



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2014/15 SESSION

27 November 2014
*Second Sitting of the Fourth
Meeting (pages 695-740)*

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

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PRESENT WERE:

SPEAKER

Hon Juliana Y O'Connor- Connolly, JP, MLA
Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

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

EX OFFICIO MEMBERS OF THE CABINET

Hon Jennifer Ahearn	Temporary Deputy Governor, ex officio Member responsible for the Civil Service
Hon Samuel Bulgin, QC, 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 Roy McTaggart, JP, MLA	Second Elected Member for George Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town

OPPOSITION MEMBERS

Hon. W. McKeeva 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

Mr Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
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OFFICIAL HANSARD REPORT
FOURTH MEETING 2014-2015 SESSION
THURSDAY
27 NOVEMBER 2014
10:42 AM
Second Sitting

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

The Speaker: I will invite the Honourable Attorney General to grace us with prayers this morning.

PRAYERS

The Attorney General, Hon. Samuel W. Bulgin: Let us pray.

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

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

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

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

The Speaker: Please be seated.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGY

The Speaker: I have an apology from the Fifth Elected Member for the district of George Town.

HOUSE VISITORS

East End Primary School

The Speaker: I also wish at the same time to acknowledge the presence of the teachers and students from the East End Primary School, and to welcome them to our Chambers. It has always been a custom and tradition that we give a moment or two for brief interaction and a photo op with the students and staff that are visiting. I would ask all Members if they would kindly remain in their seats, and I have asked the Serjeant if he would escort the students and the teachers around at this time so we can have a photo op and a time to bring Parliament to the district level.

I would also use this opportunity to encourage other Members to invite their schools and their respective constituents so that they can come and see how their Government works.

At this time we will take about a five-minute suspension. All Members please stay in the room just for this occasion. I see the Premier's PR person, if I could impinge upon his generosity to ask her to be so kind as to do the photographs for us.

[Proceedings suspended in order for the Students and Teachers to mingle and associate themselves with the Members in the Chamber.]

Proceedings suspended at 10:43 am

Proceedings resumed at 10:52 am

PRESENTATION OF PAPERS AND OF REPORTS

MINISTRY OF COMMUNITY AFFAIRS, GENDER AND HOUSING ANNUAL FINANCIAL STATEMENTS FOR 2012/13

The Speaker: I recognise the Honourable Premier.

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

Madam Speaker, I beg to lay on the Table of this honourable House the [Annual Financial Statements](#) of the Ministry of Community Affairs Gender Housing for the 2012/13 Financial Year and the Community Affairs Financial Statements of the Ministry of Home and Community Affairs for the year ending 30th June 2014

The Speaker: So ordered.

Does the Honourable Premier wish to speak to his reports?

The Premier, Hon. Alden McLaughlin: Yes, Madam Speaker, briefly.

Madam Speaker, in mid-November I, along with the Deputy Governor and the Minister of Finance and Economic Development, announced good news regarding improvements that the Auditor General was reporting in the state of government accounts. At that time I noted it reflected an enhanced quality of accounting work that is now being done in the Cayman Islands Government. Although the announcement was met with some cynicism from some quarters, I believe then, and now, that the improvements reported all go well for Government as we strive to provide the country with the quality of financial statements it deserves.

I am pleased to say, Madam Speaker, that as I indicated to the country two weeks ago, there is more good news coming. At this sitting we will be tabling some 16 financial statements of which 12 (or 75 per cent) are unqualified. Three (or 18.75 per cent) are qualified, and only one (a report from 2012) has a disclaimer opinion.

Of the 2014 reports being tabled, I am pleased to say that all four have an unqualified or qualified opinion and two are showing an improved position versus the previous years' audits. As the Deputy Governor previously indicated and based on the Auditor General's remarks the expectation is that we will continue to see ongoing improvements in the 2013/14 Financial Statements.

Mr. Swarbrick has been reported as saying that 2013/14 could be the first government financial year without any adverse opinions or disclaimers qualifying the audit of government's finances. Indeed, just this week the Auditor General's office advised my office that a total of 24 out of 42 entities are now signed off by his office—16 are unqualified, 8 are qualified and 2 are awaiting a resolution of matters that, once satisfied, should allow these to be recorded as qualified.

That is not to say that all is now well with regard to our financial reporting. Minister of Finance, the Honourable Marco Archer, commented recently at the Professional Development Week that this Government is striving for continuous improvement while being aware of the trade-off between absolute perfection by way of an unqualified opinion and the cost of achieving those opinions. But we will nonetheless strive for continuing improvements. It will take time, and I again repeat (because it is worth repeating, Madam Speaker) that the Auditor General has indicated to us that he is happy with the improved position and with the trend that he is seeing.

I am also happy with this, as is my Government. And, Madam Speaker, I believe the country as a whole can be happy that the position and the trend

are improving. They will see further improvements by the next meeting of this Honourable House. But, Madam Speaker, I have been around long enough to know that no matter how well we do, there will be some who will find no pleasure in this announcement and will complain. There is an increasing tendency for the pundits to be liberal with their criticism and careful with their praise—but that is par for the course.

Today I am proud to inform this House and the country that despite the naysayers, this Government is doing its job and doing it well, as are the many public servants that work within the service. Honourable Ministers will speak to the reports as they are laid on the table this morning, Madam Speaker. But I will join with them in thanking the public servants who have worked long and hard to serve this country, but especially for working to ensure that our country improves its financial accounting practices.

I also wish to thank the Auditor General and his office. I believe that we have established a good working relationship and we look forward to this continuing. In the end, I believe that the Auditor General, the elected Government and all public servants have the same objective.

Thank you, Madam Speaker.

CHILDREN AND YOUTH SERVICES FOUNDATION FINANCIAL STATEMENTS, YEAR ENDED 30TH JUNE 2011

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I beg to lay on the Table of this honourable House the [Financial Statements](#) for the Children and Youth Services Foundation for the year ended 30th of June 2011.

The Speaker: So ordered. Does the Honourable Premier wish to speak to it?

The Premier, Hon. Alden McLaughlin: No, Madam Speaker. What I said with respect to the first is applicable to this one as well.

STANDING BUSINESS COMMITTEE REPORT THIRD MEETING OF 2014/15 SESSION OF THE LEGISLATIVE ASSEMBLY

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I beg to lay on the Table of this honourable House the [Report](#) of the Standing Business Committee of the Legislative Assembly of the Cayman Islands with respect to the Third Meeting of the 2014/15 session of the Legislative Assembly.

The Speaker: So ordered.

Would the Honourable Premier wish to speak to it?

The Premier, Hon. Alden McLaughlin: No thank you, Madam Speaker.

**CAYMAN NATIONAL CULTURAL FOUNDATION
ANNUAL FINANCIAL STATEMENTS FOR YEARS
ENDED 30TH JUNE 2011, 2012 AND 2013**

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

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

Madam Speaker, with your permission I would like to lay these in one process.

The Speaker: Please proceed.

Hon. Osbourne V. Bodden: Madam Speaker, I would like to lay on the Table of this honourable House the audit reports of the Cayman National Cultural Foundation for the fiscal years ended 30th [June 2011](#), 30th [June 2012](#) and 30th [June 2013](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak to these reports?

Hon. Osbourne V. Bodden: Yes, briefly, Madam Speaker.

Madam Speaker, in assessing the reports one will see that revenues have declined each year—especially the government grant—and losses were recorded each year, as the Foundation is dependant heavily on government for financing in order to survive.

Total assets declined steadily from year to year from \$5.1 million to \$4.4 million over the three years. Also, the Accumulated Fund declined every year because of the losses incurred each year. The current liabilities contain large amounts that are owed to government for insurance coverage provided which are mounting annually. The Auditor General requested that this liability should be resolved during the period ended 30 June 2014.

Madam Speaker, in coming to his opinion on the Foundation's financial statements the Auditor General relied to the work carried out by KPMG who performed their work in accordance with International Standards on auditing. The Auditor General issued (and this is a new term for all of us) an "unmodified opinion" on the Foundation's financial statements for each of the three years ending 30 June 2011, 2012, and 2013. The term "unmodified opinion" is the new term now used by the International Auditing Standards (IAS) and it is synonymous with the previously used

term "unqualified opinion," so I guess we will be hearing a lot more of it.

It means that the information contained within the financial statements can be relied up by the reader or user. Madam Speaker, the Auditor General stated that in his opinion the financial statements present fairly in all material respects the financial position of the Foundation as of 30 June 2011, 2012, and 2013 respectively, and its financial performance and cash flows for each of the years then ended in accordance with International Public Sector Accounting Standards.

Madam Speaker, the Auditor General wrote that there was only management letter point in relation to trade payables. He noted that the trade payables are 30th June for each year included amounts due to the Cayman Islands Government [CIG] with respect to insurance coverage provided to the Foundation.

As the Foundation could not be in a position to repay this without sufficient appropriation from CIG, this payable may require a reclassification to contributed capital. Although the amounts are not considered to be material in any of the three years, the payable is accumulating each year and is expected to become material during the year ended 30 June 2014. The Auditor General recommends that the Foundation concludes on the treatment of this item during the year ended 30 June 2014.

Madam Speaker, I invite Members of this honourable House and the public to review this report in detail.

Thank you, Madam Speaker.

**MINISTRY OF DISTRICT ADMINISTRATION,
TOURISM AND TRANSPORT ANNUAL FINANCIAL
STATEMENTS YEAR ENDED 30TH JUNE 2014**

The Speaker: I recognise the Honourable Deputy Premier.

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

Madam Speaker, I beg to lay on the Table of this honourable House the audited [FINANCIAL STATEMENTS](#) of the Ministry of District Administration, Tourism and Transport for the fiscal year ended 30th June 2014.

The Speaker: So ordered.

Does the Honourable Deputy Premier wish to speak to it?

Hon. Moses I. Kirkconnell: Yes, thank you, Madam Speaker.

The audited financial statements show that the revenue for the year ended 30th June 2014, was \$27,815,000. There was a deficit of \$1,751,000 and the Ministry had total assets equalling \$13,416,000 resulting in a positive net worth of \$11,587,000.

Madam Speaker, this was a qualified audit opinion by the Auditor General signed off on 31st October 2014. The Auditor General gave a qualified opinion on the financial statements as “Emphasis of Matter” and other matters. The Auditor General gave qualifications which formed the basis for this opinion and are listed on pages 5 and 6 of the document. The areas of qualifications are inventory, property, plant equipment and depreciation expense, trade payables, supplies and consumables, statement of cash flows and net worth.

Madam Speaker, the Auditor General states, **“In my opinion, except for the possible effects of the matters described in the Basis for Qualified Opinion the financial statements present fairly, in all material respects, the financial position of the Ministry of District Administration, Tourism and Transport as of 30 June, 2014 and its financial performance for the year then ended in accordance with International Public Sector Accounting Standards.”**

Madam Speaker, as you will note from the Auditor General's report the Ministry still has quite a bit of work to do in order to accomplish an unqualified audit opinion. However, there was a huge effort put in to achieve this qualified audit, so I am happy to take this opportunity to share the [comments](#) made by the Auditor General to the Ministry as follows:

“ . . . this is the first time that a Ministry responsible for Tourism or District Administration has not received an adverse opinion or a disclaimer of opinion since the introduction of the [Public Management and Finance Law] which is a notable step forward in accountability and is something which deserves to be marked.”

“I would like to recognise that we have seen a significant change in the environment around this audit. The tone being set by management is very encouraging. The responsiveness of the Chief Financial Officer and her team and the effort they have put in to work with my team to deal with queries and get the job done has translated into the ability of my office to do an effective audit of the Ministry. Whilst there have been challenges the efforts by all are much appreciated. As ever we must continue to move forward and strive for further improvement but I think it is appropriate to take a minute to celebrate this improvement in the accountability for the use of public resources.”
[UNVERIFIED QUOTE]

Madam Speaker, I am equally proud of the Ministry's team, led by the Chief Officer and the Chief Financial Officer, for the great team effort which culminated in this milestone—a result that we should all be proud of. So I take this opportunity to thank the Ministry staff, the Office of the Auditor General for the hard work that has gone into producing the audited financial statements of the Ministry of District Administration, Tourism and Transport for the fiscal year ended 30th June 2014.

I now invite the Members of this honourable House and the public to review the Reports in detail.

Thank you, Madam Speaker.

PORTFOLIO OF THE CIVIL SERVICE FINANCIAL STATEMENTS FOR YEAR ENDED 30TH JUNE 2014

The Speaker: Honourable Acting Deputy Governor.

Hon. Jennifer Ahearn, Acting Deputy Governor: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the audited [Financial Statements](#) of the Portfolio of the Civil Service as of the 30th of June 2014.

The Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak to it?

Hon. Jennifer Ahearn: Yes, thank you, Madam Speaker.

Madam Speaker, I shall offer a brief explanation of the components of the financial statements, and then I will speak to the specifics of the financial statements as at the 30th June 2014.

The audited financial statements just tabled consist of the statement of financial position, the statement of financial performance, the statement of cash flows, the statement of changes of net worth and the notes to the financial statements.

The statement of changes in net worth for the fiscal year ended the 30th of June 2014 indicates that the net assets of the Portfolio of the Civil Service increased by \$541,000, or 52 per cent. The majority of this increase is due to the transfer of seven additional departments under the Portfolio in July 2013. The net worth of the Portfolio stood at just under CI\$1.6 million as at the 30th of June 2014.

Madam Speaker, in terms of the operating activity of the portfolio during the fiscal year ended the 30th of June 2014, the following summary is pertinent. The Portfolio produced total revenue of CI\$7.5 million. They incurred total expenses of CI\$7.0 million and they therefore generated a surplus in the amount of CI\$507,000.

Madam Speaker, I am pleased to advise Members of the honourable House that the Auditor General issued an unqualified opinion on the financial position of the Portfolio of the Civil Service as at the 30th of June 2014, and I would like to offer our congratulations to the Portfolio's Chief Officer Mrs. Gloria McField-Nixon and her team for this positive audit result. I invite Members to peruse the Report in detail.

Thank you, Madam Speaker.

**INFORMATION AND COMMUNICATIONS
TECHNOLOGY AUTHORITY FINANCIAL
STATEMENTS – 30 JUNE 2011 AND 2012**

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

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

I have seven sets of statements to lay on the Table. They are not all for the same entity, so would you prefer if I did those one by one, or just name them all out at one time?

The Speaker: Just name them all out one time.

Hon. D. Kurt Tibbetts: Madam Speaker, thank you, and with your permission I will ask to lay on the Table of this honourable House the following seven financial statements, and I will deal with them one by one.

I beg to lay on the Table the Information and Communications Technology Authority Financial Statements for 30 [June 2011](#) and for 30 [June 2012](#).

The Speaker: So ordered.

Does the Honourable Minister wish to speak to it?

Hon. D. Kurt Tibbetts: Madam Speaker, the financial statements . . . all Members have them and they are self-explanatory. So with your permission I will continue.

The Speaker: Please proceed.

**NATIONAL HOUSING DEVELOPMENT TRUST
ANNUAL FINANCIAL STATEMENTS YEAR ENDED
30TH JUNE 2013**

Hon. D. Kurt Tibbetts: Madam Speaker, I also beg to lay on the Table of this honourable House the [Financial Statements](#) for the year ended 30th June 2013, for the National Housing Development Trust.

**ELECTRICITY REGULATORY AUTHORITY
FINANCIAL STATEMENTS YEAR ENDED 30TH
JUNE 2011 AND 2012**

Hon. D. Kurt Tibbetts: Continuing on, Madam Speaker, I beg to lay on the Table the Financial Statements for the year ended 30th [June 2011](#) for the Electricity Regulatory Authority and also for the year ended 30th [June 2012](#) for the Electricity Regulatory Authority.

**NATIONAL ROADS AUTHORITY FINANCIAL
STATEMENTS – 30TH JUNE 2013**

Hon. D. Kurt Tibbetts: And then, Madam Speaker, I would also beg to lay on the Table of this honourable House the [Financial Statements](#) for year ending 30th June 2013 for the National Roads Authority.

**DISTRICT ADMINISTRATION, WORKS, LANDS
AND AGRICULTURE ANNUAL FINANCIAL
STATEMENTS YEAR ENDED 30TH JUNE 2012**

Hon. D. Kurt Tibbetts: Madam Speaker, finally, I beg to lay on the Table of this honourable House the [Financial Statements](#) for the year ended 30th June 2012 for the (then) Ministry of District Administration, Works, Lands and Agriculture.

The Speaker: So ordered for all of the Reports that have been mentioned by the Honourable Minister.

Does the Honourable Minister wish to speak to any of these Reports?

Hon. D. Kurt Tibbetts: No thank you, Madam Speaker. Just like the first ones they are all self-explanatory.

The Speaker: Thank you.

CAYMAN MARITIME ANNUAL REPORT 2013/14

The Speaker: I recognise the Honourable Minister for Financial Services.

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

I rise today on the Table of this honourable House, the 2013/14 [Annual Report](#) and related audited financial statements for the Maritime Authority of the Cayman Islands for the financial year ended June 30th.

The Speaker: So ordered.

Does the Honourable Minister wish to speak to it?

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

Just very briefly, Madam Speaker, the Maritime Authority has had a good record of having unqualified, or unmodified, audited financial statements, and I wish to note that the tabling of this annual report and the financial statements related thereto are both in accordance with the requirements of the Public Management and Finance Law time requirements.

Madam Speaker, the good news in relation to the results for the Maritime Authority is in the details of the financial statements. I know this particular Authori-

ty has been of particular interest to Members of this honourable House, certainly over the past year. In terms of highlighting the results for that 12-month period ending 30 June 2014, the total operating revenue was \$9,605,873, as compared to \$8,859,677 for the previous financial year, which represents an 8.4 per cent increase in revenue over that period.

By comparison, total operating expenses were down from \$9,146,394 to \$8,681,202 which is a 5.3 per cent reduction.

Madam Speaker, the net result of these changes is that the net surplus for the financial year ended 30 June 2014 was \$782,671 compared to the loss in the previous period of \$377,717. This represents a swing, or turnaround, of \$1,160,388 in the financial performance of the Authority.

I would like to note that even perhaps the cynic would agree, looking at the outputs purchased by Government (which has only increased by \$175,000 between those two periods), that the difference in profit is quite significantly more and could not be attributed to that.

