notification  
 Clause 11 Repeal and substitution of section 18-protection of persons disclosing confidential information  
 Clause 12 Amendment of section 19-restriction on application of Confidential Relationships (Preservation) Law (2009 Revision)  
 Clause 13 Amendment of section 20- confidentiality with regard to a request  
 Clause 14 Insertion of section 20A- Confidentiality of information  
 Clause 15 Amendment to section 21-restriction on use of information  
 Clause 16 Amendment to section 22-interviews and examinations with consent  
 Clause 17 Repeal of Schedule 2-scheduled countries specifying the Competent Authority, the relevant tax matters, the operative dates and the scope of assistance available to each such country

**The Chairman:** The question is that clauses 9 through 17 stand part of the Bill.

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

**Ayes.**

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

**Agreed: Clauses 9 through 17 passed.**

**The Clerk:** A Bill for a Law to amend the Tax Information Authority Law (2013 Revision) to provide for the automatic exchange of information; and for incidental and connected purposes.

**The Chairman:** The question is that the Title 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.**

#### **PLANTS (IMPORTATION AND EXPORTATION) (AMENDMENT) BILL, 2014**

**The Clerk:** The [Plants \(Importation and Exportation\) \(Amendment\) Bill, 2014](#).

Clause 1 Short title and commencement

**The Chairman:** The question is that clause 1 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 1 passed.**

**The Clerk:** Clause 2 Amendment of section 2 of the Plants (Importation and Exportation) Law (1997 Revision)- definitions.

**The Chairman:** Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure.

#### **AMENDMENT TO CLAUSE 2**

**Hon. D. Kurt Tibbetts:** Madam Chair, seeking your guidance, I will now seek, in accordance with the Standing Orders, to make the committee stage amendment to clause 2. But just to be totally correct, if you look at that first amendment, that first committee stage amendment . . . well, not first, but second (the other one came in earlier, but that's for section 3 . . . or rather, that's clause 3). On the very last line where it says in clause 3(c), I should not . . . I am saying I should not bring that one now until we get to clause 3. Am I correct?

**The Chairman:** I was just having some discussion because I did not have in my possession clause 2. That's why I kind of jumped to 3. But the Clerk does have it, so we can share . . . thanks.

**Hon. D. Kurt Tibbetts:** Here you go

**The Chairman:** We can share. Thanks.

**Hon. D. Kurt Tibbetts:** Okay.

I didn't intentionally steal yours, Madam Chair, but I have two. I think that one was handed out afterwards.

**The Chairman:** I mean this lightly, but if you didn't intend to steal, then you don't have the *mens rea*, so you're not guilty of it. So you are forgiven!

**Hon. D. Kurt Tibbetts:** Thank you, Madam Chair.

In accordance with the provision of Standing Order 52(1) and (2), I, the Minister of Planning, Lands, Agriculture, Housing and Infrastructure give notice to move the following amendments to the Plants (Importation and Exportation)(Amendment) Bill, 2014, as follows:

By deleting clause 2 and substituting the following: "Amendment of section 2 of the Plants (Importation and Exportation) Law (1997 Revision)- definitions" (in the marginal note)

"2. The Plants (Importation and Exportation) Law (1997 Revision), in this Law referred to as the 'principal Law', is amended as follows-

"(a) by deleting the word 'C.A.V.O.' and its definition and by substituting the following definition: 'Director' means the Director of the Department of Agriculture and any person authorised by him; and

"(b) by inserting after the definition of the word 'Director' the following definition: 'National Conservation Council' means the National Conservation Council established under section 3 of the National Conservation Law, 2013;"

By inserting after clause 2 the following clause: (the marginal note will read): "Amendment of the principal Law-deletion of the word "C.A.V.O." and substitution.

### NEW CLAUSE 2A

**Hon. D. Kurt Tibbetts:** And then, Madam Chair, seeking the insertion of clause 2A, which will read:

"The principal Law is amended by deleting the word 'CAVO' wherever it appears and by substituting the word 'Director.'

Madam Chair, just quickly to explain, that is what might be termed an omnibus clause so that wherever "C.A.V.O." appears . . . because, Madam Chair, for years we have not had a C.A.V.O. and it is now the "Director of Agriculture" and that amendment was never made in the principal Law.

[pause]

**Hon. D. Kurt Tibbetts:** Madam Chair, I am in your hands. So once you are okay, I'm fine. If there is anything else that I need to say just tell me.

[pause]

**The Chairman:** The amendment to clause 2 has been duly moved. Does any other Member wish to speak to it?

If not, the question is that the amendment stands part of the clause.

