



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2014/15 SESSION

26 June 2014

*Seventh Sitting of the First Meeting
(Throne and Budget Meeting)*

(pages 245–292)

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

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Thursday 26th June, 2014

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
THURSDAY
26 JUNE 2014
11:40 AM
Seventh Sitting**

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

The Speaker: Good morning. I will invite the Fourth Elected Member for West Bay to grace us with prayers.

I also wish to indicate to the House that it is the intention of the House to conclude its business today, which may require working past the hour of interruption this afternoon.

PRAYERS

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: 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.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

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

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

HEALTH SERVICES AUTHORITY'S BAD DEBT

The Speaker: I recognise the Honourable Minister responsible for Health.

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

Madam Speaker, I would like to speak to the issue of the HSA's 'bad debts' which was raised in last week's Finance Committee meetings, and take this opportunity to clarify a few facts.

Firstly, I would like to clarify that this \$70 million is HSA's estimated provision for bad debt as at June 2015. For the current financial year 2013/14, the estimated gross at year end is \$55 million. Madam Speaker, for Members' information, the HSA's Bad Debt Policy defines a "bad debt" as "any outstanding sum of money owed to HSA that has not been paid after 365 days, despite repeated efforts to collect the debt."

Madam Speaker, it is important to note that this "bad debt" is not due to a lack of effort by the HSA trying to collect these defaulted payments. The HSA makes significant effort to collect the outstanding balances, including:

- Collecting up-front payments for services. This includes payment from those who are uninsured or their service is not covered under their plan, and insurance co-pays and deductibles.
- Collecting a deposit for scheduled/elective procedures.
- Working with the Department of Children & Family Services for co-ordination of Indigent Coverage for those that are unemployed.
- Assisting those persons who have a self-pay portion to set up a payment plan.

- Working closely with both overseas and local collection agencies.

Many of the measures have been put in place over the past few years, and we have slowly seen some of the results from them. However, Madam Speaker, the Authority's newly appointed Board of Directors quickly realised that current methods were not necessarily as effective as initially hoped, and they resolved to undertake a review of the situation to try and identify possible improvements and alternative solutions. To that end, Madam Speaker, the Board has established a working group, tasked with identifying, assessing and implementing more innovative and aggressive actions to collect outstanding funds and to reduce the projected bad debt provision for 2014/15.

Madam Speaker, this working group is working hard to identify a number of innovative options, and they will assess each possible option to determine its feasibility and effectiveness, ensuring that the actions taken are in keeping with the HSA's mandate to provide access to excellent, high-quality care to our residents. I am confident, Madam Speaker, that the working group will make sound, rational, well-reasoned and effective recommendations to the Board and the HSA Management Team, and I look forward to seeing the results of this work when we review the figures at the end of the financial year.

I have often said, Madam Speaker, that each and every one of us has a personal responsibility for our health. Achieving our national vision of "health and well-being for all in the Cayman Islands" can only be done if each of us plays our part in achieving that vision.

Similarly, the causes and contributing factors to the Health Service Authority's bad debt cannot be attributed to one stakeholder. There are many scenarios currently faced by the HSA Patient Financial Department that can result in a "bad debt" being incurred. I would like to take this opportunity to highlight some examples, Madam Speaker, to help Members to have a better understanding of some of the situations, and the complexities, that lead to these 'bad debts.'

- Sometimes an insurance company declines a payment claim for service that a patient thought would be covered. If the patient does not have the money to pay the bill, and the insurance company declines coverage after the treatment was received, the bill often goes unpaid.
- If a patient is at the hospital 'after hours' the staff cannot check to see if the patient has reached their deductible, as the insurance company is closed after hours. This was the issue that the Real Time Adjudication software (PAS) was intended to correct because insurance benefits would be electronically verified at the time of service. The system was first rolled out to CINICO members, however, no significant impact in col-

lections has been realised due to the fact that the majority of CINICO's members do not have a deductible. This first phase is currently being evaluated to determine how to proceed.

- Some employers are not paying the insurance premiums for their employees, allowing their coverage to lapse. In the event that the employee is unaware of this, they could receive medical treatment and not be aware of the lack of coverage. As with the first example, if the patient does not have the money to pay the bill, and the insurance company declines coverage after the treatment was received, the bill often goes unpaid.
- There are also those patients who do not fall into one of the output categories that are funded by Cabinet. For example, someone who might make an income that places them slightly over the threshold to be considered 'indigent' may still struggle with paying medical bills, resulting in further "bad debt." It is also worth noting that while Government does have an agreed set amount to pay for outputs, such as indigents, the actual cost sometimes exceeds the budgeted amount—again adding to the "bad debt".
- With our somewhat transient workforce, patients who have an outstanding bill may move off-island without paying off their balance.
- The number of visitors to our shores also exacerbates the situation. Madam Speaker, it is not uncommon to have a cruise ship visitor fall ill and come to the hospital. For example, a cruise ship passenger may have a medical emergency while visiting, but may not have enough money to pay the hospital bill. As a visitor to the island, once they have returned to their home country it is very hard to collect payment.
- In many cases, if a visitor is admitted for something serious and requires a long stay, the bill can easily be in the tens of thousands of dollars, and if they are a visitor, it often proves very difficult, if not impossible, to collect for these charges once they have left the Cayman Islands.
- For example, last year an 84-year-old passenger had difficulty while swimming, where he became unresponsive, experienced respiratory distress, non-fatal drowning and required cardiac monitoring as well as medication. This patient was considered self-pay as he was on US-based Medicare, and he did not have the money to pay the \$24,000 bill. These are not small amounts and soon add up to very large numbers.

I should also point out, Madam Speaker, that although some visitors' bills go unpaid, there are others that do pay, but are slow to pay and require a payment plan. For instance, another self-pay visitor who required care left with a \$47,000 bill. Although the patient did not have the finances to pay the bill at the time of service, the daughter took responsibility and has been making regular payments. However, because of the large amount, this visitor's account will be outstanding for some time until the family is able to pay it off in full.

But I want to hasten to emphasise that this is not just a visitor issue, Madam Speaker, as many of these non-payments contributing to the "bad debt" are from our residents. With the hospital currently seeing on average 300 patients per day, there is a constant risk of providing care to a patient that doesn't have the means to pay for the services. And it is not just the "big bills" that are contributing to the problem, but a number of smaller unpaid bills.

Madam Speaker, of the outstanding bad debts due to the HSA over the last 3 1/2 years, a staggering \$10 million consists of individual's bills less than \$1,000 each. That means a \$300 bill here, an \$800 bill there, and over time, all of these little bills add up. If these patients would pay even these small bills, it would make a tremendous contribution to addressing the outstanding patient receivables.

In closing, Madam Speaker, I want to remind everyone that while the HSA is working to arrive at innovative means of addressing this longstanding problem, we each have a role to play in solving it.

Employers should adhere to the provisions of the Health Insurance Law and ensure that their employees and dependents have health insurance. Individuals should take the time to become familiar with their health insurance plans and benefits, so that they are not caught unawares when seeking medical services. We should all work to be part of the solution, and not part of the problem. If you or your family member has an outstanding bill with the Health Services Authority, please make every effort to pay it. It is not good enough to think, *Government will take care of this*. We all need to do our part if we want to be able to continue to enjoy the level and quality of health care services we have come to expect.

Finally, Madam Speaker, and perhaps most importantly, each and every one of us should take personal responsibility for our health—embrace healthy lifestyles and preventative care—to help ensure health and well-being for all in the Cayman Islands.

I thank you, Madam Speaker.

PRESENTATION OF PAPERS AND OF REPORTS

WATER AUTHORITY OF THE CAYMAN ISLANDS ANNUAL REPORT FOR THE 2012/13 FINANCIAL YEAR

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

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, I beg to lay on the Table of this honourable House the Water Authority of the Cayman Islands Annual Report for the 2012/13 Financial Year.

The Speaker: So ordered.

Does the Honourable Minister wish to speak thereto?

Hon. D. Kurt Tibbetts, Minister Planning, Lands, Agriculture, Housing and Infrastructure: Madam Speaker, not to be specific with anything regarding the report, except to say that the report is very clear and once Members read it they will have a clearer understanding of the situation with the Water Authority at present, and it also includes future plans.

REPORT OF OFFICE OF AUDITOR GENERAL ON RESTORING FINANCIAL ACCOUNTABILITY: A TIME FOR CHANGE? JUNE 2013

REPORT OF OFFICE OF AUDITOR GENERAL ON MANAGEMENT OF AIR AMBULANCE SERVICES JUNE 2013

REPORT OF OFFICE OF AUDITOR GENERAL ON THE MANAGEMENT OF MAJOR CAPITAL PRO- JECTS JUNE 2012

REPORT OF OFFICE OF AUDITOR GENERAL ON FINANCIAL AND PERFORMANCE REPORTING – STATUTORY AUTHORITIES AND GOVERNMENT COMPANIES FOR YEAR ENDING 30 JUNE 2011

The Speaker: Chairman of the Standing Public Accounts Committee, the Second Elected Member for George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Thank you, Madam Speaker. Good morning to you and colleagues.

I beg to lay on the Table the following reports of the Auditor General:

- Report of the Office of the Auditor General on Restoring Financial Accountability: A Time for Change? June 2013.
- Report of the Office of the Auditor General on the Management of Air Ambulance Services June 2013.

- Report of the Office of the Auditor General on the Management of Major Capital Projects June 2012.
- Report of the Office of the Auditor General on the Financial 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 it?

Mr. Roy M. McTaggart: Madam Speaker, not to the individual reports, but I do wish to inform this honourable House that the reports of the Auditor General were to be laid on the Table yesterday along with the Public Accounts Committee reports. But they were inadvertently left off of the Order Paper yesterday. So I do apologise to the House for that.

The Speaker: Thank you.

The Clerk: Other Business, Private Members' Motions—

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

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

Madam Speaker, perhaps this is a good place to get back to the point where we were dealing with the matter of privilege yesterday.

The Speaker: And the Standing Order, for the record, sir?

Hon. W. McKeeva Bush, Leader of the Opposition: Still I think this is the same Standing Order 24(9)(e).

The Speaker: Please proceed with your Motion.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, do I read the Motion at this point?

The Speaker: Under Standing Order 24(9) the Motion can be made without notice, 9(e). And I believe you intimated it was going to be in relation to a matter of privilege, so you may proceed accordingly as if you were laying a motion under [Standing Order] 24.

MOTION MOVED UNDER STANDING ORDER 24 (9)(e)

CIAA BOARD INVESTIGATION MATTER

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

Then I beg to move that Motion under Standing Order 24(9)(e) on the matter of the CIAA Board Investigation. And the Motion reads as follows:

WHEREAS the Finance Committee of the Honourable Legislative Assembly heard evidence from the Staff of the Cayman Islands Airport Authority (“CIAA”), 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;

AND WHEREAS Members of Finance Committee were repeatedly told on the 19th and 20th of June 2014 a letter of 4th December 2013 did not exist;

AND WHEREAS the Chairman of the CIAA finally produced the letter to Members of the Finance Committee which contained details of irregularities and disciplinary process, breach of fiduciary duties on the part of affected Members on the Board and a possible allegation of abuse of office in the context of Section 17 of the Anti-Corruption Law 2008;

AND WHEREAS Members of the Finance Committee were told that there was no board involvement with staff matters;

AND WHEREAS documents show directives by the board relating to hiring, employee dismissals and confirmation of acting roles;

AND WHEREAS documentation show the Deputy Chair giving instructions to the Board Secretary to amend the existing organizational chart and add a Chief Financial Officer above the Financial Controller and add a dotted reporting line from the SMS Manager directly to the board;

AND WHEREAS the Audit Office was informed about the mal administration and interference by the Board of the operational matters with no audits being carried out as yet;

AND WHEREAS the Chairman of the Board was given signing authority on bank accounts under the A classification of the CIAA;

AND WHEREAS the Airport Law (2005 Revision) Section 5(4) dictates that the Authority shall perform its functions through the Chief Executive Officer;

AND WHEREAS matters arising out of the discussion in Finance Committee effects [sic] the Privilege of this Legislative Assembly;

BE IT THEREFORE 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, 20th June 2014, BE REFERRED TO THE PRIVILEGE

COMMITTEE OF THE HONOURABLE LEGISLATIVE ASSEMBLY as indicated on Friday, 20th June, 2014 by the Honourable Attorney General the Legal Advisor of the Legislative Assembly.

The Speaker: Is there a seconder to your Motion?

Mr. Bernie A. Bush: I beg to second the Motion.

The Speaker: Okay. Honourable Leader of—

The Premier, Hon. Alden McLaughlin: Madam Speaker, could Members—

The Speaker: Honourable Premier. Sorry.

The Premier, Hon. Alden McLaughlin: Madam Speaker, could Members have a copy of the Motion please?

The Speaker: Madam Clerk, could we ensure the circulation?

The Motion has been duly moved and as soon as it has been circulated I will call on the Leader of the Opposition to commence his . . .

[Inaudible interjection]

The Speaker: He did.

[Inaudible interjections]

The Speaker: Order!

Leader of the Opposition, you may now commence your Motion.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, thank you very much.

Madam Speaker, yesterday I sought to bring this matter to the attention of this honourable House after we completed the business in Finance Committee.

On the closure Friday, Madam Speaker, I left this Assembly with great doubts in my mind about what had happened. I certainly did not ever think that any matter presented to us here that we asked for . . . whether something existed, that we could be told it didn't exist, [that] there was no existence with such a letter, and it went on and on and on; that at the closure we could have anybody on the outside, Madam Speaker, write to the Chairman of Finance Committee and say, *Stop this now! Bring what copies you have of that letter and stop the discussions and take it back . . . copies from whatever or whomever you've given to.*

Well, the Chairman, being the type of person he is, Madam Speaker, stopped, agreed. I don't think it was right. If anybody could do that, Madam Speaker, we would not get anything done in this House. If any lawyer on the outside could do that, just

think of where our regulatory position in the finance industry would be. They would have the say. We would not have any say. They would say it is against clients. They would say it is against client privilege.

This legislature, while it is not a sovereign parliament, it is a representative legislature. We are sent here by the people to do their job. And we are held accountable. And all of us are kicked in the face, even if we ourselves do some of that in here. But we certainly are. All sorts of things are done to us.

Since this, Madam Speaker, since Friday evening, I know the threats that I got. I know the threats I got. But let me tell one and all in this House, McKeever Bush is not scared of anybody. I hear the Premier talking about he is not scared. I'm not scared of duppies, understand that. I'm more scared of the live, but nobody frightens me.

Wrong was committed up there in the Airport's operational business by the Government's board. And that is why you hear the bawling and the dodging and the slipping, and the urge to pick a fight. I didn't want that. I wanted the truth. I said the least that should have happened, Madam Speaker, was that the board, or those members responsible, should be disbanded and a new board chosen.

Madam Speaker, we cannot forget that the Auditor General was called in (the years 2009 and 2013) on the last board. That an honourable gentleman whom everybody knew, whom everybody was satisfied was leading the business at the airport, who, Madam Speaker, was a former member of this legislature, who was a well-known individual in the business of civil aviation for many years, had since resigned as chairman. And all that has ever gone on up there from day one that we had an airport, as far as business being conducted, was accepted by this country and carried on up there. And yet they were not satisfied to get that tongue-twisting Auditor General that we got. No, Madam Speaker, they were not satisfied with that. They called in the police.

The police then wrote that man a letter after a year, after carrying him there, making him talk. I don't know if they frightened him, because they [are] good at that. And, Madam Speaker, they wrote him the following letter:

"I am writing on behalf of Commissioner BAINES, chairman of the Anti-Corruption Commission, in respect of the outcome of the investigation undertaken by the Commission, as a consequence of a complaint made by Mr. Jeremy JACKSON.

"Following your interview on 28th November 2013 at the offices of the Anti-Corruption Commission, a report was prepared for consideration of the Director of Public Prosecutions as to whether charges should be preferred against you under the Anti-Corruption Law 2008 and or the Airports Authority Law (2005 Revision).

“I have now received the outcome of that ruling and I can inform you . . .”—

The Speaker: Honourable Leader of the Opposition, sorry for the interruption but can—

Hon. W. McKeeva Bush, Leader of the Opposition: I will give you a copy of the letter.

The Speaker: —a copy of the letter.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes Ma'am. As soon as I finish reading it, I will let you have it.

The Speaker: Thank you.

Hon. W. McKeeva Bush, Leader of the Opposition: And it can be laid on the Table of this honourable House.

“I have now received the outcome of that ruling and I can inform you that no charges will be forthcoming in respect of those issues.

“The Anti-Corruption Commission is obliged to receive and investigate complaints made under the provisions of the Anti-Corruption Law 2008, and if sufficient evidence suggests that a breach of those provisions may have occurred, to report such evidence to the Director of Public Prosecutions. As previously mention[ed] the decision of that office has been not to prosecute on the evidence put before it.

“I can inform you that it is not the intention of the Anti-Corruption Commission to investigate this matter any further, unless additional evidence is forthcoming and circumstances change. The criminal investigation of these allegations is therefore concluded.

“Richard Oliver

“Detective Inspector

“On behalf of the Anti-Corruption Commission of the Cayman Islands.” [Letter dated 5 June 2014 to Mr. Richard Arch.]

Would the Serjeant make a copy and make sure that every Member gets a copy?

Madam Speaker, based on various things said, various fingers pointed at the previous board.

The Speaker: Honourable Leader, I think you did say implicitly that you were laying it on the Table. Are you formally laying it on the Table or do you just want it to be circulated to Members?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I think it is fair that we give it to Members.

The Speaker: Okay. I wanted to make sure because if it is given to Members it is not for public consumption and I didn't want you coming back saying that you indicated indirectly to be laid and it was not laid.

Hon. W. McKeeva Bush, Leader of the Opposition: Make the public know. We didn't call for it, others did. But I appreciate your guidance. I have given it to the Serjeant so that the Chair can have a copy, as I should, and that the Clerk has a copy, because I read it in and so therefore it needs to be evidence, and, therefore, I think honourable Members need to have a copy. And some are indicating that they would like it so I will do that.

The Speaker: Okay. Let me just repeat for clarity. The document that the Serjeant now has in his possession is for the eyes of the Speaker, the Members in here, and you've stopped short of asking to lay it on the Table. Is that a correct interpretation?

Hon. W. McKeeva Bush, Leader of the Opposition: Well, Madam Speaker, I thought once you've done that, that it is in the public's domain.

[Inaudible interjection]

The Speaker: I just wanted to clarify because—

Hon. W. McKeeva Bush, Leader of the Opposition: I don't have any problem with it. If you want to say that it is laid on the Table—

The Speaker: I—

Hon. W. McKeeva Bush, Leader of the Opposition: I appreciate your abundance of caution, Madam Speaker.

Madam Speaker, as I should, I am asking that this be given to the Presiding Officer. I am asking that it be given to the Clerk. It is already in the public domain because I have read it and we are on air, and now I ask for it to be given to Members, of course, after laying it on the Table of this Honourable House.

The Speaker: The Leader of the Opposition has asked to lay it on the Table of the House.

So ordered.

Please continue with—

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you very much, Madam Speaker, for your guidance.

Madam Speaker, I do that because of the uproar it caused with that last board—the one that was disbanded after the general elections. That, Madam Speaker, came about with much interest from certain aspects of the media, the *Caymanian Compass*, and you don't have to ask if *CNS* had it—they *nah* going to

write anything unless they can scandalise somebody. So, Madam Speaker, all of that happened because they claimed the board was not conducting good governance.

The board could not participate on project evaluation committees. Now we are having all kinds of committees being appointed [by] the present board. That board sits on interviews below senior management level, and compelling the CEO to seek board approval on recruitment decisions and all spending. The Auditor [General] said: **“Beyond approving the operational policies for the organization, the hiring of the chief executive officer and setting out the expectations for performance, the development of a strategic direction and the approval of an annual operational plan, the board should only be receiving reports and making decisions that are purview of its mandate.**

“The separation of these key responsibilities between the board and management ensures what is known as a good corporate governance framework.” And on and on, of course.

There’s no man who can use any more words than that Auditor General. He knows how to use words and twist ‘em too.

And so, Madam Speaker—

The Speaker: Honourable Member, just for a matter of procedure, as you refer to documents, if you could make sure that I have a copy to follow it because this is a highly interesting matter and I want to make sure—

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, this is a report of the [25]th April 2013—

The Speaker: Thank you.

Hon. W. McKeever Bush, Leader of the Opposition: In the *Caymanian Compass* or the *Cayman Compass*, as it is now called.

The Speaker: When the Serjeant returns—

Hon. W. McKeever Bush, Leader of the Opposition: And that’s already in the public domain.

The Speaker: If you would oblige to just let the Serjeant have it, so I could follow it.

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

The Speaker: I didn’t know what evidence should be presented so I wasn’t in a position to have a file on it. Thank you.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, we were told that the board didn’t know anything about what the staff . . . and they didn’t tell the staff, they had no plan, no involvement in the operations of the Authority. Yet, Madam Speaker, evidence shown by Board Minutes that signing authority resolution by the board should be done noting the following on the classification of A’s and that is not there but that is what it is about. Three A’s classified on the signing authority: The CEO, Mr. Anderson, Mr. Wayne DaCosta and Board Chairman, Mr. Nixon.

Madam Speaker, according to them there was no knowledge (and I think you have the Hansard, Madam Speaker, where they denied all of their involvement). But here is another one from Tom Guyton, the Deputy Chair:

“I would like to propose an immediate Org chart revision for consideration at the next BoD meeting.

“Take the existing Org chart and add a CFO position above the FC.” (The Financial Controller.)

Let me repeat as much as I can these abbreviated positions—“add a CFO” Chief Financial Officer) above the Financial Controller. **“Also, do a dotted reporting line from the SMS Manager . . .”** (that, I believe, would be a senior manager of safety) **“ . . . directly to the BoD.”**

And it went on to propose other things that are operational matters, and I can give the Serjeant . . . don’t go yet because you are going to be up and down for a bit.