Madam Speaker, the Authority's total assets were formerly \$4,445,183 at 30 June 2014, as compared to \$3,583,921 as at 30 June 2013—this is a 24 per cent increase in total asset value. Total liabilities were \$1,442,957 as at 30 June 2014 compared to \$1,354,366 for the prior period, which represents a 6.5 per cent increase. Total net worth of the Authority has increased by 35 per cent, moving from \$2,229,555 to \$3,012,226.

Madam Speaker, in summary these financial achievements have been very positive and they have culminated in an increase in the cash equivalents for the Authority to \$2,172,356 from \$944,649 for the prior period, which is a very notable increase of 130 per cent.

This has certainly happened because the management and staff of the Maritime Authority have been doing a very good job and I certainly commend them and offer congratulations. It would be remiss of me not to mention the continued support and cooperation of the ship owners, yacht managers, other global partners, and the local private sector involvement who have all made valuable contributions via the Cayman Islands Ship-owners Advisory Council, its associated Yacht Committee, and the local Maritime (Shipping) Consultative Committee.

Thank you very much, Madam Speaker.

**STANDING PUBLIC ACCOUNTS COMMITTEE
REPORT ON AUDITOR GENERAL'S REPORTS ON
GOVERNANCE IN THE CAYMAN ISLANDS:**

- **Key Messages – December, 2013;**
- **Describing the Framework – December, 2013;**
- **How Core Government Manages Resources – December, 2013;**
- **Accountability of SAGCs – December, 2013;**
- **A Survey of SAGC Governance – December, 2013**

The Speaker: I recognise the Second Elected Member from the district of George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town and Chairman of the Public Accounts Committee: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this Honourable House the [Report](#) of the Standing Public Accounts Committee on the reports of the Office of the Auditor General on the Governance in the Cayman Islands comprising five reports:

1. Describing the framework;
2. How core Government manages resources;
3. The Accountability of Statutory Authorities and Government companies;
4. A Survey of Statutory Authorities and Government companies governance; and
5. Key messages.

The Speaker: So ordered.

Does the Honourable Member wish to speak to the reports?

Mr. Roy M. McTaggart: Very briefly, yes, Madam Speaker, thank you for the opportunity.

Madam Speaker, the five reports from the Auditor General comprised under the major heading of "Governance in the Cayman Islands Government" (the five separate reports) are what I believe one of the more important reports that we have seen from the Auditor General, simply because, Madam Speaker, it really gives this House and the people of the Cayman Islands a snapshot and insight into the implementation of the principles of good governance within the public service.

The Committee found it particularly interesting reading, and I think the reports themselves actually make some very important recommendations from the Auditor General, and the Committee itself also added a couple of recommendations of its own.

I really would like to commend the report to this Honourable House and to people and encourage all Members here to read that report as it has been tabled now.

Thank you, Madam Speaker.

**CAYMAN ISLANDS GOVERNMENT ANNUAL HR
REPORT 2012/2013 AND 2013/2014**

The Speaker: I recognise the Honourable Deputy Governor.

Hon. Jennifer Ahearn: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Annual [HR Reports](#) for 2012/13, and with your permission also 2013/14.

The Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak to the two reports?

Hon. Jennifer Ahearn: Thank you, Madam Speaker.

Madam Speaker, I shall offer a brief explanation of the components of the Annual HR Reports, and then I will speak more to the specifics of the 2012/13 and 2013/14 reports.

The two annual HR Reports that were just tabled contain key statistics and human resource trends within the civil service and the wider public service. The data covers the financial years of 2012/13 and 2013/14 as two separate reports produced within the Portfolio of the Civil Service.

Section 1 of each report provides information on the demographics of the public service as a whole as of the end of the respective financial years.

Section 2 of each report provides information on the demographics of the core civil service as of the end of the respective financial years.

Section 3 of each report provides statistical information on the remuneration within the core civil service for the financial years as well as the recruitment and retention trends within the particular years.

Madam Speaker, with regard to both Annual HR Reports for those financial years 2012/13 and 2013/14 the following summary is pertinent:

The core civil service head count has fallen by 38 employees at the end of 2012/13 and a further 30 employees at the end of 2013/14. Between [the month] of June 30th 2009 to June 30th 2014 the headcount for the core civil service has been reduced by 185 employees. Despite a slight growth in headcount of the statutory authority and government owned companies in 2013/14, the reducing core civil service has ensured an ongoing fall in the numbers for the entire public service.

The core civil service continues to increase its percentage of Caymanian employees. In June 2009, 70.6 per cent of the core civil service was Caymanian, which rose to 73.5 per cent in June 2014—the highest percentage of Caymanians since January 2006. In addition, 45 out of the 65 government departments employed a higher percentage of Caymanians than the overall 73.5 [per cent] average in June 2014. Of all the new appointments recorded in 2012/13 and the 2013 financial years, 66 per cent were Caymanian in 2012/13, which rose to over 70 per cent in 2013/14.

In both reports the figures show that Caymanians continue to be employed at a variety of lev-

els. For example, Madam Speaker, 72 per cent of organisational executive roles (which are highly graded posts including chief officers) were Caymanian in June 2014. Caymanians were, however, also overrepresented at the lower grades with 89 per cent employees in the bottom three salary scales being Caymanian in 2014.

The average age within the core civil service continues to be 42 years old, and as of 30th June 2014 4.6 per cent of civil servants were employed beyond the current normal retirement age of 60—a percentage that has remained fairly steady for the past 10 years. In June 2014 the gender split within the civil service was 54 per cent women and 46 per cent men. Fifty-three per cent of organisational executive roles (which include chief officers) were women, with 47 per cent being men. A similar percentage split could be seen in management and operational roles, and it was only in the higher level specialist trade roles where men had a noticeably higher percentage of 97 per cent.

Considering the remuneration awarded within the core civil service, 76 per cent of the service were employed with a base annual salary or wage of under CI\$50,000 in June 2014. Eighty-two per cent of the service was employed at the midpoint of their salary grade or below, and 55 per cent of all new appointments during the 2013/14 financial year were employed on point one of the appropriate salary scale.

Finally, Madam Speaker, the figures show a current turnover figure for the core civil service to have risen from 11.4 per cent during the 2012/13 financial year to 14.8 per cent in 2013/14. However, these figures are likely to be more similar when summer interns are disregarded from those figures.

In closing, Madam Speaker, I invite Members to peruse the reports in detail.

Thank you.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: I recognise the Honourable Premier to move the Suspension of Standing Order 23(7) and (8).

SUSPENSION OF STANDING ORDER 23(7) AND (8)

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

Madam Speaker, I know that the Member for North Side does not like us to suspend Standing Orders, but I hope he will forgive us in this instance since he has the first question.

Madam Speaker, I beg to move the suspension of Standing Order 23(7) and (8) to allow questions to be asked after the hour of 11:00.

The Speaker: The question is that Standing Order 23 (7) and (8) be hereby suspended to allow questions to commence and continue after the hour of 11:00 am.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 23(7) & (8) suspended.

The Speaker: I recognise the Member for North Side.

Mr. D. Ezzard Miller, Elected Member for North Side: I have to leave the Premier alone on that one. All I have to say is, Madam Speaker, had we started on time I am certain there would have been no need to suspend Standing Orders to complete questions.

[Inaudible interjections and laughter]

QUESTION 15: AMBULANCE SERVICES, OUT-SOURCING

Mr. D. Ezzard Miller: Madam Speaker, I beg to ask the Honourable Minister of Health the following question: Can the Honourable Minister say have the Ambulance services been outsourced to a private person or company? If so, what are the terms of the contract?

The Speaker: Honourable Minister responsible for Health.

Hon. Osbourne V. Bodden, Minister of Health, Youth, Sports and Culture: Madam Speaker, the ambulance services at the Health Services Authority have not been outsourced to a private person or a company.

The Speaker: If there are no supplementaries we will move on to the next question.

Member for North Side?

SUPPLEMENTARY

Mr. D. Ezzard Miller: Madam Speaker, I wonder if the Minister of Health can say if there has been any change in the management relationship of the staff to the CEO of the HSA Board, or if there are any changes in the method of remuneration for staff (i.e., fee for service.)

The Speaker: Honourable Minister for Health.

Hon. Osbourne V. Bodden: Thank you, Madam Speaker. Just to make sure I have that question right . . . if there were any changes to the fee—

[Inaudible interjection]

Hon. Osbourne V. Bodden: No.

The answer to that, Madam Speaker, is no. The system, as it relates to the question, is the same. I am not sure if there is anything else the Member is really looking to drive at, but there are no changes at this time.

The Speaker: Any further supplementary?

If not, we move on to the next question.
The Elected Member for North Side.

QUESTION 16: SALARY RANGES

Mr. D. Ezzard Miller: Madam Speaker, I wish to ask the Honourable Minister responsible for Financial Services, Commerce and Environment the following question: Can the Honourable Minister state what are the salary ranges for the CEO of the Cayman Islands Monetary Authority and the Cayman Islands Maritime Authority, and what Authority establishes these salaries?

The Speaker: Honourable Minister responsible for Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. In relation to the Cayman Islands Monetary Authority, the salary scale for the Authority's Managing Director is \$160,000 to \$229,818.

The initial starting salary of the Managing Director is set by Cabinet upon appointment pursuant to section 13(2) of the Monetary Authority Law. The salary scales of the Authority are set by the Board of Directors which is charged with responsibility for the governance, policy and performance of the Authority and the general conduct of its affairs and business pursuant to section 11(1) of the Monetary Authority Law.

In relation to the Maritime Authority of the Cayman Islands, the salary scale for the Chief Executive Officer is \$151,200 to \$216,000.

The initial starting salary of the CEO was originally set by Cabinet in 2004. Subsequent to this initial appointment and the coming into force of the Maritime Authority Law, the salary scales of the Authority are set by the Board of Directors which is charged with responsibility for the governance, policy and performance of the Authority and the general conduct of its affairs and business under Parts II and III of the Maritime Authority Law.

Thank you, Madam Speaker.

The Speaker: Are there any supplementaries?

The Member for North Side.

SUPPLEMENTARY

Mr. D. Ezzard Miller: Through you to the Minister, Madam Speaker, can the Minister state whether there is any particular reason for such a wide range of salary (I mean, it looks like a \$50,000 average range), and whether there are any bonuses paid in addition to the salary to either of these two executive officers?

The Speaker: Honourable Minister for Financial Services.

Hon. G. Wayne Panton: Madam Speaker, in relation to the supplementary questions, I am not in a position to shed any light as to exactly why there is this difference. Those scales were set some time ago.

In terms of bonuses, in respect of the Cayman Island Monetary Authority, there is only a car allowance, which is paid by the Authority. There is no specific bonus provision as far as I am aware. In relation to the Maritime Authority, similarly, there is no bonus provision. Salary scales are simply reviewed by the Board and adjusted upon the expiry of the contract term.

The Speaker: If there are no further supplementaries we will move on to the next question.

QUESTION 17: WAIVERS OF FEES

The Speaker: Honourable Member for East End.

Mr. V. Arden McLean, Elected Member for East End: Thank you, Madam Speaker. Question 17, standing in my name, is being directed to and asked of the Minister of Finance and Economic Development and it reads: Can the Honourable Minister say what the total value of the waivers of fees claimed to date by Dart Realty or DECCO in accordance with the FORCayman Investment Alliance (FCIA) Agreement?

The Speaker: Honourable Minister responsible for Finance.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Thank you, Madam Speaker.

Madam Speaker, the FORCayman Investment Alliance (FCIA) partnership contains an agreement between the Cayman Islands Government, the National Roads Authority and Dart Realty (Cayman) Ltd. This agreement, commonly referred to as the "NRA Agreement" was executed on 15th December 2011 and extends concessions to Dart Realty (Cayman) Ltd. and its affiliates on various fees, duties and taxes levied by the Cayman Islands Government.

As of 26th November 2014, under the terms of the agreement, Dart Realty (Cayman) Ltd., and its affiliates have claimed, and have been granted, waivers for various Government fees totalling some CI\$11,828,219.26. The details of that figure are as follows:

Fee	Amount Waived(CI\$)
Infrastructure Fund Fees	\$3,119,098.00
Affordable Housing Fees	2,709,000.00
Stamp Duty	2,437,461.00
Building Permit Fees	2,004,810.00
Import Duties	1,261,076.96
Planning Fees	296,773.30
TOTAL	\$11,828,219.26

Thank you, Madam Speaker.

The Speaker: If there are no supplementaries—Member for East End?

SUPPLEMENTARIES

Mr. V. Arden McLean: Madam Speaker, I was just sitting and contemplating how to put all the questions . . . get them as quickly as possible.

Madam Speaker, the first question I would like to ask the Minister, through you, is if it is his understanding that the cost of these waivers would be offset against the cost of the building of the road, the extension of Esterley Tibbetts Highway.

The Speaker: Honourable Minister for Finance.

Hon. Marco S. Archer: Madam Speaker, to the best of my understanding, I would say that I think that that is the case, but I have not had much negotiation with this, but I do believe that—

[Inaudible interjection]

Hon. Marco S. Archer: Yes, I do believe that that is the case, Madam Speaker, that there would be an offset. But I am subject to correction.

The Speaker: Member for East End.

Mr. V. Arden McLean: I just needed that one on record, but that is all right.

Madam Speaker, I wonder if the Minister can tell us if he has any expectations as to the amount that will come in addition to this, if there are any projections as to how much it would be eventually.

The Speaker: Honourable Minister for Finance.

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I am unable to say as to the full extent of the duties, waivers and concessions that may be requested down the years.

The Speaker: Honourable Member for East End.

Mr. V. Arden McLean: Madam Speaker, there is such a thing as divine intervention. I just want to thank the Minister, because just last night we received an FOI from the Planning Department and all the numbers say what the Minister is saying here.

Madam Speaker, I am wondering if the Minister has considered whether or not there are any other fees that are due that have not yet been waived.

The Speaker: Honourable Minister for Finance.

Hon. Marco S. Archer: Madam Speaker, I am not intimately familiar with the whole workings of the NRA agreement, so I am not certain if there are any other fees that have been incurred by the Dart organisation which they have not yet claimed. It is a complex agreement and I am not that familiar with it. I have not really had that much to do with the issues.

The Speaker: I recognise the Honourable Leader of the Opposition

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

Madam Speaker, can the Minister say whether he has any costs as to what the road took to build.

The Speaker: Honourable Minister of Finance.

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I have no clue as to what the road cost to build.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, so the Government compiled these figures, but they did not check to see what kind of value this claim was against? Is that what the Minister is saying?

Hon. Marco S. Archer: Thank you, Madam Speaker.

Hon. W. McKeever Bush, Leader of the Opposition: I am asking the question.

The Speaker: One minute please.

[Inaudible interjections]

The Speaker: Can we just have one on the floor at a time?

The Honourable Minister of Finance.

Hon. Marco S. Archer: Madam Speaker, the answer given was specific to the parliamentary question that was asked, Madam Speaker. It asked for fees waived—not costs of roads built. So no assessment as to the two figures was done.

The Speaker: Honourable Member for East End.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, I am going to allow the Minister . . . if he decides not to answer it, I will accept that too. Can the Minister—

The Speaker: Member for East End, I just want to make sure I am following your train of thought. You are still going to ask the question, even though you are going to be satisfied if you do not get an answer?

Mr. V. Arden McLean: Yes, Madam Speaker, because the choice is his. And if he decides, as he has the right, not to answer I will accept that too, but I will have it on record.

Madam Speaker, considering what has transpired here over the last three months with the waiving of planning fees, which I suspect he will eventually have under the amendment to the Planning Law (he will have that authority to waive fees), can the Minister tell this House and the people of this country whether or not, in his opinion, these fees were waived *ultra vires* the then existing law?

[Inaudible interjections]

The Speaker: Honourable Minister for Finance . . . as I understand it the Member for East End is soliciting a legal opinion. If you feel that you have *locus standi* to respond, please feel free to respond. If not, you are not so obliged.

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I am unable to answer that question.

The Speaker: The Honourable Leader of the Opposition, followed by the Member for East End.

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

Maybe the Minister can say whether this was paid out as against the agreement.

The Speaker: Honourable Minister of Finance.

[Inaudible interjections]

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I think the answer that I gave was in relation to the question that was posed.

The question asked, "What is the total value of the waivers of fees claimed to date by Dart Realty or DECCO in accordance with the FCIA Agreement?" The figures that I have brought this morning and presented relate to the claims in the agreement.

[Inaudible interjections]

Hon. Marco S. Archer: I would assume so. They do not come to me, Madam Speaker.

The Speaker: I recognise the Member for . . . Member for East End, do you want to give way to the First Elected Member for Bodden Town?

I recognise the Honourable First Elected Member for Bodden Town.

Hon. Anthony S. Eden, First Elected Member for Bodden Town: Thank you, Madam Speaker.

I will preface this by . . . and I think the entire House knows how I feel about these Authorities. What I cannot understand is something of this magnitude. How can the National Roads Authority negotiate this? What expertise did they have to arrive at that \$11 million up to this stage?

The NRA . . . what capacity do they have to negotiate for infrastructure fund fees, affordable housing fees, stamp duty, building permit fees, import duties, planning fees? Should it not be some other section or department in government doing the negotiation and not the NRA?

The Speaker: Honourable Minister for Finance, it is an important question. I recognise it does not necessarily fall under Finance but instead, the Minister responsible for NRA, but if you feel that you wish to respond, please so proceed.

Hon. Marco S. Archer: Madam Speaker, I can offer nothing more than the answer within the question itself.

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

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, can the Minister say whether in putting his answer together he had done any background checks to see just how many departments of government were involved, plus the National Roads Authority, in putting together the agreement?

The Speaker: Honourable Minister for Finance.

Hon. Marco S. Archer: Madam Speaker, I can honestly say that I never investigated that far into it as to how many departments were involved in putting the answer together, because I only asked the Ministry

staff to provide me with the figures that pertained to the question, Madam Speaker.

The Speaker: I recognise the Member for East End.

[Inaudible interjections]

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

Madam Speaker, can the Minister who has responsibility for the Cayman Islands Government Finance tell us how much money he has allocated or managed to do housing for poor people, i.e., affordable housing to the Minister for Housing? How much money has been allocated to build homes in the affordable schemes?