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

**Ayes.**

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

**Agreed: Amendment passed.**

**The Chairman:** Clause 2A is a new clause so the question now is that the new clause be read a second time. All those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: New Clause 2A read a second time.**

**The Chairman:** The question is that the new clause 2A be added to the Bill, will be inserted by the drafters in the Attorney General's Chambers and the subsequent clauses will be renumbered accordingly.

All those in favour of that extended motion please say Aye. Those against, No.

**Ayes.**

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

**Agreed: New Clause 2A added to the Bill and subsequent clauses renumbered accordingly.**

**Hon. D. Kurt Tibbetts:** Madam Chair, just seeking your guidance, I would assume that you have to deal with clause 3 first and then after that allow my addition—

**The Chairman:** Let me just put the question that clause 2, as amended, stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 2, as amended, passed.**

**The Clerk:** Clause 3 Amendment of section 4 of the principal Law- power to prescribe conditions.

**AMENDMENT TO CLAUSE 3**

**The Chairman:** Honourable Minister you have an amendment to that as well, I believe.

**Hon. D. Kurt Tibbetts:** Yes.

What I was saying to you, Madam Chair, is that these amendments are after clause 3.

**The Chairman:** Madam Clerk has intimated that you do have an amendment to clause 3 as well.

**Hon. D. Kurt Tibbetts:** Right. But what I am saying is that clause 3 as it stands there, what I am asking for is an amendment by saying 3A, 3B and 3C.

See, I am seeking that the Bill be amended by inserting *after* clause 3, so I am just trying to determine whether we needed to take the vote on clause 3, or wait until I add these and then do it clause 3, as amended.

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Right. So, I was only asking should I move those amendments before . . .

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Right. Forgive me. That's what I was asking.

**The Chairman:** That's okay, we're getting there.

**Hon. D. Kurt Tibbetts:** Thank you, Madam Chair.

In accordance with the provisions of Standing Order 52(1) and (2), I the Honourable Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure, beg to move the following amendments to the Plants (Importation and Exportation) (Amendment) Bill, 2014, that the Bill be amended as follows: by inserting after—

**The Clerk:** We have one that says "by deleting C.A.V.O. and substituting—

**Hon. D. Kurt Tibbetts:** Because that is 3(c), I have to do 3(a) and 3(b) first, then, I will do that one last.

**The Clerk:** But if it's an insertion, we do it last. You do the amendment first.

**Hon. D. Kurt Tibbetts:** Forgive me. Okay.

So we'll start off then by saying (I was only going by the sequence of a, b, c . . .

**The Clerk:** Yes.

**Hon. D. Kurt Tibbetts:** All right, I'm with you now.

So we will start off by seeking in clause 3(c), to delete the word "C.A.V.O." and substitute the word "Director."

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

If not, the question is that the amendment stands part of the clause.

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

**Ayes.**

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

**Agreed: Amendment passed.**

**The Chairman:** Honourable Minister, you have a new clause now I believe?

**NEW CLAUSE 3A**

**Hon. D. Kurt Tibbetts:** And also, Madam Chair, by inserting after clause 3 the following clause and the marginal note will say: "Amendment of section 6 of the principal Law- restriction or prohibition of inter-island movement."

"3A. The principal Law is amended in section 6 by deleting the words "Governor in Council" and by substituting the words "Cabinet"; and . . .

Should I continue?

*[No audible reply]*

**Hon. D. Kurt Tibbetts:** I didn't think so.

**The Chairman:** The question is that the clause 3A be inserted as a new clause.

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

**Ayes.**

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

**Agreed: New clause 3A passed.**

**The Chairman:** The question is that clause 3, 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 3, as amended, stands part of the Bill.**

**The Clerk:** Clause 4 Amendment of section 9 of the principal Law- penalty.

**The Chairman:** The question is that the clause 4 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 4 passed.**

**The Clerk:** Clause 5 - Amendment of section 10 of the principal Law –regulations.

**The Chairman:** Honourable Minister, I understand you have an amendment.

#### AMENDMENT TO CLAUSE 5

**Hon. D. Kurt Tibbetts:** Thank you, Madam Chair.

In accordance with the relevant Standing Orders I beg to move the following amendment to clause 5, by seeking to delete clause 5 and substitute the following (in the marginal note): “Amendment of section 10 of the principal Law-regulations.”