From Tom Guyton again to the then Acting Director, Kerith [McCoy]:

“ . . . the Board is requesting that you prepare and issue an RFP for the following services:

“Provision of temporary CHRO level expertise and services to CIAA for the following:

- 1) Recruitment of a CHRO**
- 2) Recruitment of a CFO**
- 3) HR assistance as needed on an hourly basis until the CAA HR Department is fully staffed.”**

The Speaker: Honourable Leader, just for my own purposes, these documents that you are referring to, they came in your possession from your solicitation? Were they given to you freely? Was there an FOI?

Hon. W. McKeever Bush, Leader of the Opposition: Now, Madam Speaker, you know, being a lawyer, that you can’t question that.

The Speaker: I just want to—

Hon. W. McKeever Bush, Leader of the Opposition: I get information like everybody else gets information. And I am—

The Speaker: I just want to—

Hon. W. McKeeva Bush, Leader of the Opposition: I understand what you are asking. I'm only prepared to say that I have this information because it was given to me at some . . . but I don't know who.

The Speaker: I'm not seeking the source. I recognise the limit of the Chair and the Committee, but I want to satisfy myself that they were not taken under Tempura Operation, or that they were not taken under some other illegal *modus operandi* so that it wouldn't come up another way. I'm not imputing that you did; I wanted to clear for the record as to it.

I have no jurisdiction to ask for the source but I think I do have jurisdiction to say whether it was solicited by you, whether it was—

Hon. W. McKeeva Bush, Leader of the Opposition: I don't think that you have . . . and I will disagree with you on that, Madam Speaker, where I'm not . . . might not to, but I will. I think you have jurisdiction to ask me to give you the copy, and I'll gladly do that. But don't ask me where I get information from.

The Speaker: I'm not asking for the individual source, but I think the Chair has the right to know that as far as you're concerned you put into the record they were not gotten illegally.

Hon. W. McKeeva Bush, Leader of the Opposition: I came into this information. Okay?

The Speaker: That's all I'm asking.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes Ma'am and you will get your copies.

And further to what I just read, that they—
“Expect updated JDs for the CHRO and CFO positions from Deloitte . . . Recruitment of the CHRO and CFO . . .” (that is Chief Human Resources Officer and Chief Financial Officer) “. . . **should run concurrently and begin ASAP.**”

Madam Speaker, here is another one from Mr. Nixon, the Chairman:

“Dear Mr. McCoy,

“On behalf of the Board of Directors of the Cayman Islands Airports Authority (CIAA), please be advised that until further notice and subject to the selection and confirmation of a CEO for CIAA, there will be an immediate implementation of the following directive:

“There will be a suspension on all hires, confirmation of “acting” roles, pay increases and employee dismissals at the CIAA unless otherwise approved by the Board

This is—

The Premier, Hon. Alden McLaughlin: Madam Speaker, on a point of order.

Hon. W. McKeeva Bush, Leader of the Opposition:—a general complaint to the previous board that was wrong.

The Speaker: Please state your point of order.

I recognise the Honourable Premier.

Please state your point of order Honourable Premier.

POINT OF ORDER

The Premier, Hon. Alden McLaughlin: Madam Speaker, it relates to relevance. All of this is very interesting, but I am not sure how it relates to any breach of the privilege of this House, which is the gravamen of this Motion.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, all the while I've been standing here I have been watching the facial expressions from the Premier who, from yesterday, was complaining about he wants to know this, he wants to know the next thing.

Madam Speaker, I have said what I said in the Motion and the Motion has been accepted. They can vote it down, you know. I'm asking . . . but I am giving this because it was said that they didn't know anything about these things and that they had no involvement in operational matters. That's what I'm trying to say here and that's what . . . I didn't intend to do this you know, Madam Speaker.

Just let me say what I intended to do yesterday, as I kept saying, was I was just going to move the Motion, send it to the Privilege Committee and then the Privilege Committee would go through these things and determine whether or not these are relevant and these are infractions and this is bad governance.

So, they asked that I put all . . . as much information as possible into this Motion and that is what I have done, according to the Hansard.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: It is relevant, but you don't consider lying relevant, Madam Speaker?

The Speaker: Let's keep the debate through the Chair so we can have some level of civility through these proceedings.

Hon. W. McKeeva Bush, Leader of the Opposition: And that's what I'm asking, Madam Speaker.

The Speaker: Are you saying—

Hon. W. McKeever Bush, Leader of the Opposition: I'm asking the Chair to consider that lying is relevant. That's what we are complaining about, the lies that were told to us.

The Speaker: Are you saying that the evidence you are producing, and that you intend to produce, is going to be circumstantial, direct or indirect, to your Motion? Is that your position?

Hon. W. McKeever Bush, Leader of the Opposition: Yes, that's some of it because if a privilege committee goes into this they are going to find a whole lot more. But what I'm complaining about are these papers that I have. And, Madam Speaker, the fact that on evidence in the Finance Committee, Members of the Board said there was no interference; there was no existence of this letter. If they had said, *Yes, there is an existence of the letter but we can't tell you about it*, what was I going to do?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: They didn't say it? Read it. I hear them over there saying they didn't say it. Read the Hansard. Many times they said it.

The Speaker: Please proceed.

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

It is their board, the Government board that they want to protect plus other things.

So, Madam Speaker, this directive to the then acting director, Mr. McCoy, that is the same as the general complaint to the previous board that what they were doing was wrong.

And I keep saying in this country that if one person does wrong and the next person does the same wrong, then one cannot be treated differently than the other. But we know what the makeup of this country [is]. [If] you come from certain organisations: 1) You come from certain sections of the community; 2) It's all about how they look at you, how they treat you, where you come from, who you belong to, who your father is, who your momma is. That's what they want in this country and they want it to continue. Well for 30 years, Madam Speaker, I have been fighting that attitude in this country, and I still seem to be fighting it.

You know what? Sad to say, even after long I gone it probably will still exist because some people are deemed to be better than others and must be treated better than others. Not me. What is good for the goose is good for the gander.

Here is one, Madam Speaker, when they say they are not interfering. Here is another one from the then acting director . . . chief executive officer to the Chairman:

“ . . . I write to present further comment on a matter which I discussed briefly with you earlier this week, relating to the assistance to administrative functions being given by the CIAA Board. Specifically I would like to enquire as to the required or expected protocol thereof, so as to ensure that the methodology does not conflict with the guidance or expectations of the Office of the Auditor General.

“There is no question that organizational and administrative challenges exist at CIAA, as I'd previously observed and distinctly discovered upon being appointed as Acting CEO in December 2012. Since that time, I have implemented changes and issued directives to the Management Team so as to continue to effect appropriate changes, and this is an ongoing process. As indicated by the “Acting CEO's Matters for Priority Implementation” list which I commenced in February of this year and which has grown from the original content as I uncover, evaluate and address matters (a copy provided to you previously). I have diligently taken on the task expected of my role in addressing these matters. The challenges of that task are evident in the context of various factors impacting the Authority, but these matters must be addressed and I am up to the task with the collective support and assistance of the Board, CIAA Management Team and staff.

“It is therefore with great appreciation that the enthusiasm of the new Board, under your Chair, to assist in addressing these matters as a priority has been demonstrated and is in effect. However, I would like to question the protocol of some of the activities which I have observed where consultations and actions specific to CIAA administrative matters have been taken by Board members without my knowledge or inclusion, or in some cases, I've been notified after the fact or have been later informed by managers involved. This approach has put me in the tenuous position of not being fully involved in matters for which I am accountable. I am sure you will fully appreciate the associated concern.

“In light of the recent focus on governance expectations, I trust that the Board would be cognizant of where such actions would be clearly defined by our respective remit and would be addressed accordingly. I would expect that any requirements or arrangements relating to administrative matters on which the Board requires information or action would be directed to my attention, for me to address in the manner appropriate so as to deliver the Board's expectations, to all reasonable degree. In addition to my normal day-

to-day functions, I stand ready to fulfill the directives of the Board.

And he went on to say that he presented it for his attention.

But, Madam Speaker, again, don't tell me there is no proof that somebody was messing around in the administrative affairs. Don't tell me. It says here . . . could the Serjeant make a copy for the Presiding Officer?

Madam Speaker, I hear them saying that we should not discuss that letter because it is a matter of client privilege. Well, the privilege extends to them, and they came here and gave out the letter.

They cannot claim privilege of a document they produced and one that its content has been discussed by people—even some of it behind closed doors. There is nothing, of course, that can be claimed to be before the courts so there is nothing *sub judice* about it.

And so, Madam Speaker, I believe by the Hansard and by me sitting here . . . I didn't need the Hansard, I recall distinctly what was said. And so I think there's all room for the Privilege Committee of this honourable House to deal with these issues and to find out what happened to the Chief Executive Officer who was acting, why they were brought back, why was the position taken to bring back the IT manager, and why there was an order to stop the investigation about it.

Madam Speaker, the matter is obviously one that the Privilege Committee can and should examine the evidence as it exists, or as they claim it might not be. It will call for witnesses to substantiate the evidence or dispute it, as the case may be. But I firmly believe that we ought not to be frightened off by outside interference by anyone with excuses by them stopping us in exercising our sworn duty that we are privileged to have and must perform.

That duty is to face squarely any injustice, maladministration of undue interference of government, or the responsibilities of any of its entities. I certainly am not willing so to do. Once all of the evidence has been given to the Privilege Committee, let any decision flowing therefrom be carried out. I would only be one of those members. But certainly, no one is going to sit here and tell me today and bring any kind of scenario to say that we were not told differently from what I have been reading.

Thank you, Madam Speaker.

The Speaker: We'll now take the luncheon break and will reconvene at 1.30 pm.

Proceedings suspended at 12:34 pm

Proceedings resumed at 2:05 pm

The Speaker: Please be seated. Proceedings are resumed.

Does any other Member wish to speak on the motion currently before the House?

I recognise the Honourable Premier.

MOTION MOVED UNDER STANDING ORDER 24 (9)(e)

CIAA BOARD INVESTIGATION MATTER

[Continuation of debate thereon]

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

I listened with growing alarm to the speech by the Honourable Leader of the Opposition with respect to this Motion he has moved under Standing Order 24 9(e), and, which he says, has been brought because he believes that the privileges of this honourable House have in some way been breached.

Madam Speaker, he read the Motion at length. The motion makes a number of allegations and states a number of things as fact, including that matters arising out of the discussion in Finance Committee with respect to the evidence given by some of the staff and chairman of the Cayman Islands Airport Authority (CIAA) to the Finance Committee on the 19th and 20th of this month have affected the privilege of this Legislative Assembly.

But I note that despite my urging yesterday, there is no particularity with respect to what the supposed breach is, or what privilege of this Legislative Assembly has in some way been offended by the evidence that was given. I can only conclude that the omission of any detail or particularity in this respect is quite deliberate. And, as a result of that, I can only conclude, Madam Speaker, the deliberate omission is because the Honourable Leader of the Opposition well knows that there is no factual basis for the Motion which he has brought.

The Motion recites a number of matters. And I want to take a little time to go through these and to ask all Members of this honourable House on what basis do any of these constitute a breach of the privilege of this House.

Madam Speaker, the first "Whereas": **"WHEREAS the Finance Committee of the Honourable Legislative Assembly heard evidence from the Staff of the Cayman Islands Airport Authority ("CIAA"), 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;"**

AND WHEREAS Members of Finance Committee were repeatedly told on the 19th and 20th of June 2014 a letter of 4th December 2013 did not exist;"

Madam Speaker, I have read the [unedited] Hansard of 19 June when this issue was raised two or three times, and I cannot find anywhere in it in which members of Finance Committee were repeatedly told on the 19th and 20th of June that a letter of 4th December 2013 did not exist. What I do find is considerable confusion over the course of evidence that was given by Mr. Andrew McLaughlin and by the Chairman of the Board, Mr. Kirkland Nixon, about which letter was being referred to, who it had been addressed to, and what the subject matter of the letter was.

Madam Speaker, if I may refer you and Members of this House to page 12 of the unedited Hansard of [Finance Committee] of 19 June 2014, which was previously circulated to Members when this discussion began. Halfway down the page the Leader of the Opposition questioned Mr. [Andrew] McLaughlin about a letter.

The Speaker: Please proceed.

The Premier, Hon. Alden McLaughlin: Madam Speaker, the third paragraph, which begins:

“Mr. McLaughlin, there was a letter written by the, I guess the Authority’s legal team (that is Ritch and Connolly). There was a letter which you would have known about, [relevant to] the suspended employee matter and board. What was termed in that letter as board interference, which says to them section 17(1) and 17(2) of the Anti-corruption Law, talked about it. It also specifically mentioned the name of the Board and yourself in relation to your appointment as acting CEO. That letter was addressed to Mr. Nixon, Board Chairman, and to the then Acting, Mr. McCoy. I would like to get a copy of that letter. I would like this Committee to get a copy of the correspondence provided, the letter written by Ritch and Connolly team, Arthur Edwin Gomez, the man that wrote the [letter], the lawyer. And that, I think, can clear some of the doubts and give clarity to some of these things.

“You recall the letter, right?”

Mr. Andrew McLaughlin responded: **“I’m not familiar with that letter. The actual date is on my appointment letter but I’m almost positive it was 1 December. And at that point I called Ritch and Connolly at one of my”** (and the next remark was inaudible to the typist) **“to make sure they understood that they would only deal with the CEO of the CIAA at that time which was myself.”**

And then the Honourable Leader of the Opposition said: **“There was an early letter, Mr. McLaughlin, and there was an FOI that requested that letter, and there was a letter back to you and correspondence saying . . .**

“This is what the letter says from you.”

Mr. Andrew McLaughlin said, **“Letter from me?”**

The Honourable Leader of the Opposition said, **“Yes, to Mr. Matthew Dors. Do you know who that is?”**

Mr. Andrew McLaughlin said, **“Yes, Mr. Matthew Dors, the representative at Ritch and Connolly, I was working with.”**

The Honourable Leader of the Opposition said, **“And you wrote to him about the request?”**

Mr. Andrew McLaughlin said, **“Email or a letter sir?”**

The Honourable Leader of the Opposition said, **“In email. The same writing. Whatever, it was typed.”**

Mr. Andrew McLaughlin said, **“Okay.”**

Then the Honourable Leader of the Opposition said (reading the email), **“Please find below a very detailed and strange request for information from anonymous source and advise.”**

Mr. Andrew McLaughlin said, **“Now that was about—”**

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Mr. Andrew McLaughlin says . . . I’m reading from the Hansard [Unedited Finance Committee] Ma’am, I can’t—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: But I can’t speculate that.

Hon. Osbourne V. Bodden: It’s a mistake.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, there is some mistake, I think if he refers—

The Speaker: Leader of the Opposition?

[Addressing the Hon. Premier] Are you giving way?

Hon. W. McKeeva Bush, Leader of the Opposition: I am trying to clarify something here because what is attributed in this unedited . . . remember this is unedited Hansard that the Premier is reading. What was attributed to Mr. Andrew McLaughlin is actually my discussion with him.

The Speaker: All . . .

The Premier, Hon. Alden McLaughlin: I can’t say, Ma’am.

The Speaker: The first instance . . . sorry, sir. I was trying to listen to both of you at the same time.

Hon. W. McKeeva Bush, Leader of the Opposition: On page 12—

The Speaker: Yes, I am on page 12. Exactly where?

Hon. W. McKeeva Bush, Leader of the Opposition: Where . . . yes, right up to the . . . on the right hand of the page the last set of paragraphs on the bottom, where it begins **“Mr. Andrew McLaughlin said, ‘Okay.’”** (The Premier just read that.) Then it went on to quote me, the Leader of the Opposition reading the email reading the email, **“Please find below a very detailed and strange request for information from anonymous source and advise.”**

And they have “Mr. Andrew McLaughlin” in there, but that is a typographical error.

“Now that was about that letter. And the lawyer wrote back to you: . . .” Obviously I was talking to Mr. Andrew McLaughlin.

The Speaker: That is the correct position. I read it. But I do have a recollection as well. And it is unedited, so, Madam Clerk, through this recording please ensure that it is corrected as sometimes Members take a delay in making edits back to the Clerk and this is going to be an important record. So, for the purposes of this proceeding, where Mr. Andrew McLaughlin is, that should actually be a continuation of the “Hon. W. McKeeva Bush, Leader of the Opposition:”.

Thank you, Members.

Honourable Premier, thank you for your indulgence.

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

So, the Honourable Leader of the Opposition has owned that what I am about to read are actually his words.

“Now that was about that letter. And the lawyer wrote back to you, ‘Dear Andrew.’ You wrote on the 25th and he wrote to you on the 26th.”

“The request is extremely detailed and its focus is clear. It is apparent that the author of the request possesses detailed knowledge of issues relating to the employment of the IT Manager and the documents that exist. The letter of the 4th December 2013 was only sent in hard copy to the then Acting, if that is what he was, and to the Chairman.”

“I have attached for your convenience the document containing the most relevant provisions of the Freedom of Information Law and the Freedom of Information Regulations.”

“I have reviewed (because obviously the information officer was involved) Karen’s comments and I would recommend a slightly different approach. I do not agree that seeking to narrow the scope, which she recommended, of the request as an alternative to refusing the request on the basis of section 9 (that’s what she said) of the FOI.”

“On reasonable diversion of resources—that’s what the information officer said—I think that is what she advised you.”

“Regulation 10 of the FOI regs is clear that a public authority must invite consultation with a view to narrow a request before making a decision to refuse a request pursuant to section 9(c) of the Law.”

“Mr. McLaughlin, this letter and these . . . when I call letters, these emails, are definitive positive proof that a letter exists and that you have knowledge of that letter and that that letter was written to the Chairman and to the then Acting Director.”

That was the Leader of the Opposition.

Mr. Andrew McLaughlin replied, **“Mr. Chairman, through you. I would have to ask for whatever proof you are holding there that says that I saw this letter because I’m not familiar with the letter you’re talking about.”**

The Honourable Leader of the Opposition said, **“Well, why—”** (and he was interrupted by Mr. Andrew McLaughlin, who said) **“But I am familiar with the email that I sent to Mr. Dors and it was in relation to a Freedom of Information request. But I didn’t say in that freedom of information request that specific letter. I was asking for advice on a large amount of information that was asked for, or requested of my freedom of information”** (and then there is an inaudible word or words there) **“at the time. There was an enormous amount of things going on and we are running an airport running at 200 per cent capacity at the time, while we are trying to comply with Freedom of Information—”**

The Honourable Leader of the Opposition said, **“We know all of that, Mr. McLaughlin. I hear you.”**

Mr. McLaughlin said, **“A lot of these—”** (and he is interrupted by the Honourable Leader of the Opposition who says) **“But there’s evidence that you all had knowledge of things that you are saying that you do not have knowledge of. And I certainly don’t appreciate that because it says that you all had knowledge of the letter. The FOI says that! The one that you had, the one that your information officer had, the one that your lawyers advised you all on how to proceed with it.”**

Mr. Andrew McLaughlin replied, **“Yes I’m sure it is someone in the CIAA.”** (Meaning the Cayman Islands Airport Authority.) **“Two people received it but I can’t . . . I hope you’re not saying that I personally had the letter in my possession.”**

The Honourable Leader of the Opposition said, **“I’m not saying that you personally had; I’m saying you have knowledge of it and that letter exists, and now I want a copy of it. And I think this Committee . . . because it will clarify a lot of things.”**

Mr. Andrew McLaughlin said, **“If the letter exists, sir, to the Chairman it will be provided. But we are—”**

And the Honourable Leader of the Opposition says, **“I’m not going on an ‘if’. If you say it does not exist, you need to say that bearing in mind what our Standing Orders say. You need to say this letter does not exist. You need to say that.”**

Mr. Andrew McLaughlin replied, **“No, I can’t say that. I cannot say the letter does not exist.”**

“No, I can’t say that. I cannot say the letter does not exist.”

But, Madam Speaker, if I may interrupt the reading of the Hansard, the Honourable Leader of the Opposition has alleged and has stated as a fact in his Motion: **“AND WHEREAS Members of Finance Committee were repeatedly told on the 19th and 20th of June 2014 a letter of 4th December 2013 did not exist . . .”**

That is the main basis of his Motion and, on which he claims the privileges of this honourable House have in some way been breached. He has said, not in his remarks in respect to this Motion but otherwise in this House in relation to this matter, that the Finance Committee of this House had been lied to.

Madam Speaker, to resume the narrative: the Honourable Leader of the Opposition said, **“I’m not saying the letter was written to you.”**

Mr. Andrew McLaughlin replied, **“Right.”**

The Honourable McKeeva Bush, Leader of the Opposition said, **“I said who the letter was written to. I would like to get a copy of that letter, Mr. Chairman, because it would clarify a lot of things.”**

Mr. Andrew McLaughlin replied, **“Agreed.”**

The Chairman said, **“Mr. McLaughlin, are you able to obtain a copy of the letter? What’s the date of the letter, Mr. Bush?”**

The Honourable Leader of the Opposition said, **“Early January.”**

Mr. Andrew McLaughlin said, **“But the letter was written in early January?”**

The Honourable Leader of the Opposition said, **“The letter from . . .”** (and he paused) **“how many letters you have from your lawyers in regards to this thing?”**

Mr. Andrew McLaughlin said, **“Many went—”**

And he was interrupted by the Honourable Leader of the Opposition saying, **“Well, the one that was written to the acting director at the time, who was on leave, or was put on leave and then let go, whatever was done, and the one that was to the chairman in regard to the matter, Mr. Chairman . . . the one that talks about section 17(1) and (2) of the Anticorruption Law, the one that warned you all of it.”**

Mr. Andrew McLaughlin said, **“Mr. Chairman, I am not in possession of the letter.”**

The Honourable Leader of the Opposition said, **“Mr. Chairman, the Board has to be . . . therefore, the Board should be able to get it from you as the Authority’s lead man at this point . . . needs to be able to get that letter.”**

Mr. Andrew McLaughlin said, **“Right. Sir, the CEO of the airport is away, off island and his office is locked and—”**

The Leader of the Opposition replies cynically, **“Yeah, right.”**

Mr. Andrew McLaughlin says, **“Anything that would have been in relation to this, the Freedom of Information Manager or the CEO would have possession of those documents. I do not have control of those documents at this time.”**

The Chairman said, **“Mr. McLaughlin, we spent a lot of time on this particular matter. I don’t like it any more than anyone else does. But at the end of the day the Member does have a right to request the letter.”**

Mr. Andrew McLaughlin said, **“Yes sir.”**

The Chairman said, **“I realise that the CEO is on vacation—”**

The Honourable Leader of the Opposition said, **“Yeah, but somebody can get that letter.”**

The Chairman said, **“—but perhaps it is possible that someone does have a key to his office and someone does know the filing system.”**

“Mr. Nixon?” (Meaning Mr. Kirkland Nixon, Chairman of the Board.)