The Speaker: Honourable Minister for Finance . . . unless he is asking . . . let me rephrase that—

Hon. Marco S. Archer: Madam Speaker, I think I understand the question.

The Speaker: Just to say, Honourable Minister, you would answer only if you want to, because it is not relevant to the substantive question that has been put here. I have been allowing some lateral with the supplementaries, but this is way out.

Hon. Marco S. Archer: Madam Speaker, in response to the Member for East End . . . Madam Speaker, as Minister for Finance, I deal with the issues at a high level. Once the budget is completed, we go through finance committee and the funds are voted to their respective ministers and those funds are managed by their respective chief officers and chief financial officers. Madam Speaker, I tend not to pay too much attention to the smaller figures within the ministries themselves.

I can get that information from the budget document but it is not something that I have on the tip of my finger. I would not remember that, Madam Speaker. There are hundreds of figures within the budget document so I would have to look for that to provide it.

Thank you.

The Speaker: If there are no more supplementaries, that concludes Question Time.

[Inaudible interjections]

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

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

[Inaudible interjections]

The Speaker: Order!

Cayman Thanksgiving

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

Madam Speaker, it gives me great pleasure to rise and make a statement this early afternoon in this Honourable Legislative Assembly in relation to a matter that is very near and dear to my heart, the area of Culture, and, specifically, the promotion and protection of our Caymanian heritage.

Madam Speaker since 2011 a group of volunteers has been organising and promoting the celebration of Cayman Thanksgiving on the first Sunday in December to commemorate the official passage of the Atlantic hurricane season, which ends on 30th November. These efforts have continued to gain momentum. As anyone who gives the concept of a Cayman Thanksgiving fair consideration is forced to acknowledge, there are few places in this world that have as much as we do as a community to be thankful for.

Therefore the setting aside of just one day per year, set against the backdrop of safely passing through another hurricane season (as we have just done), is a most fitting starting point for the celebration of Cayman Thanksgiving.

The year 2014 is a significant year for the Cayman Islands as we mark ten years since the passage of Hurricane Ivan and five years since the passage of Hurricane Paloma; two Hurricanes whose force and devastation forever changed the Cayman Islands. Such was the magnitude of Hurricane Ivan that we in Grand Cayman now measure time as either pre-Ivan or post-Ivan!

Madam Speaker, my colleagues in this honourable House may recall that following the passage of Hurricane Ivan, I was a vocal proponent for us having some form of annual commemoration or thanksgiving to mark its passage. However, with Paloma being as devastating to the people of Cayman Brac as Ivan was to the Island of Grand Cayman, I found myself thinking we would have to have two such commemorations.

Well, Madam Speaker, I was more than delighted to learn of the efforts of this small group of Caymanians in 2011, who not only had the idea of creating a Cayman Thanksgiving, but who also created a grassroots movement to introduce and create a new tradition which could be celebrated by everyone who lives in the Cayman Islands. And so, Madam Speaker, I am pleased to say that the Government has taken the view that the time has come for this grassroots movement to take the next step on its journey to becoming established as part of Caymanian culture by receiving the full and open support of the

Government by having the first Sunday in December officially recognised and included on community calendars as Cayman Thanksgiving.

Madam Speaker, by celebrating Cayman Thanksgiving on the first Sunday in December each year, there is no requirement to create a public holiday on a weekday, which would have an impact on the business community, employers, and schools. Sunday, for the most part, remains a day of rest in this community and many families have their only family meal for the week together on a Sunday. So gathering together on the first Sunday in December for a meal with extended family and friends is an easy concept to grasp.

Madam Speaker, I believe that Cayman Thanksgiving has many cultural benefits as families and friends are actively encouraged to gather together around a table to prepare a traditional Caymanian meal. Members of this honourable House will be aware that there are many efforts underway to preserve Caymanian heritage and culture. These efforts have become ever more important and led by even more passionate individuals, because we all recognise that what we have known as Caymanian heritage has the risk of disappearing if we do not take steps to preserve and promote it. One only has to open the newspaper on a Friday to count the number of elderly Caymanians each week who have left this world, taking with them knowledge and skills of various key aspects of our history and our very identity as Caymanians. It pains us all to our very core.

Madam Speaker, many Caymanians cannot build a catboat, sing four traditional songs, plait a thatch hat or bag, or even identify unique characteristics of Caymanian architecture. It would be fair to say that because many Caymanians cannot do these things with relative ease, it leaves others, especially those who are not from here and the uninitiated amongst us, to erroneously believe that we do not have any culture or real heritage of our own and that there is nothing that is uniquely Caymanian.

However, Madam Speaker, while I am sure that my colleagues in this honourable House will agree that we know such statements are not true, and in fact have been the cause of many an argument, the one aspect of our heritage which Caymanians can speak to with relative confidence is our food. Most Caymanians of any age can relate what key ingredients or dishes would be part of a Caymanian meal, and we can easily distinguish what is Caymanian and what is not. Therefore, I believe that including the preparation and sharing of a Caymanian meal as part of the celebration of Cayman Thanksgiving is a new way to preserve and pass on our culinary history and traditions.

Cayman Thanksgiving is an invitation to younger generations, and those who have made Cayman their home, either temporarily or permanent-

ly, to learn how to prepare a traditional Caymanian meal.

Madam Speaker, our culinary traditions are important to our identity as a people. No matter how modern and technologically advanced we become, for many of us there will never be anything as delightful as a local heavy cake, a fish rundown, or, dare I say, a pot of turtle stew.

When we think of what our food means to the next generation as a people, any of the Members of this Honourable House who have children who are away at school only have to think of the things our children beg us to cook for them upon their return to Cayman for school breaks and holidays. It is their way of re-connecting with their identity. Madam Speaker, I can attest to that because I better get the conchs and turtle ready!

While I never had the honour of going to sea, I have heard many a story of Caymanian seamen who were fortunate enough to sail with a Caymanian cook, oh what a blessing that was for them. In many ways, Madam Speaker, I believe our food is synonymous with who we are as a people.

I also believe, Madam Speaker, that Cayman Thanksgiving can be a simple means to start a new national conversation, bridging the generation gap and bringing families together to sit around a table and to discuss our food, culture and heritage. Caymanians are also actively encouraged to invite a non-Caymanian into their home to introduce them to Caymanian culture and to share a Caymanian meal with them—and possibly teach them how to make it. One of the most sacred rituals in human existence is sitting together and enjoying fellowship over a meal, and I think that embodying this ritual into our Cayman Thanksgiving is an integral part of achieving its goals.

From an agricultural perspective, Madam Speaker, a subject which I am well aware is close to your heart (close to yours and close to the Minister of Planning and, to some extent, the Premier as well), Cayman Thanksgiving provides an additional boost to local farmers. A central theme of Cayman Thanksgiving meals is challenging us to use as much locally grown produce to prepare the meal. This concept has been taken up by many households as well, as a growing number of Cayman Islands Tourism Association member restaurants who have produced Cayman themed menus using locally grown produce for Cayman Thanksgiving. These local restaurants give visitors and those who choose not to cook on that day options to celebrate their Thanksgiving in a local restaurant while bringing local farmers closer to local restaurants.

Madam Speaker, I ask Members to pause for a moment and consider the predicament we would have been in if either hurricanes Ivan or Paloma had incapacitated our air and sea ports. We would be forced to survive off what was produced here.

Madam Speaker, over the past nine years, we have seen a true revival of the agriculture sector. While many people are still unaware of how much can actually be grown and produced in the Cayman Islands, we are seeing an increasing awareness and I believe that Cayman Thanksgiving will help us in this area as well.

With official recognition, Cayman Thanksgiving has the potential to become a major celebration centred around Caymanian culture for years to come, and something that is observed by families and friends across the community as it becomes a part of the national calendar. From a Tourism perspective, Thanksgiving is the most popular holiday in both the United States and Canada, which are key tourism markets for the Cayman Islands. Visitors from these markets are obviously well aware of the significance of such a day and, Madam Speaker, I believe they will be intrigued by the opportunity to celebrate Thanksgiving "Cayman style."

Madam Speaker, I would like to briefly address any concerns that we are simply copying others. The truth of the matter is that many Caymanians have been celebrating American Thanksgiving for years, some without true knowledge of the reasons why Americans are celebrating. I take the view, Madam Speaker, that all traditions were born at some point in time and Cayman Thanksgiving is as Caymanian as it gets. We as a community have been presented with an opportunity to create a new tradition which has real potential to be passed on to future generations of Caymanians.

Madam Speaker, today, is a good day for the Cayman Islands. It is also by coincidence—and pure coincidence—American Thanksgiving. While Cayman Thanksgiving has enjoyed the support of honourable Members of this Legislative Assembly since its first year in 2011, the time has now come to have Cayman Thanksgiving fully recognised and affixed to our national calendar albeit that this is not a public holiday. I am therefore happy to report to this honourable House that Cabinet has approved the official recognition of the first Sunday in December of each year as "Cayman Thanksgiving" to mark the official passage of the Atlantic Hurricane Season. Madam Speaker, a new tradition—one that celebrates all things Caymanian—has been born.

In conclusion, I wish to thank members of the Cayman Thanksgiving Committee who have contributed over the past four years to sharing this concept with our Beloved Isles Cayman. It is my earnest hope that with the support of the Honourable House, and the people of the Cayman Islands, Cayman Thanksgiving will be a part of the cultural legacy which we leave for future generations.

Madam Speaker, it is my hope that next weekend we will have good reason to say Happy Thanksgiving to each other and not just merely copy

what someone else has done this week. It is my pleasure.

Thank you.

The Speaker: Does that mean there will be a discount on turtle meat?

Hon. Osbourne V. Boddan: I think there may come some suggestions from the floor, Madam Speaker.

The Speaker: I recognise the Member for North Side.

SHORT QUESTIONS

[Standing Order 30(2)]

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

In accordance with Standing Order 30(2) I ask your permission to ask the Minister a couple of questions on his statement.

The Speaker: You may proceed with a maximum of three short questions.

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

Madam Speaker, I wonder if the Minister would consider asking the Government, in honour of Cayman Thanksgiving day, to reduce the price of turtle meat for household consumption, and we could also place a limit of 10 pounds per household or something like that—but only for household consumption, not for restaurant sale. Also whether he would invite the Premier to pardon a turtle for that day, which could create a new tourism tradition because you could charge extra to see the pardoned turtles and it would take WSPA [World Society for the Prevention of Animal abuse] off our back.

The Speaker: I am sure the Member meant to say release—

Mr. D. Ezzard Miller: No, a pardon, no release.

The Speaker: No, I know what a pardon means but based on the fact of the difficulty we had with the international CITES [Convention on International Trade in Endangered Species of Wild Flora and Fauna] we do not want to think that our turtles have been incarcerated.

Mr. D. Ezzard Miller: No, no, we pardon him, Ma'am. Put a crown on him with Caymanite so they can see it; extra dollar to see that one!

The Speaker: Honourable Minister for culture.

Hon. Osbourne V. Boddan: Thank you, Madam Speaker, and I thank the Member for North Side.

Madam Speaker, I have been assured by the Minister responsible for our good turtles that we have

asked for a price reduction (we cannot dictate) next week. Regarding the pardoning of the turtle, I will leave that to the goodly Premier to respond to. But I think it might well be a good gimmick. That turtle will be safe.

The Speaker: If there are no further requests for questions under the Standing Order, Madam Clerk . . .

SUSPENSION OF STANDING ORDER 14(3)

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, as I indicated last night, I beg to move the suspension of Standing Order 14(3) to enable Government Business to have precedence over Private Members' Business today, Thursday.

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

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

Ayes.

The Speaker: The Ayes have it. Standing Order 14(3) is accordingly suspended.

Agreed: Standing Order 14(3) suspended.

The Speaker: We will move on to Government business.

The Premier, Hon. Alden McLaughlin: Madam Speaker, in order to facilitate not just the business of the House but outside business (which the Minister with the responsibility for the first two Bills listed has to deal with), I would like to move a motion that the Summary Jurisdiction (Amendment) Bill be dealt with in advance of the other two Bills on the Order Paper. That way I can take that now and the Minister can go about his business without losing more time in the House because I expect that today is going to be a long day.

The Speaker: The question is that the Summary Jurisdiction (Amendment) Bill, 2014, be taken at this stage as opposed to the Secondhand Dealers Bill and the Trade and Business Licensing Bill.

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

Ayes.

The Speaker: The Ayes have it.

We will now deal with the Summary Jurisdiction (Amendment) Bill once it is called by the Clerk.

Agreed: The Summary Jurisdiction (Amendment) Bill, 2014, to be taken before the Secondhand Dealers Bill, 2014, and the Trade and Business Licensing Bill, 2014.

BILL

SECOND READING

SUMMARY JURISDICTION (AMENDMENT) BILL, 2014

The Speaker: I recognise the Honourable Premier.

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

Madam Speaker, I beg to move the Second Reading of a Bill for a law to amend the Summary Jurisdiction Law (2006 Revision) to empower the Cabinet to make regulations providing for the training of Justices of the Peace; and for incidental and connected purposes.

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

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

Madam Speaker, as we are all aware, the justices of the peace fulfil an important role. And although the office does confer a certain status, the position is not merely symbolic but one involving important duties and responsibilities in, among other things, assisting to preserve the rule of law and to meet the public need for justice of the peace services.

In line with other countries, the Cayman Island has become more litigious in recent times and decisions of public officials are being increasingly challenged in court and exposing the government to the risk of paying out huge sums by way of compensation. By the very nature of their role, justices of the peace are requested to make decisions that invariably impact civil liberties and fundamental human rights.

One moment, Madam Speaker; if I may have your indulgence.

[Pause]

The Premier, Hon. Alden McLaughlin: They issue warrants, summonses, remand persons to custody or bail, preside over youth courts, and a range of other duties. All of these are very important functions and are invariably contentious. The recent adoption by the Cayman Islands of the Bill of Rights in the Cayman Islands Constitution 2009 has put additional pressures on public servants including justices of the peace to ensure that decisions made are lawful, proportionate and procedurally fair and transparent.

I would like to recognise the Deputy Governor and his staff for his leadership, which has brought this Bill to fruition, and, in addition, I would like to acknowledge the work of the Justices of the Peace Association and the Honourable Chief Justice Anthony Smellie, QC, in developing the new draft regulations.

Madam Speaker, the current Summary Jurisdiction Law only briefly covers the appointment and removal of justices of the peace by the Governor. The amendment being proposed to the law does not change that responsibility. However, the current Law does not provide for the making of regulations which, in the context of modern drafting, are appropriate to further clarify the working of the primary law. Accordingly, this amendment would allow Cabinet to make regulations with regard to justices of the peace. The regulations will contain some of the much-needed guidance for justices of the peace in the execution of the office.

Madam Speaker, the Cabinet decided, in light of recent court challenges to the issues of warrants by justices of the peace, that to mitigate further legal exposure and resulting liability to government regulations needed to be put in place and a training programme introduced. The training of justices of the peace is neither new nor unique to Cayman. Indeed in some countries you have to undergo a significant period of training prior to being sworn in. The Deputy Governor's office organised the training of approximately 136 new and existing justices of the peace in Grand Cayman and Cayman Brac between January and April (I believe) of this year, and a new training manual has been developed and issued to all who attended the sessions.

The draft regulations which have been developed in conjunction with the Learned Chief Justice, the Judicial Department and others, once brought into effect, will cover the following areas as touched on in the various clauses of the Bill.

It will provide, Madam Speaker, for criteria for the nomination of an individual to be a justice of the peace in the first instance. It will provide that all nominees should have no criminal record, have a sufficient level of literacy in English and have demonstrated the ability to make good judgments. Additionally, the regulations will set out the nomination process for becoming a justice of the peace. Nominations for persons to be appointed to be justices of the peace will only be accepted from registered voters. The nomination form will have to be accompanied by a reference letter from two referees who must be registered voters or have been resident in the Islands for at least 10 years.

The Clerk of the Court will forward copies of the nomination form and the attachments to the Chief Justice, the President of the Justices of the Peace Association and the Attorney General for comments. The Clerk of the Court will also carry out a due dili-

gence exercise and a background check on the nominee including requesting a police report.

The Clerk of the Court will interview the nominee explaining the duties and responsibilities of the role of a justice of the peace. If the nominee is deemed suitable, the Chief Justice will approve the nominee to participate in a training programme. Following the nominee's completion of the training the Chief Justice will send all documentation to the Governor with a recommendation.

The next step will be the appointment process and will include the following: the Governor, having considered the comments of the Chief Justice, the Attorney General and the Justices of the Peace Association, and having received confirmation that the prescribed training course has been satisfactorily undertaken, may make the appointment. On receipt of the instrument of appointment the Clerk of Court will arrange to swear in the new justice of the peace including administering of the Oath of Allegiance and Judicial Oath. Once the Oath has been administered, the Clerk of the Court will inform the Chief Justice, the Attorney General and the Justices of the Peace Association and arrange for the name to be added to the roll of justices for publication of the appointment in the *Gazette*. An official stamp will be provided for use on all documents where appropriate.

Madam Speaker, it is also contemplated that there will be a code of conduct for justices of the peace; again, something that will not be unique to the Cayman Islands. The justices of the peace will be expected to observe the code of conduct, as failure to do so may result in their removal from the roll of justices. The code will include the following:

- A justice of the peace must not unreasonably refuse to provide Justice of the Peace services and must treat all persons seeking such services with courtesy, dignity and respect.
- A justice of the peace, understandably, should not engage in unlawful activities nor conduct themselves in such a manner as to bring the office into disrepute.
- A justice of the peace must keep safe and must not reveal information which is private, confidential or commercially sensitive in which the justice of the peace has obtained in the course of providing justice of the peace services unless authorised by law.
- A justice of the peace will be expected to remain independent and impartial when providing justice of the peace services.
- If a justice of the peace has a personal, family, financial or business interest in a matter in which he will be required to act, the justice of the peace must disclose the interest to the person seeking justice of

the peace services or decline to provide the services with respect to that matter.

- A justice of the peace is not permitted to charge a fee or accept a gift for providing Justice of the peace services.