And the new clause 5 will read: The principal Law is amended in section 10 as follows-

- (a) by deleting the words “Governor in Council” and by substituting the word “Cabinet”; and
- (b) by inserting after the word “effect” the words “and, where the regulations relate to live or viable specimen of alien or genetically altered plants, shall consult with the National Conservation Council prior to making such regulations.”

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

If not, the question is that the amendment stands part of the clause.

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

**Ayes.**

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

**Agreed: Amendment passed.**

**The Chairman:** The question now is that clause 5, 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 5, as amended, stands part of the Bill.**

**The Clerk:** Clause 6 - Transitional provisions.

**The Chairman:** The question is that clause 6 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 6 passed.**

**The Clerk:** A Bill for a law to amend the Plants (Importation and Exportation) Law (1997 Revision) as a consequence of the enactment of the National Conservation Law 2013; and for incidental and connected purposes.

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

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

**Ayes.**

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

**Agreed: Title passed.**

#### ANIMALS (AMENDMENT) BILL, 2014

**The Clerk:** The [Animals \(Amendment\) Bill](#), 2014. Clause 1 —Short title and commencement

**The Chairman:** The question is that clause 1 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 1 passed.**

**The Clerk:** Clause 2 Amendment of section 2 of the Animals Law (2013 Revision)- definitions.

**The Chairman:** Honourable Minister, I believe you have an amendment.

**AMENDMENT TO CLAUSE 2**

**Hon. D. Kurt Tibbetts:** Thank you, Madam Chair, I do.

I seek, under the relevant Standing Order to move a committee stage amendment which reads as follows: By deleting clause 2 and substituting the following: (the marginal note will read) “Amendment of section 2 of the Animals Law (2013 Revision)- definitions.”

The new clause 2 will read: “2.The Animals Law (2013 Revision), in this Law referred to as the ‘principal Law’, is amended as follows: by deleting the word ‘C.A.V.O.’ and its definition and by substituting the following definition- ‘Director’ means the Director of the Department of Agriculture and any person authorised by him”; and by inserting after the definition of the word “Minister” the following definition- “‘National Conservation Council’ means the National Conservation Council established under section 3 of the National Conservation Law, 2013;”.

Madam Chair, do I continue with the new clause? Or should I . . .

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak to it? If not the question is that the amendment stands part of the clause.

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

**Ayes.**

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

**Agreed: Amendment passed.**

**The Chairman:** The question now is that clause 2, as amended, stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 2, as amended, stands part of the Bill.**

**Hon. D. Kurt Tibbetts:** And, Madam Chair, thank you. To continue on, by inserting after the new clause 2, the following clause:

**NEW CLAUSE 2A**

**Hon. D. Kurt Tibbetts:** The marginal note will read “Amendment of the principal Law-deletion of the words “C.A.V.O.” and “Governor” and substitution”.

The new 2A will read: “The principal Law is amended as follows:

(a) by deleting the word ‘C.A.V.O.’ wherever it appears and by substituting the word ‘Director’; and

(b) in section 2 as follows-

(i) by deleting the definition of ‘Governor’; and

(ii) by deleting the word ‘Governor’ where it appears in the definitions of ‘notifiable disease’ and ‘specified town’ and by substituting the word ‘Cabinet’;

(c) by deleting the word Governor’ wherever it appears in sections 11, 12, 17, 18, 19, 21, 28, 32, 45, 50, 64, 65, 68 [sic], and 88, 91 and 93 and by substituting the word ‘Cabinet’; and”.

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** [Section] 68 in the principal Law.

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Yes, but the amendment is seeking to amend the principal Law.

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Sorry. You’re saying I said “68”?

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** If I said that, I’m sorry. You have the written numbers, and I don’t think the Member wants me to read them over again. But if I did say “68” I’m sorry. There is no 68. Forgive me.

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Right. Did I say all the rest of it?

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Okay. So, we need to make sure for the record that “68” is expunged—

*[Inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Right. And “84”.

Madam Chair, for purposes of clarity, I shall read those numbers again please: “11, 12” . . . or perhaps, best yet, let me just start from (c): “by deleting the word ‘Governor’ wherever it appears in sections 11, 12, 17, 18, 19, 21, 28, 32, 45, 50, 64, 65, 84, and 88, 91 and 93, and by substituting the word ‘Cabinet’; and”.