Mr. Kirkland Nixon said, **“Mr. Chairman, if it is the same letter that I am thinking about, I have a letter that I received from our lawyer advising us that statements were made about myself and the deputy by the Acting CEO, and he wanted us to be aware that the statement was made. It is a privileged letter and he asked us to respond to it. But as far as I know this letter is privileged between correspondence with our lawyers and ourselves advising us that this was said.”**

Now, Madam Speaker, I ask you and I ask the Honourable Leader of the Opposition where in any of that has the House been repeatedly told that a letter of 4 December 2013 did not exist?

All who have been questioned, the Acting CEO, and the Board Chair have acknowledged the existence . . . well, in the case of Mr. McLaughlin, he could not acknowledge the existence, he had not seen it. He said he could not say it did not exist. And Mr. Nixon said, *If it is the same letter I am thinking about, I have received it, it is privileged correspondence.*

On what basis does the Honourable Leader of the Opposition hang this allegation that Finance Committee was repeatedly lied to and told that a letter of 4 December did not exist?

Madam Speaker, for the sake of completeness—although what follows takes this neither further ahead or clarifies anything, we then get into the long discussion, debate, and controversy relating to the

release or not of this privileged piece of correspondence. But I will just wrap up this bit for the sake of completeness.

The Chairman asked, **“Is the matter being litigated?”**

Mr. Kirkland Nixon said, **“If the matter is being . . .”** (he’s questioning)

[The Chairman asked], **“Is it in the courts or . . . ?”**

Mr. Kirkland Nixon says, **“No, no. No, no.”**

And then Mr. Bernie A. Bush said, **“Mr. Chairman, the lawyer maybe can’t release it, but he can.”** (“He” meaning the Board Chair, I presume.)

And then the Honourable Leader of the Opposition said, **“And I think, Mr. Chairman, that that letter will clear up a lot of these things that we have been saying. And I have to agree with Members that when something is not *sub judice*, that is the only time that this committee cannot be ruled out and say, *You can’t have this. That is pertaining to all of this that we have been discussing since four o’clock, or before.*”**

Madam Speaker, I could take the time of this honourable House and read the balance of this Hansard [Unedited Finance Committee], which is another three and a half pages. But I don’t think that that is going to take this any further. We all know what transpired thereafter. The Finance Committee adjourned, or suspended, went in camera to discuss this matter. I was not present so I can’t comment on what transpired in there, and I am not simply going to try to repeat what has been told to me. But at the point where I re-entered the scene, the letter over which legal professional privilege had been asserted by the Chairman, had been disclosed to Members of Finance Committee on terms that it was kept confidential to them.

I subsequently had a discussion with the Chairman of the Board and with Mr. David Ritch, his legal advisor. Mr. Ritch made very plain to me the position of his firm as advisors to the Cayman Islands Airports Authority; that the letter had been disclosed on terms in breach of the legal professional privilege, and that the Chairman had no authority to disclose it.

But the Chairman’s position was that he had been intimidated by members of the [Finance] Committee on charges that he would be in contempt of Parliament and there were consequences which would follow if he did not turn the letter over. And that he had made it clear to the Chairman of Finance Committee that Mr. Nixon, as Chairman, could only, properly disclose the terms of that letter if he had the authority, the resolution of the Board; that the legal professional privilege belonged not to the Chairman, but to the Board, and the Board had not waived that privilege.

So, Madam Speaker, the letter which has been circulated to Members recently from Ritch and Connolly dated 20th June, on the same evening, is a

letter by which the firm, on behalf of the Cayman Islands Airports Authority, reasserts the privilege with respect to the previous letter of 4 December on the basis that that is privileged correspondence between lawyer and client and that the disclosure in the circumstances which occurred in camera of the proceedings of Finance Committee was unlawful.

Whether that is right or wrong is not something on which I am going to comment, although I have my own views and although I am legally qualified. That is not the argument I am seeking to make, not trying to argue one way or the other with respect to that. I am trying to put on record what actually has transpired with respect to this matter. And I am asking the Leader of the Opposition, Madam Speaker, to explain to this Finance Committee how it is that he can say in his motion and assert as a fact that Finance Committee was repeatedly told that a letter of 4 December 2013 did not exist. And that, he says, is one of the principal basis for his motion asserting that the privileges of this honourable House, or of a committee of this House, Finance Committee, have in some way been breached.

Now, Madam Speaker, having dealt with that, the motion goes on in the third clause, **“AND WHEREAS the Chairman of the CIAA finally produced the letter to Members of the Finance Committee which contained . . .”** I dealt with that. I don’t think I need to go into that.

The next one: **“AND WHEREAS Members of the Finance Committee were told that there was no board involvement with staff matters;**

“AND WHEREAS documents show directives by the board relating to hiring, employee dismissals and confirmation of acting roles;

“AND WHEREAS documentation show the Deputy Chair giving instructions to the Board Secretary to amend the existing organizational chart and add a Chief Financial Officer above the Financial Controller and add a dotted reporting line from the SMS Manager directly to the board;

“AND WHEREAS the Audit Office was informed about the mal administration and interference by the Board of the operational matters with no audits being carried out as yet;

“AND WHEREAS the Chairman of the Board was given signing authority on bank accounts under the A classification of the CIAA;

“AND WHEREAS the Airport Law (2005 Revision) Section 5(4) dictates that the Authority shall perform its functions through the Chief Executive Officer;

“AND WHEREAS matters arising out of the discussion in Finance Committee effects [*sic*] the Privilege of this Legislative Assembly;”

Madam Speaker, I have struggled with this, but for the life of me, I cannot see what the six “Whereas” clauses that I just read have to do with the price of eggs. What is the relevance of any of that to a

motion which alleges that there has been a breach of the privileges of this House? What is it that the Honourable Leader of the Opposition is alleging has been said or done, that in some way, affects the privileges of this House?

Madam Speaker, I have been elected . . . November will be 14 years. I have spoken to other Members on my side who, would have been here upward of 22 years at that point. None of us can ever recall any matter being referred to the Committee on Privileges.

This is a most serious matter. If this House votes in favour of this Motion, the House will have concluded that a *prima facie* case has been made out, that the privileges of the House have in some way been breached. The House will then resolve itself into a Committee on Privileges to investigate this matter. I ask again, what privilege of Finance Committee has in some way been breached or violated by what transpired down here on the 19th and 20th with respect to the examination of witnesses on behalf of the Cayman Islands Airports Authority?

Madam Speaker, it may well be that something was done that ought not to have been done; or something that ought to have been done was not done with respect to the investigation into what is called “the porn matter” and the employee there. It may well be that the employee should or should not have been fired. I don’t know. And I am not trying to make any comment one way or another with respect to that. It may well be that some other investigation ought to occur; somebody else ought to look at this matter to see whether the management acted properly or not. But that, in my view, is not, was not, the proper function of Finance Committee and would not be a proper function of a Committee on Privileges in respect to this matter.

For a Committee of Privileges to be invoked, in the first place, there must be some breach, or apparent breach, of the privilege of the House. As I said, although the Member has carefully avoided using any such language in his motion, I have understood, based on his previous utterances, that the allegation of the Leader of the Opposition is that Finance Committee was lied to.

Now, if that is the case, Madam Speaker, I would expect to see the evidence in the Hansard report of the proceedings in Finance Committee. All of this extraneous evidence (if I may use that term loosely) that the Honourable Leader of the Opposition went through this morning and early afternoon when I stood up to ask about relevance, all that may well be true. I don’t know. I don’t know where he got the documents from. I don’t know if they are real. But that may well be the case. But what bearing does that have on the issue before the House?

How is that relevant to a motion (and I will try to fill in the blanks for him) which is essentially alleging that the Finance Committee of the House has

been lied to by the three witnesses—Kirkland Nixon, Andrew McLaughlin and Shane Bothwell—the three persons who gave evidence on behalf of the Cayman Islands Airports Authority? Where is the evidence that any of them have told any lie to the Finance Committee?

Madam Speaker, I regret to say that I have had to form the view that the reason for this Motion was actually given by the Honourable Leader of the Opposition at the start of his presentation this morning when he went into the history of what happened to the previous Board which was appointed under *his* administration, and how the combination of FOI requests and Auditor General investigations and subsequent investigations under the Anticorruption Law occurred.

And I have had to come to the view myself, Madam Speaker (and, of course, I may be mistaken), that this Motion has much more to do with retribution than actually dealing with any breach of the privilege of this House. *If this is what happened to my board, look what I am going to make happen to the new board.*

Madam Speaker, I believe that the Honourable Leader of the Opposition must know how very close we came to the Cayman Islands Airports Authority and the Owen Roberts Airport and the other airports being shut down as a result of what was transpiring up there. When we took office, this thing was at crisis stage!

Madam Speaker, we have appointed to this Board persons whom I believe can only be described, not just as model citizens of this country, but persons who have given a lifetime of service in one respect or another. The Chairman is Kirkland Nixon. The Deputy Chairman is Thom Guyton. We have a relatively young man, Joel Jefferson; Nathaniel Tibbetts, Stran Bodden, the Chief Officer in the Ministry of Tourism; and Bruce Smith, the Deputy Chief Immigration Officer; Vanessa Godfrey-Banks and John Meghoo. That is the Board of the Cayman Islands Airports Authority.

Madam Speaker, you know, it is one thing for those like myself and the others sitting in this House who have volunteered for this role as public officers to take the beatings that we take day in and day out, to be criticised and castigated and accused of all sorts of things and all manner of evil. One could probably even say that the civil servants themselves knew what was in store when they signed up for the job. But, Madam Speaker, it is not only unfair, it is counterproductive for us, because we want to pursue our own selfish ends, to castigate and malign persons who volunteer to take up responsibility, real responsibility, like the persons who are members of our statutory authority boards and government company boards and the various boards that serve the Cayman Islands.

In our system of government the business of government could not function if we did not have these responsible, hardworking persons volunteer

their time, resources and abilities. And if this is what we are going to continue to do, undeservedly, to volunteers—bring them down here, castigate them, treat them like they are some sort of criminal—who is going to volunteer to do these jobs? Do we really believe that we are going to have to get to a point where any witness who is not an employee of government, who comes down here to give evidence, is going to have to come with a lawyer? That is where we are getting to.

And then, not content with having subjected the witnesses to the kind of criticism and insults that were hurled at them, and questioning, we wind up now with a motion which alleges implicitly, if not explicitly, that they have lied to Finance Committee and the House should resolve itself into a Committee on Privileges so that we can examine them, finish castigating them, assassinate their character, and send them off until we bring in the next set of board members.

Madam Speaker, the Honourable Leader of the Opposition has been here 30-plus years. He ought to know that the consequence of what he is doing is this. But, Madam Speaker, he rambled on for quite some time with irrelevancies this morning when he presented the Motion. I call on him, in his winding up, to present the evidence to this House that Finance Committee was lied to by any member of the [Cayman Islands] Airports Authority, to use, as I did, the unedited Hansard of this House—not his faulty recollection, not put it into his own words, not use vague and far-reaching statements and remarks, but be particular about what are the lies that have been told—[to determine] what privilege of this House has been breached that we are being called on as the Parliament of the Cayman Islands to constitute ourselves into a Committee on Privileges to try Kirkland Nixon, to try Shane Bothwell, and to try Andrew McLaughlin for having lied to Finance Committee.

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

If not, I will call on the mover if he wishes to exercise his right of reply.

Hon. W. McKeever Bush, Leader of the Opposition: Well, Madam Speaker, the Premier, obviously, was exercising, or trying to exercise, the absence of his skill as a lawyer.

You see, Madam Speaker, not even in the dumbest of courts could he get away with what he just did there. Not even in a kangaroo court could that Member get away with what he attempted, to come here to castigate me, as is his usual ploy, and to castigate anything that had anything to do with the former Government and believe that he could take a piece of this Hansard, pay no attention to all the evidence that I produced that says that what they told us in Finance

Committee was not true, pay no attention to that, and then read one little piece of a whole two-days' work to let us try and believe and to convince his members out there that we were here only to denigrate, to castigate and to put down people like Kirkland Nixon.

Who does he think he is talking to?

Madam Speaker, Members can do what they want with this Motion. I struggled with what I heard, with what I knew, and over the weekend I thought it necessary to bring this Motion here because there was so much evidence about what we were told in Finance Committee that I had to get to a point where that evidence—not in this debate, because it can't be done here, not in the Finance Committee because it couldn't be done there . . . but where we sit down, we examine evidence, paper, documents, and we call witnesses and ask them and they talk to us. That is what the Privileges Committee is all about. It is not a committee where you are coming down here to crucify people.

Yes, Madam Speaker, I have been here 30 years. And I have tried in those 30 years not to point to the outside world that is not in here, opposite of what the Premier has always been doing when he chooses to do so. When he wants to destroy anybody, when he wants to open up anybody's life, that's what he does—as he did some time ago with students. But when it comes to people that he is surrounded by, then it is wrong. And, mind you, no one is speaking disrespectfully of them other than they chose to accept an appointment to a government board, a government entity, which we are responsible for. That does not hang out there all by itself when it has a law that it operates under.

This central government, this Legislative Assembly has a responsibility. Why do people blame us? Why do we go and get involved in these things if we don't have some responsibility, only for somebody to come here, Madam Speaker, to tell us what they want to tell us? Uh-uh! I have been here 30 years, like he said. And my job is to question. And, as he did all the years he's been here on this side, what was he doing? He wasn't questioning, I guess.

You see, again, it is all good when you are killing somebody, as he just tried to do with the last board, to say it was in crisis. Why does he not say, Madam Speaker, that the crisis . . . yes, I agree. But it existed from before we took over. And that board was attempting to clean it up. But perhaps people like him, Madam Speaker, got involved on the sideline with their hushpuppies walking around seeing what mischief they can create to stop that board from getting anything done.

So, yes, maybe. But, Madam Speaker, this thing about castigating the Chairman . . . can anyone tell me . . . and they can vote for this however they chose. Can anyone say . . . the Chairman is a former civil servant of well over 35 years, I believe, head of an important department, who had been to Finance

Committee year in and year out to defend his budgets over those many years. And he well knows the procedure in Finance Committee. Don't say he does not. He has been here for well . . . 35 years. Head of a department, coming down here . . . I have been here . . . and answering questions. He knows what the process is. He knows what the procedure is. So he wasn't blind, dumb and deaf.

And can anyone believe that anybody here could intimidate Kirkland Nixon? Nah! You are talking foolishness Bobo.

You think that because you are the Premier . . . He thinks that, Madam Speaker. And because he has some law degree . . . If he was defending somebody that was going to get hung, they would have gotten hung! Because the evidence is plain on all! Every one of those over there, Madam Speaker, I don't know how they are going to vote. But, Madam Speaker, everyone over there sat in this Committee and they heard the questioning and they heard the answers. Why did he choose to only talk about the letter? This letter now that we are supposed to be frightened about?

Look, Madam Speaker, I said earlier that we asked, we demanded that if that letter existed we wanted to see it. The Chairman could have said, *The letter exists, but I cannot show it to you.* That's what he could have said. And so if any privilege existed he would have protected it. But he chose not to; he chose to bring it—because they thought I had one! They thought I had a letter. So, he was doing right. He was trying not to lie, in that sense. So, he brought it down. And the letter revealed much that we suspected and now, Madam Speaker, the only people that can really clear the error on that are those people who the letter speaks to. And the only how we can do that . . . we can't bring them in this Assembly, we didn't bring them in Finance Committee, the only how these matters can be cleared up, Madam Speaker, is to bring those persons to the Privilege Committee.

Madam Speaker, he says there's confusion. Well, then, if there is confusion he tried to do a good job in creating more confusion.

Madam Speaker, I certainly don't need to wonder why the Premier kept asking Members on Friday what they wanted done about the situation. I don't need to wonder now about that. I thought about it a lot, because he has constantly gone to great lengths—as he did just now—to stop anything from happening, while he says that he would like to see something done. You know that story that I keep repeating about the Br'er Rabbit and the tar baby, "Don't throw me in the briar patch." Where did he go? That's what he wanted!

I think the Premier has been quite disingenuous, to state the least, as he has found excuses to try and block my effort to send this matter to the Privileges Committee, the only place that we can call Mr. Kerith McCoy. We can call him and other staff who

have knowledge about what the situation is. And we can ask them all about their suspension, all about how they happened to be retired. But that is what the Premier doesn't want to happen. He doesn't want those things to get out, because the fact is it would be proof positive that there was interference as I read to you.

You don't know? He said he don't know if it's manufactured. Yeah? Look at these. You think they are manufactured? You would like to create that doubt, Mr. Premier, but you are not that smart!

There the honourable Members of this House can really look at the evidence. So, he is misleading, to say the least, because he chose very conveniently, very conveniently, to read, as I said, a piece of our Hansard. Why didn't he read this part, Madam Speaker? Why didn't he read the other part of the 19th of June, where Mr. Nixon took the stand, gave his name, and he went on to say . . . Madam Speaker, that is on one page that I have here, because there are several pieces. But that is probably on one of the first pieces of 19 June, the first page.

Hear what he says . . . before Mr. Nixon sat down he said I want to tell you all something: "**the Board had nothing to do with it.**" Before he sat down, before any questions were even asked, that's what he said.

Come on. Don't tell me you all were sleeping.

Come on. You know what he said.

But this is the part I want to read. He said: "**Kirkland Nixon**" (giving his name) "**And I would like to state for the record that in taking up the chairmanship at the Airport, the Board decided that we would follow the good governance model that is being proposed by Government. Therefore, matters dealing with staff or any operational matter are the management's decision unless the manager brings it before the Board. So, what I've decided to do is to ask the people who dealt with this matter specifically, to tell you exactly what happened as far as they can, and give a full disclosure if necessary on this matter so we can get past it . . .**" (here is the key thing to this) "**. . . because the Board had nothing to do with it.**"

The letter says that Mr. Shane Bothwell said that he had instructions. And when you read what Mr. Nixon says, he says . . . because you have to read all that he says. You can't just read a piece of it. If he had been before a judge they would have disbarred him.

They would have disbarred him, Madam Speaker, for coming and telling half-cocked stories and expect to hold up in court.

Madam Speaker, Mr. Nixon said his "**associates**" instructed him about what to do with the investigation.

Who are these associates? The Government?

The Speaker: Honourable Leader of the Opposition, could you please point me to that last statement you made, sir?

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

Madam Speaker, I have so much evidence here that is what I would like to get into, because I don't think we can do it all here. We can't. That's why I didn't want to do it here. I wanted to deal with it in the committee, not here. But after listening, and figuring that was what he was going to do, there are some spots that need to be pointed out. And, as I said, Madam Speaker, that is only one aspect of what we were told.

Mr. Bothwell himself *[pause]* . . .

Mr. Nixon, on page 9 of the same Hansard, said: **"Mr. Chairman, through you sir, I would like to say again, the Board did not deal with this matter."** **"We do not deliberately get involved with staff matters."** I read emails here, Madam Speaker, earlier that showed that that was what they were doing. The Board was specifically dealing with staff matters.

And again, Madam Speaker, Members must remember . . . I shouldn't have to take the time this afternoon to go through the fact that we were not only dealing with the letter, but we were dealing with several other issues—the porn matter, which was a complete confusion when you read what they said. Read what they said!

First of all, Madam Speaker, let me deal a little bit with it, because I think we need to deal with it where Mr. Shane Bothwell said that another company had put on the porn, although they had an investigative company that they paid, whom, they say, they trusted. They gave that evidence here, Madam Speaker. You might have been here that day. And he said that someone could have put that on there. Only two people.

Further than that, Madam Speaker, the Government itself should want to do something about it because another staff member was being accused and fingers pointed at him. Lucky for him he was off the Island and only two of them had the password. Lucky for him he was off the Island. So, you all want to sit over there and not send it to the committee. You all want to sit out there while somebody else . . . while you all know you he was told that. And you know by now what had happened. So, that man must be besmirched. Why? He's not part of what?

You know, Madam Speaker, too much of that going on.

Here's the questioning, Madam Speaker, on page 5: **"And you felt that it was proven that the porn was visited by one of the two people and the only other person who had it was off on vacation,"** (we had already proven that) **"so he could not be there at that time. As I said, documents say otherwise."**

"Mr. Shane Bothwell: Yes sir. Well, there is another piece of evidence that point towards the actual material in question may have been put on the computer."

One of you over there, at least one of you, knows about the computer very well, knows about that kind of IT. You know that couldn't be done. You know that.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Don't look behind.

There's only one person out there that I'm speaking to, Madam Speaker. He knows what I am saying.

[Inaudible interjection]

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

Madam Speaker, can we as a House sit here listening to the Premier, because he is the Premier, and they are all in the same party, not understanding, not wanting to agree?

Here is the evidence, Madam Speaker!