Madam Speaker, I do not think any of these are unduly restrictive or onerous and are some of the obvious attributes that we would expect of our justices of the peace given the nature of their office and their public profile.

Madam Speaker, the draft regulations contemplated will also prescribe a process for dismissal, suspension or resignation of a justice of the peace. By way of example, to dismiss a justice of the peace the Governor will establish a tribunal chaired by the Chief Justice or a Grand Court judge as designated to conduct a hearing. The Governor may suspend a justice of the peace who is charged with a serious offence that carries a penalty of imprisonment or may bring the office into disrepute pending the outcome of the court case.

If the justice of the peace on retirement has served for a minimum of 10 years, he or she may request to retain the justice of the peace designation with the addition of "(retired)" following their designation. Once retired, the justice of the peace will have no authority to continue to witness documents or issue warrants or any of the other functions and authority which a substantive justice of the peace will have.

There is, Madam Speaker, no upper limit in terms of age with respect to being a justice of the peace, but from time to time justices of the peace find that they are no longer willing or able to carry out those duties. So this change to the law will allow them to continue to have the designation of JP in an honorary capacity indicated by the use of "(retired)" following the JP designation.

Justices of the Peace will be encouraged and expected to keep a written record of most if not all encounters including signatures witnessed, land transfers witnessed, warrants issued and all occasions when justice of the peace services are refused giving reasons on the prescribed form.

Additionally, Madam Speaker, as to be expected, in the unlikely event a JP is accused of misconduct there should be clear procedures for dealing with such complaints. Accordingly, the regulations will set out a complaints procedure. Any person will be able to make a complaint about the conduct of a Justice of the Peace to the Clerk of the Court. If the complaint is not frivolous or vexatious, the Clerk of the Court should bring the complaint to the attention of the justice of the peace concerned for him or her to respond.

The complaint and the response from the justice of the peace shall be forwarded to the Attorney General with a recommendation of whether an inquiry is necessary. If the Attorney General advises the

Governor that an inquiry is necessary and the Governor agrees with the recommendation the Governor may ask the Chief Justice to chair a tribunal which will also include two justices of the peace nominated by the Justices of the Peace Association. The chair of the tribunal will submit a report and recommendation to the Governor following the hearing.

Madam Speaker, I am confident that the new regulations will further enhance the important roles that our justices of the peace play in the justice system and, more generally, I am looking for the support of all Members of this Honourable House to pass the Amendment to the Summary Jurisdiction Law to allow for the draft regulations to be formalised.

The regulations, once promulgated, will help to further engender respect and confidence in the work of justices of the peace. It will increase public confidence that a justice of the peace is adhering to the appropriate professional standard as well as ethical traditions expected of that ancient office. It will help to further explain and clarify the role of the justice of the peace and therefore help to reduce mistakes because they will serve to provide clear guidance in the provision of Justice of the Peace services.

Madam Speaker, the final provisions of the Bill that I would like to touch on briefly are those dealing with the ability of those persons who are appointed as justices of the peace by virtue of office, *virtute officii*, to be able to retain the title following their retirement, provided, of course, that they continue to be deemed fit and proper to continue in that office and that they are Caymanian.

These public officers, Madam Speaker, are appointed by the Governor pursuant to section 7(3) of the Summary Jurisdiction Law. The offices covered include that of the Chief Justice and Judges of the Grand Court, Magistrates, the Clerk of the Court, the Deputy Clerk of the Courts, and a number of others. There is no good reason why such persons who already have such vast working knowledge of the law should not be able to continue to provide their services as justices of the peace upon retirement from office, provided they are otherwise fit and willing to do so and are Caymanian. The Government has therefore decided that the Law should be amended to allow them to retain the title in the circumstances outlined above.

Finally, Madam Speaker, it is only appropriate that I take this opportunity to publicly acknowledge the excellent work that our justices of the peace continue to perform and which often goes without notice until there is a problem. I wish to pay tribute to the Justices of the Peace Association, including their current president Mr. Albert Anderson, past presidents, Mr. Harding Watler, Ms. Debra Humphreys and others.

Madam Speaker, our justices of the peace deserve not just our thanks, but also our continuing support and encouragement and I invite all honou-

able Members of this House to give support to the proposed amending Bill.

Thank you very much, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Member for East End.

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

Madam Speaker, I was trying to get some information from the office, but I guess I can postpone that side of it. What it was, Madam Speaker, was that recently we had an amendment to the Notaries Public Law, and it is nowhere available. So that is what I am trying to get.

Nevertheless, Madam Speaker, I—

The Speaker: Member for East End, lunch is on its way. It should be here within the next five minutes. Perhaps we can take a luncheon break and your information is being looked for at the time. Unless there is a strong objection to that we will take a luncheon break and reconvene at 2:00 p.m.

Proceedings suspended at 12:37 pm

Proceedings resumed at 2:15 pm

The Speaker: Please be seated.

I recognise the Member for East End to continue his debate.

BILL

SECOND READING

SUMMARY JURISDICTION (AMENDMENT) BILL, 2014

[Continuation of debate thereon]

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

I was hoping that my contribution would not be long, but it may very well be a little while for me to expound upon my reasons for not supporting this Bill in order for no one to get the wrong impression.

Madam Speaker, when I say I do not support the Bill, which is the amendment to the Summary Jurisdiction Law (2006 Revision) to empower the Cabinet to make regulations that would put in place the procedures for the orientation and training of Justices of the Peace; and for incidental and connected purposes, I am saying that because I see this as the thin edge of the wedge, meaning, primary legislation is enacted here in the legislature for the courts, such as the Grand Court Law, and secondary legislation (if we can call it that) is promulgated by the Chief Justice

under operation of that Law in the form of Grand Court Rules.

Madam Speaker, whilst I am not a lawyer, I might be one of those family lawyers, I believe, and I still understand, the meaning of separation of powers. We, as legislators, whilst there is some overlap, such as the executive having to approve the budget of the judiciary, my concern is that when we tinker with that we may be creating the thin edge of the wedge, because whilst I am firmly of the view or the belief that many in this Government may not necessarily want to take this move any further, my concern is not this Government. My concern is Governments to come because—news flash!—this one will not stay here forever!

Governments to come may very well view this as their opportunity to go and make further regulations to control the judiciary. Madam Speaker, as you well know, that is a dangerous position for any country to be in. It scares me. I am concerned that this could be precedent-setting and others capitalise on it. Yes, Madam Speaker, one may argue that I am paranoid. One may argue that I do not trust. No, I do not. I trust my shadow in the midday sun.

Madam Speaker, the Summary Jurisdiction Law . . . and I know someone is going to get up here and say, *Oh, no, you're wrong*. The Summary Jurisdiction Law governs the appointment of magistrates, appointment and removal of justices of the peace, composition of the court, exercise of jurisdiction, civil jurisdiction, criminal jurisdiction, places and times of sittings of courts, all managed by the Chief Justice. I understand the Government saying that this is only about training. And we are going to get to this thing called training because that is a fish of another colour, or a fowl.

Madam Speaker, what is going to be next? Who is going to make further regulation for the further operations of this Law? Madam Speaker, now that I have laid out my fundamental reasons for not being able to support this Bill to make regulations, I will go on to make some suggestions to this Government and proposals on why, where, how we should be doing this.

Madam Speaker, the justice of the peace designation just happens to be for Caymanians. That is Caymanians' way of participating in the governance of this country, but, more importantly, the justice system of this country. Contrary to belief, it is voluntary, because no one needs to accept a nomination for justice of the peace.

As I recall, Madam Speaker, in yesteryear we had quite a few justices of the peace. I can think back to people like Mr. Chappy, Mr. Warren's daddy—Mr. Austin [Conolly], that is, and many others within the district of East End, like Mr. Will. It is only given to Caymanians who we consider upstanding citizens of this country who are worthy of participating in the administration of justice. In the days of Lincoln Bodden

[PHONETIC] from East End and the likes, whilst I was not born when these people were doing it, I grew up seeing them do it; in the days when judges were visiting judges. We had to put somebody in place here for the administration of justice, such as sitting in court “magistrate's court,” signing documents, attesting to the good character of people, or meting out justice within our communities. That is what it meant to us as a people.

We know the history of justice and the creation of the justice of the peace position, which is hundreds of years ago in England when England did not see it necessary to fully complement our country with judges and the likes because we were small in number, were not valued very much by them at the time because we did not have the plantation and arable lands and stuff. So we appointed our own people to administer the justice in the form of justices of the peace.

Madam Speaker, we have grown since then. We have grown quite a bit. But we have remained stagnant in our movement of the administration of justice. So much so that in the minds of our people, in the minds of certain institutions, we still hold justices of the peace responsible for everything.

Madam Speaker, I understand the need to train, because this jurisdiction has become so sophisticated in law. I think the Premier said it has become extremely litigious over the last few years. And we have every lawyer coming in here setting up a firm, and they come not only for the financial industry but for the criminal industry where they can make a name for themselves with their neon signs. They make a name for themselves in taking people to court. And the least little thing the judges . . . one mistake by a lay justice of the peace causes this country to pay much—one mistake.

I am reminded that much can be said about a justice of the peace making a mistake, but even preachers are human beings too, because I see the lawyers just made one blunder out there the other day—and the judge. But we make a big deal about the justice making a mistake.

Madam Speaker, it is an honourable thing to be appointed a justice of the peace. I am.

There is a need for training. I endorse that. I support the Government in its effort to ensure that justices of the peace do not make mistakes. However, Madam Speaker, there must be different categories of justice of the peace. For me, not being a lawyer I do not know what constitutes *prima facie* evidence; I do not know what constitutes probable cause. It is not my job to know that. That is the lawyer's job to know that, and judges. So when we come to the training and the separation, I believe it is necessary that people like me, lay justices of the peace, be trained for specific jobs, such as the signing of papers for my people in East End, land transfer, affidavits, and the like, the witnessing of those and what have you.

The other the areas that lay justices of the peace, like me, can perform and stay connected to the administration of justice in this country, such as, the courts imposing community service when one is convicted of an offence, like the drug courts we have now established. I believe that justices of the peace, such as me, can attest to signing off on that community services and the likes. If in East End, the judge sentenced someone to community service, I would know who they are working with so I can go and confirm with those people who they are and sign it off. I can double check on them and the likes.

Now, this action on the part of this Government is a knee-jerk reaction to what transpired (and the Premier spoke of it) in two instances of recent history: one with Judge Henderson, where the judge said that the JP was coerced into signing a police warrant; and the other one where a lady said that the JP did not read what he was signing, and then signed an affidavit to that effect. No, no, I am not talking about one and the same instance. I am talking about the one where Mr. Carson Ebanks signed for the police to go pick up Henderson, which cost us \$1.2 million.

Now, unna wanted out, unna getting it.

[Inaudible interjection]

Mr. V. Arden McLean: Yes, with Donnie telling him to do so.

[Inaudible interjection]

Mr. V. Arden McLean: That is what the judge determined. A judge!

The other one was with Sandra Catron, which is a public document, saying that Louis Ebanks did not read it and did not know what he was doing . . . Madam Speaker, neither of those, I believe—I want that made very straight—should have investigated something.

Madam Speaker, why? And I am going to digress here a little bit.

Madam Speaker, the morning that Mr. Carson [Ebanks] signed that thing I was in early. I had missed Mr. Carson (because he was usually in early). I asked about him. No one knew where he was. When he turned up to work, he came straight into my office and complained to me about the signing of a search warrant with it saying that he was an officer of the court. He said he did not know of him being an officer of the court. Of course, I can say that he had concerns within minutes of coming back to the office.

My response to him was, *I'm sorry, but you are going to jail*. Anyway, that was a joke that I passed with him. But I can say that he was concerned about it.

I am further suspicious of the other case for my own personal reasons, but so be it.

Madam Speaker, this Government is reacting to those two cases, in particular, the latter one. I cannot, for the life of me, understand why. This is not the way to respond to those things. We are opening up a can of worms that we may never be able to close. We have it bad enough trying to establish the autonomy of this legislature; it will be worse when we step over that proverbial line that is drawn in the sand with the judiciary. That needs to be steered clear of.

Madam Speaker, the Premier said that the Chief Justice was consulted. Now, I am not saying I am disbelieving the Premier; he was reading what someone else had written. Madam Speaker, I did not say I disbelieved the Premier. Obviously, because he was not supposed to be bringing this, I suspect he was coached; he was briefed, so to speak, on what the status was. I am not calling anybody a liar. No, Madam Speaker, I would never disrespect anybody in here like that.

The Speaker: Once you are not inferring that the person who read it apparently sits in the Chamber then you are not in breach. If that is your intent, please deviate from that intent.

Mr. V. Arden McLean: Madam Speaker, I never said that. God forbid. I would never say any such thing.

Madam Speaker, that the Chief Justice had been consulted. I do not know what part the Chief Justice has played in this. I believe that . . . and like I said, I do not trust anyone, Madam Speaker. I would like to do the Reagan thing—trust, but verify.

[Inaudible interjection]

Mr. V. Arden McLean: Well, what are you going to do, ask him to bring it back?

Madam Speaker, I believe what needs—

[Inaudible interjection]

Mr. V. Arden McLean: You can get back up anytime you want. Get up now on a point of order. I will sit. You can say anything you want. I am going to say what I want, you know.

[Inaudible interjection]

Mr. V. Arden McLean: Oh, it doesn't make sense to you?

The Speaker: Order!

Mr. V. Arden McLean: You are the smartest person in this world in this Chamber.

[Inaudible interjection]

Mr. V. Arden McLean: You have two more brain cells than me, and they aren't any good to you.

The Speaker: Order Members.

Member for East End, please continue your debate.

Mr. V. Arden McLean: Madam Speaker, the Premier better not challenge me on it. Okay?

You better be careful.

Madam Speaker, you know, sometimes . . . maybe I should not try to save anyone.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I too have consulted on this Bill, and quite widely. And I can assure this honourable House, and the smartest Premier we have ever seen, that I was advised that no consultation was done. Okay?

Madam Speaker, the responsibility, I believe, of . . . you know, you are the smartest lawyer now too?

[Laughter]

Mr. V. Arden McLean: No, I want to know where he is getting his information from over there. Obviously, it is not reaching you right. Pray have somebody help him with those Q-tips over there.

Madam Speaker, it is my view that the Summary Jurisdiction Law should be managed by the Chief Justice and him alone. Any Government, in particular this Government, now needs to provide the necessary financial resources for the Chief Justice to get done what he needs to get done with justices of the peace. Cabinet has no place to make regulations on training. If there is a need for training of the justices of the peace in this country, Cabinet needs only request that the Chief Justice do it and utilise his justices of the peace in the proper manner.

Madam Speaker, I am going to show you what the administrative arm of this Government did recently. What they did was an affront to some of the justices of the peace when they sent out a letter saying that they had to be trained, they had to participate in the training or they were going to rescind their designation as a justice of the peace. Madam Speaker, the emphasis of that training . . . look at the Attorney General with quizzical eyes. The emphasis of that training was the case with Sandra Catron and Mr. Louis Ebanks, which I understood, and I appreciated, because it enlightened me.

Madam Speaker, what was an affront to the justices of the peace was that in 2013 this Attorney General came here and repealed the Notaries [Public] Law and then amended the Law to say that accountants and lawyers were exempt from training to be a

notary public. Now, let us get back to the affront so we can compare it to what I just said.

Madam Speaker, the only persons justice of the peace designation is bestowed upon are Caymanians. Let us name some names: Your good self; the Premier; the Minister of Financial Services; the Minister of Finance; Minister of Education; David Ritch—40 years of practice as a lawyer—first as a prosecutor, then as a magistrate, then as Acting Attorney General, then as defence lawyer, Forty years, 1976. Okay? Forty years of practice. And he had to go to training because one JP had signed, ostensibly signed, a police search warrant incorrectly.

Adrienne Webb, 40 years of practice, had to go. Charles Clifford, police officer, chief officer, politician, lawyer, prosecutor. Do you think that is not an affront, to go to be trained as a justice of the peace on how they should sign a police search warrant, what they must look for, the questions they must ask, by a civil servant? And no disrespect to the lawyer that conducted it, a lawyer of recent qualification (maybe 5 or 10 years, I don't know).

Madam Speaker, I understand, the Leader of the Opposition understands, the Member for North Side understands, the other Member for West Bay. Madam Speaker, we do not know a thing about that. But we can do other little things. Every lawyer that has been given that had to go . . . the justice of the peace designation has been honored . . . to hold that designation of justice of the peace, [they] had to go to training by a civil servant.

That is what this has been caused by the administrative arm of government dabbling in it. It needs to stay with the Chief Justice! Let him decide how he uses his justices of the peace. He could appoint them. The Governor appoints under whom? Where are they used? Not under the Summary Jurisdiction Law?

Madam Speaker, the Premier read off about what the regulations are going to say. I have them too. Madam Speaker, I went to the training in April or May, I believe, and the regulations had already been written. I asked them under which authority, because the Summary Jurisdiction Law does not make provisions for it. We are doing it now!

Madam Speaker, do you want a copy, or what?

Justice of the Peace Regulations, 2013—arrangement of regulations.

The Speaker: So ordered.

Mr. V. Arden McLean: You see, Madam Speaker, the problem here is that it appears like the executive thinks they must do everything. No one else is good enough to do anything.

News flash: You are not in charge. Got it? You are enabled by this legislature. And I hope somebody carries that message to the Deputy Governor too.

Madam Speaker, I did not get up here with any intent of opposing the Government's intent to ensure that training is done, it is just that this is not the place to do it, and Cabinet is not the place to do it by virtue of secondary legislation. We are going to cause a problem. But, of course . . . you know what? People would have me sit here and not open my mouth and allow them to do as they please. Another news flash: That is not going to happen.

Madam Speaker, in my research, there are many places, not only in the Commonwealth but throughout the world, where search warrants are required to be signed by magistrates or judges. Madam Speaker, you have to understand now . . . let me get the Police Law, because I have been at this now ever since they sent it out. Section 44, Madam Speaker, of the Police Law . . . he who has a Bible, follow me. I'm preaching today. Did you bring your Bible? Follow.

"44. (1) Notwithstanding section 26 of the Criminal Procedure Code (2006 Revision), or any amending or superseding version, this section has effect in relation to the issue to police officers under any Law, of warrants to enter and search premises; and an entry on or search of premises under a warrant is unlawful unless it complies with this section.