**The Chairman:** The question is that new clause 2A be inserted into the Bill.

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

**Ayes.**

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

**Agreed: That New Clause 2A be inserted into the Bill.**

**The Clerk:**

Clause 3	Amendment of section 3- restriction on importation of animals
Clause 4	Amendment of section 5- no live animal or biological product to be imported save under licence
Clause 5	Repeal of section 9 and substitution- application for licence to import an animal, etc
Clause 6	Repeal of section 10 and substitution- C.A.V.O. may grant or refuse licence
Clause 7	Amendment of section 11- Governor may make regulations
Clause 8	Amendment of section 13- Offences: Part II
Clause 9	Repeal of section 78- hunting protected animals
Clause 10	Repeal of section 79- hunting game birds
Clause 11	Repeal of section 80- protected animals
Clause 12	Repeal of section 81- game birds
Clause 13	Repeal of section 82- animal sanctuaries
Clause 14	Repeal of section 83- hunting, etc., in animal sanctuary prohibited
Clause 15	Amendment of section 86- regulations

**The Chairman:** The question is that clauses 3 through 15 stand part of the Bill.

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

**Ayes.**

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

**Agreed: Clauses 3 through 15 passed.**

#### **NEW CLAUSE 15A**

**The Chairman:** Honourable Minister.

**Hon. D. Kurt Tibbetts:** I wish under the relevant Standing Orders to seek a committee stage amendment by inserting after clause 15 the following clause .

. . . and I would like to . . . I know that the Honourable Attorney General is given the authority to make any minor amendments, so I would just like to state very quickly that the marginal note should read: "Amendment of the National Conservation Law, 2013"—not 2014. I am sure he's taken note of that.

**The Chairman:** Thank you.

**Hon. D. Kurt Tibbetts:** So, the new amending clause would read, first of all, in the marginal note: "'Amendment of the National Conservation Law, 2013.'"

Then the new clause 15A will read: "The National Conservation Law, 2013, is amended in section 35 as follows-

- (a) in subsection (1), by deleting the word 'C.A.V.O.' and by substituting the words 'Director of the Department of Agriculture'; and
- (b) in subsection (4), by deleting the word 'C.A.V.O.' and its definition."

**The Chairman:** The question is that new clause 15A be added to the Bill, 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.

**Agreed: New Clause 15A added to the Bill and the subsequent clauses be renumbered accordingly.**

**The Clerk:** Clause 16 Transitional provisions

**The Chairman:** The question is that clause 16 stands part of the Bill.

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

**Ayes.**

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

**Agreed: Clause 16 passed.**

**The Clerk:** A Bill for a Law to amend the Animals Law (2013 Revision) as a consequence of the enactment of the National Conservation Law 2013; to amend the licensing regime under the law; and for incidental and connected purposes.

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

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

**Ayes.**

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

**Agreed: Title passed.**

**The Chairman:** The question 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.**

**House resumed at 5:10 pm**

## **REPORT ON BILLS**

### **TAX INFORMATION AUTHORITY (AMENDMENT) (NO. 2) BILL, 2014**

**The Speaker:** Please be seated.

I recognise the Honourable Minister of Financial Services.

**Hon. G. Wayne Panton:** I beg to report that a Bill entitled The Tax Information Authority (Amendment) (No. 2) Bill, 2014, was considered by a committee of the whole House and passed without amendment.

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

### **PLANTS (IMPORTATION AND EXPORTATION) (AMENDMENT) BILL, 2014**

**The Speaker:** Honourable Minister responsible for Planning.

**Hon. D. Kurt Tibbetts:** Madam Speaker, let me first of all thank you for your navigational skills while we were in committee, and to say to you that I am happy to report that a Bill entitled The Plants (Importation and Exportation) (Amendment) Bill, 2014, 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 its third reading.

### **ANIMALS (AMENDMENT) BILL, 2014**

**The Speaker:** Honourable Minister for Agriculture.

**Hon. D. Kurt Tibbetts:** I beg to report that a Bill entitled The Animals (Amendment) Bill, 2014, was con-

sidered by a committee of the whole House and passed with amendments.

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

Honourable Premier.

## **ADJOURNMENT**

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

I move the adjournment of this honourable House until 10:00 am tomorrow.

**The Speaker:** Before I put the question, I should indicate that I received a partial unedited account of the Hansard and I would anticipate having the . . . typist, clerk, who is the sole person and does a tremendous job, but I would hope to have them tomorrow latest, Friday, but perhaps tomorrow, just so that we can bring the other matter to conclusion in case the public is wondering what happened to that matter as was raised.

The question is that the House now adjourn until 10:00 am tomorrow.

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

**Ayes.**

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

**At 5:15 pm the House stood adjourned until 10:00 am, Thursday 26<sup>th</sup> June 2014.**