From Mr. Nixon to Mr. Kerith McCoy: **"On behalf of the Board of Directors of the Cayman Islands Airports Authority (CIAA), please be advised that until further notice and subject to the selection and confirmation of a CEO for CIAA, there will be an immediate implementation of the following directives: There will be a suspension on all hires, confirmation of "acting" roles, pay increases and employee dismissals at the CIAA; unless otherwise approved by the Board."**

And he says—

[Inaudible interjection]

Hon. W. McKeeva Bush: What's wrong with it? Read what the Airport Law says! The Airport Law and the Auditor General say that these are all operational matters and that the Board cannot deal with it.

[Inaudible interjection]

Hon. W. McKeeva Bush: Because they said they weren't doing it. That's where the breach of privilege is in this House!

When I asked them about the staffing matters, they said, *No, we don't deal with staffing matters.* That's not true! *We don't deal with that,* Mr. Nixon said. Humph! And on and on he went about that, Madam Speaker. That's one piece.

Here is another piece. That was a directive to Mr. Kerith McCoy.

Serjeant, print this and lay it on the Table and give it to all of them, Madam Speaker.

The Speaker: I take that as a request for it to be laid on the Table. Request granted.

Hon. W. McKeeva Bush, Leader of the Opposition: Please, please do so, Madam Speaker.

Here is another one from Thom Guyton to the Secretary of the Board.

[Inaudible interjection]

Hon. W. McKeeva Bush: I am going to give you another one.

“I would like to propose an immediate Org chart revision for consideration at the next board meeting.

“Take the existing Org chart and add a CFO position above the FC.” (Add a Chief Financial Officer position above the Financial Controller).

“Also do a dotted reporting line from the SMS manager directly to the BoD.”

Now, that's not interference?

I hope you all are listening. That's not interference?

Who is that man supposed to be reporting to? Not to the management? And that's why Mr. McCoy had to write the other letter that said all these things are happening, and I don't know anything about it. And that is why they let him go, Madam Speaker! That is why they let him go. That is why they don't want this privilege committee because that will show all of you what they did was wrong and how they got rid of him.

Look at all the other things. I read them already, Madam Speaker. I'm not going to take the time because I have other matters that I need to raise. The evidence is . . . no evidence? I might not have a law degree, but I have good common sense. And you know what? The Premier can't fool me. He might get votes against me, but he can't fool McKeeva Bush.

Madam Speaker, I would like to lay both of these on the Table and since that other one was not . . . I don't know whether it was clear that I wanted that laid, give it to them quick so they can have it before they vote.

Look at what that one says, Madam Speaker. That was from the Acting Chief Executive Officer, Mr. Kerith McCoy. What does he say? **“I would like to question the protocol of some of the activities which I have observed where consultations and actions specific to CIAA administrative matters have been taken by Board members without my knowledge or inclusion, or in some cases, I've been notified after the fact or have been later informed by managers involved.”**

What does that tell you? What is that saying?

I would like to lay that on the Table and give it to Members. And, Madam Speaker, the fact that someone is a signatory who is an appointed chairman, but has nothing to do according to the Airport Law, which says the “Authority” shall perform—the “Authority”, meaning the board, shall perform—its functions through the Chief Executive Officer.

You can't get out of this. The Governor told me that! He told me that when I was a Minister; only if you want to build something. And then you have to go through the Governor. *Unna* better change that. You have to go through the Chief Executive Officer only to get anything done. But they didn't want to go through the Chief Executive Officer, they wanted him gone. And so they took that opportunity to do that. And that's why they don't want to be brought here in the privilege committee because we would have to call him and he would clarify, he could point out, he could give the evidence that all of that happened.

What is good for the goose . . . if it was bad for the last board, which the Premier says was bad, then, it ought to be bad for this board which is under him. But that's his problem, you see? He comes from that side of the street that believes they never did anything wrong. He comes from there. For 30 years and more, I'm fighting it.

[Inaudible interjection]

Hon. W. McKeeva Bush: Which side of the street? The one that they should have flogged you a long time on.

[Laughter and inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: I have friends, but sometimes it's so-called friends.

And let's not get into who is a better person. Because I tell you what, could weigh him several times and he would be found wanting.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, this said letter . . . which they have demanded that we don't do anything about . . . they brought it here, Madam Speaker. This legislature is privileged. You can bring that Immunities Law but we didn't bring this down here, Madam Speaker. We didn't.

Madam Speaker, you see, the letter that they complained about, about they were under some duress. I don't know who could have put Kirkland Nixon under any duress. Not anybody in this House. I know Mr. Nixon as well as anyone else. He is not somebody that anybody intimidates easily. But he did know that we asked for whether or not they had the letter. He could have said yes, we have it. But he chose to bring it.

This letter, Madam Speaker, should go on the Table of the House. That's where this letter should go, because we keep talking about . . . and you, the Premier, talked about it. Everybody talks about it. We mustn't have it, but it's out there already. How they get it, I don't know. The radio station had it. But I don't

think this is privileged once it was brought and delivered to us.

If there is a problem . . . and I know the Premier tried to lay it at my feet. He would like to do that. He would like to blame everything on me. This letter was about the disciplinary action. And if they say that this letter was a possible complaint, then shouldn't we want the person that asked the legal team to write the letter to the Chairman of the Board to come and explain? How is the Government . . . according to the Premier, he would want to take some action. Yes, you get outside this door without putting that in committee and you'll never hear any more about it.

The public ought to have this. And this must be laid on the Table, Madam Speaker. That's what I am going to do.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: I would like to hear why I can't lay this on the Table. The Premier is saying, *No you can't lay this*. The public needs to hear about this.

[Inaudible interjections]

The Speaker: Honourable Leader of the Opposition, if it's your intention to lay it on the Table, I'd like to take a five minute suspension to confer with the principal legal advisor, the Honourable Attorney General, and come back in.

I would appreciate it if Members would stay in their seats. It shouldn't take long to get the advice.

Proceedings suspended 3:15 pm

Proceedings resumed 5:13 pm

The Speaker: Please be seated. Proceedings are resumed.

MOTION MOVED UNDER STANDING ORDER 24 (9)(e)

CIAA BOARD INVESTIGATION MATTER

[Continuation of debate thereon]

SPEAKER'S RULING

The Speaker: Before we took the break a matter arose as to the laying of a letter in question which was said to have an element of legal attorney/client privilege.

I have taken advice and my decision is as follows: Our Standing Orders are silent on the matter. We looked at Erskine May, pages 445–447 and found that there was little assistance as it speaks to where

the Government is required to lay documents during the course of a debate.

However, it was noted on page 447 paragraph 2, which states as follows, "**There is [no rule to] prevent Members [not connected with the government] from citing documents in their possession, both public and private, which are not before the House, even though the House will not be able to form a correct judgment from partial extracts.**"

The principle of legal privilege has no formal application in parliamentary privilege. However the House should note that there is an Australian convention that once the House has been notified of legal privilege or public interest immunity that the parliament usually pays due regard to such convention.

The Chair would implore the Member to take note of the Australian Convention and would respectfully ask that due regard would be paid to any possible fallout. But, having said that, I have no jurisdiction to stop any Member from laying on the floor of this House.

I recognise the Honourable Attorney General.

Hon. Samuel W. Bulgin, Attorney General: Thank you, Madam Speaker. Just by way of amplification, if I may.

Two things: One, the convention is I think more universal, but it is found in the document relating to the Australian Parliament, hence the reference to Australia. And just a point of law, really, which is what you currently mentioned about the issue of the application of the privilege. In the factual context of what happened here, it is a different situation in the sense that we do have section 9 of our Legislative Assembly (Immunities, Powers and Privileges) Law. But what transpired here, apparently, as I understand it, is that the document itself was disclosed in the context of a committee here already in the position of the House. The House is already seized of the matter. Although there was some attempt to try and retrieve the document, the fact is that that was obviously unsuccessful.

So, where it is already in the domain of the House, clearly the House cannot be injuncted. So, [he] is at liberty to make whatever use of it [he] would like to, although, as you said, the usual convention is that where there is this sort of privilege and the public interest immunity, those are usually observed. Thank you.

The Speaker: Thank you, Honourable Attorney General, for that further elucidation. It is on that basis through the process of tautological that reasoning [I] came to this conclusion.

It is past the hour of interruption. I will now recognise the Honourable Premier to move the suspension of Standing Order 10(2), if that is the desire of the House.

SUSPENSION OF STANDING ORDER 10(2)

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

I beg to move the suspension of Standing Order 10(2) to enable the House to continue beyond the hour of interruption. I should indicate, though, Madam Speaker, to the House, that given the time we will not get to the Private Members' Motions and at the appropriate opportunity I will move that they be carried over to the next meeting of the House as the House will adjourn this evening.

The Speaker: The question is that Standing Order 10(2) be suspended.

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: There was a Motion on the floor. That Motion can continue now that we have finished with the motion for the interruption.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Madam Speaker. I shall not be too long here on this point.

Madam Speaker, in—

The Speaker: I am just being reminded that there were some other documents you indicated you wanted to lay [on the table]. I need to order that those documents have been laid on the Table and circulated.

Before you continue referring to that document, if it is your intention to lay it on the Table, you would need to do it at this juncture.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I will lay it, but at a point.

[Inaudible interjection]

The Speaker: They are laid. I just had to order it, which, I just did.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, the Motion has nothing to do with any kind of retribution as imputed by the Premier. However, we ought to be concerned, though, that all I have produced leads to breaches of duties as regards the law of the Airports Authority. And that that letter, the letter in question (which I will lay in a minute and read in a minute) shows that when the evidence given to us said that board members were not involved with

staff members, that evidence I tabled earlier shows they were. And that when evidence was given to us regarding board members not involved in administrative matters, evidence shows that they even had signing authority on the Authority's bank account.

When that evidence given to us about the disciplinary matters, which is an administrative responsibility, they were less than forthright. The letter we all had, the Chairman of the Board told the CEO that it would be disproportionate to dismiss Mr. Watler and that he had been approached by his associates who requested that board members intervene in the disciplinary process in order to reinstate Mr. Watler. All of that amounted to serious interference in the administrative responsibilities of the airport, breach of fiduciary duty on the part of the Board, and possible abuse of office in the context of section 17 of the Anticorruption Law.

Yes, there ought to be concerns. There is no retribution. We talked about members of the present Board. The past Board, as I said, Mr. Richard Arch, a former member of this House, upstanding citizen here in George Town and these Islands. You had the former Collector of Customs, Mr. Bruce Smith, who was there as well and is one of the members that he said is there now. There were people from Cayman Brac there; a former fireman who led the Cayman Brac Fire Brigade (I call it) up there, and other members who also had to face criticism and exposure by the press because of what the Auditor General did, and the complaints made by people who wanted to see the Board disgraced.

Madam Speaker, I understand and I know from expressions, you could test the feelings of Members, that they are not going to support this. I know that. They talk about propriety. They talk about good governance. All of them! When it came to light, Madam Speaker, that there was a matter connected to the Housing Board, the Board was changed by the Government. That was the morally correct procedure. That was because we cared about the good governance that the Opposition was saying we lack, and that they demanded of us. So, justice had to take its course.

Now, why doesn't the Premier be the person who wants to be morally correct, who wants to see good governance really prevail? Why? Why not? But no! Then, he must be the one who is the opposite of good governance, and wants a justice hammered until there are only people of their liking that exists. They are not going to send this to any committee. I understand that. But the Board needs to face the consequences of interference. They should be disbanded and a new Board appointed.

Madam Speaker, in closing, the evidence leads to abuse of process, interference by the Board. The only way that Members here should honestly want to get all the facts of this is to go to the Privilege Committee—every one of them on that side, that

wants to vote against this. The only way that they can be fair, the only way that they can be morally correct, is to send this matter to the Privileges Committee.

I am going to lay this letter, Madam Speaker. I heard what everybody said. I heard what the Honourable Attorney General said, and I understand your ruling. Madam Speaker, you are not preventing me.

I thought about this. I am not here to hide for anyone. Too much of these other things have been done to people around here now. A simple process was taken by the Premier for him to upstage the Minister of Finance and he is speaking and closing debates on a very important convention in this House. And I raised it; I paid for it myself . . . got a ruling. And one that included every possible parliament you could think of in the Commonwealth of substance—every one—which said that that process is wrong. But he still did it. And he will try to curtail me laying this where it brings to light exactly what I am saying, Madam Speaker. And so, Madam Speaker, I want the Serjeant to lay this letter on the Table.

What is most funny about this, Madam Speaker, while it was taken back by the Chairman, because he wanted to keep the peace (the Chairman of Finance Committee, that is, he wanted to try to keep the peace) . . . and I think it kind of frightened him a little bit too, but he wanted to keep the peace. And every one of us gave back our letter. Everyone! Yet the press had one and the radio. How come?

I am going to ask the Serjeant to . . . it's out there in the public and I quite understood from the time the Chairman of the Board of the Airports [Authority] brought the letter, although they said it didn't exist—they were lying about it, or telling untruth about it. So what? The letter did not exist; but the letter existed. And he should have said there and then. But once he brought it, that privilege disappeared.

So, Madam Speaker, this is the famous letter: **“Mr. Kirkland Nixon, Chairman of the Board of Directors, Cayman Islands Airports Authority.**

“Dear Mr. Nixon: Re: Cayman Islands Airports Authority (“the Authority”) and Julian Watler—

The Speaker: Mr. Leader of the Opposition, before you read it. You attempted to lay it, so, it is so ordered.

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

The Speaker: Please continue.

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

“As you are aware, the information systems manager, Mr. Julian Watler, has been suspended from work pending the conclusion of an investigation into several matters of concern in

relation to his conduct at the Authority. During the course of the investigation, Mr. Watler invited Mr. Andrew McLaughlin to accompany him to the disciplinary meeting as his witness to the hearing. The investigation has now been concluded and Mr. Kerith McCoy’s conclusion as Acting Chief Executive Officer is that Mr. Watler must be dismissed for gross misconduct. However, Mr. Watler has been informed, on a without prejudice basis, that if he does not tender his resignation on or before the 4th of December, 2013, he will be dismissed summarily.”

And, by the way, Madam Speaker, this letter is dated 4 December 2013. So, the day that he was supposed to go, that was what they were saying.

The letter continues: **“It is our understanding that Mr. McCoy will be on leave for most of December 2013, and consequently, Mr. McLaughlin has been appointed Acting Chief Executive Officer from 2nd December 2013. The purpose of this letter is to establish how the Authority may conclude the disciplinary process in relation to Mr. Watler.**

“In view of the conflict that arises from Mr. McLaughlin’s involvement at the disciplinary hearing, we strongly recommend that Mr. McLaughlin should not have any further involvement in the disciplinary process. In the event that Mr. McLaughlin does communicate the decision that has been taken, Mr. Watler would have a good arguable case that the disciplinary process was unfair. On the other hand, if a decision is made that departs from Mr. McCoy’s decision to dismiss for gross misconduct, the Authority could be criticised for such a change of approach unless it is able to justify its decision.

“Bearing in mind section 14(4) of the Airport Authority Law (2005 Revision) that allows the Board to appoint a senior employee of the Authority to discharge the function of the Chief Executive Officer (in this case, the Acting Chief Executive Officer) in his absence, I should be grateful if you would clarify whether the Board’s decision is that Mr. McCoy is to continue to act as Acting Chief Executive Officer and Mr. McLaughlin’s appointment is to provide cover until Mr. McCoy’s return to office. If that is the case, Mr. McCoy may conclude the disciplinary process on this matter and the issue I have referred to above will simply fall away. If, on the other hand, it is the Board’s intention for Mr. McLaughlin to become the acting CEO, further consideration needs to be given to mitigate the conflict of interests that arises out of Mr. McLaughlin’s involvement in this matter.

“On a separate but related matter, whilst Mr. McCoy was instructing us to offer Mr. Watler the opportunity to resign, he informed us that on the 21st of November, 2013, at a meeting between himself, Mr. Wayne DeCosta, Mr. Thom Guyton

and yourself, Mr. Guyton told Mr. McCoy that any decision to dismiss Mr. Watler would not be supported by the Board and further, that any appeals by Mr. Watler would be upheld on the basis of insufficient evidence and that the dismissal would be disproportionate.

“He further informs us that after that meeting you confirmed to Mr. McCoy that it would be disproportionate to dismiss Mr. Watler and that you had been approached by your “associates” who requested that board members intervene in the disciplinary process in order to reinstate Mr. Watler.

“As attorney for the CIAA, we are duty bound to inform you that if Mr. McCoy’s account set out above is accurate, it could give rise to a number of potentially serious issues including, but not necessarily limited to;

1. Irregularities in the disciplinary process on any subsequent appeal;
2. Breach of fiduciary duties on the part of the affected members of the Board; and
3. A possible allegation of Abuse of Office in the context of section 17 of the Anticorruption Law, 2008.

“We have, of course, not formed any view of the accuracy or otherwise of Mr. McCoy’s account. However, if you would like us to provide any advice on this particular matter, we would need to have written instructions as to the content of any conversation between members of the Board and Mr. McCoy in relation to this issue.

“Yours sincerely, Edwin Gomez, Ritch and Connolly.”

That’s the letter that they tried so hard to keep from going into the public domain when, in fact, it’s out there already. But what does this show us?

Nothing?

Oh, I see the expression says it doesn’t show them anything. Of course, it doesn’t because they have to follow the party rule! The party rule means that the Premier says he is not supporting this. He doesn’t want this to go to the Privileges Committee. They don’t want this extrapolated by the public. They don’t want anybody to be questioned as to the accuracy. They don’t want any of this, even though emails, the Board Minutes that I have produced here and tabled, show otherwise.

So now, let me ask each Member of this honourable House if the porn matter, or some kind of other abuse, had been committed by any poor person in George Town, or Bodden Town, or East End, or North Side, or Cayman Brac, or West Bay, would you vote for a motion against the committee or to appoint a committee where evidence could clear those persons? If it was the other way around, what would you do? What would you do? What if it was one of your own constituents . . . what would you do? Oh, you

would leave it. You would leave it. We don’t need to do that for those people. That would be your attitude.

I can tell every poor Caymanian in these Islands that if this evidence were against them or their child there would be no hesitation to perform some kind of sanction on them to embarrass them, to make them spend money, to take them to court. There would be some kind of sanction against the poor people and others that the Government is not satisfied with. There would be sanctions against them.

So, elected Members of this legislature ought to bear that in mind. Are they?

Madam Speaker, I can’t take this any further, because it’s gone way beyond where I asked that it should go. I said merely move the Motion. I introduced the Motion. Send it to the Privileges Committee where they would speak to the Board and to staff members and call their witnesses. No, they don’t want that. And do you know what? There is going to be nothing done by the Board according to the discourse and the attempt at defence by the Premier this morning. If this was some poor Caymanian I think he would do the same thing, he would sanction them.

The Speaker: The question is: BE IT THEREFORE 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 [Thursday, 19th] June 2014, be referred to the Privilege Committee of the honourable Legislative Assembly as indicated on Friday, 20th June 2014 by the Honourable Attorney General the Legal Advisor of the Legislative Assembly.

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

Ayes and Noes.

The Speaker: I believe the Noes have it.

Hon. W. McKeever Bush, Leader of the Opposition: Oh yes. Can I have a division, Madam Speaker?

The Speaker: Madam Clerk?

The Clerk:

DIVISION NO 17

Ayes: 3

Hon. W. McKeever Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks

Noes: 9

Hon. Alden McLaughlin
Hon. D. Kurt Tibbetts
Hon. Osbourne V. Bodden
Hon. G. Wayne Panton
Hon. Marco S. Archer
Mr. W. C. Connolly, Jr.
Mr. Roy M. McTaggart
Mr. Joseph X. Hew

Mr. Alva H. Suckoo, Jr.

Abstentions: 3

*Hon. Tara A. Rivers
**Hon. Anthony S. Eden
Mr. V. Arden McLean

Absent: 2

Hon. Moses I. Kirkconnell
Mr. D. Ezzard Miller

**Hon. Tara A. Rivers: Madam Speaker, due to official commitments in my capacity as Minister of Education during this time, I was not at Finance Committee on the 19th and 20th of June when this matter was before the Committee. Therefore, I respectfully abstain from the vote at this time.*

***Hon. Anthony S. Eden: Madam Speaker, as I dealt with this Motion in its initial stage as Deputy Speaker, I will abstain.*

The Speaker: The result of the division is: 3 Ayes; 9 Noes; 2 abstentions [sic] and 3 absent [sic].

[Inaudible interjection]

The Speaker: I'm just reading what I see before me.

[pause]

The Speaker: Out of an abundance of caution let me repeat the results of the division: 3 Ayes; 9 Noes; 3 Abstentions; 2 absent.

The Noes have it. Accordingly the Motion has failed.

By majority on division, the motion moved under Standing Order 24(9)(e) CIAA Board Investigation Matter failed.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, as indicated, I rise to present a motion under Standing Order 11(1) and (2).

The Speaker: I recognise the Honourable Leader of the Opposition, under Standing Order 11(1).

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I beg to move Private Member's Motion under Standing Order 11(1) and (2). Do I move to read the Motion?

The Speaker: Yes, please proceed with moving it and then . . . you have a seconder.

MOTION MOVED UNDER STANDING ORDER 11(1) and (2)

CAYMAN BRAC MARINA PROJECT

Hon. W. McKeeva Bush, Leader of the Opposition: WHEREAS the Private Member's Motion moved under Standing Order 11 in Cayman Brac at the last Meeting of the Honourable Legislative Assembly agreed that all such Marina Projects in Cayman Brac be given similar treatment;

AND WHEREAS the Developers of the Dilbert's Marina has now reached crises stage and is desirous more than ever to develop their marina facilitating the Alexandra Hotel;

BE IT THEREFORE RESOLVED THAT this Honourable Legislative Assembly consider agreeing that the Marina Project in Cayman Brac known as the "Dilbert Marina" inclusive of an appropriate channel be given the same agreement and approved to be developed as the two marinas approved by the Cabinet of the Cayman Islands on May 27, 2014, one on the north side of Cayman Brac and one on the south side of Cayman Brac.

The Speaker: Is there a seconder to the Motion?

Mr. Bernie A. Bush: I beg to second the Motion.