"(2) Where a police officer applies for any such warrant it shall be his duty-

(a) to state -

(i) the ground on which he makes the application; and

(ii) the Law under which the warrant would be issued;

(b) to specify the premises which it is desired to enter and search; and

(c) to identify, so far as is practicable, the articles or persons to be sought.

"(3) An application for such a warrant shall be made ex parte and supported by an information in writing.

"(4) The police officer shall answer on oath any question that the Justice of the Peace, Magistrate or Judge hearing the application asks him."

And then it goes on to say the warrant is for one occasion only and what needs to be listed on it.

Now, Madam Speaker, they are waking me up at 3:00 in the morning. Why can they not wake up judges? There is no need for us to react the way we have reacted to this thing. None! The provisions are there. Magistrates can do it.

Now, Madam Speaker, I spoke earlier about how we have come of age, and the purpose of the magistrates when they were first introduced in this country, because we only had visiting judges. Remember that I said that? And they were coming once every six months, once every year, if we were lucky. Madam Speaker, I also said that this country has become extremely sophisticated. So much so that we

now have a judicial commission that appoints judges and the likes, and magistrates. Madam Speaker, no one must tell me that magistrates cannot do it.

Three or four months ago the newspapers were big with us appointing four new part-time magistrates. And how many did we have in court, permanent, before that? Four? Two? So, Madam Speaker, we have at least eight magistrates somewhere throughout this country. Do not worry; there is one living fence-in-fence right behind me. So any policeman that comes to me I will send to my backyard.

Madam Speaker, the magistrates can be called upon to sign police warrants. They are the most suited to do that. And then, when the Chief Justice feels overwhelmed and his court is overwhelmed with the work, he must call upon David Ritch, Adrienne [Webb], Charles Clifford, this one, that one, to sit in juvenile court for him. There is very little need for laymen to sit any longer. We need to train all of our long-practicing lawyers on how to sign a search warrant and what to look for. That is what we do. Why is that? Let me proffer an opinion.

Do you know why that is? In my view, Madam Speaker (remember, I said in my opinion), because they are Caymanian. That is why. We are not valued enough to not go through that training. But all those who come here do not need to be trained to be a notary public, they know it all. But our little lawyers that we have grown, we have reared, who have become successful, *Well, you know, we don't trust you. We need someone who is not a lawyer to show you how to do this.* That is what we are going to do. *And we want you to keep records of every document you sign just in case something happens and we want to come back and see what you did.* Even that, I will concede. But why do we need to train our lawyers, and the lawyers who are notaries public are exempt, and accountants, from training to be a notary public?

Madam Speaker, I understand, and I know the argument is going to be, *Oh, well, the notary public doesn't have the jurisdiction that a justice of the peace has within our justice system.* I understand all of that, Madam Speaker. So when they come they are going to come with those bazookas, *Arden doesn't know what he's talking about,* and all that. I understand, Madam Speaker, that justices of the peace have more authority within the justice system and need to be trained. So, tell me why, then, are the other notaries public trained (the other notaries public that need to be trained)? But we can exempt the lawyers . . . I do not see any . . .

Madam Speaker, I gave you a copy of these proposed arrangement of regulations, by and large what they will say, I guess. I do not see anything there about Caymanian lawyers not being trained.

[Inaudible interjection]

Mr. D. Ezzard Miller: It's in the regulations. And that is what they were training us under. That's what the man told me. I was there, Arden. These are the regulations. He told me they were already made.

Mr. V. Arden McLean: I trust that the Government is going to exempt our good lawyers from this. Madam Speaker, they are the ones who understand (what do they call it?) *prima facie* evidence, probable cause. That is the kind of stuff they are asking me to look for when I am to sign a warrant, and to ask questions. And I understand that, Madam Speaker, because I was never trained in it. But you do not have to train the lawyers to tell them that is what to look for. You do not have to train the judges, the magistrates, to tell them that is what they have to look for. Let's take it there. Even in England magistrates are required to sign police warrants, and in many other places in the Commonwealth, Australia. In America it is circuit judges, so I suspect they are on par with our magistrates. But we are using this opportunity to . . . demoralise, maybe is the word, embarrass?

And I know the Premier is going to get up politically and attack my position. That is fine. But at the same time, the political directorate has no jurisdiction over it. But they send him out there for him to get at me, you see.

Say it's not so.

You know, Tony, it's so.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, for what do we try to participate in our country's governance? For what? We have people like Mr. Brainard Watler, the older ones (name some of them for me)—

[Inaudible interjection]

Mr. V. Arden McLean: Richard Arch, all these people who this was bestowed upon. Olive Miller. In East End we have preachers. We have in North Side, Coolidge Connolly. Name it.

[Inaudible interjection]

Mr. V. Arden McLean: Is it because they are Caymanian that we have to impose this, because we do not trust them? What is it?

Madam Speaker, every time we are trying to float the boat somebody punches a hole in our end. And they rejoice! News-flash again: You better not, because you are in the same boat; and it is going to sink and you are going to get wet too, unless you start bailing.

Madam Speaker, I support the Government in its approach to this to ensure there is continuous training. Like the Premier says, in other jurisdictions it is so, because this is a respected position. We need to

ensure that the public has confidence in the justice of the peace and what they are doing. I agree with the Premier. But let us not do it this way. If we have consulted with the Chief Justice, can we not say to him, *Please, since they are officers of the court, let us know what it takes for you to conduct training on a regular basis and allow the courts to do it?* Is that how it is supposed to be done? Who is going to do this?

Madam Speaker, by no stretch of the imagination can I see this not being an embarrassment, at the very least, to some of our JPs. Every six months, people like David Ritch and Adrienne Webb are going to have to get updated in training, or once a year, once every two years. I don't know. It cannot be fair to the very people who uphold, who morally, ethically are required to uphold the tenets of justice in this country and we have to train them to be a JP. What are we bringing out so new so often that we need to train these lawyers? I do not even know if lawyers go on continuing education. Somebody tell me now. But because you are a justice of the peace you need continuing education and training?

I do not know. I mean, Ms. Adrienne Webb was Boundary Commissioner twice, you know. She has been on all appeal boards and tribunals. She spent all her life in practice, she does more conveyancing and that kind of stuff, but still, in criminal law. It just bothers me, Madam Speaker, to see what we do to our people. We tell our people that for them to achieve their dreams, their hopes, and their aspirations, they need to be trained, and they need to get an education. Then somebody pulls the rug from under us to get it.

Tony, that's what is happening. Why are we doing this?

But then someone comes here with the same qualifications, and they do not need the training because they have experience. David Ritch and Adrienne [Webb] have 40-odd years of practice, and it is still not enough for us. Who is directing this? Then we bring lawyers into our country only requiring five years, three years, of PQE (post qualification experience). Within a year or two they become a notary public and they do not need training. Adrienne [Webb] has 40 years; David Ritch has 40 years. Train them! They don't know what they are doing.

Do you think that is fair? Do you think that does not bother me? Yes, me? I need it. You need it too, Minister of Health. You need it too. All of us! There are many documents that I do not understand and, you know, I need the training. I welcome it. David Ritch every week he signs those same documents out there about land transfers and all of that, and Adrienne [Webb] and all that. You have to train them and show them how to do it. New way of doing it: *put your signature on this line as opposed to that line and stop it. You cannot make the signature come over the line.* It must be that, because it has not changed. Tell me.

Madam Speaker, I do not know what more to say. I know I am not supporting it. I will not support this affront to some of our people. I will not support this thin edge of the wedge between this Legislature, Cabinet and Judiciary. I will not do that. Leave this up to the Chief Justice since they are officers of the court. Do we go over there to tell him how to train the Clerk of Courts and their attendant staff (what do they call them?), marshals? We do not. Leave it up to him. Provide the resources for him to do it. Why are we getting the Deputy Governor's office in things that do not concern him? Not because he is a lawyer, now, that he thinks he can take over the judiciary. I have said before when we start second guessing the judicial system in our country we have a banana republic.

Is that the direction we want to go, where the political directorate can dictate to the judiciary? God forbid that ever happens in this country. Stay as far away from them as possible. They have no control over us here. All they can do is to say that the laws we make are not compliant with human rights. That is the extent of their involvement here. They have no business to send anything back here. We have no business to go at them. Let this not be the beginning of it. Let this Government not be the start of something that we cannot stop and it destroys the very foundation of the justice system in this country.

I do not have any more to say. I guess I must be a fool. I know I will be made out to be a fool. But, Madam Speaker, that is my position. All I am doing is asking the Government to stop this. There are different ways of getting it done. We have the jurisdiction over primary legislation, after consultation with the Chief Justice. Why are we getting into secondary legislation to manage that primary legislation? It is wrong. It is not needed. There is no need for it; it is uncalled for. I do not know what is going on between the executive arm and the Chief Justice and the justice system. I do not know. I do not need to know. But I trust the administrative arm. I trust this is not a response, or a reaction, to something that is personal or anything of that nature, because I am not going to be a part of it. I refuse to be a part of that, whether it is that, or something else. I want to stay as far away from that as east is from west.

I will not be held responsible in years to come when they say, *Well, you started it*. Not me! I am going to record my objection to it.

Madam Speaker, I do not know. Maybe . . . and I welcome . . . I stand to be corrected, but the Government has not said anything yet that I can hang my hat on, to justify this. Again, if we are concerned about the conduct of the justices of the peace, get the Chief Justice to do what he has done with the Rules of the Grand Court. I know the Legal Practitioners Bill . . . we are not getting a code of conduct in that. That is another one that is coming soon I hear. I am waiting for you on that one too.

No, Madam Speaker, I believe there has to be a different way to do this. The court has always been the one to conduct the training. The magistrates . . . the woman, Donalds, as magistrate, used to do the training. Why is it now they are not good enough? Why is it they just [don't] appoint Hernandez (who else?) . . . someone named Wallace or something, and some other man, Adam Roberts, and one other one. And then we had Donalds, and there must be three or four out there as well. Madam Speaker, they can do the training. If they have to engage and hire people from the outside, then fine. But training must be under the auspices of the court.

When it is convenient, we say the justices of the peace are not our responsibility because they are officers of the court. But when we want to train them we say, *Oh yes, it falls under the Deputy Governor. And we have to see to it that they are trained.*

What are we doing? Do we want to flex our muscles, or what?

Madam Speaker, I shall respectfully take my seat and, should I say, prepare for the onslaught, which I have always had to endure, and so on. The Government needs to convince me that this is the right way to go about this. I am not convinced. And until I hear from the Chief Justice that this is the way it should go, I will not support this being done.

Yes, Madam Speaker, I am afraid. I am concerned. I am very, very afraid to be part of a precedent that could potentially be damaging, could have more consequences than they intend. I am concerned. I am afraid of it. And I am not going to take part in it, Madam Speaker. Thank you.

The Speaker: Does any other Member wish to speak?

I recognise the honourable Member for the district of North Side.

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

I endorse what the Member for East End said. Since this whole thing is being done because JPs need training, I want to talk a little more about the actual training that we were subjected to as JPs.

Madam Speaker, training for JPs is not new. This is not the first time it has ever happened. This is not the first time it has ever been thought about in the Cayman Islands. I was appointed a justice of the peace in 2004. I went to training sponsored by the Justice of the Peace Association, and done by a magistrate from the courts. We received, in my view, very good training.

Now, Madam Speaker, when I got the letter from the Deputy Governor that I must attend this training or they were going to dis-appoint me, I asked them how he was going to dis-appoint me, because most of the JPs, up to that point, were considered lifetime appointments. He said, *Well, we are going to change the law. We can do it*. I said, *Okay*.

I said, *What about the justices of the peace who already received some training by the magistrates? Do we still have to come too?*

[He said] *Oh yes, oh yes. You unna have to come.*

So, I got this email from one of the officers . . . I believe he is in the Deputy Governor's office, but he has been around here so long and been in so many offices that it is hard to follow him; I don't have a GPS tracker on him). I told him, *If the training was going to be done by Peter Gough, they could take my appointment that day*, because in my view there was nothing he could teach me about being a justice of the peace in Cayman. So, I got a letter back saying it was being done by an attorney who I have respect for.

I basically decided from then that I was going to resign as a justice of the peace because what we are moulding and morphing a justice of the peace into today, is not what Ezzard signed up to be. The justice of the peace that I signed up to be is a person who has a certain standing in the community, who has earned a certain reputation of honesty, integrity, law abiding within the community, and you were basically appointed a justice of the peace to perform certain functions in the community for free to the community. Normally, certainly I did not expect anybody under 45 to ever be appointed a justice of the peace. In fact, Madam Speaker, I was offered by Governor Scott, when I was a member of Cabinet, to be appointed justice of the peace and I refused it because I didn't think I had earned it at 36 years of age.

The kind of people who were justices of the peace in my community up to that point, were the elderly stalwarts of the community, Mrs. Nettie McCoy, Mr. Craddock Ebanks. Before them, people like Mr. Tinyman [PHONETIC], people that everybody in the community respected. And I was too young a Turk at 36 to believe that I had earned that kind of respect in my community, although they had trusted to elect me as their representative, and my peers had trusted to elect me to Cabinet (at that time called ExCo). I did not think that I had yet met the qualifications to be a justice of the peace, so I refused it at that time.

Now, Madam Speaker, I went to this training. I was handed a book, a manual, and they distributed these regulations which the Member for East End tabled. [I] asked, *When were these regulations made?* He was not sure. I asked, *Are the regulations going to be subject to an affirmative motion, or subject to negative resolution, or are they not coming to Parliament at all?* He did not know. He did not know that that made any difference. And, Madam Speaker, he is the one instructing the attorney to train us, you know.

So, I pointed out, as did some other respected attorneys in the group I was in (because they did different groups), that the law at that time did not allow the Cabinet to do this. So, they kind of passed over that.

Then he started to distribute stamps—big old, bulky, ugly-looking something. But one of the stamps said on it, "I hereby certify that this is a copy of the original." I asked a question, because when I was trained by the magistrate I was told I could not write that on a document. And at that time I asked the magistrate the same thing, *Why?* The magistrate told me that the only person who can certify that something is a copy of the original is the person who made the original. So, we were instructed in the group I trained with as a JP to write "I certify that this is a true copy" but not "of the original."

I told them that I believed that stamp was going to get people in trouble. The solution to that was they gave everybody else in that room one of those stamps except me.

Madam Speaker, like the Member for East End, I believe in training. I endorse that training must be done. But it must be proper training. It must be done by people who can teach us something. One of the experienced attorneys asked the question now that the JP stamp is going to carry a number which identifies that person as that JP: *What protection are the regulations of the law going to provide for somebody who used that number and it was not him?* Because, he said, *this identifies me now.* Had no clue. Again, just passed over.

So, Madam Speaker, I have always believed in training. My grandmother used to tell me, never go to sleep at night unless you have learned something new that day. And I have lived by that. And, if nothing else, I go on the Internet before I go to sleep and find out the price of something, because that's something new, right? But, Madam Speaker, when we start (as the Member for East End said) taking these things away from the people that we know are equipped and trained for this stuff, and give it to administrative officers to do, we have to be concerned.

Madam Speaker, I will give you an example of how . . . I do not want to say "insulting," maybe "demeaning" is a better word . . . but a very good friend of mine, who is not a CPA, but a master accountant, holds a chief executive job in a very respected international company, sits on the board of our utility company here, came all the way from overseas to do the training, got held up in a meeting so he could not attend the full second session. And this administrative officer looked at him and said, *I'm not giving you the stuff because you have not completed the training.*

Now, I went on so bad that he gave him everything. But that is the kind of disrespect that these people feel at liberty to perpetuate on our people. And the elected arm has nothing to do with this. They bring the law. I blame them for that and I am voting against it because I believe, like the Member for East End, that they should take this back up and there and tell those civil servants, *We are handing this over to the Chief Justice and are going to leave it there. That's where it has always been and we are going to leave it*

there. We are not allowing you to cornswaggle us into doing the wrong thing.

I know they have good arguments. They gave the arguments in the chambers within around here to tell me why it was necessary to tamper with this legislation. Madam Speaker, the next thing that I expect to see about this legislation is the expansion of appointment of *virtute officii* justice of the peace beyond this, because I believe that quite a number of civil servants have been appointed as justices of the peace recently, mainly because of the administrative position they hold. Madam Speaker, those kinds of people should be appointed notaries public. If they do not have the exception, government should pay for the training. And if they want to remain a notary public after they demit office, they pay for it because some of those that I hear have been given JP status fall, I believe, in the category I was in when I was a member of ExCo in the late 1980s and early 1990s.

Madam Speaker, again, I am not trying to be disrespectful to any of those civil servants who have been appointed. But this is my concern about justices of the peace and what it is being morphed into, as opposed to the tradition I grew up under for justices of the peace. Madam Speaker, I will support an amendment to the Police Law right now to remove from the Police Law the ability of justices of the peace to sign warrants, because I understand the difficulties that might exist with some JPs who make an error and the police officer tricking them to get a warrant.

I do not believe that in this day and age justices of the peace should be signing search warrants and such. Leave that to the magistrates and judges of the court. As the Member for East End said, we have enough of them now. They can take turns if do not want to be written up at the same time. And, Madam Speaker, again, I do not understand why we are introducing all this stuff about people being able to carry the title "honorary" and all that sort of stuff because most of the JPs that I know who have reached the point in life where they do not believe they are capable of signing these documents simply do not do it anymore. But we still leave them with the title; we do not take the title away and replace it with "honorary."

Madam Speaker, I think this Bill is unnecessary. I think it goes too far. And, most importantly, Madam Speaker, I believe the training should return to the courts and the training should be done under the auspices of the Chief Justice. Whether he delegates it to the magistrates or other judges is fine with me. If he is Chief Justice of the country he can be relied upon to make that decision. I think when we have administrative officers in the government doing this training we are treading on some dangerous ground. So, Madam Speaker, I am not going to support the Bill in its present form.

Madam Speaker, some of the attorneys that Mr. McLean mentioned, instead of dragging them into a session with people like me to be trained as JPs, we

should be honouring, holding them up and giving them silk. But even that, they give to those other than Caymanian. In my view some of them have certainly earned it. But again, we always seem to find reasons not to give a title on people. So in the present form, I will be voting against the Bill.