The Speaker: I recognise the Honourable Leader of the Opposition. The Motion has been duly moved and is now open for debate.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, this matter of the Dilbert Marina, as commonly called (by me, at least), has gained much attention. Also the plight and closure of the Alexander Hotel has gained public attention. They have both gained much publicity, and rightly so.

The Dilbert's investment in the Alexander Hotel has been a family pride, an investment of hard-earned money by that Caymanian family. The hotel was built between 2005 and 2009. When it was developed it was with the support of the then Government. When I say that [I mean] they lauded the support; I don't think they did anything else by that. The then Government, however, promised to do all they could to assist with the overwhelming stench coming from the pond that is adjacent to the hotel's property.

Madam Speaker, I remember clearly when after the elections I opened the hotel in 2009 as the then Minister responsible for Tourism, also the Leader of the Government at the time. I made a commitment, along with Mr. Moses Kirkconnell, MLA for Cayman Brac at the time (who is now the current Deputy Premier and Minister of Tourism) to the Dilbert family to support any actions to address the matter of the pond. Madam Speaker, I remember that clearly. And perhaps the Speaker will remember, because the Speaker was then the Minister of District Administration and was there at the opening and heard us speak to those matters.

The Deputy Premier (now the Minister of Tourism) still claims that he is in support of that action. We do know that between 2009 and 2012, somewhere between there, there were actions taken to address the matter of the pond. The procedure used did not suffice to stop the stench which continued to cause devastation to the hotel property and its functioning. Since 2009, Madam Speaker, we, as a Government, removed the designation that was on that pond about it being some kind of bird sanctuary where they were claiming migratory birds were coming there.

You go there, Madam Speaker, and I don't know . . . I have visited several times in the year, and I don't see any crowd of birds, no flock of birds there. I didn't see any. I saw a few way up on the other end, way up on the other end, just a few birds swimming around there. But they are all-weather birds. They'd be there anyway.

So, Madam Speaker, we removed that designation and the Dilbert family and others, I believe at the time, made a proposal for a marina to Government. And the Government then, Madam Speaker, gave some kind of half-hearted support. However, it appears that there were those in Government who undermined the effort and did not offer their support. That's what it seems like to me.

Madam Speaker, as a staunch advocate for development to take place in these Islands, and a supporter of the district of Cayman Brac and Little Cayman, I have always pushed and tried to support whatever I could. In the face of money being spent by the Government here for Cayman Brac, I have done whatever I could. And there are some milestones that I have made in the district of Cayman Brac.

I recall when I got elected that no roads were done on the eastern part of the Island. Everything was done down on West End and a few other places. And we had to rectify that. I remember that up until I got elected and I was Minister of Health, there was no hearse, no proper burial facilities. People carried caskets in their trucks. At one point some time ago one casket fell off the truck I heard. (That may have been years ago.) Anyway, Madam Speaker, we put those kinds of things in place.

We finished the hospital, and on, and on, Madam Speaker, the road development, the school field development, even to the development that's going on now up on the bluff—that the present party in power cussed the then Minister, made all kind of scandal about it—they are now finding a different colour sheet to throw over it, but they are giving it some kind of support. But, Madam Speaker, I can look back and say I've done my part in trying to help Cayman Brac to move forward.

Having been elected again, I found that the proposal for the marina was going nowhere. And I was dumbstruck, to say the least, that it wasn't going anywhere. It wasn't doing anything. So with a meeting going to Cayman Brac, Madam Speaker, and nothing

on the agenda for Cayman Brac—*nothing!*—I sought to table a motion in that last meeting of the legislature in Cayman Brac and got the Government to agree to a process to form a committee of Brackers who had knowledge of this type of development and knowledge of the Brac's marine environment.

It said what should be done. It left the way open for the Dilberts and Government to get together, Madam Speaker. But one thing that it did say (the motion I'm talking about) was . . . it resolved that all such projects in Cayman Brac be given similar treatment. That's the important, one of the key things. If they failed on the other parts of the resolution to come to any agreement . . . one thing they could not get out of a Government . . . they could not democratically and honestly, after having made that commitment, get out of that, because they made the commitment. That aspect was not challenged. I know why it wasn't challenged.

However, Madam Speaker, the appointment of that committee was not acted upon with the needed speed, from my perspective. I think we all envisioned that the committee would have taken the matter forward expeditiously. That was the impression I had. In the meantime, however, the Cabinet was working on granting approvals for two other marinas—not one, but two! One on the south side of the West End of Cayman Brac, and the other on the north side of the West End of Cayman Brac. They (the Cabinet) gave that developer outright permission in spite of the various absence of the recommendations always used when that and any type of coastal work is applied for.

Now, Madam Speaker, as we all recall, the motion passed in that meeting on the Brac said that all such marina projects would be given similar treatment. There is no way that I could imagine that the two marinas which we heard knocking around, connected somehow to the Deputy Premier, would be granted first. There is no way that I could ever imagine that. None! But lo and behold, that is what happened.

While that is being done they have gotten their permission. There is still an attempt to besmirch, not [only] the project but even the Dilbert name, if you see some of the things they are saying. There is an attempt to stop the marina from being developed. It is evident that the Department of Environment has thrown away all of their objections to the normal process of granting such coastal works projects [when] there have been objections that they have [made] over the years. And they have cooperated with the developer of the other two marinas on the south of the West End of Cayman Brac, on the north of the West End of Cayman Brac. There had to be some cooperation.

The only thing that can be said about this is that it is full of cronyism, nepotism and bad governance. I think in the absence of following the motion that we passed in Cayman Brac it is a travesty of justice. The fact is that the scope of work of the other two

marinas has a greater impact to the environment than the Dilbert's Marina. The Department of Environment and Cabinet, while not giving support to Dilbert's Marina, have set a dangerous and outright precedent. It cannot be that one developer can get so much and the other pounced upon and called all kinds of names while impacts to the environment are taking place by the other two marinas. Again, what is good for one can't be good the other one.

The north side marina, Madam Speaker . . . and this is what I am talking about where the Department of Environment is biased against the Dilbert's Marina. The north side marina is a mere couple of hundred feet away from three of Cayman Brac's top dive sites—*Capt. Keith Tibbetts*, Kissimmee, and Buccaneer's Reef (I think it is). There is also no breakwater to assist the cemetery. It is not far away from the cemetery. There will be digging of some kind which will affect the cemetery, or could affect the cemetery. Also the North Marina is situated, Madam Speaker, in a marine park! All of these various issues are always the reasons given by the Department of Environment to object strongly to the usual granting of coastal work licences. This time they have looked away, turned a blind eye, and they call it good.

As I said, I have no problem supporting development of marinas, because, as everyone knows, I am pro-development. But a government department that cohorts and supports whomever they favour and then objects to others doing the same thing, or worse, Madam Speaker, I find that type of behaviour by a government entity appalling!

They're not trying to hide it either. They turn up their noses to the Brac developers of the Dilbert Marina. The marina on the south side should be seen as equally damaging as that of Dilbert's Marina, and worse, if they want to say there's going to be an impact. Dilbert Marina sits up there on the rocks, but the one that they are putting in sits on the prime beach and tourism resort properties. There will be removal of turtle grass on the south side. It is situated in a sandy area. And it is an area of the main turtle nesting grounds.

One objection from them is that the Dilbert's Marina could cause flooding. Don't they think that any weather that's coming in at the marina south of the West End of Cayman Brac and the marina on the north side of the West End of Cayman Brac has the same possibility to flood? They do. They do. You would think, Madam Speaker, that two marinas will have more devastating possibilities for flooding, plus the one on the south side is not too far away from the Captain Charles Kirkconnell International Airport. If I am getting the positions right, it's not that far away.

Now, to top it all off, while they are demanding that the Dilbert Marina have an environmental impact study, of which the Dilberts agreed to pay a certain amount at that time, why should the Dilbert's Marina have to have an environmental impact study and the

other two marinas none? Is that fair? I am asking you all on that side again, where is your sense of fairness?

They claim that . . . the Department of Environment in their biasness has said publicly in their documents that they have agreed not to conduct any such study as they already know there will not be any negative findings about these other two marinas and that the Dilberts don't even need to go and do a study, although they are required. They don't even need to go, they say. *Don't go, because we are not going to agree with you anyway.* And you call that fair?

Isn't that what they said?

No?

Well, when you get up you can contradict me. You can do that.

Can anyone believe that any member of Cabinet knows any more about the marine environment than those illustrious sea captains and other senior citizens, business people and so on, that were supposed to have been on the committee appointed for the Brac? Who can say that the Dilbert Marina will have the devastation that the Department of Environment and the Minister responsible for the Environment have tried to make up but not the other two? They are trying to concoct stories about it.

Where do you hear about turtles laying eggs on rocks? Where? I guess if you listen to them, and they could get away with it, they would say they will climb the Brac cliff and get up and lay their eggs up there!

When will the slave and buckra mentality, that some deserve everything and others nothing, be thrown away? When? When? Madam Speaker, there is a gross injustice in the process—gross indecisions, cronyism, and nepotism. I support anything that can bring revenue, work and sustainability to Cayman Brac.

The hotel is being closed down. Twenty people affected. No work. You heard the Minister say they are going to have to bring some of them to social services. Whatever I can, I have given my unstinting support to Cayman Brac. But I am way beyond tired now of the self-serving action of some and their cohorts to take all while other persons, rich or poor, have to be treated differently. I don't believe in treating anyone different in any situation, but in these kinds particularly so. The Dilberts have spent their hard-earned money and have developed a first-class property confirmed by Trip Advisor and others as being a number one property. They developed what we always envisioned for Cayman Brac would be a smaller property with a nice environment, a good ambiance, and the right facility our tourists would want to come and stay.

The Government is knocking families out of work and they are knocking them out of their investment in this instance; and his young sons as well. How can we agree to build two and overlook his? How can we?

The backbench should understand that what is good for one should be good for all in this instance. With this development Government is not losing any money, as the Dilberts are willing to pay for the new construction of the new section of the road, and they are prepared to pay whatever fees levelled at them. As far as I am concerned we should be giving them some kind of concession. That's what we should be examining. Surely, if you look at what the other two marinas are paying, they have been given concessionary terms for their development.

This cannot be right! Are they not local? What about the families out of work? Social services will have to give them, so the Deputy Premier says. So, not only should this House agree on this Motion, but Members here ought to insist that it is acted upon expeditiously so that the hotel can reopen as quickly as possible. How much more money does the Minister think the Island can continue to pour into Cayman Brac? I'm talking about the Minister, the Deputy Premier. How much more? And you are tearing down things that can bring some revenue, whereas there are things, as I said, development that can be done to help Brackers help themselves. They are not asking anybody to give them everything. Be understanding.

The shenanigans of the decisions that were taken in the granting of those two marinas, another possibility is lost.

Madam Speaker, this thing of where we find excuses to help certain people all around, but more predominately in Cayman Brac, I see that happening. [They] help some people, but not others. That has to stop. Same thing I said earlier. Now, you all might disagree with this Motion. I hope we can find a good excuse. I know the last one you gave wasn't a good excuse. But I hope that a good excuse can be found. I can't see where you are going to be able to say that what I am asking is wrong. I wait to hear what the Minister responsible for the Department of Environment is going to say.

Now, I know, according to some of the things he was saying the other day, you are not going to get any support from him. So I'm not asking that. But I hope that other Members here will examine what the Cabinet did and all the things surrounding it.

Now, if you think I don't have the fact on that too, go ahead. Madam Speaker, I have much more that I will close with. I am waiting to hear what the Minister responsible for the Department of the Environment is going to say. But I am more than tired of their excuses. I am more than tired of people doing things that really help them . . . look, Madam Speaker, call a spade a spade. While we were talking about that, the Minister has got a company that had one of the pieces of property under contract. He said he recused himself. That's what the Minister of Environment said. I don't know. But the fact is, the sale is concluded. That person got their marinas and the commitment given by this House—which should not

be in any shape or form overlooked, sidestepped, kicked out—is now, Madam Speaker, just forgotten.

I rest my case until I hear from the Minister.

The Speaker: Does any other Member wish to speak? I recognise the Honourable Minister responsible for the Environment.

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

Madam Speaker, with a sense of déjà vu all over again, as Yogi Berra supposedly said anyway, the Government . . . let me say the Ministry, received an application from Mr. Dilbert in connection with his marina proposal late last year. Some weeks following that, I think in the region of three weeks or so, two other applications were received by a company called MM CB, Ltd. The applications were processed in accordance with the normal coastal works process and policy which has been a part of the Cabinet and Government process, as I understand it, for a very long time now.

The marina proposal made by Mr. Dilbert was reviewed. The two marina proposals, one on the north side of the West End of Cayman Brac, and one on the south side of the West End of Cayman Brac, within Dick Sessinger's Bay were similarly reviewed by the Department of Environment. I would like to just be clear, Madam Speaker. The Department of Environment is the advisor to Cabinet in respect to the coastal works application process. They review these applications. They consider the impacts. They consider the scale, the scope the complexity of the proposal. They review the information that is provided. They ask for additional information if that is thought appropriate. And they complete a coastal works review which is sent to Cabinet. That was the process with all three of these marina proposals (if we can just use that term).

Madam Speaker, the Dilbert Marina application was considered and received approval in principle by Cabinet on 25 March of this year. The coastal works review which . . . by the way, all of these are made available to the public as soon as they are completed and sent to the Ministry. We do not hold them back. We do not require the normal FOI, or Freedom of Information, process. We simply disclose them as a matter of course, unless there are issues.

For example, if there are specific documents, drawings, that are sent in which have some intellectual property value, there are times where we simply get the consent clarified with the agent or the applicant that they don't have any issue with those being disclosed. But certainly, in terms of the coastal works review document, it is available.

Madam Speaker, that approval in principle was made subject to an environmental impact assessment, as Members of this House and everyone knows. The rationale behind that was that the Government wanted to support the Dilbert's application.

The Government heard the voices of the people of Cayman Brac who said they wanted to be able to add a marina project like that to the economic drivers in the Brac. So, the Government felt it was something that we should support. But we had a recommendation from the Department of the Environment that it shouldn't be considered because the scope, the scale of it, and the complexity with . . . because, let me be clear now. The coastal works application is really simply in relation to a channel which is proposed to connect the pond on the interior, the Salt Water Pond, and the ocean. The coastal works application is in respect of the channel and through the reef into the marina environment outside. So, from the shoreline out, that is what the coastal works application deals with.

A 700-plus foot channel, 12 feet deep, 100 feet wide through a marine park on the inside of the reef, which is a replenishment zone, through the fringing protecting reef into a marine park on the outside of the reef is of a scale and scope . . . and that in itself is extremely significant. But when you factor in that it is proposed to also breach the storm ridge and connect into the Salt Water Pond, which is part of the drainage system on the western end of Cayman Brac, the south western side of Cayman Brac from a combined perspective, that is a scale and scope and added layer of complexity that the DoE felt was going to be impossible to mitigate extremely negative impacts on the marine parks, on the reef, the inside, the outside, and of course, there were also the concerns about what happens with the sedimentation that's on the inside of the pond?

Yes, the proposal is to dredge the pond, which is Crown property. And yes, some, or most of that sedimentation on the west end will be removed. But it got there somehow, Madam Speaker. Whatever generated the sedimentation is a process that will continue. It is part of the drainage system on the West End, south west side of the Brac. That will continue to generate sedimentation. So, there are concerns about what happens with sediment being transferred through this channel system out onto the reef.

These all reflected major concerns which led the Department of Environment to conclude that it was not a project that they could recommend in any way that Cabinet should consider. They also recommended, or took the position, that an environmental impact assessment would not add anything more to what they understood, or projected, to be the impacts and, from their perspective couldn't provide any mitigation suggestions.

So, Madam Speaker, that was the recommendation from the Department of Environment. But because the Government felt that we needed to support the Brac, because Mr. Dilbert had come in and made a presentation (which he termed as a rebuttal, because he expressed a strong view that he disagreed with some of the conclusions, or perhaps even

all of the conclusions of the Department of Environment) the Cabinet felt the only responsible . . . in the context of wanting to support this, wanting to take it forward, wanting to support the Brac community and additional economic development there, the only way we could do that was by asking for an environmental impact assessment, asking Mr. Dilbert to go through experts to demonstrate that what he was saying was correct, and perhaps that the views and concerns of the Department of Environment were not going . . . what they were projecting wasn't going to have the same negative impact. So, an environmental impact assessment was requested.

That is the normal process, Madam Speaker. That approval was communicated on 3 April to Mr. Dilbert by letter from the Ministry. Mr. Dilbert was asked to confirm to us within 21 days essentially what his intentions were, because there had been discussions all along with Mr. Dilbert, informal discussions. Mr. Dilbert had indicated that he wasn't going to pay for an environmental impact assessment because he thought the cost was going to be too great. In fact, that was one of the things that the DoE also concluded. They thought it was going to cost too much for the benefit it was going to bring to the issue. They thought they could accurately predict that the damage was going to be too great and that there would be no net benefits.

Madam Speaker, there was no response to the letter of April 3. We then had Legislative Assembly in the Brac, and the Leader of the Opposition brought his surprise motion demanding that this Brac Environmental Oversight Committee be created, and demanding that the House consider supporting this marina.

Madam Speaker, the Cabinet formed this Brac Environmental Oversight Committee. That committee is essentially going to be functioning as an oversight committee in conjunction with the Environmental Assessment Board which normally works with the developer's consultants to work out the terms of engagement for an environmental impact assessment.

Madam Speaker, there was never going to be an opportunity to complete an environmental impact study within eight weeks. But we could certainly get this committee set up and get it established, and that has certainly happened. And here we are today again, Madam Speaker, and the Leader of the Opposition brings the same sort of motion as he did last time.

In the intervening period, Madam Speaker—and this is weeks after the consideration was given by Cabinet to the Dilbert Marina application—the other two applications for MM CB Ltd., the north side and the south side, were considered in accordance with the review and the recommendations from the DoE. And they were given approvals in accordance with the recommendations of the DoE.

They did not have environmental impact assessments recommended because to suggest that the

two, the north side MM CB Marina and the south side MM CB Marina are the same and have the same characteristics as the Dilbert application, is a complete stretch and absolute misrepresentation.

The DoE understands in relation to the north coast marina what is involved there. The footprint—and I hasten to repeat this now—of the impact and the footprint of exactly what the application is that the coastal works application involves is this 144 foot long channel. It has nothing to do with the interior basin which may be excavated onshore. That is dealt with by Planning in Cayman Brac. That is dealt with by the Development and Control Board in Cayman Brac.

So, we are comparing the three coastal works applications. The north coast marina, there is a channel which has a footprint of 144 feet in length, 32 feet in width, and it goes out to a bottom depth of 11 feet. Now, the water going up to the shore is probably somewhere in the region of 4 to 5 feet, so the amount of excavation is not the 144 feet by 11 feet by 32 feet. It is actually, in terms of cubic feet, somewhere around 811 cubic yards.

Now, Madam Speaker, in relation to the Dilbert application for that channel the department, in its initial meeting with the agent for the application, asked for a bathymetric survey and several other bits of data and analysis. I am told that the agent for the applicant at that time indicated that they would not be supplied; they would not be forthcoming. The other two applications certainly had all of that information, very complete applications. And, by the way, Madam Speaker, let me make it very clear, there was absolutely no coaching or cooperation as the Leader of the Opposition has suggested. The applications were submitted and dealt with. In fact, there were probably more discussions between Government and DoE and the Dilberts than the other two.

When we are comparing the north coast marina for MM CB Ltd. as against the Dilbert application, just in terms of volume of excavation, we are looking at hundreds of percent difference in scale and scope. The information that I have is that it is somewhere around 15,000 or 16,000 cubic yards of material. That could actually increase quite significantly. It could go up to 31,000 because what hasn't been provided is the bathymetry which shows the average water depth through which this channel is going to be dug.

Now, we do know, Madam Speaker, that the water depth out from the shoreline to the reef there is fairly limited. It is relatively shallow water. I think Madam Speaker would certainly know that herself. But in terms of the calculation of this volume, a depth of six feet has been assumed because we don't have the bathymetric analysis or survey. So, we can't calculate exactly what it would be. So, we're looking at somewhere around 16,000 to 30,000-plus cubic yards, potentially, of material, compared to 811 cubic yards for the north coast marina.

Another point in respect of the north coast marina is that the DoE fully understands what kind of impact a relatively small channel like that will involve on the seabed and the marine life in that area. It has had lots of experience with that. In addition, it has had lots of experience where a small channel like that has connected into an interior basin which has been excavated. It understands very well what the impact of that will be over time, because it has had the opportunity to see that in practice, in reality.

For example, Madam Speaker, there is an interior marine basin which was excavated in North-west Point just down south from the Turtle Farm. That is a marine basin which was excavated. A boat ramp was built in there. There was a channel going out through the iron shore. All of that is a good example. And that's been there for at least 25 years, Madam Speaker. So, they know exactly what that involves. They have seen over time what that involves. They were comfortable with being able to predict what was going to happen to an environment created with those kinds of circumstances. So, to suggest that the north coast marina is the same as the Dilbert Marina, or even the same as the MM CB south coast marina, is wrong.

Madam Speaker, the south coast marina for MM CB is much larger in scale and in scope than the north coast marina. It is within the reef protected bay. It is two-thirds of the footprint of that proposed bay, that area. Two-thirds of that is within an area that has previously been dredged in the 1980s and 1990s. And the work that was done around there certainly had impacts all around, even the area that wasn't directly dredged within this proposed basin footprint for the south side marina had significant impact during the work that was done in the 1980s and 1990s. So that did not involve a pristine marine environment.

In addition, that project proposed a depth of eight feet. The average water depth in that area is in the region of four to five feet. I think it varies from around three and a half feet, to four feet, out to seven and a half feet. So, the amount of material that may be removed there is anticipated to be somewhere in the region of 10,000 cubic yards of mostly sand material. There are some areas of grass beds that will be impacted, Madam Speaker, but the Department of Environment felt that it could anticipate the kinds of impacts. They could project what was going to happen, they could suggest appropriate methods to mitigate those impacts within a confined lagoon which has a fringing reef, no direct access to the ocean at that point, and they would understand exactly what was likely to happen and they could determine within their own knowledge and experience, with the resources and capability they have as to what the impacts would be, as I said, and what mitigation steps and actions were appropriate.

So, Madam Speaker, you have the north coast marina, which doesn't compare at all, other than

in respect of one thing: it is on the edge of a marine park. But in terms of its impact, well understood, relatively minor, obviously the channel would have a permanent impact there, but the impact and the scale and the scope is going to be relatively minor and predictable. So, they didn't require an environmental impact [study] in respect of that.

I have heard the discussions on the radio, Madam Speaker, where it says, for example, the volume (taking into account the interior basin, plus the channel) is the same as the volume for the Dilbert channel proposal. But that's apples and oranges. You cannot include the interior basin. That's not part of the application. What is part of the application demonstrates that the north coast marina is substantially smaller in scope and scale than the Dilbert proposal.

Now, Madam Speaker, there is a big difference, obviously, between the south side MM CB Ltd. application and the Dilbert application. The volume is likely to be half as much. And it is an area that is reef protected so there is no proposal to go through the reef. It is in an area that has been dredged already. It is part of the current existing navigation channel through the Sound. And, as I said, the DoE feels that it is not dissimilar to other applications that are being dealt with in Cayman, for example, which they understand what the impacts are that they can predict and they can mitigate.

For example, the application requested that dredging be allowed up to the edge of the shoreline, essentially up to the edge of the beach. The recommendation from the Department of Environment was that that dredging not be allowed to go closer than 50 feet to the beach so that the fringing sea grass beds along the beach be retained to minimise any risk of any kind of significant beach erosion happening. That was part of the approval that was given.

Madam Speaker, I think what I have outlined demonstrates that within the first year of this Government being in office, we considered the application from Mr. Dilbert. We supported the application by giving him an approval in principle to move forward; subject to the environmental impact assessment in the circumstances because Cabinet felt that it needed that analysis in order to properly make a responsible decision for the people in this country.

We are the guardians of the natural assets of this country, Madam Speaker. And when we consider applications like this we have to balance the benefits of those applications, the anticipated benefits, against the anticipated negatives. Cabinet, in the circumstances, was not in a position to make a decision in respect of that. It needed an environmental impact assessment to be carried out to demonstrate either that the Department of Environment was correct and that there is no way to mitigate these damages and they are on a scale which is unacceptable, or that the applicant (Mr. Dilbert) was right and they were not going to be as serious as first thought and there would

perhaps be ways to mitigate them. We took that forward, Madam Speaker.

Now, the Leader of the Opposition had something like 1,200 days in office when he was supporting this application, he says. And what did he do for 1,200 days? All he managed to do was delist the pond from being a protected pond under the Animals Law. He did nothing else! And then he comes in . . . there is a proper process being followed by Cabinet. All departments are following the appropriate process trying to do the right thing—trying to support the people in the Brac, trying to support the applicant—and he does nothing but come along with a motion to try to get the House to obviate the proper process, the agreed process, the process that has been followed for years, and try to completely undermine that, undercut it, truncate it, throw it out the window.

Hon. W. McKeeva Bush, Leader of the Opposition: Complete the process, however . . . you have the nerve to say that? Huh? You really have the nerve to say that. Do you say anything you know?

Hon. G. Wayne Panton: Madam Speaker, it amazes me that someone like the Minister from the Brac, the Deputy Premier, who has been such an advocate for the Brac, such an advocate for the application brought by Mr. Dilbert, is now in a situation where he is berated by the Leader of the Opposition and others, and all sorts of castigations and allegations are made.

This is a man that from an unqualified, unmitigated perspective supported something happening for the applicant and for the people in the Brac. And it is incredible that we can be in a position where having gone through all the proper process, Madam Speaker, we have what I consider, personally, an abuse going on by the Leader of the Opposition and the kinds of personal attacks being brought against the Deputy Premier in these circumstances. It is absolutely astonishing.

Madam Speaker, the Leader of the Opposition talks about cronyism and nepotism and all sorts of stuff. But I know he is very familiar with all of that! I would like him to show me exactly where that is in this whole process.

Hon. W. McKeeva Bush, Leader of the Opposition: You wouldn't see it.

Hon. G. Wayne Panton: Well, maybe. But let me tell you, I haven't seen anything.

Hon. W. McKeeva Bush, Leader of the Opposition: I know!

The Speaker: let's keep the comments through the Chair, Members.

Hon. G. Wayne Panton: Thank you, Madam Speaker; my apologies.

Hon. W. McKeeva Bush, Leader of the Opposition: Yeah, if you did, you haven't said anything.

Hon. G. Wayne Panton: Madam Speaker—

The Speaker: Leader of the Opposition, that was meant for both Members.

Hon. W. McKeeva Bush, Leader of the Opposition: I know. But you would know that there has been a lot of repartee going on in this place, Madam Speaker. But I will try to contain myself until I get up.

The Speaker: I know when you try, you try hard, so I would not expect any less at this late hour.

Hon. W. McKeeva Bush, Leader of the Opposition: But he needs to be contradicting—

The Speaker: Leader of the Opposition, you have a right of reply.

Hon. W. McKeeva Bush, Leader of the Opposition: Oh, I am going to do that.

Hon. G. Wayne Panton: Madam Speaker, the Leader of the Opposition spent some time also claiming that the north and south side marina can cause more flooding than the Dilbert Marina.

Hon. W. McKeeva Bush, Leader of the Opposition: Sure it will.

Hon. G. Wayne Panton: Madam Speaker, first of all, the north side marina's proposal is within the bay. There is no cutting of the beach, there is no cutting of the reef, and there is no lowering of the storm ridge in that area. So, I am mystified as to how he suggests that somehow that would contribute to an issue or concern of flooding.

The north coast marina is a marina basin within the shoreline and out through this channel, the channel only, which is part of the coastal works application. Now, there may be overtopping of the iron shore there when there is inclement weather. But that is certainly not going to cause more flooding. The marina basin on the inside cannot cause any more flooding because it doesn't breach the storm ridge. It doesn't breach it at all.

In fact, it might mitigate against flooding from inclement weather and wave action because the waves will be coming in and rolling into the marina basin, at most. There is no breaching of the storm ridge. The road . . . I think everybody has been to the Brac and understands and knows where the road is. And that's where the essential storm ridge is on the

north side. And that is hundreds and hundreds of feet back from where this marina basin is proposed to be located. So, a suggestion that somehow the north and the South Marina are going to cause more flooding, or as much flooding as the concerns reflected in the Dilbert proposal, is ludicrous!

Now, I know the Member has to find something to say, Madam Speaker, but let's try to make it something which is even potentially a concern, not just the most far-fetched, far-out ridiculous speculation.

On the other hand, Madam Speaker, the concern in relation to the Dilbert Marina proposal, the channel, is very legitimate. You have a channel that is going to go out through the reef. It's at least 700 feet, perhaps longer, because we don't have the specific data and information. It's going to be 12 feet deep, 100 feet wide. There will be a breakwater on the edge of the channel starting just inside the reef and going out or perhaps going a bit further in. We're not sure because we don't have the exact specifications or dimensions or structural analysis provided for this breakwater. And that is another very critical thing, Madam Speaker, another very critical bit of information that we do not have.

If this channel is built and the breakwater is put in and the breakwater was to fail, it has lost its purpose. You have pieces of material that were forming part of this breakwater which can travel out over the reef down the shore, because this is all exposed to open ocean energy.

I know the sea captains and the people in the Brac . . . I don't have to tell them about open ocean energy.

Hon. W. McKeeva Bush, Leader of the Opposition: You can't tell them anything. You don't know anything about sea. Where did you go? Never went to any sea.

Hon. G. Wayne Panton: Madam Speaker, the breakwater in and of itself is something that is very critical to ensure that that would have a proper structural analysis. It has to be able to dissipate energy. It has to be able to block energy coming into the mouth of the channel so that the mouth of the channel is navigable.

The applicant, in his application, at one point proposed that this breakwater was going to be built out of material from the dredging of the channel. Now, Madam Speaker, the experience of the Department of Environment, particularly after hurricanes like Ivan, there are aerial photographs which demonstrate that the few loose material breakwaters, rocks capped with concrete that have been built around Grand Cayman, all failed because of the ocean energy. The rocks were scattered, the breakwater was destroyed. That is indicative of the concern in relation to ensuring that the breakwater would be properly structured, be properly engineered.

And, Madam Speaker, that information has not been provided. But all of that is just another part of what would be necessary as part of the environmental impact assessment. And that is why the environmental impact assessment is something that Cabinet felt was needed.

As much as Cabinet wanted to be able to support the Dilbert application it couldn't, in good conscience, go ahead and do what the Leader of the Opposition wants, and that is take a shot in the dark and approve it without understanding what the consequences would be, without understanding what the potential liability would be on the Government of this country if the concerns are real and the kinds of damage come to pass that could occur based on the analysis by the Department of Environment.

Now, Madam Speaker, the channel, we understand, is the only part of the coastal works application. But the channel goes somewhere. And we know that it is part of a proposal to truncate the south side road of [Cayman Brac] to go into the western half of the Salt Water Pond, where the applicant proposes through a separate application through Planning and the Development and Control Board in Cayman Brac to apply for Planning permission. And that, in and of itself, is a process that I understand has begun but has been held up for a variety of reasons which have nothing to do with Government. In fact, . . . well, I'll not go there.

But a part of that issue, Madam Speaker, is once . . . or if, let's say, the Development Control Board were to approve the application that the Dilberts have made, then a separate application has to come to Government to get approval from Government through the Cabinet to go ahead and dredge this pond, because it is Crown property. It belongs to the people of the country. So, we have to exercise a decision in the best interests of the people of the country in that respect as well.

Now, Madam Speaker, I know that there was some confusion it seems. I have seen media references to statements by the Dilberts that Government had given approval to actually do this dredging. Madam Speaker, I can tell you that that hasn't happened. There is, I know, an application to the Development Control Board in respect of that. But that is, at this point, also going nowhere because they, as I understand from the Planning Department, are waiting on Mr. Dilbert to decide that he wants to proceed. In the same way, Madam Speaker, the Government, the Cabinet, my Ministry, is waiting for Mr. Dilbert to tell the Ministry that he is going to proceed with his environmental impact assessment.

Now I have heard public statements by Mr. Dilbert that he will now pay for an environmental impact assessment. Yet, the Leader of the Opposition comes here this afternoon and says that he is only going to pay for a part of it.

Hon. W. McKeeva Bush, Leader of the Opposition: I don't know how much.

Hon. G. Wayne Panton: Madam Speaker, it has been made quite clear to the applicant that in the same way that any other applicant in Cayman would have to pay for an environmental impact assessment for a project which they proposed, this is going to be no different. The government does not have the funds to pay for an environmental impact assessment. And it is not the responsibility of the government, because this is not a government project.

So, Madam Speaker, we have heard nothing further from the Dilberts (officially, Mr. Dilbert) on what he wants to do in relation to an environmental impact assessment. His application to the DCB in Cayman Brac in respect of the dredging of the pond has gone nowhere at this point because they are waiting to hear from him as to what he wants to do. Now, it may be the case that the Leader of the Opposition is advising him not to do anything at this point because he wants to come and bring yet another motion to this House to truncate the normal process—

Hon. W. McKeeva Bush, Leader of the Opposition: Truncate normal process. What process?

Hon. G. Wayne Panton: —and to undermine the established and practiced process through Cabinet for a coastal works application—

Hon. W. McKeeva Bush, Leader of the Opposition: Yeah. He wouldn't—

Hon. G. Wayne Panton: —which exists by virtue of section 23 of the Marine Conservation Law.

Hon. W. McKeeva Bush, Leader of the Opposition: Better make that Russian get one.

Hon. G. Wayne Panton: Madam Speaker, it is very unfortunate that we have a situation where two other applications have been received, and two other applications were considered on their merits and on the characteristics and on the information provided. And the information provided was more than sufficient to reach the conclusions that were reached, that it was possible to support an approach like this to try to support some sustainable development in the Brac to try to get some activity there following, and in accordance with, the wishes of the people of Cayman Brac.

The Department of Environment felt that they were in a position, based on all of that, to advise Cabinet that it could safely proceed to approve these, subject to the conditions, or the recommendations which they made. It is just unfortunate that those applications are sufficiently different from Mr. Dilbert's application, that in those cases an environmental impact assessment is not required, but in Mr. Dilbert's

case it is required. And the Government's position has been very consistent on this.

The Cabinet took a decision to approve the Dilbert's application in principle, subject to an environmental impact assessment being carried out. The Leader of the Opposition, First Elected Member for West Bay, brought a motion weeks after the decision of Cabinet to grant this in principle approval to try, as I said, to truncate that; to try to insist that approval be given without any conditions.

Madam Speaker, as I have said, the view of the Government is that that is completely an irresponsible approach and not one that any government which is practicing the good governance that any objective person can recognise in those circumstances, an appropriate process, practicing procedures that are fair to everybody, applicable to everybody. The only way it's going to be fair to everybody is if you take a consistent approach. But the Leader of the Opposition would have us simply ignore all that, ignore the process, ignore the concerns, just grant the approval, let the chips fall where they may; let's roll the dice, let's take a shot in the dark, let's see what happens to the marine environment in Cayman Brac.

Hon. W. McKeever Bush, Leader of the Opposition: Yeah right.

Hon. G. Wayne Panton: Let's see what happens to the houses at the back of the Salt Water Pond. Ignore the fact, Madam Speaker, that we have five . . . and let me stress now that the other two applications had no objections.

Hon. W. McKeever Bush, Leader of the Opposition: Of course.

Hon. G. Wayne Panton: We have five objections to the Dilbert's application in the Brac. And one of them is the National Trust, Madam Speaker. So, even if we ignore that, that's still four more than objected to the two MM CB north and south side applications put together!

We cannot simply ignore their concerns. They have very legitimate concerns which they have expressed to the Government. They have gone through the normal objecting processes. They have objected to the coastal works application process; they have objected to the Development Control Board process in respect of the application that is yet to fully proceed. They have legitimate concerns and we can't ignore them. We owe them a duty, Madam Speaker, to at least attempt to understand exactly what the impacts would be, and that's what an environmental impact assessment is going to demonstrate. It is going to tell us whether the Department of Environment is correct in their concerns, or whether Mr. Dilbert is more correct in his assessment, whether there is any potential way to mitigate any of those concerns.

Those people are concerned about having a direct access to the ocean with no barrier in between them. There will be a breakwater. All that's going to do is stop some of the wave energy that comes in from the southeast. That's going to do nothing for tidal surges during even moderate hurricanes.

Hon. W. McKeever Bush, Leader of the Opposition: What about the wall inside the marina? They're not putting up a wall there? No?

Hon. G. Wayne Panton: It's not part of any application that I've seen.

Hon. W. McKeever Bush, Leader of the Opposition: No? They're not putting up a wall?

Hon. G. Wayne Panton: Madam Speaker—

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

Hon. G. Wayne Panton: I have heard from the applicant that they are proposing to put some kind of riprap around the edge of the shore. But, Madam Speaker, I don't think they are proposing to put . . . and I don't think the landowners on the other side who have legitimate concerns want to have an eight foot wall in front of their property, or the back of their property (depending on how you look at it).

They have a legitimate expectation to enjoy their property in peace without having to worry about tidal surges from hurricanes that wouldn't ordinarily breach the storm ridge but come in through this significant channel and flood the areas. And it's going to be an issue obviously for the applicant with his hotel as well. But these people have legitimate concerns.

Mr. Dilbert can concern himself with his own property as the applicant. But these are third parties. They have concerns about this, and we cannot simply ignore them. It is irresponsible, Madam Speaker, to simply ignore them.

So, Madam Speaker, I think I have outlined at least the facts. There is no way you can compare these three applications and say they are the same, that they have the same effects, and that any conditions that are relevant to approvals in respect of them should be the same. I think any reasonable person can see that, can understand that.

As I said, Madam Speaker, these documents are all in the public domain. You can go on the CNS website, they have them all attached there. You can see all the coastal works reviews for the three different applications. You can see the differences between these three applications.

Madam Speaker, I think the only travesty we have going on here is the travesty of an attack being made on normal process by the Leader of the Opposition. We have a process which has served us well,

and we have decisions which are being made against objective recommendations and based on science, based on the evidence, based on the calculation of impacts and volumes. And they demonstrate that all three of these applications are substantially different.

And the one that creates the most concern is the Dilbert application, the one that has the environmental impact imposed by Cabinet, and which was imposed again when the Leader of the Opposition tried to bring his resolution to truncate the process in Cayman Brac. It was imposed then as well, but we are not proceeding with an environmental impact, not because of Government.

So, Madam Speaker, I think there is not much more that I can say in respect of this. I think we have demonstrated and will continue to address this if we have to because it seems that, certainly, the Leader of the Opposition is intent on taking forward his approach, his substance-over-process approach which he has become known for, for the last number of years now. But we have to have a process. We have to have a process because it's the only way we can arrive at reasonable decisions, at rational decisions, at fair decisions.

There has to be consistency. There has to be fairness. We have to follow the normal process. And the normal process, Madam Speaker, was followed in this case. The concerns are legitimate and, therefore, the requirement and the conditions which are being imposed on these applications—all of them—are legitimate.

Madam Speaker, we went against the advice of DoE. Cabinet went against the advice of DoE in relation to approving this. That alone demonstrates that what the Leader of the Opposition is saying is nonsense. We—

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, the Member has traversed this ground about a dozen times this evening. How much longer is he going to keep repeating himself over and over if he has nothing else to say?

Hon. G. Wayne Panton: Madam Speaker—

Hon. W. McKeeva Bush, Leader of the Opposition: You have said that several times!

The Speaker: Leader of the Opposition, are you bringing that under the Standing Order on relevance?

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

Hon. G. Wayne Panton: I am wrapping up, Madam Speaker, but it is just for emphasis—because the Leader of the Opposition doesn't seem to understand—

The Speaker: Honourable Minister, please continue.

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

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I draw to your attention that the Member . . . under the Standing Order that deals with repetition, that the Member has traversed this ground several times this evening. This is about five times he has repeated that.

Hon. G. Wayne Panton: Again, Madam Speaker—

The Speaker: Honourable Minister, please continue.

Hon. G. Wayne Panton: I apologise.

As I said, Madam Speaker, I was simply wrapping up at that time. I will simply say that appropriate decisions were made following a proper process an established process, one in accordance with the law. And decisions were made which Cabinet felt were in the best interests of the country, the community of Cayman Brac, and reflected the appropriate levels of concerns that had been expressed to it, and took and reflected the right level of responsibility which Government and Cabinet feels it has as guardians of the natural assets of this country, yet who have to make decisions to support and get the balance right in respect of sustainable development in this country.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Third Elected Member for West Bay.

Mr. Bernie A. Bush: Madam Speaker, when I first met with the Dilbert family when this first came to light, there were a few things that I asked them. And I am happy to say that they answered, and in some way it was corroborated by the Minister that just spoke.

Last week, I think it was, on one of the radio stations, and having spoken to the Dilberts . . . and he just repeated the same thing again. And what the Minister stated was DoE did not meet, make recommendations or coach the other applicant at any time during the process.

Madam Speaker, I have two documents here, Coastal Works Review, one South Marina, one North Marina, that will be put on the Table so the public and Members here can go through them. Going through these documents . . . I will touch on the north one first, on page 3.

The Speaker: Are you wishing to lay them at this stage?

Mr. Bernie A. Bush: Yes Ma'am.

The Speaker: So ordered.

Mr. Bernie A. Bush: Both documents, Ma'am.

On page 3 it says: **"The DoE's review of the associated Planning application in December 2013 recommended amendments to the siting of the basin with a view to increasing the setback of the basin from the high water mark in order to minimize wave overtopping and increase the effectiveness of this as a safe harbour."**

Madam Speaker, these recommendations don't seem to even have been taken on board.

On the other document, The South Marina Coastal Works Review, page 3, it once again says: **"Recommendations will be provided to alter the design of the scheme to address and mitigate, as far as possible, the more significant environmental concerns."**

On page 4, it says, **"We believe that the extent of this impact could be mitigated through a modification to the dredging footprint . . ."**

It also went on to provide an altered version of applicant's submitted proposal with recommended highlighting areas not to be dredged. It is right in that document there. So, when the Minister says . . . and this is one of the few reasons I got up to speak is because he clearly stated it again just now.

Then it also made references that there was an updated version of plans that existed outside the submitted versions. It's in that document on the South Marina. How did they know that updated copies existed before their initial report? Why were their plans updated in the first place? Who recommended to them to change it? The Minister clearly stated that DoE did not meet, make recommendations or coach the other applicant at any time.

When I asked the Dilberts if any such recommendations were given or discussed with them, their answer was "no". In one report, the Coastal Works Review recommended "that we no longer waste our time with any further applications."

Madam Speaker, this is why I stand today. I agree with the Minister when he says to get the environmental impact assessment done. And I have told the Dilberts that. But, tell me . . . well, let's step back a second, Madam Speaker. Let's assume that the Minister is unaware of what is going on in this House, since he said that there was no coaching or anything going on.

Maybe then it's DoE, because I have already seen a letter where three weeks after the application, where it was said that . . . trying to find out if there was a turtle nesting spot where they wanted to cut. Madam Speaker, I have been to that area. I have been on that bite behind that area there, and believe you me, no turtles will nest in that area. But they tried three weeks after to get staff members to say that there wasn't, after they had already put it in their report.