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? [pause]

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

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

Madam Speaker, I could not begin to imagine that this Bill would have drawn such venom from my friends across the way. I have sat here a bit bemused.

But I have gone through the draft regulations which were referred to, particularly by the Member for East End. And search them as I might, I see no reference to training being conducted by any specific group of people, entity, or under the jurisdiction of any particular office. So, Madam Speaker, I really do not understand where all of this talk about separation of powers and somehow this legislature and the Cabinet, by virtue of its ability to make regulations, interfering with the separation of powers and going down dangerous paths and all of that really, really sensational and scary stuff.

But, Madam Speaker, trying to sort through the rhetoric of the rambling speech made by the Member for East End, I think I have been able to distill two objections on his part to what is being proposed. The first is that training should not be required for persons who have the necessary experience, education and training. He listed some . . . I think most of those were lawyers. And the second was his concern about the embarrassment to current justices of the peace who were written to and asked to participate in the training exercise or else run the risk of having their appointment as justice of the peace revoked.

I think that is the basis for the objection as best as I have been able to distill it. And, as an extension of that, that the regulations ought not to be made by the Cabinet, but by the Chief Justice. The Cabinet should not have the power to make regulations. Well, Madam Speaker, if that were the case this would be the only piece of legislation that I am aware of in the Cayman Islands where the Cabinet does not have the ability to make regulations by one means or another. And I do not, Madam Speaker, quite understand why that would be the case.

Madam Speaker, the establishment of justices of the peace is an ancient, ancient thing coming down to us from Britain. And I say Britain, and not the United Kingdom, because it goes way back to the 1300s. From then, there were justices of the peace and they

have had many, many responsibilities, some very, very significant. They are able to sit (and this is still the case) as lay justices in summary court. They are able to issue warrants, search warrants and others. They are able to sign charges. They are able to witness signatures with respect to legal documents, a whole range of functions and quite distinct authority.

Madam Speaker, why anyone would take it as an affront to be asked to participate in training is beyond me. I do not believe that one should allow arrogance to prevent one from being properly educated and trained in whatever area you are supposed to work.

POINT OF ORDER

Mr. V. Arden McLean: Madam Speaker, on a point of order.

The Speaker: Member?

Mr. V. Arden McLean: Madam Speaker, I do not know if the Premier understood what I said. I said it was an affront to all those experienced lawyers who have been trained in law to be required to go after 40-odd years—and I called his name as well—30-odd years of criminal law . . . it is an affront to them for an administration to tell them that they are going to take away their designation if they do not get trained in the issuance of police records because that was what it was called for.

I welcome the training for all lay JPs. So he needs to clarify that for me please.

The Speaker: Honourable Premier, that was more of an elucidation.

The Premier, Hon. Alden McLaughlin: That's fine, Madam Speaker. It helps. But it does nothing at all to the point I am seeking to make.

It does not matter that you are a trained lawyer. This month I complete 26 years of call to the bar. The Attorney General has done more than that. All of us have gone through the training programme. If the Member, or anyone else, doubts me, I am happy to lay it on the Table of the House, because, Madam Speaker (and I am going to come to that), it is important that all of us recognise that because we went to school 25 years ago, that that does not necessarily mean that we understand what the current law is with respect to a range of things. And I would never take it as an affront to be asked, as I was asked, to participate in a training programme to help me understand better what is necessary to function as a justice of the peace.

Madam Speaker, this has come about, and the Member for East End knows well because he spoke about it, because of recent instances here. In the case of Operation Tempura, the execution of a warrant . . . not the execution, the signature, the issu-

ance of a warrant by a permanent secretary in the government to allow the police to search and ultimately arrest a sitting judge of the Grand Court cost this country \$1.275 million.

We have had the more recent case by Ms. Sandra Catron. I do not know if that has or if it will wind up costing the government any cash in terms of compensation, but it has certainly caused major embarrassment and has certainly caused the dismissal of the case in question.

Now, Madam Speaker, just in case the Member for East End thinks that is the be-all and end-all of it, I recall very well the case of ¹Rae against Gibbs, the Commissioner of Police and the Attorney General, in 1995, in which a sitting judge of the Grand Court, Mr. Justice Schofield, issued a search warrant on behalf of the police against one John Rae. You know what happened? The Court of Appeal found that the issuance of the warrant was unlawful and ineffective, and it had seriously damaged the reputation of Mr. Rae, and the Cayman Islands Government was required to pay \$566,281, as special damages, and \$50,000 as general damages to Mr. John Rae. This is 1995 money we are talking about. So that is probably the best part of a million dollars now.

If a sitting judge of the Grand Court can get it wrong, who am I, as a lawyer who has not been in active practice for the best part of 14 years, to believe and be so arrogant as to say I do not need the training? We should welcome this training. We should welcome this training. The Members for East End and North Side should be lobbying to ensure that those who have the responsibility, the authority and the status of justice of the peace have the requisite training and ability to carry out the function. For I know, Madam Speaker, that no one in this House, more than those two, would jump at any opportunity to cut off somebody's head because they made a mistake and it cost the government money. That is their specialty.

But, Madam Speaker, what they are seeking to do today is to try and build something from nothing to try and make some kind of platform to climb up on and talk about how the Government is insulting Caymanians and the Government is party to this and the Government is party to that, and to throw derision at the Deputy Governor and his office and say that this Cabinet does not know what it is doing, and to suggest, as the Member for East End did, that somehow I was given something to read by someone and I do not understand what I am reading.

Madam Speaker, the 2009 Constitution, section 44(3), vests in Cabinet—not the Governor in Cabinet, vests in Cabinet—the responsibility for the formulation of policy with respect to all aspects of the Government of the Cayman Islands, save the special responsibilities of the Governor, which are the public

¹ *John Mitchell Rea vs. Detective Inspector Brian Gibbs et al*

service and national security and external affairs to the extent that those have not been delegated to ministers, and also vests in Cabinet responsibility for the implementation of those policies.

Just for the avoidance of doubt, particularly on the part of that Member for East End, any matter that is brought down here, my caucus and my Cabinet have agreed to it. We do not function any other way. The Deputy Governor does not tell us what to do, the Attorney General does not tell us what to do. They advise, they suggest, they propose but they have no vote in Cabinet. So we take responsibility for what is brought here, and I, as Premier, take principal responsibility. If the Deputy Governor had been here, I would have let him bring this Bill on behalf of the Government because he is the one who has done the work with respect to it. But he is not here. And as Premier, it is my responsibility to make sure that the business of the Government goes forward. And I will never shy away from that responsibility.

So, the Member for East End can cast as many aspersions and slurs and whatever he wishes to. But he knows me well. And one thing I do not do is duck responsibility.

Madam Speaker, what really is the objection to what is being proposed? Who does the training, it seems. That, Madam Speaker, is a matter for those who are in charge of this process. In the past, a range of people have been used to help with the edification process. It is not enshrined in the law. It is not enshrined, or proposed to be enshrined, in the regulations, as to who actually carries out the training. What is reflected in the regulations with respect to it (and I alluded to this when I was presenting the Bill) is a set out process. For the benefit, particularly of the Member for East End, I will refer to the draft regulations again, regulation 3 called the "Nomination process."

"a. Nominations for persons to be appointed as JPs will only be accepted from registered voters.

"b. Nominations will only be accepted when made on the prescribed form as attached in Schedule 1 to these regulations.

"c. The nomination form shall be accompanied by:

- i. A reference letter from two referees, who must be registered electors or have been resident on the Islands for 10 years;**
- ii. A curriculum vitae.**

"d. The nomination form and attachments must be submitted to the Clerk of Court who will acknowledge receipt.

"e. The Clerk of the Court will forward copies of the nomination form and the attachments to the Chief Justice and the President of the Justice of Peace Association and the Attorney General for comments.

"f. The Clerk of the Court will carry out a due diligence exercise and background check on the nominee, including a police report.

"g. Once consultation responses are received and the background check acquired, the Clerk of Court shall interview the nominee, explaining the duties and responsibilities of the role of JP.

"h. If the reports and the result of the interview indicate that the nominee is suitable, the Chief Justice shall approve the nominee to participate in training.

"i. Following the nominee's completion of the training and after further consultation the Chief Justice will send all documentation to the Governor with a recommendation."

Now, Madam Speaker, for the life of me, I cannot see how somehow what is being proposed is sidelining the Attorney General, sidelining the judiciary from involvement in this process. It does not even go to the Governor unless the Chief Justice sends the recommendation.

Mr. V. Arden McLean: Who? Who? Who?

The Premier, Hon. Alden McLaughlin: "Following the nominee's completion of the training and after further consultation the Chief Justice will send all documentation to the Governor with a recommendation."

I am trying to help the Member for East End, who does not seem to understand.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Madam Speaker, the appointment of justices of the peace is not a matter for the Chief Justice. It is a matter for the Governor. Neither the Chief Justice, nor the Judicial and Legal Services Commission have authority under the Constitution, or anywhere else, for the appointment of justices of the peace. The Constitution deals at length with how judges are appointed, the establishment of the courts, the Grand Court and the Court of Appeal. And it says that where Summary Courts are established the Summary Courts shall be under the jurisdiction of the Grand Court. So, the Chief Justice and the Rules Committee can make rules with respect to the operation of the Summary Courts.

Justices of the peace, as I indicated at the start, have a range of responsibilities, not all of which—in fact most of which—are not judicial in nature. But they do, from time to time, function as lay justices and they are entitled and authorised to issue warrants. So there is involvement in the judicial system. But they are firmly under the purview, remit, and authority of the Governor—not the Cabinet, not the Chief Justice, but the Governor. And that is the dis-

tion which the Member for East End does not quite seem to grasp.

Nothing that is being done here is in any way overstepping what the executive or the legislature should do, or can do, or is authorised to do. We are simply—

Mr. V. Arden McLean: Madam Speaker, I wonder if the Premier would give way for elucidation.

The Speaker: Honourable Premier?

The Premier, Hon. Alden McLaughlin: Of course, Madam Speaker.

The Speaker: Please continue, Member for East End.

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

I wonder if the Premier in his winding up could tell us . . . take a look at the [Constitution] “Composition of the Grand Court” [section] 95(7). “**The Chief Justice shall have responsibility for and management of all matters arising in judicature, including responsibility—**

(a) for representing the views of the judiciary to the Government and the Legislative Assembly, including, where appropriate, through the Attorney General;

(b) for the maintenance of appropriate arrangements for the welfare, training and guidance of the judiciary within available resources;

(c) subject to paragraph (d), for the maintenance of appropriate arrangements for the deployment of the judiciary and the allocation of work within courts;

(d) after consultation with the President of the Court of Appeal who shall be responsible for the allocation of work within the Court of Appeal, for the maintenance of appropriate arrangements for the work of that court.”

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. The Member for East End reads well. But I do not know how any of that changes anything that I have said.

I have just been at pains to explain that justices of the peace have functions that are outside the judicial process. And that is recognised in the proposed amendments, and in the proposed regulations, which is why there is clear involvement contemplated of the Chief Justice, the Clerk of the Court, President of the Justices of the Peace, and the Attorney General with respect to these matters.

As I said, Madam Speaker, I just do not quite understand the very, very serious objection, funda-

mental objection, which the Member for East End and the Member for North Side (to a lesser extent) seem to have with the amendments and, indeed, with the proposed regulations which are not really even properly before this House.

Madam Speaker, I can only put that down to that they are the Opposition and they wish to oppose. I think they have really not even made a mountain out of a molehill, because we did not have a molehill to start with. There is absolutely no basis, Madam Speaker, in fact or in law, or even in their speculation, for them opposing the amendments to this Summary Jurisdiction Law. The Government would be beyond irresponsible if, having seen what has transpired in recent times, we did not take steps to ensure that those who execute the important function of justice of the peace were properly trained. And Members really have to get beyond the point where they take affront when they are asked to participate in training programmes which will enhance their ability to properly serve the people that they were elected to represent.

Madam Speaker, the Government, at some expense, has gone to the trouble to organise through the Deputy Governor’s office proper training exercises to make sure that all who wish to remain as justices of the peace have had the opportunity to ask questions of those who know, and to learn the proper execution of their duties. None of us should believe that we are so big, so bright, so experienced, so old, that we cannot benefit from guidance by those who know better. Every single Minister of this Government who is a justice of the peace has gone through the training programme. The Attorney General of these Islands has gone through the training programme. The Deputy Governor has gone through the training programme.

Madam Speaker, why would it be that the two Members for East End and North Side think that they should be exempted from this process?

Mr. D. Ezzard Miller: I have my certificate.

The Premier, Hon. Alden McLaughlin: So, Madam Speaker, I regret that on this occasion—

Mr. V. Arden McLean: Madam Speaker, on a point of order, the Premier is misleading this House. He knows—

The Speaker: Member for East End, I can only have one Member standing at a time. Please state your point of order.

POINT OF ORDER

Mr. V. Arden McLean: Madam Speaker, he is saying that the Member for North Side and I do not want to go through the training. I never said any such thing. I welcome the training, and he needs to withdraw that.

The Speaker: Honourable Premier, I think all along he has maintained the position that they did attend the training and asked questions. So, one can reasonably assume that they attended the training.

The Premier, Hon. Alden McLaughlin: Well, Madam Speaker, I am sorry. In all of the objections I missed that. But I am happy to learn—

Mr. V. Arden McLean: Because you were not in here!

The Premier, Hon. Alden McLaughlin: —that they did go through the training programme. And I hope that, like the rest of us, they will find that it helps them in carrying out their duties, not just as justices of the peace, but as proper representatives of the people we were elected to represent.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: So, Madam Speaker, without more, I will encourage all Members of the House—even the two objectors—to give this Bill their full support. Thank you. Madam Speaker.

An Hon. Member: Not today BoBo.

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

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

Ayes and Noes.

The Premier, Hon. Alden McLaughlin: Madam Speaker, may we have a division please?

The Clerk:

Division No. 24

Ayes: 11

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

Noes: 5

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

Absentees: 1

Mr. Winston C. Connolly

The Speaker: The result of the Division: Ayes: 11; Noes: 5; and 1 absent. The Ayes have it.

Agreed by majority on division: The Summary Jurisdiction (Amendment) Bill, 2014, given a second reading.

BILL

SECOND READING

SECONDHAND DEALERS BILL, 2014

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

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

I beg to move the Second Reading of a Bill entitled the Secondhand Dealers Bill, 2014.

The Speaker: The Bill has been duly moved.

Does the Honourable Minister wish to speak to the Bill?

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

I rise to present the Bill on behalf of the Government. It is a Bill for a law to provide for the regulation of secondhand dealers; to deter unlawful property transactions and to facilitate the recovery of stolen property; and for incidental and connected purposes.

The business climate of the Cayman Islands has certainly evolved tremendously in recent years, not just because of new technology and new products, but also because of changes in consumer demands, consumer needs. These changes require a modern framework that sets appropriate standards and protects the interests of consumers and, in some cases, even goes beyond that.

The establishment of secondhand dealers, including pawnbrokers and businesses involved in the recycling of metals, is representative of the changing needs and changing business activity in our economy. Madam Speaker, when you look, for example, at recyclers, those involved in recycling of metals, this is a positive activity. This is undoubtedly going to be a part of the future in relation to waste management strategy and activities in this country. So that is to be encouraged. But, Madam Speaker, we have to recognise that it comes with some unique risks as well. For example, criminals may take advantage of the opportunity to convert pilfered property into quick cash through secondhand dealers.

We have had a number of discussions in this honourable House on the issue of crime, increase in burglaries and some of the robberies. As a Government, of course, we are absolutely concerned about that. Certainly discussions of enforcement activities and stiffer penalties for such antisocial and antibusiness behaviour are one possible approach. But an-

other important aspect of it is mitigating or restricting and regulating opportunities to convert the cash value of property taken, thereby, hopefully, reducing this activity.

Madam Speaker, in recognising that such risks exist, the Government has worked with stakeholders to determine what should be considered as best practice for this type of business. To date, the Royal Cayman Islands Police Service [RCIPS] has had some cooperation from existing secondhand dealers. But there is a clear need for minimum standards and a regulatory framework that can be used to protect the broader interests of our community.

Madam Speaker, the Bill is envisioned to complement certain operations of the RCIPS, as well as require the implementation of statutory processes and procedures including obligating local secondhand dealers to keep proper books and records, for example, inventory forms, photographs, copies of picture IDs on who, what, where, when, how they obtained these items that are proposed to be pawned, or being offered for sale. This is specific particularly to attractive items in terms of necessity, Madam Speaker, such as jewelry and precious metals, gems and precious stones, and personal electronic devices, cell phones, tablets, laptop computers, things that are easily removed and carried away. Others will include other household electronic items, TVs, air-conditioning units even, as well as other miscellaneous things like boat engines, power tools, and all things that have typically been involved in being removed as part of theft involving burglary or such activity.

Now, we recognise that this Bill is not going to eradicate the problem of burglaries for the police or the larger community, but it will certainly provide a much needed obligatory regime and regulation which will fight that activity and ultimately provide an enforcement, an investigative tool, that will make it more difficult for criminals to use legitimate business establishments to convert stolen property into cash. It will allow better enforcement, better prosecution, and, hopefully, better deterrents and a reduction in these activities.

Madam Speaker, this Bill is linked to the Trade and Business Licensing Bill, 2014, which this honourable House has before it for consideration. And that provides for the licensing of secondhand dealers in the Cayman Islands, namely, requiring an applicant for a secondhand dealers licence to provide a police clearance certificate with his application. And also to include in the basis for a decision to grant a licence for a secondhand dealers business the board's opinion as to whether the applicant is a fit and proper person to carry on such business.

So, there is a proposed attempt to ensure that people of good reputation, and only those types of people, are involved in this business, and not people that would participate in any kinds of activities that we are trying to regulate and curb.

In terms of the clauses of the Bill, Madam Speaker, it is arranged into four separate parts. Part 1 deals with clauses 1 through 3, and addresses the short title and commencement, interpretation and the application of the Bill. This includes reference to Schedule 1 which specifies "exempted persons." For example, we would not want the Bill necessarily applying to someone who is doing a garage sale at their house. Of course, there are a number of other examples set out in Schedule 1 which are appropriate.

Part 2 includes clauses 4 through 12, and contains provisions relating to the duties of trade officers, police officers, and secondhand dealers under the legislation. This includes the role of trade officers to inspect the premises of secondhand dealers to ensure compliance with the legislation and that appropriate records are being kept, the role of the police to notify secondhand dealers of known stolen articles, and the role of the secondhand dealers to report suspicious activity and to hold items suspected of being stolen articles.

Part 3 includes clauses 13 through 25 and contains provisions relating to the operation of secondhand dealing businesses. These include the responsibility of secondhand dealers to maintain employee records and to provide access to trade officers and police officers to secure their premises, to verify the identity of the individuals transacting business with these dealers, to keep records of transactions, as well as records of disposal of articles.

Part 4 of the Bill includes clauses 26 through 28 and contains provisions related to offences under the legislation, and the regulation-making power of Cabinet.

Now, Madam Speaker, there are some committee stage amendments proposed. There are two issues that have been identified subsequent to the publication of the Bill, one of which is that we want to ensure that the activities of exempt companies that are external to the Islands are not inadvertently captured by the Law. And the second is to be clear in the requirement of secondhand dealers to keep and maintain records at their place of business.

Madam Speaker, this is a very brief introduction to the Bill. I think the Bill represents a necessary piece of legislation which in relation to the activities of pawnbrokers will stand above as part of an umbrella over the Pawnbrokers Law and it contains a number of very helpful provisions which will enable the unique risks which have been identified to be addressed and to hopefully curb some of the activities and some of the issues which may be taken advantage of in terms of converting stolen property to cash and burglars and thieves obtaining value in that way. This will hopefully require or allow the police the tool and the opportunity to quell that activity.

Madam Speaker, that is the end of my presentation on this proposed Bill. I commend the Bill to honourable Members of this House for passage.

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? [pause]

If not, I will call on the Minister of Financial Services to exercise his right of reply.

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

I was not expecting that, but it is late in the afternoon. I welcome the tacit acceptance of Members of this honourable House for this Bill.

The Speaker: The question is that a Bill shortly entitled the Second hand Dealers Bill, 2014, be given a second reading.

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

Ayes and Noes.

The Speaker: I believe the Ayes have it. Accordingly, the Secondhand Dealers Bill, 2014 has been given a second reading.

I recognise the Honourable Premier for the hour of interruption.

The Premier, Hon. Alden McLaughlin: Madam Speaker, before I deal with that, could we have a division with respect to that vote?

The Clerk:

Division No. 25

Ayes: 9

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

Noes: 3

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

Absentees: 5

Hon. Anthony S. Eden
Mr. Winston C. Connolly
Mr. Alva H. Suckoo
Mr. D. Ezzard Miller
Mr. V. Arden McLean

The Speaker: The result of the Division: Ayes: 9; Noes: 3; and 5 absent.

Agreed by majority on division: The SecondHand Dealers Bill, 2014, given a second reading.

Moment of interruption—4:20 pm

The Speaker: Honourable Premier, the hour of interruption has arrived.

SUSPENSION OF STANDING ORDER 10(2)

The Premier, Hon. Alden McLaughlin: Standing Order 10(2) be suspended to enable the House to continue proceedings beyond the hour of interruption. And I think we would like to complete the Government Bills this evening.

The Speaker: The question is that Standing Order 10(2) be suspended to enable the House to continue proceedings beyond the hour of 4.30 pm.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

BILL

SECOND READING

TRADE AND BUSINESS LICENSING BILL, 2014

The Clerk: The Trade and Business Licensing Bill, 2014.

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

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

I beg to move the Second Reading of a Bill entitled the Trade and Business Licensing Bill, 2014.

The Speaker: The Bill has been duly moved, does the mover wish to speak to it?

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

I rise to present the Bill on behalf of the Government for a law to repeal and replace the Trade and Business Licensing Law (2007 Revision) to further provide for the regulation of trade and business in the Cayman Islands; and to provide for incidental and connected purposes.

Madam Speaker, for some time, perhaps as far back as the late '90s, 1999 I think, we have had successive Trade and Business Licensing Boards and review committees which have pointed to deficiencies in the Trade and Business Licensing Law and suggested ways to address these. Apart from minor changes, primarily to the fee schedule contained in the Law, there has been no action to address these concerns that are being identified.

Earlier this year a new committee was established to review the Law with the aim of modernising

or suggesting ways to modernise and potentially merge this legislation with the Local Companies (Control) Law (2007 Revision). The committee included representation from the current Board, from the Chamber of Commerce and from the Caymanian Bar Association. They met on a weekly basis between 3 February and 28 April of this year, and over the course of that period the Law was reviewed, dissected and discussed in stages, with subsequent suggestions and proposals made by this group.

Now, broadly, the recommendations of the group can be broken down as follows:

- a) improvements to the government structure and processes for the board, including the ability to delegate certain functions to the Department of Commerce and Investment to improve efficiency;
- b) a focus on supporting Caymanian business owners and creating a local level playing field;
- c) the introduction of a ticketing system so that offences do not tie up the limited time of our courts, thereby enhancing enforcement under the Law;
- d) to define the categories of micro and small businesses to allow for the creation of incentives for these types of businesses; and
- e) the creation of an appeals tribunal.

Madam Speaker, these recommendations, which are reflected in this Bill, are intended to improve the ease with which businesses can be licensed by allowing for more streamlined operations of the board and department, and greater efficiencies.

The proposed provisions also have an emphasis on creating a business environment in which there are clear rules to follow, and, where there are breaches of these rules, swift action can be taken to enforce them. This creates fairness across our business community. It promotes proper competition and allows businesses to succeed in the best possible environment.

Madam Speaker, the Bill is arranged into four parts. Part 1 deals with clauses 1 through 3 and addresses the short title, commencement, interpretation and application of the Bill. Notable new definitions which are being introduced include descriptions of small and micro businesses, as well as the definition of "public place." This aims to allow the department to address concerns with illegal vending in public places, which has been a particular issue that has been growing over the past few years.

Madam Speaker, the application of the Law to exempt certain types of businesses has been modified to clarify the need for non-Caymanians to apply for licences to conduct activities in primary industries.

Part 2 of the Bill includes clauses 4 through 16 and contains provisions relating to the operation of the Trade and Business Licensing Board and trade

officers. The provisions relating to the board have been strengthened, as well as allowing for the delegation of certain functions to the Department of Commerce and Investment. For instance, it will be possible for the board to delegate the consideration of renewal applications for trade and business licences to the department rather than the board having to spend time dealing with that specifically. This is an example of the desire to seek greater efficiency and faster turnaround time, as I mentioned earlier, in relation to renewal applications.

The identification of specific trade officers is also a new feature. Trade officers will be specifically identified individuals in the Department of Commerce and Investment who will have enforcement powers very similar to that of police constables.

Part 3 of the Bill includes clauses 17 through 34 and contains provisions relating to licensing. This part covers provisions to the actual licensing process that are broadly similar to the process which exists within the current Law. The important difference introduced by the Bill is the ability of the board to deny an application for specific reasons. For instance, non-compliance with laws relating to pensions, health insurance, labour relations, environmental health or planning may be grounds for the board to deny an application.

Madam Speaker, every day this Government gets complaints from businesses in various areas, but particularly those in the construction industry, that there are many companies operating without having the same costs, overhead, and without paying pension, health insurance and all this sort of stuff to their employees. And they regard it, rightly so, as unfair competition. So, this Bill with these provisions seeks to address that through a process where there will be an interaction between the Department of Commerce and Investment and the Pensions Office and the Labour Office where the necessary confirmations can be provided when decisions are being made in relation to renewals or grants.

Also in this part are provisions for information required to be submitted on application and the specification of an offence for the submission of false representation or statements. These provisions will better allow the department to investigate and prosecute individuals who are involved in fronting activities.

Part 4 of the Bill includes clauses 35 through 42 and contains provisions related to the designation of fixed penalty offences and the establishment of an appeals tribunal as well as related and miscellaneous provisions.

Madam Speaker, one of the challenges this Bill seeks to address is the department's ability to effectively enforce the Law. In the past the enforcement actions had been limited by the time it takes to get through the court system. So the Bill introduces the ticketing system for specific offences under the Law.

Clause 35 provides that a person served with a ticket has the option of admitting liability for the offence by paying a reduced amount of the fixed penalty or to request a trial. Importantly, this part also makes provisions for an appeals tribunal which entitles a person aggrieved by, or dissatisfied with, a decision of the board to appeal to this tribunal. Currently, the Law provides that appeals are to be dealt with by Cabinet.

Madam Speaker, the schedules to the Bill deal with fees and offences. There are some changes to the fee schedule, but primarily those changes relate to an attempt to provide greater clarity in the fee structure, and not to add any new fees.

Madam Speaker, I have attempted to highlight the main differences between this Bill and the current Trade and Business Licensing Law. There are obviously other minor changes and tweaks that have not been discussed. But the end result is anticipated to be a vastly improved framework for the licensing of businesses conducting activity within these Islands. And anything we can do to improve the framework will help our economy because we cannot have a growing economy, we cannot have job creation without successful businesses operating within it in a fair manner.

Madam Speaker, we have some committee stage amendments that will be proposed. Although a great deal of work was done to consult on earlier drafts of this Bill to try to identify and address any potential issues there have been a number of recommendations that have arisen subsequent to the publication of the Bill. And we will propose these during committee stage.

In conclusion, I thank the members of the review committee who have put in a lot of time and effort to getting this Bill before this honourable House and their willingness to assist in the reform of this important piece of legislation. In fact, I thank all of those previous committee members who have served probably over the last 10-plus years at various times whose work was essentially built upon in order to get this Bill before this honourable House.

With that, Madam Speaker, I respectfully commend this Bill, the Trade and Business Licensing Bill, 2014, to honourable Members for passage.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, every time we need to do something it gets smothered with processes that most times kill the real aim and objective of what we are trying to do, what we really need.

Madam Speaker, this little country of ours has adopted every conceivable process that weighs far too heavily on our people. In today's Cayman if you don't get a lawyer you won't be able to do anything.

There are more forms to be completed, more threats in a document that, *If you don't do this you can be locked up*, and it smothers the entrepreneurial spirit, when it comes to business. Particularly so because the vast majority of our people who are trying to get a little business are not all the time college or university educated that they can even understand what these documents want them to do in applications.

So, in other words, Madam Speaker, I feel . . . and you would know this. You work alongside me at times. You would know that I feel that far too much bureaucracy is killing this country. And that's what I am saying. I just voted against the other Bill (people may wonder why) because we can get what we need without all of these things that people don't understand themselves. The people who are affected do not understand it. They have to get a lawyer to explain it to them and they end up on elected representatives' steps expecting us to give them the guidance all the time. Sometimes we can, other times we can't. But that's what I see happening.

I have watched the legislation grow from small pieces here in the last 30 years to huge Bills to get things done that I think should be quite easy to spell out. I am not here crying down the Legal Department. I know how hard they work to get the aims and objectives of the Government—sometimes so convoluted that you can't understand. I don't know how the legal minds themselves can understand, because what happens is that as politicians are being elected we are trying to please everybody. So when the draft goes to request for legislation half of it doesn't tell the story. And the facts that bear that out is when you bring a piece of legislation here you get as many amendments to it as the Bill itself, trying to please everybody and it becomes so convoluted you can't understand it when it's all done.

So, it is not that I knock against the aims and objectives of what the Government is trying to do in the other Bill, for instance. It is just that I think they can get it done in a much simpler way and be as effective.

Madam Speaker, the Bill before us and the procedure for application, for instance, has been significantly increased, together with the documentation required. It is going to put additional burdens and expense on anyone applying for a Trade and Business Licence and will, of course, make it much harder and more expensive for young entrepreneurs who wish to start a business so to do.

The provisions in the Law which, after a warrant has been obtained either by a justice of the peace or through a judge, will place also in the hands of persons who are not likely to be trained in the law powers to seize books, records and all the equipment of a business which the persons on the board believe to be operating outside the Trade and Business Licensing Law. To me, that is draconian. That could be abused.

It certainly would be my recommendation that before any powers of search and seizure of assets are exercised that an application be made to the court supported by relevant affidavits and that the court should make a decision as to whether the seizure of a person's documents and business equipment is justified in the circumstances.

Madam Speaker, it should be noted that under the Law there are no provisions for the return of a person's documents, et cetera, and that when computers and documents are seized from a business there is no way for the person who owns and operates the business to know who they owe, what their stock is, and that can also lead to significant hardship and injustice.

In light of these things it is my opinion that more careful consideration [should be] given before giving those types of powers in a board, and that if the Government wishes to proceed they should change those provisions so that they could only be exercised with an order of the court supported by proper documentation and affidavits.

Madam Speaker, as I said in opening, we cannot continue to make it harder for the people that we are trying to help, for business people to open businesses, and extend the bureaucracy beyond what it already is. If we do, we can expect less business to be opened in Cayman and more young Caymanians to be driven out of business, perhaps will go somewhere else to do business. The Government will hopefully take note of what I am saying. Countries, such as the United Kingdom and the United States, are seeking to cut bureaucracy in order to encourage businesses to be open and operated without over burdening government regulations.

[Prime Minister] Cameron's edict to the British Business Bureau said that they were cutting tons of regulations in order to entice business to the UK. He said there were over 1,000 pages of regulations that he was cutting out of Planning, to assist their business approach and to encourage investment in the United Kingdom. It seems we here in these Islands are seeking to expand government regulations and bureaucracy. That is my complaint.

The aims and objectives are being smothered. What we are trying to do to help becomes a drawback in far too many instances. So, if the Government goes ahead and goes through with the aspect of it I have spoken to, then, go to court. That's the proper rule of law provision. That's where we should be, not to the board that can go and take people's computers and take people's business and that sort of thing. If I am wrong in reading the Bill, then perhaps somebody will enlighten me. But that's what I see in the Bill.

I think the Government in producing this . . . there are other areas, but I certainly can't support the Bill with these sorts of draconian powers vested in a board. People's business, people's computers—and everybody is using a computer today. And the frame

of mind that exists in our Island where everybody is making a complaint against somebody, there are Freedom of Information [requests] and everybody is complaining about somebody and people have to defend themselves. Against what? Against whom? The board comes in and takes away your computer, seizes your documents.

These are the areas I am concerned about. I do hope the Government will reconsider that. As I said, if they are going ahead with it, make sure it is done through a proper court of law rather than ordinary board members, no matter who they are. Thank you.

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? [pause]

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

Hon. G. Wayne Panton: Madam Speaker, thank you. If I could have 30 seconds before proceeding—

[Pause]

Hon. G. Wayne Panton: Madam Speaker, I appreciate the comments by the Leader of the Opposition. I understand the concerns he has articulated. Certainly, the view of this Government is to ensure that this legislation that governs the licensing of businesses within the Cayman Islands provides an efficient framework through which the licensing can be carried out quickly, renewals can be carried out quickly and more efficiently than has been done in the past. We want a framework which facilitates the growth of business, which facilitates the growth of the economy.

I am happy to say that we don't have a 1,000 page problem. The current Law is 30 sections. This Bill as proposed only extends that to 42 sections. So, nothing very significant, but it contains some important provisions which will allow the board to function better, to make better decisions, to make decisions more rapidly, to deliver licences more quickly. So this issue and this concern which the Member articulates of bureaucracy is one that we are cognisant of. I certainly do not wish to see any greater degree of bureaucracy introduced in this country than may be absolutely necessary to properly regulate the business environment through which businesses operate.

The application requirements for licences are all very similar to what currently exists. We certainly recognise, notwithstanding that there are . . . any time you have a new Bill, a new piece of legislation, which is either standalone or which repeals and replaces, there is an opportunity that should be taken advantage of in terms of educating the public, in terms of making sure that the business community under-

stands and is not overly concerned as to what the requirements are, and that they are not unduly onerous, not significantly different from what is currently in existence.

Madam Speaker, the Leader of the Opposition spent some time talking about the search and removal and seizure of computers and records, I think he referred to. I think he also mentioned that he didn't see any reference to a return of any records that may have been seized as part of any investigation. Madam Speaker, clause 17(7) contains specific provisions for the return of such seized property. It provides:

“Any document, record, equipment or other property seized under a search warrant under this section shall - (a) where legal proceedings are not commenced within a period of thirty days from the date of seizure of the document, record, equipment or other property be returned to the owner; or (b) where legal proceedings are commenced within a period of thirty days of the seizure, be kept until the conclusion of those proceedings.”

Madam Speaker, there is a proposed committee stage amendment to clause 28 of the Bill which provides that a warrant will be required. So in terms of breaches by a licensee which is covered by clause 28, we are proposing an amendment which will apply an obligation to obtain a warrant in respect of the entirety of clause 28(1).

Madam Speaker, I think that should address the concern which the Leader of the Opposition articulated, as far as I can understand it. I know he didn't go into specifics by reference to clauses, so I don't know that I have answered every aspect of the Bill which may be relevant to the general point that he made. But I think those two address those points.

Madam Speaker, I know that the Leader of the Opposition is articulating his view that there is too much bureaucracy. Well, for more than a decade we have had committees and boards which have been frustrated with the limited environment in which they have had to operate under the existing Trade and Business Licensing Law in an environment where the economy and the level of business activity is evolving, is growing, and has become more complex. Clearly, there have been a number of issues identified, and there are clearly complaints that businesses are not operating in an environment where there is fair competition.

The Bill seeks to address a number of existing concerns, the longstanding concerns, address some of these concerns in the area of fair competition to make sure that everybody is effectively bearing the same overhead costs that are mandated by other national laws of general application. But also to improve the environment within which the licensing can occur rapidly, the renewals can occur rapidly. We know that the time that business people have to invest in this process is valuable, it is time they could be dedicating

to growing their businesses, to adding to the economy, to creating jobs, to creating value for themselves and their families.

So our objective is to create a modern, efficient framework which addresses concerns and speeds up the process and allows the board to function at a high level with the assistance of the Department of Commerce and Investment.

Just as an example, in terms of efficiency, Madam Speaker, there are provisions in the Bill which allow for the boards, rather than having to gather together in one location and physically meet and consider the agenda and make decisions, they can sit in their offices, log on through a conference telephone line and consider the agenda and make decisions. And that will greatly speed things up, because these people serve and give willingly of their time as well. A lot of good people, professional people and lay people in Cayman serve on these boards. They are generous with their time. And this sort of facility allows the process to be accelerated yet the integrity to remain and the efficiency to improve.