So, Madam Speaker, another thing that I noticed that didn't sound right when I saw the Dilbert thing, I saw 1.5 acres, whereas on the South Marina it's 1.8 acres. They just said it was so much bigger than the South Marina. Madam Speaker, why I stand today is to show that the fairness that we Caymanians want in this country, for some reason we can't get it. I have no problem with the Minister and DoE asking the Dilberts for an environmental [impact study], but do it for the next person. And the fact that the other set of people are not even Caymanian makes it even worse! Is it that we are going to, in our own country . . . everything has to be harder for us Caymanians?

I remember hearing the Member for East End say this in one of his speeches lately. Everything Caymanian seems to be harder, or not enough value put to it. And that's part of why I stand here today. Obviously, looking at those two documents, if the Members can't see that someone was coached or recommended, people are blind. The documents are there for everyone to see. And, Madam Speaker, that's all I'm saying.

What the Dilberts were asked to do should have been done with other people, not someone giving their opinion. Simple! What is good for a Caymanian should be good for someone from the outside. Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Elected Member for East End.

Mr. V. Arden McLean: Madam Speaker, I shall not be too long.

Madam Speaker, I listened to the Minister expound on the process through which these applications were vetted. I, too, would like to confirm that I believe that those processes need to remain in place. We cannot put ourselves in a position of truncating those processes. All and sundry must be subject to such processes in this country. And I am glad that successive Governments have tried to do that.

However, Madam Speaker, one of the processes that I have difficulty with has been that we, this legislature, in Cayman Brac unanimously approved the motion requiring the establishment of a committee to review the Dilbert Marina and any other projects to be given similar treatment (i.e., review). To my knowledge that committee has not been formed. It may have been formed subsequent to these approvals being granted.

Now, Madam Speaker, I have fears for that. I really believe Cabinet should have waited until those considerations had been completed before reviewing or considering an application for coastal works licences for any of those marinas, for all three of them. The three of them should have waited until the wishes of Cayman Brackers, through that committee, could have been reviewed.

As all Members know, I am a stickler for the integrity of this Parliament, for maintaining the integrity of this Parliament. And I trust that in the future this Government will not . . . or for that matter, any Government will not plough along without considering the wishes of this Parliament, whether I am here or someone else is here. Whether any of us are here or there is a whole new Parliament, it is important that we respect the wishes of this Parliament.

Madam Speaker, in Finance Committee I requested that we see the applications and all the recommendations and the like that went along with these applications. Now, the following two days I believe we met early in the morning and the Minister presented us with the three bundles of application forms and recommendations, and the like. However, during Finance Committee when I questioned as to the reason for the coastal works licence on the North and South Marina (that was the two for MM CB Ltd.), I was told that Cabinet had no knowledge of what was going to be upland part of whatever the project was. Cabinet was only concerned, and had only concerned itself, with the coastal works licence. So, I thought that was one of those bridges into nowhere too.

Having reviewed this documentation, it is obvious from the proposals of MM CB Ltd., that, especially on the north side, there is extensive work to be done. For some reason I got the impression that it was the old Buccaneer Inn location. I was wrong. It is east of that. And extensive work, based on what I have seen in this application, but it was obvious that . . . and I hope I am not wrong in saying it was obvious that all of this was delivered to Cabinet because it was given to us and I can only assume that this is Cabinet material of what was submitted to Cabinet for its consideration.

Madam Speaker, whilst I was told that consideration of upland is that of the Development Board of Cayman Brac and Little Cayman, I certainly believe that Cabinet has jurisdiction there also and that had to be a consideration of this overall development. Personally, I am not convinced that the one on the north side is going to be operational, or that it's going to be a feasible manner of getting boats in and out of the large lagoon that I see needs to be dug, which will extract hundreds, thousands, if not hundreds of thousands of cubic yards of material.

On the other marina on the south side, I am concerned myself about that one when we are talking about digging that channel, digging that area out to eight feet deep, when the channel that would be used to transport the boats from (that is, the channel in the Sound there the entry channel through the reef at Brac Reef) . . . it is not eight feet of water there. And I doubt there is.

The Minister says there is nine feet. Well, I guess. But it's certainly a narrow channel coming through there and they maybe need to dig that out also.

Now, Madam Speaker, the department personnel spoke of the sedimentation that they are going to create there with an excavator being on top of a barge. And that is correct. But whilst they do not support . . . or they don't have a lot of confidence in the deployment of silk screens for the Dilbert's Marina, or proposal, so too will we have the same problem with the sediment escaping from the south side and going over the reef wherein we have the marine park and the dive sites as well. I am not convinced that it won't. Why I say that, Madam Speaker, is that . . .

Madam Speaker, you know that I have been trying for years now to get a boat ramp in East End. And the reason they have refused it is because they said the silk screen is going to allow the sediment to go out of the immediate area. Now, if they are going to do it in East End, that means they have to do it in Cayman Brac too. Same water, same kind of turbidity, same kind of current on the inside as up in the middle of East End. So we have to stop coming up with little excuses and little reasons to justify our ends. We have to stop that.

But, Madam Speaker, the Minister gets up here, and the department, and they give us the technical aspects of these things. Madam Speaker, my view is that whilst that is important to determine where we go, how we go, what we do (our speculation on what will happen) . . . all the technical aspects are very important. Do you really think people are listening to the word "bathymetry"? I don't even know what it means. Oh, I know. (That was tongue in cheek, Madam Speaker.)

What I am concerned about, Madam Speaker, is right now, as we speak, there is a pond in Cayman Brac. It is dry, it is creating maggots. It has shut down a little boutique hotel with 30 rooms. There are 20 people out of work. And it has become a nuisance, a public nuisance. And who is it owned by? We are missing that, Madam Speaker. That's what we're missing.

I don't need to hear the technical aspects of these things. The people of Cayman Brac want results. They want the Government to do something about the land that they have there that is a nuisance to them. You want to tell Cleveland [Dilbert] and them you're not approving them using the Government land? Tell them so. But you solve the problem. You must solve the problem! If it were a private person, private proprietor, you would have the police there, you'd have public health there, you would have the Department of Environmental Health, you would have the DoE there. Because it is not creating rodents doesn't mean it's not a nuisance. The obnoxiousness of that pond is a nuisance to our whole nation! It is a national disaster! And it should be considered by the seven members of Cabinet a national embarrassment.

And I ain't letting the Attorney General or the Deputy Governor off. They are in there too. And the Governor.

I trust that they will be ashamed of themselves enough, or concerned enough to correct it. We have 20 people sitting down out of jobs in a poor economy. Cayman Brac is even worse off than us, in many instances. And we do nothing about it? And the Minister asks me how long? Well let me tell you how long. It has forever been so. And when I tried to correct it by pumping water into it on a floatation device system, I was shut down. Your challenge is to find out who shut me down. That's a challenge I throw out to you, Minister.

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

Tell him who shut you down. The same people he is talking about good process. Good process, you wouldn't know good process if it—

Mr. V. Arden McLean: In the meantime we are telling the Dilberts that they can't bridge the shore. Why? Because the study that was provided is insufficient, they need more evidence to support their application. And, by the way, if we were to approve this your upland intent is not suitable either. But we never considered the upland for the other two. They didn't think about those. But the Dilberts, who are as indigenous Cayman Brackers as those parrots up on that bluff . . . Madam Speaker, I don't want to get into this me, them, us, we, them. I don't want to go there. But, Madam Speaker, a Government—this Government—should try to facilitate the Dilberts.

It is your problem. Your land is creating a nuisance, a national nuisance! Help facilitate the Dilberts getting something done about it. I don't care what it is, there are interim measures we can use, at least, so the little hotel can stay open. I am not worried about how much the Dilberts are going to make off it. My concern is the 20 Cayman Brackers that are out of work, or whatever they are, whether they are Cayman Brackers, or affiliated with Cayman Brac or married up there or whatever they are.

Madam Speaker, twice I have been there. And I was pleasantly surprised with the little hotel. I didn't know a little small hotel could be run so efficiently and so clean and what have you. I guess that's why, because of the size. But I don't hold any affinity for the Dilberts. Far be it. It's not my job. They are not my bosom friends. But you know what they are? Caymanian! That's what they are. And if they were from the Point of West Bay to the Bluff in Cayman Brac, that's what they are. I can't get away from that.

We have reached a point where maggots are coming out—not of the Dilbert's hotel, they are coming out of Government land—and destroying a Caymanian business. And we are sitting here talking about bathymetry?

What are we doing to alleviate the problem? Why doesn't somebody from the Government go and sit down with the Dilberts? Sure, Madam Speaker, everybody in this country knows the Dilberts are as-

sertive business people. Why do you think they have what they have? But we need to remove that for a minute. Let's talk about what needs to be done, how we can deal with this.

You know, this approach that we have of if you say something I have to counter you with something better, sometimes you have to back off. Look at what has happened because of this bucking of heads between Government and a Caymanian family. Is that why Government has been created? No, Madam Speaker. No. That's not why Government was created. Government was created to help its people. We tend to feel like our job is to prevent people from doing things. Our job is to facilitate them getting to where they need to be and to fulfilling their dreams. I am not saying go and do things that have never been done before just to facilitate. Let us see what we can do. At the very least there are interim measures that could have been put in place by the Government. We have sufficient technical people that we could have put measures in place in the interim so the hotel didn't shut down until we deal with what we have to deal with and go and have dialogue with these people.

It looks like we're hell bent on shutting down the hotel. Is there some ulterior motive? What is it? What do we want him, or them, to do? [Do we want them] to go up there and use their mouth to get water out of the sea and suck it up and carry it across the road and spit it out and go back and make the trip back and forth? It's our land. It's for us. Let us do something about it. It's no longer protected. Pump some salt water in it.

I am . . . oh . . . Madam Speaker, maybe . . . I don't know why I get so worked up over these things. I'm losing my voice now. I don't know.

Madam Speaker, I agree with the Minister. It looks like the Cabinet went against the wishes of, or the recommendations of, DoE, their technocrats. But I hope that wasn't an excuse so that the others could get approved, because on the north one the recommendation by Mr. Tim Austin under "Comments and Recommendations" (and I'm reading one section of it, Madam Speaker. I think you have it). **"The application would benefit considerably from an evidence based assessment for the need and economic viability of the proposal. The Department recommends that the Cabinet requests this additional information from the applicant in order to allow Cabinet to reach an informed decision regarding the economic and social merits of this application, balanced against the predicted environmental impacts."**

Now, I want to know why that wasn't done. Why wasn't that done? What do we think an EIA [environmental impact assessment] is? That's the same thing.

And the south one had identical recommendations. And then they recommend that Dilbert not be given any and the Government gave it in principle with

an EIA. The other ones were approved without any conditions. I think off microphone I spoke to the Minister, but the cover letters do not indicate that there are any conditions attached and he has said to me that when the licence is issued it will be reflected therein. However, if I were the applicant, I would challenge it because the letter to MM CB Ltd. on the 27th of May says: "Please be advised that Cabinet has approved the issuance of a coastal works licence ("the licence") to MM CB Ltd. to construct a boat channel and two flushing channels to provide navigable access and improved water quality for the creation of a proposed inland marine basin and marina development located on Block 95" (blah, blah, blah) "on the north side of Cayman Brac. Please note that the approval is valid for a period of one year from the date of this letter. Cabinet further advises that royalty mitigation and administrative and monitoring fees in the sum of \$65,216 will be levied. All fees should be made payable to the Cayman Islands Government prior to the issuance of the licence." [UNVERIFIED QUOTE]

Now, if you go and put on conditions other than what the applicant applied for, that can't be fair. You have done new drawings, or what? Is that how it works? As I know, the issuance of coastal works licence you defer and tell them that you are not doing in the manner you have submitted. Madam Speaker, you have been in Cabinet much longer than I have. But if you approve it, that means it is with the plans that have been submitted, in accordance with the plans that have been . . . I don't know if they deferred it first and then got new plans.

I don't know why the rush. What was the rush to get this done? I don't know whether they know or not know; *nah* getting into that.

Madam Speaker, the Minister says it wasn't a rush. Cleveland was signed on the 10th of December 2013. This letter was April. MM CB application was signed January 10th, 2014. And May 27th the letter was issued.

[Inaudible interjection]

Mr. V. Arden McLean: Well, obviously, Madam Speaker, the Minister is saying basically the same period. I don't know what goes on in Cabinet. I didn't hear the Minister say in any of his deliberations or utterances that he deferred it two or three times until they got it back the way Cabinet wanted. I didn't hear that. Now, if I didn't hear it I can assume that they went ahead with the application as presented. Am I to assume anything else? The Minister has had much public appearance with this subject.

He has a right to inform the public. He has a need to inform the public. But most of all, he has a need to facilitate the public in this country to ensure that they don't go astray in whatever they do.

Madam Speaker, I believe it's fair. And I believe it would be considered reasonable by the people

of this country if Government rescinds the approval which was for Mr. Dilbert. And stop the technical thing about the groins [SOUNDS LIKE] and this and that and the water circulation, because we're worried about his upland, but we're not worried about anybody else's upland development. Rescind the letter of 30 April, 2014, which says, "Please be advised that Cabinet granted approval to the application in principle for a coastal works licence." [UNVERIFIED QUOTE] Rescind it.

Madam Speaker, we have to understand that we have turned the Dilberts into victims by what we are doing here, when the real culprit of this whole thing just happens to be the pond that the Government owns. The only reason the Dilberts want to do what they want to do is because the pond is disturbing them. And that's their solution, and that's their answer to a solution.

Hon. W. McKeeva Bush, Leader of the Opposition: Correct! It stinks!

Mr. V. Arden McLean: Rescind the letter. Go to Cabinet on Tuesday (it's not far away), rescind the agreement . . . withdraw the agreement, sit down with these people. Stop creating enemies in our own Caymanians. Stop using the big stick.

Madam Speaker, I am reminded of when I was a Minister and I offered a landowner \$20 [per square foot] for their property, when we were building the road, and they took me to court. The court awarded them \$16.40 [per square foot]. They had three weeks to appeal to the Grand Court. Three months later I got a writ saying that the appeal was on. I said, *But this can't be right. The judge can't allow someone three months after the fact to file a writ against me.* Do you know what I was told? Government cannot be seen to be using the big stick over its citizens. Okay? The law says three weeks. Three months later the court allowed it. Government cannot be seen . . . and that was my lesson in learning, my friend. Now let it be yours. Government cannot be seen to be using the big stick that we hold over our citizens. It creates all kinds of foolishness, hate, unpatriotism, animosity, anarchy.

Help our citizens. That's all we need to do. No one is going to crucify a government for helping its people. Help facilitate them. Yes, sometimes they are going to be unreasonable. We know that. But sometimes Government can be unreasonable too. And I think we are now. I think this is a clear case of being totally unreasonable and not helping to facilitate an establishment that we all agree has served a good purpose in Cayman Brac. Make 'em dig out every piece of the old pond.

I don't support digging out half of it anyhow. I think we should go east of Coral Isle and dig the whole thing out! Anything can be done. I know the landowners on the other side are concerned, Madam

Speaker. And I share their concern. I share that too. You think I would want to be next to something that hitherto had no potential of flooding my house? Of course not! But, Madam Speaker, anything can be mitigated. It can be mitigated because, I can tell you what, on my most recent visit during Parliament, water can come over that road there and go straight in that pond. This is a perfect time now to help mitigate all that along that side. Let's try to do something.

Madam Speaker, my cousin, whom I served four or eight years in here with, Dr. the Hon. Linford Pierson, always told me that you can catch more flies with honey than you do with vinegar. And I offer that to the Minister as it was taught to me.

Hon. W. McKeever Bush, Leader of the Opposition: Offer him? You should offer him a lick.

Mr. V. Arden McLean: Pour the honey.

We know, Madam Speaker, your good self worked with my cousin. And the Leader of the Opposition has worked with him for a long time. And we know how many friends he used to get with the honey coming out of the corner of his mouth. He always presented himself in that manner to facilitate the people.

Madam Speaker, the Leader of the Opposition is anxious to speak so my plea to the Government is to resend this thing. Sit down. But go with a clean mind. This preconceived position that it should not be done, technically it cannot be done—anything can be done.

Hon. W. McKeever Bush, Leader of the Opposition: Anything!

Mr. V. Arden McLean: Let's see what we can do to facilitate Cayman Brac. That's all. Thank you, Madam Speaker.

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

If not, I recognise the Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, once again we get indication that the Government is using their majority to stifle what I think is an easy way out of this, if the Government wanted to do something.

The Member for East End is saying that Government needs to do something. But they are not willing because as much as you hear the Minister get up there just now talking about how much they want to help, if they wanted to help, Madam Speaker, you don't think that this would be done by now? This Government has found every excuse under the sun to do any and every thing done so far.

I often say that I wish to God that I had gone to a school that they went to—the school of excuses—because there isn't anybody that has found good excuses as much as them. And it's all because they can pull the big stick over their members, not over only the people, but over their members, using them as extension cords!

Madam Speaker, I listened to the Minister and his usual thing. That's usually how most of the PPM operates. You hear it from the Premier and now that Minister is doing the same thing. They get up and blame McKeever and they think that is it. But the people . . . this is not 2013. People are wide awake and seeing differently. They understand, Madam Speaker, what this Government is all about because they have stepped away from everything they promised, of what the people care about.

Madam Speaker, the Minister went on and on about process. He found all the excuses: they support, but this was of such a huge scale in comparison to the other two, and on and on he went. They thought they could say what the negatives were. But obviously there were biased and outright attempts to stop the Dilberts. So, they can't say they were balanced in this. The Minister knows that. But, of course, he has to talk because he himself did not support this. He didn't support this!

Firstly, Madam Speaker, he says that the Dilberts did not respond to some letter that they had written. But did he not know that the Deputy Premier had told the Dilberts they didn't need to respond to the letter? He didn't know that?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: You tell me which letter it was. I know which letter it was. Do you understand that? Or didn't he know that? Madam Speaker, didn't he know? Didn't he know that? Well, that's what happened. The Deputy Premier, the Minister for Cayman Brac said, *No, you don't have to respond to this.*

So on and on he goes. They said they didn't do any coaching. There was no cooperation between them. Who do they really think they are talking to? Everything points to the cooperation that has been going on, Madam Speaker.

This thing that he comes up with, that I was trying to truncate the good process; that I was trying to overstep the good process that has gone on for years. Well, if there is this good process that has gone on for years, which the Minister keeps talking about, and he used that word so often and gave that example, I had to get up, Madam Speaker, not that it did any good. Madam Speaker, where is the good process that's gone on for years? I outlined the process for years that the DoE always stuck to until this Government came in. All the things that they stuck to you, Mr. Minister, are party to changing the good process!

Where is the EIA, the environmental impact assessment that the DoE always asked for, for the two marinas? Where is it?

Always when you come to do any kind of dredging, any kind of canal, those persons in 99.9 of the cases ask for it. You know, Madam Speaker, his sense of good process is a very skewed process. That's what's happening to him. On and on he went too. Firstly, Madam Speaker, he goes to point out, *You didn't do anything; we're doing it all*. They can help do a lot if they would do it. But they are being choosy about who they help and who they protect.

What I did? Well, I did what they asked me to do to make sure that the hotel was opened in 2009. And I worked to make sure that our tourism grew to where it is at 12 per cent—highest ever over the last 10 years. And we were the ones who removed the designation. But that's what's upped their craw. So, don't come talking about what I did. When you do as much I have done for Cayman Brac, then, you have time to talk, and time to point fingers. But you are not going to do anything for Bodden Town, much less Cayman Brac!

Shot in the dark? I don't think so, Madam Speaker. And liability for the Government? Where is it? What is this liability that he flings out trying to frighten people? What is it? Where is it? What is the liability?

I am trying to stop some process because I see a problem that I believe that they can fix immediately if they sit down together and change it, but they don't support it. They want to make the family believe that they support it. They would love dearly to make them believe that they support it, but they haven't done anything to support it. What have they done? Except now they come and say that I am trying to stop the process of Cabinet, Madam Speaker. I am not trying to do that. Cabinet who will have to grant the go ahead, if they were willing to go ahead, then they would find a way to do it. And that's what I want you to do!

I want Cabinet to take our say-so here as they did up there, although this Minister is willing in his pompousness to come and say that they don't need to do anything that this House has agreed on. That's where the bad process is, and the bad governance. If this Government was willing to help, go ahead and do something about it, then. Help them!

Objections? How many objections, Madam Speaker? You heard him first. You would have thought that the whole of Cayman Brac was objecting to that. But is that so? Again, he's like the Premier, comes half-cocked, half-baked opposition. He doesn't know that you must be on all fours. What objections? Four he claims! All I know about are two. Four objections, whereas, Madam Speaker, there are several hundred persons who signed a petition agreeing to the development of that marina. Hundreds of people! They know because they live there. And if the Dilberts

didn't care about Cayman Brac why would they develop it? Why would they spend their money? If they were not concerned, why would they go and build that hotel?

If they were so unconcerned and weren't going to do the proper thing, whose property would be exposed but the Alexander because that sits right there? Wouldn't it be exposed? Do you not think they have that much sense to know that? Yet the Minister wants to point his finger to say they don't care, or I don't care? No! That hotel . . . you don't think you can work me up. You just come here. You see?

You don't think that how I am animated that you are pushing me into anything. If that's what you feel you and the Premier are coming out of the same bag, and I think that both of them, Madam Speaker, with their attitudes, if you put them in a sack and shook them together you won't know which one will fall out first, with the pompousness that they exhibit.

Substance over process now, Madam Speaker. You know what? He can say what he likes, but the truth is that McKeeva Bush is a realistic and practical person. I don't care who they are, I am fair. I believe in fairness. I don't care who you are. But that's not what the Minister is doing. Certainly, he is very skewed.

Madam Speaker, I am coming to some things that I need to come to, but I want to tell him this: Don't come pointing your finger at me about cronyism or nepotism. He needs to go to history to talk about cronyism and nepotism. He suggests I know all about it. I am well aware about historical facts and he shouldn't go pointing fingers at me. But that's how people like him got elected, because there are people who don't know. But let me tell him that Caymanians are there who do. And he shouldn't talk. And when he finds out who I helped or assisted that he can point a finger at me, he needs to let me know.