Madam Speaker, with that, I say thank you very much.

The Speaker: The question is that a Bill entitled the Trade and Business Licensing Bill, 2014 be given a second reading.

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

Ayes and one audible No.

The Speaker: The Ayes have it.

Agreed: The Trade and Business Licensing Bill, 2014 given a second reading.

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

House in Committee at 5:12 pm

COMMITTEE ON BILLS

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

The Chairman: Please be seated.

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

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

SECONDHAND DEALERS BILL, 2014

The Clerk: The Secondhand Dealers Bill, 2014.

Clause 1—Short title and commencement.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk: Clause 2 Interpretation.

The Chairman: There is an amendment.

AMENDMENT TO CLAUSE 2

Hon. G. Wayne Panton: In accordance with the provisions of Standing Order 52(1) and (2), I Wayne Panton, Minister responsible for Commerce, give notice to move the following amendment, that the Bill be amended in clause 2 as follows:

In the definition of the word "article" delete the words "that does not appear on the list of prohibited trade articles in Schedule 2";

In the definition of the words "premises of a secondhand dealer", insert after the words "premises of a secondhand dealer" the words "or 'premises'";

In paragraph (a)(i), delete the words "that or" and substitute the words "that provides for"; and in the definition of the words "secondhand dealer" paragraph (a), insert after the words "conducts business" the words "within the Islands".

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

If not, I will put the question that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 2 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk:

Clause 3	Exempt persons
Clause 4	Chief Officer to assign trade officers
Clause 5	Inspections
Clause 6	Powers of a police officer
Clause 7	Information
Clause 8	Commissioner to inform secondhand dealers of stolen article
Clause 9	Obligation to report offer of articles on list
Clause 10	Suspicious activity report
Clause 11	Obligation to report possession of suspect article
Clause 12	Notice to hold

The Chairman: The question is that clauses 3 through 12 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 3 through 12 passed.

The Clerk:

Clause 13	Prohibited trade articles
Clause 14	Employee records
Clause 15	Access to employee records
Clause 16	Hours of business
Clause 17	Premises to be secured
Clause 18	No transactions with children
Clause 19	Verification of identity
Clause 20	Statement of ownership
Clause 21	Transaction records to be kept
Clause 22	Secondhand dealer to allow inspection
Clause 23	Obligation to retain article in unaltered state
Clause 24	Disposal of articles by dealers
Clause 25	Export of articles

The Chairman: The question is that clauses 13 through 25 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 13 through 25 passed.

The Clerk:

Clause 26	Offences
Clause 27	Immunity
Clause 28	Regulations

The Chairman: The question is that clauses 26 through 28 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 26 through 28 passed.

The Clerk:

Schedule 1 Exempt persons

Schedule 2 Prohibited trade articles

The Chairman: The question is that the Schedules 1 and 2 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Schedules 1 and 2 passed

The Clerk: Schedule 3, Statement of ownership form.

The Chairman: The question is that Schedule 3 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Schedule 3 passed.

The Clerk: A Bill for a Law to provide for the regulation of secondhand dealers; to deter unlawful property transactions and to facilitate the recovery of stolen property; and for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

TRADE AND BUSINESS LICENSING BILL, 2014

The Clerk: The Trade and Business Licensing Bill, 2014.

Clause 1

Short title and commencement.

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

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

Ayes.

The Chairman: The Ayes have it.

Clause 1 passed.

The Clerk: Clause 2 Interpretation.

The Chairman: Honourable Minister, you have an amendment?

AMENDMENT TO CLAUSE 2

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

In accordance with the provisions of Standing Order 52(1) and (2), I, Wayne Panton, Minister responsible for Commerce give notice to move that the Bill be amended as follows:

In clause 2, by inserting in the appropriate alphabetical sequence the following definition: "Caymanian owned and controlled' means, in the case of a company, where no less than sixty percent of- (a) the voting rights attached to each class of shares in the company is beneficially held by Caymanians; and (b) the directors of the company are Caymanian, and that sixty percent of the voting rights and directorships is enjoyed by Caymanians, to the exclusion of any other person, and cannot by means of any arrangement, artifice or device be exercised either directly or indirectly by persons who are not Caymanian;"

In the definition of the words "trade and business", by inserting after the words "manufacture, mercantile" the word "wholesale".

The Chairman: The question is that the amendments stand part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 2 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk: Clause 3 Application.

The Chairman: Honourable Minister, there is an amendment.

AMENDMENT TO CLAUSE 3

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

I propose an amendment to clause 3(a) by inserting after the words "this Law" the following words: ", including where that other Law exempts a person to whom it applies from registering, being licensed or paying a fee."

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk:

Clause 4	Establishment of the Board
Clause 5	Functions of the Board

The Chairman: The question is that clauses 4 and 5 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 4 and 5 passed.

The Clerk: Clause 6 Delegation by the Board

The Chairman: There is an amendment to clause 6.

AMENDMENT TO CLAUSE 6

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

I propose an amendment to clause 6(1)(b) by deleting the words "by way of" and subparagraphs (i), (ii), (iii) and (iv).

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 6 passed.

The Chairman: The question now is that clause 6, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 6, as amended, passed.

The Clerk:

Clause 7	Trade officers
Clause 8	Policy directions
Clause 9	Composition of the Board

The Chairman: The question is that clauses 7 through 9 stand part of the Bill.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Clause 7 through 9 passed.

The Clerk: Clause 10 Duration of appointment.

The Chairman: There is an amendment to clause 10.

AMENDMENT TO CLAUSE 10

Hon. G. Wayne Panton: Thank you, Madam Chair. I propose an amendment to clause 10, as follows:

By deleting subclause (2) and substituting the following subclause: “(2) The Cabinet may appoint any person in the place of the Chairman or any member of the Board where the Chairman or a member of the Board is removed or has vacated the office.”

In subclause (8) by inserting after the words “three of its members” the words “the majority of whom shall be members from the private sector,”.

By inserting after subclause (11) the following subclause— “(12) For the purposes of this Part, ‘minutes’ includes any electronic record or transcript of votes or decisions made during a meeting that takes place by means of conference telephone, computer or similar equipment.”

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 10 passed.

The Chairman: The question now is that clause 10, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 10, as amended, passed.

The Clerk: Clause 11 Disqualification from being a Board member.

The Chairman: There is also an amendment.

AMENDMENT TO CLAUSE 11

Hon. G. Wayne Panton: Madam Chair, I move the following amendment to clause 11(2), which is the deletion of that clause and substituting the following clause— “(2) Members of the Board shall hold office at the Cabinet’s pleasure.”

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 11 passed.

The Chairman: The question is that clause 11, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 11, as amended, passed.

The Clerk:

Clause 12	Secretariat
Clause 13	Validity of any act
Clause 14	Duty of confidentiality
Clause 15	Board members’ interests
Clause 16	Protection from liability and indemnity
Clause 17	Requirement for licence

The Chairman: The question is that clauses 12 through 17 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Clauses 12 through 17 passed.

The Clerk: Clause 18 Application for grant or renewal of a licence.

The Chairman: Honourable Minister, there is an amendment to clause 18.

AMENDMENT TO CLAUSE 18

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

I move an amendment to clause 18(2)(b)(i), by deleting the words “that is at least one year old, a stamped copy of the company’s annual return and a return of shareholdings containing”.

By inserting after subclause (2)(b)(i) the following paragraph - “(ia) in the case of a company that is at least one year old, a stamped copy of the company’s annual return and a return of shareholdings containing the particulars listed in subparagraphs (i)(A) to (E);”.

Further, in subclause (2)(b)(iii), by inserting before the words “a police clearance” the words “in the case of an application for the grant of a licence only,”.

In subclause (2)(b)(iv) by inserting before the words "a bank reference" the words "in the case of an application for the grant of a licence only,".

By deleting subclause (4) and substituting the following subclause- "(4) Where a company is not Caymanian owned and controlled, the applicant shall, unless exempted by the Local Companies (Control) Law (2007 Revision), apply for a licence under that Law prior to applying for a licence under this Law."

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 18 passed.

The Chairman: I now put the question that clause 18, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 18, as amended, passed.

The Clerk: Clause 19 Restriction on grant or renewal of a licence.

The Chairman: There is an amendment.

AMENDMENT TO CLAUSE 19

Hon. G. Wayne Panton: Thank you.

I move an amendment to clause 19(2) by inserting after paragraph (a) the following paragraph - "(aa) identical or similar to a registered trade mark unless it is established that the trade or business is the owner of the trade mark or it has a licence to use the trade mark."

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 19 passed.

The Chairman: I now put the question that clause 19, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 19, as amended, passed.

The Clerk:

Clause 20	Request for additional information
Clause 21	Grant of licence and expedited licence
Clause 22	Evidence of licence and public display of licence
Clause 23	Validity of licence and renewal fee
Clause 24	Transfer of licence
Clause 25	Amendment of licence

The Chairman: The question is that clauses 20 through 25 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 20 through 25 passed.

The Clerk: Clause 26 Notification of changes of addresses, etc.

The Chairman: There is an amendment to clause 26.

AMENDMENT TO CLAUSE 26

Hon. G. Wayne Panton: Thank you.

I move an amendment to clause 26(1) by deleting the word "forthwith" and inserting after the words "the Board" the words ", no later than thirty days after such change of address, corporate identity or scope".

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 26 passed.

The Chairman: I now put the question that clause 26, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 26, as amended, passed.

The Clerk: Clause 27 Surrender of licence

The Chairman: I put the question that clause 27 stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 27 passed.

The Clerk: Clause 28 Breaches by licensee

Hon. G. Wayne Panton: Madam Chair, I am seeking your guidance at this point.

In light of some of the comments made by the Leader of the Opposition there is one potential amendment that we could make by inserting an additional subclause (6) dealing with the return of property. I am not sure whether that is something that I can do from the floor, or whether we need to submit notice—

The Chairman: You can move it on the floor. You have it ready?

Hon. G. Wayne Panton: I do.

The Chairman: Okay. Please proceed.

AMENDMENT TO CLAUSE 28

[New subclause (6)]

Hon. G. Wayne Panton: In accordance with the appropriate Standing Orders, and as Minister responsible for Commerce, I give notice to move the following amendment to clause 28: By adding a new subclause (6) which would read, "Any document or record seized or removed under this section for the purpose of examination or inspection shall be returned promptly on completion of the examination or inspection."

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

Member for North Side?

LACK OF QUORUM

Mr. D. Ezzard Miller: Only to say, Madam Chairman, that you don't have a quorum so you can't take a vote on the amendment.

Call the Premier back in and you'll have a quorum; you don't have a quorum right now.

The Chairman: Ensure that we have 10, as a lack of quorum has been brought to my attention and we have 15 minutes to be quorate.

[pause]

The Chairman: The question is that a new subclause be added.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New subclause (6) passed.

The Chairman: You have other amendments, Minister, to clause 28?

Hon. G. Wayne Panton: I do, Madam Chair. I apologise, I should have completed those two amendments first before proposing the new one to address the issue raised by the Leader of the Opposition.

I move an amendment in clause 28 subclause (1), by inserting after the words "in relation to the licensee and may" the words "upon obtaining a warrant"; and in subclause (1)(a), by deleting the words "upon obtaining a warrant".

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 28 passed.

The Chairman: I now put the question that clause 28, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 28, as amended, passed.**The Clerk:**

Clause 29	Suspension or revocation of licence
Clause 30	Revocation order
Clause 31	Revocation under Local Companies (Control) Law (2007 Revision)
Clause 32	Register
Clause 33	Permission under other Laws
Clause 34	Restriction on the use of the word "licensed"

The Chairman: The question is that clauses 29 through 34 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 29 through 34 passed.**The Clerk:**

Clause 35	Ticketable offences
Clause 36	Appeals Tribunal
Clause 37	Appeals from decisions of the Board
Clause 38	Conduct of appeals
Clause 39	Offences by officers of body corporate
Clause 40	Regulations
Clause 41	Repeal of Trade and Business Licensing Law (2007 Revision)
Clause 42	Savings and transitional provisions

The Chairman: The question is that clauses 35 through 42 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 35 through 42 passed.**The Clerk:**

Schedule 1	Fees
Schedule 2	Ticketable Offences
Schedule 3	Ticket

The Chairman: The question is that Schedules 1 through 3 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Schedules 1, 2 and 3 passed.

The Clerk: A Bill for a Law to repeal and replace the Trade and Business Licensing Law (2007 Revision) to further provide for the regulation of trade and business in the Cayman Islands; and to provide for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it.

Title passed.**SUMMARY JURISDICTION (AMENDMENT) BILL, 2014**

The Clerk: The Summary Jurisdiction (Amendment) Bill, 2014.

Clause 1	Short title and commencement
Clause 2	Insertion of sections 43A to 43E in the Summary Jurisdiction Law (2006 Revision) - training; suspension of appointment; honorary title; retention of appointment; regulations
Clause 3	Transitional

The Chairman: The question is that clauses 1 through 3 stand part of the Bill.

All those in favour please say Aye—

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

The Chairman: Sorry.

Member for North Side.

AMENDMENT TO CLAUSE 2

Mr. D. Ezzard Miller: I know I do not have the authority to move it, but I wonder if the Premier would consider moving an amendment to clause 2, to 43E, which now reads: "The Cabinet may make regulations" if the Government would consider agreeing to inserting "after consultation with the Chief Justice."

The Chairman: Honourable Premier?

The Premier, Hon. Alden McLaughlin: Madam Speaker, it is what is done in practice, so we do not have any difficulty with that.

Madam Speaker, in accordance with Standing Order 52(2), I move the following amendment to clause 43D [sic]—

The Chairman: It is clause 2 you are talking about?

The Premier, Hon. Alden McLaughlin: Yes, it is clause 2, but it is 43D. In line 6, after the words "Justice of the Peace, insert "after consultation with the Chief Justice."

No, that's wrong.

Mr. D. Ezzard Miller: [Clause 2] 43E, insert the words after "The Cabinet may make regulations" . . .

The Premier, Hon. Alden McLaughlin: Right, right. My fault, Madam Chair, the wrong bit is underlined.

So, let me start over. In accordance with Standing Order 52(2), I move the following amendment to clause 2, that 43E be amended by inserting after the words "The Cabinet" in the first line, the words "after consultation with the Chief Justice" so that the subclause reads: "The Cabinet after consultation with the Chief Justice may make regulations prescribing all matters that are required or permitted by this Law to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Law and, in particular, providing for" . . . et cetera.

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

If not, I will put the question that clause 1 stand part of the Bill. All those in favour please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Chairman: I put the question that the amendment to clause 2 stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

The Chairman: I put the question that clause 2, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Chairman: I put the question that clause 3 stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 3 passed.

The Clerk: A Bill for a law to amend the Summary Jurisdiction Law (2006 Revision) to empower the cabinet to make regulations providing for the training of justices of the peace; and for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: That concludes proceedings in committee. The question is that the Bills be reported to the House.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: The Bills will be reported to the House.

House resumed at 5:53 pm

REPORT ON BILLS

The Speaker: Please be seated.

SECONDHAND DEALERS BILL, 2014

The Clerk: The Secondhand Dealers Bill, 2014.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: I beg to report that a Bill entitled, The Secondhand Dealers Bill, 2014, was considered by a Committee of the whole House, and passed with amendment.

The Speaker: The Bill has been duly reported and is set down for Third Reading.

TRADE AND BUSINESS LICENSING BILL, 2014

The Clerk: The Trade and Business Licensing Bill, 2014.

Hon. G. Wayne Panton: I beg to report that a Bill entitled the Trade and Business Licensing Bill, 2014, was considered by a Committee of the whole House, and passed with amendments.

The Speaker: The Bill has been duly reported and is set down for Third Reading.

SUMMARY JURISDICTION (AMENDMENT) BILL, 2014

The Clerk: The Summary Jurisdiction (Amendment) Bill, 2014.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: I beg to report that a Bill entitled the Summary Jurisdiction (Amendment) Bill, 2014, was considered by a Committee of the whole House, and passed with amendments.

The Speaker: The Bill has been duly reported and is set down for Third Reading.

THIRD READINGS

SECONDHAND DEALERS BILL, 2014

The Clerk: The Secondhand Dealers Bill, 2014.

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

Hon. G. Wayne Panton: I move that a Bill shortly entitled, The Secondhand Dealers Bill, 2014, be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The Secondhand Dealers 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 Secondhand Dealers Bill, 2014, given a third reading and passed.

TRADE AND BUSINESS LICENSING BILL, 2014

The Clerk: The Trade and Business Licensing Bill, 2014.

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

Hon. G. Wayne Panton: I move that a Bill shortly entitled, The Trade and Business Licensing Bill, 2014, be given a third reading and passed.

The Speaker: The question is that a Bill entitled, The Trade and Business Licensing Bill, 2014, be given a third reading and passed.

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

Ayes and one audible No.

The Speaker: I believe the Ayes have it.

Agreed: The Trade and Business Licensing Bill, 2014, given a third reading and passed.

SUMMARY JURISDICTION (AMENDMENT) BILL, 2014

The Clerk: The Summary Jurisdiction (Amendment) Bill, 2014.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I move that a Bill shortly entitled, The Summary Jurisdiction (Amendment) Bill, 2014, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Summary Jurisdiction (Amendment) Bill, 2014, be given a third reading and passed.

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

Ayes and one audible No.

The Speaker: I believe the Ayes have it.

Agreed: The Summary Jurisdiction (Amendment) Bill, 2014, given a third reading and passed.

The Speaker: I recognise the Honourable Premier.

ADJOURNMENT

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

We have gotten through all of the Government business, for which I am most grateful to all Members of this honourable House for their cooperation and assistance. We still have five Private Members' Motions and a number of questions. I propose to adjourn

the House until Monday, December the 8th at 10:00 am when we will consider those matters.

The Speaker: The question is that the honourable House do now adjourn until Monday, December 8, 2014.

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

Ayes.

The Speaker: The Ayes have it.

At 5:57 pm the House adjourned until 10:00 am, Monday, 8th December 2014.