I can tell him about good process not being followed because were it not for people like McKeeva Bush in Cabinet there would have been some heads rolling for over-charges against good governance and proper process. I hope he remembers and understands that I didn't come here yesterday. I castigated no one, Madam Speaker, when he comes here accusing that I castigated the Minister. I castigated no one. I spoke the truth that there was an application existing with a down payment on the piece of land on the south side where the marina is to be built—a down payment with the Minister's company for a family piece of land that is being sold, or was sold. When we were discussing that proposal, that agreement existed in the Minister's company.

So, he was quick to try and point his finger at me. But what I have just said, Madam Speaker, is not wrong. No, it isn't. It's not cronyism or nepotism, and bad governance. No, no, no. Not for them! But that's why I had to ask a while ago, when is the slave mentality, the buckra attitude, going to change? Where no

matter how bad it is, it is good for some, but the same treatment is wrong for others. When? People like him would think otherwise.

Mr. Alva H. Suckoo, Jr.: Madam Speaker, on a point of order.

POINT OF ORDER
[Standing Order 35(3)]

The Speaker: Please state your point of order, Member for Bodden Town.

Mr. Alva H. Suckoo, Jr.: I have heard this Member refer to slave attitude or mentality or something twice now. And I take extreme offence to that, and I would ask you to please ask him to stop.

Hon. W. McKeeva Bush, Leader of the Opposition: I don't know what the Member would be objecting to.

Mr. Alva H. Suckoo, Jr.: Well, you are referring to a slave attitude that Members on this side seem to have. And that is highly offensive and is racial in nature and I would ask you to stop.

Hon. W. McKeeva Bush, Leader of the Opposition: Oh, you don't have to ask me to do anything.

The Speaker: Thank you, Member.

By virtue of Standing Order 35, it is out of order to use offensive or insulting language about other Members. I would ask the Honourable Leader of the Opposition to craft his statements in a manner that would not be in contravention or would cause an insult to Members.

The Member for Bodden Town has taken offence in that he believes you are imputing that perhaps he had it. So maybe you want to clarify that, if you are not imputing to him—

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

The Speaker: Can I just kindly finish? Thanks.

The night is going on. The debate is almost finalised. I would just ask you to be very careful not to breach that so that we won't have these interventions and we can continue the debate at a high level.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, history is what it is. It is what it is in this country. And some people don't want to recognise it for what it is. But I say the attitude exists. And I don't take anything about racial overtones for nothing. You didn't want anyone blacker or more coloured than my grandfather and my family. No you don't! And they came out of . . . let me give you a little bit of the history.

They came out of Westmoreland many years ago. And they crossed the Atlantic and they made it across. But I'm happy about that. So don't come talking about racial overtones. McKeeva doesn't get into that. I don't get into that, but I do speak the facts. And the facts are that there are people in this country, the slave mentality being that there are people who are better off. I am the slave, you are the slave. You are the slave, the next one is the slave, but there are masters that are better than the slave. That's what we are talking about. So, we are not calling anybody slaves up in here. Maybe some masters.

So, don't get with that. People who come and raise that kind of stuff have a problem, you know. They really do! They really do when they raise those kinds of objections, because if he listened to the things I have talked about, when he heard me he would understand that I am not talking about slaves, as such, or castigating slaves, as such. When there is going to be a situation where some people believe that they are better than others. That's what you talk about the slave mentality.

I thought that my debate is very appropriate, Madam Speaker, if I should say so to you and the rest of them in this House.

Madam Speaker, let's examine—

The Speaker: Leader of the Opposition, the Chair has not now or ever indicated that your debate was not appropriate. I was taking a point of order from the Member because he understood it that you were imputing or abusing him personally about the slave mentality. You have explained your position and hence the reason I have given the indication to continue.

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

I hope that one and all understand that.

Let's examine these environmental impact comparisons. The Department of Environment, the Minister probably being part of that, stated in their document that works will be completed in a marine park. Now, let's take the differences. Let's take the comparison.

While there is a marine park where the Dilbert Marina would be situated, it shouldn't be so perceived, though it is a marine park, like what is on the north side where the important dive sites are. It is not the same thing. It is not an area that hosts a significant amount of marine life. It certainly is not considered a pristine area, and it should not be perceived as though the area is filled with coral reef and estuaries of fish, because it is not so. The video shows you that. It doesn't exist.

The north marina, when you take the comparison, is also constructed within a marine park, different than Dilbert's, Madam Speaker, because that digging will take place in that marine park with six

close by dive sites and three very important and most popular one.

On the south marina the proposal is located within the south coast lagoon inshore of a marine park, offshore to an area identified by DoE as having some of the healthiest coral reef in Cayman Brac. Look at their document.

I believe that DoE, from what I remember too, is actively proposing that that lagoon become a marine park. I don't know if they would ever get that agreed. So, what is he talking about? Even some comparisons to the Vickville lagoon or landing, Madam Speaker; isn't that the same thing? That's all iron shore going right out into deep water—deep, deep water. You're not talking about six feet when you go off . . . right along the iron shore you got 20 feet and if you're going off, you could bring a cruise ship right alongside there. In fact, that's where we intended to put the cruise ship, around in that area. So that's not the same thing. He wants to make people . . . and tourists don't go swimming in there. People don't go there to swim, Madam Speaker. That wasn't dug out for swimming. That was for days when the weather is bad on the south side, we could mostly get in down on Vickville. That's what that was all about.

They talked about the materials to be removed and the DoE said that **“the works will result in the permanent removal of a significant quantity of living coral reef resources including fringing reef and hard bottom community.”** Well, the Dilbert Marina which, as I understand, presented a video to the PPM caucus, proving the area in the path of and surrounding the proposed channel is a near lifeless environment with no live coral.

They showed that to you all, didn't they?

And it equates to 1.5 acres. And there is a shingle reef there. On the north it equates a little bit less to 0.5.

Then they go on and when they talk about that there was no coaching, they never got together on it, the Minister it talking rubbish! And not telling the truth either! Because when they came to the turtle nesting part of it, Madam Speaker, which the DoE said the works will require the removal of active turtle nesting beach.

Madam Speaker, you grew up in Cayman Brac. You go to that area. I defend you all the time when it comes to what Cayman Brac has and what you could do for Cayman Brac. You would know that that area is rock. Right? If you come out by Coral Isle Club that is rock. There is no beach there, no turtle nesting. DoE is supposed to have the GPS coordinates for each turtle nest found in Cayman Brac. That's what they are supposed to have. Why was this data not used?

And, Madam Speaker, when that Minister gets up and talks about what people are doing and this good governance, I have this, and I want it copied because I want to lay it on the Table of the House. But

this is an email from one DoE employee to another after declaring that they couldn't support the project because the project was being built in a marine environment, turtle nesting area. Here is what they said:

“Hi Bonnie, He is following up on a statement that appeared in our Coastal Works Review that said his marine works would disturb turtle nesting.” (Listen carefully, Madam Speaker) **“He claims no one has seen a nest in that area. Are you aware of turtle nests in the beach vicinity of Salt Water Pond? I hope so. I don't think we need to supply him the GPS coordinates, however I don't think this is an issue if that's what he wants for nest relevant to his area (perhaps a mile either side). I think an approximate map of active nesting beaches is probably more appropriate as we can claim the data set is sensitive for obvious reasons. Can you let me know as soon as possible if there are nests in the vicinity?”**

Now this is after putting their objection forward, the DoE puts an objection forward to say that there are turtle nests in that area. And yet they are doing this to somebody who is a businessman. That's the kind of fairness that exists in Government? That's the kind of fairness that exists in that Minister's Ministry? Against their own people?

This is the answer to that: **“He wants data from me on all turtle nests found, GPS coordinates.”** (Well, I thought I just answered that.)

She says, **“I have this data but I really hate cooperating with him in working FOR the marina. Directions on how to handle him, please.”**

I'll read it again: **“Hi Bonnie, He is following up on a statement that appeared in our Coastal Works Review that said his marine works would disturb turtle nesting. He claims no one has seen a nest in that area. Are you aware of turtle nests in the beach vicinity of Salt Water Pond? I hope so.”**

Madam Speaker, I read it, I don't need to read it again. But this emphasises the biasness that is exhibited by your Ministry and its department, and who knows what else, Madam Speaker.

Mr. V. Arden McLean: We need a break now. Come on.

Hon. W. McKeeva Bush: You just had a break. You just came in here.

Mr. V. Arden McLean: The food is coming now.

Hon. W. McKeeva Bush, Leader of the Opposition: Uh-uh.

So, Madam Speaker, where is the fairness?

Madam Speaker, I have this. I'd like to table this and get copies so Members can get one. I want to lay it on the Table of this honourable House.

[E-mails laid on the Table of the House dated 4th March 2014 between DOE staff members].

The Speaker: So ordered.

As soon as the Serjeant returns to the Chamber I will ask him to accommodate that request.

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

But he certainly knows nothing about balance or fairness because he does one thing for the client of the Minister on the two marinas and another thing for the other, both of which parties are doing the same thing. And he has the audacity to talk about fairness and good process? This just tells you how good the process is and how fair your ministry is carrying out these kinds of responsibilities against your own people!

Madam Speaker, there is no breakwater. I heard him talking some foolishness about breakwater. Listen, when the ocean is going to come in . . . East End showed you. Bodden Town showed you. South Sound showed you. The North Sound showed you. They said, Madam Speaker, you would need all of this mangrove because that's going to stop the sea. Yeah? When that sea comes, it came over the mangrove and mashed up people's homes and wiped everything out. When the forces of nature are going to act you would have to put the wall of Jericho around the Cayman Islands to stop it. And I don't know if that would.

But you cannot use these kinds of examples making people believe that what somebody is doing when they are spending their hard earned money that they are doing so wrong that they are going to destroy the country. You have people jumping up here talking about they are insulted because I am talking about buckra.

Go find something to do positively.

Madam Speaker, on and on I could go with this, but there are no breakwaters. I don't know what he was trying to explain, but certainly they want to use the Scott dock to say that that is some kind of breakwater. But that is 600, 700 or 800 feet away from where they are going, Madam Speaker. Obviously if the seas come in predominately from the east (I think it is), that has a lot of space—600, 700 feet. A lot of sea can come in there. No?

What do you know about it? You have a boat but that doesn't mean that you're a seaman, you know.

I might not be a seaman, but I know that the Scott dock is to the east, and I know that the prevailing winds come from the east; the seas come from that way most of the time. I know that. So, he thinks that I shouldn't say anything because they are going to vote against this. Well, you got nothing to say.

You have nothing to say. I don't know what you're grumbling about.

[Inaudible interjection]

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

I don't want to get into the silk screen and affected areas because that would be covering ground that another Member covered, Madam Speaker.

When they talk about the storm ridge, this is what the DoE said. "**Breaching this protective storm ridge with 100 foot wide channel will expose both coastal and inland properties (potentially as far as the airport through the westerly ponds drainage basin connections) to increased flood risk and storm damage from the sea.**" Now I heard him talking about some green basins. I don't know who told him about that.

Madam Speaker, the airport is more than a half mile away from the Dilbert Marina. And again, Madam Speaker, if that was a problem do you think that they would want to do so when they have a hotel there? Of course they would protect the environment. That's why they are building the breakwater and that's why they are going to put protection around the inside, a protective wall on the inside.

And those people haven't complained. Only one person up in there complained, and the next person complained was from Coral Isle. It was only two people.

Madam Speaker, the Member says I should have come to something . . . Madam Speaker, yes, but the truth is I had another commitment. But I didn't know that the Minister couldn't explain, you know. What I heard him did there a while ago, I don't know if I should have wasted to time to go. I am glad that the Member for East End, who has some engineering background, went. But I bet you he told them more than they could tell him.

I am not going to waste time with you. You don't know anything about engineering.

And why should I go to listen to them when I have evidence that they are messing around with the documents? Why? That's what they were going to show me. Why? Why should I go? The truth is I probably would have gone, but I had a commitment that morning so I couldn't go.

The airport is distance away and that on the south side is closer to the airport. I think it probably runs directly across the street, maybe, from . . . if the sea came from the south it's going to flood the airport from that direction coming through there. The highway runs across the street, if I recall correctly, from that piece of land. So, are you being fair? Are you being balanced?

It's not protected so far now, Madam Speaker, as it would be with that breakwater. And remember this, Madam Speaker: how they have that channel is not a straight channel. And they have said that it doesn't need to be 100 feet. They were doing that for a reason, to possibly help when the cargo vessel comes up, which is a barge, they could get it in somewhere close there. It doesn't need to be 100

feet. I know that was one of the thought processes at one time. But they are going to build a breakwater and that channel is curved so it gives a less impact if a wave comes in. The curved channel would break up the wave. That's what it is supposed to do. But on the north marina, no breakwater proposed—even though they are breaching the shoreline. The airport on that side is less than 800 feet away.

The only fire station in Cayman Brac, Madam Speaker, is less than 600 feet away from what they are going to do. The only bank in Cayman Brac is less than 600 feet away. There's a public graveyard only 300 feet away. They probably will be blasting. I know there will be digging.

Madam Speaker, where is the fairness? The south, as I said, no breakwater proposed and the dock there is completely unprotected. And they have the nerve to talk about pollutants in the proposed area, when nothing is going to take place. The marina is going to offer pump-outs, sewerage treatment for boats, public bathrooms, the things that the boating community needs, and the things that are needed for boats.

If the Minister went up there in his 50 foot boat now, what happens? You pump out everything into the ocean. Right? But at least, Madam Speaker, there they would have proper facilities, where the Department of Tourism is promoting that area for shore diving, and there is a swimming lagoon proposed adjoining the marina. Talk about the differences.

That area is considered the "Seven-mile-beach" of Cayman Brac. Swimming, kayaking and snorkelling within the lagoon are heavily promoted by the Department of Tourism. Why aren't these same concerns being mentioned in the South Marina application? Why not? Why not? The lagoon area there is certainly known as a turtle nesting habitat. Isn't the effect this will have on turtles concerning to the department? The marina is wide open to the whole lagoon. Any large accident will be taken down current to the adjoining beaches.

Madam Speaker, it's a laugh when they talk about eco-life within the pond. It must be the maggots that exist there.

Madam Speaker, I believe that that family is willing to work with the Government to do what is necessary. Me? I would give them concessions. I would help. They are going to build a road. I would say, *Come through free*. I would say *take the marl and help mitigate*; or *give Government the marl* or some of the marl or whatever. That's what I would do. I would give them concessions. But why? I don't understand.

You understand that people who have endless sums of money are going to produce, you know, a huge marina where this one is not even the full extent of the whole pond. You take some of the marinas here. I would understand if he was certain that he could get something done. But he should go spend \$200,000 \$300,000 while the Department of Environ-

ment and the Minister are saying they don't support it. *You don't need to do it*. That's what they have been told. And now he gets up there and says that they are not doing anything. Why should they take the risk of spending \$200,000, \$300,000, \$150,000, \$100,000, \$60,000? Why should they take that risk when your department has been so unfair so unbalanced, so skewed, to say that they don't support this and they don't need for him to do an environmental impact study? And the Minister hasn't exhibited any support for it, not with the things he's been saying. On the one side he says one thing, and perhaps he is saying something else on the next side.

Madam Speaker, this is the ¹email that I would like to lay on the Table.

The Speaker: So ordered.

Hon. W. McKeever Bush, Leader of the Opposition: And copied to Members.

Madam Speaker, I do believe that Government can do something. I believe that they should be fair and give the Dilberts a similar treatment as they gave the woman with the two marinas, the one that hired 30 people and doesn't have any health or other benefits for them up until March of this year, and they are not Cayman Brackers either. Everything is a work permit.

I believe that the Government ought to change their attitude, [the Minister should] get off his high horse and say, *I am going to do something*, and come to some agreement with them to try to save the hotel and get people back to work. That's what I am trying to do when he talks about I'm trying to truncate the process. That's all I'm trying to do.

I can tell you that we were very proud to have that hotel and to do anything to help it in Cayman Brac. You can only go one or two places. You only have the Brac Reef and then you have the Minister who has another type of hotel. Oh, their business is going to be increased, yes. But what does that do for people who are out of work?

I wish, Madam Speaker, that I did have some powers. I would certainly give the concessions. And I would certainly give them the opportunity to go ahead. And if you wanted them to do an EIA you would give them some assurance that they are not going to be blocked, that the department is not going to kill them, it's not going to make them pay all this money and then tell them, no—because that's what they said.

Madam Speaker, I don't think I can add any more at this point. But I can tell you that people in Cayman Brac are not giving up on it. And they shall have my continued support because I believe it is the right thing to do.

¹ Email from Timothy Austin to Bonnie Scott dated 03/04/14

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT this Honourable Legislative Assembly consider agreeing that the Marina Project in Cayman Brac known as the "Dilbert Marina" inclusive of an appropriate channel be given the same agreement and approved to be developed as the two marinas approved by the Cabinet of the Cayman Islands on May 27, 2014, one on the north side of Cayman Brac and one on the south side of Cayman Brac.

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

Ayes and Noes.

The Speaker: I believe the Noes have it.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, can I have a division?

The Speaker: Madam Clerk, please call a division.

The Clerk:

Division No. 18

Ayes: 4

***Hon. W. McKeever Bush
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. V. Arden McLean

Noes: 7

Hon. Alden McLaughlin
Hon. G. Wayne Panton
Hon. Tara A. Rivers
Mr. Winston C. Connolly
Mr. Roy M. McTaggart
Mr. Joseph X. Hew
**Mr. Alva H. Suckoo

Abstention: 1

*Hon. Anthony S. Eden

Absent: 5

Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbetts
Hon. Osbourne V. Bodden
Hon. Marco S. Archer
Mr. D. Ezzard Miller

***Hon. Anthony S. Eden:** Madam Speaker, as I dealt with this yesterday in the initial stage as Deputy Speaker, I will abstain on this.

****Mr. Alva H. Suckoo, Jr.:** Madam Speaker, I say no to this circus. We will resolve this some other way.

*****Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I think this is a very good process. I doubt it's a circus. Maybe some people are clowns, but I don't see any circus rings up in here, and I vote Aye!

The Speaker: Please allow the process to continue.

The Speaker: The result of the Division: 4 Ayes; 7 Noes; 1 Abstention and 5 Absent.

The Noes have it. Accordingly, the Motion has failed.

Negated by majority on division, the Motion moved under Standing Order 11(1) and (2) - Cayman Brac Marine Project, failed.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, we are not going to deal with the Private Members' Motions. The time for Private Members' Motions has been taken up with the two motions [moved] by the Leader of the Opposition. But there are three Bills that require Third Readings to be able to go into effect. I will ask, Madam Speaker, if we could proceed to do those Third Readings before the House adjourns.

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

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, if the Member is talking about moving forward then he just can't wipe out the Private Members' Motions that are there. I mean, I can agree to go forward to accommodate the Government. But he is going to have the change the Order Paper. You can't just say you're moving on to it.

The Speaker: Honourable Premier, I can draw your kind attention to Standing Order 14. If the House wishes to go that way, the House has the power to bring a motion for a suspension, and then we can move on. Thank you.

Honourable Premier?

SUSPENSION OF STANDING ORDER 14

The Premier, Hon. Alden McLaughlin: Madam Speaker, I move that the Order of Business as set out in Standing Order 14, and as reflected on the current Order Paper, be altered by the suspension of item 5, in order that the House may proceed to Government Business in item 6.

The Speaker: The question is that Standing Order 14 be suspended to allow the House to continue on to the next item of business, which is item number 6, and that items appearing under item number 5 be deferred.

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

Ayes.

The Speaker: The Ayes have it. Accordingly Standing Order 14 has been suspended . . . Member for East End?

Mr. V. Arden McLean: Madam Speaker, I am just [rising] on a procedural matter. Did you say defer? I didn't hear the Premier say that. I thought he was using [Standing Order] 14(3) and (4) to re-arrange the Order Paper, which is [14](4), ". . . **may place notices of motions and orders of the day on the Order Paper in any order they please.**" That is, the Government. But did you say they are deferred? Deferred until when? That's the only thing I'm asking.

The Speaker: The next item after the Third Readings is the adjournment. And it was indicated that we were going to conclude today. So . . .

Mr. V. Arden McLean: Until when?

The Speaker: We haven't gotten that indication yet, but . . .

[Inaudible interjection]

The Speaker: Out of an abundance of caution on this procedural point at 8:47 pm, the question is that Standing Order 14 be suspended in order to allow the House to move on to item 6 on the Order Paper. The resultant effect is that item 5 would be carried over to the next Meeting.

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

Ayes.

The Speaker: The Ayes have it. Standing Order 14 is hereby suspended.

Agreed: Standing Order 14 suspended.

The Chairman: Madam Clerk.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

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: I beg that a Bill entitled The Tax Information Authority (Amendment) (No. 2) Bill, 2014, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Tax Information Authority (Amendment) (No. 2) 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 Tax Information Authority (Amendment) (No. 2) Bill, 2014, given a third reading and passed.

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

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

The Speaker: I recognise the Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure.

Hon. D. Kurt Tibbetts: Madam Speaker, with your permission I beg that a Bill entitled Plants (Importation and Exportation) (Amendment) Bill, 2014, be given a third reading and passed.

The Speaker: The question is that The Plants (Importation and Exportation) (Amendment) 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 Plants (Importation and Exportation) (Amendment) Bill, 2014, given a third reading and passed.

ANIMALS (AMENDMENT) BILL, 2014

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

The Speaker: I recognise the Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure.

Hon. D. Kurt Tibbetts: Once again I beg to move that The Animals (Amendment) Bill, 2014, be given a third reading and passed.

The Speaker: The question is that The Animals (Amendment) 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 Animals (Amendment) Bill, 2014, given a third reading and passed.

The Speaker: I recognise the Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Madam Speaker, I move the adjournment of this honourable House sine die.

The Speaker: The question is that this honourable House be adjourned sine die.

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

Ayes.

The Speaker: The Ayes have it.

At 8:50 pm the House adjourned sine die.

