



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2015/16 SESSION

6 May 2016

*Seventh Sitting of the Fifth
Meeting*

**Hon Juliana Y 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, MLA	Minister of Finance and Economic Development
Hon Osbourne V Bodden, MLA	Minister of Health, Sports, Youth and Culture
Hon G Wayne Panton, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, MLA	Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Mr Roy McTaggart, MLA	Second Elected Member for George 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

Hon Anthony S Eden, OBE, MLA	<i>Deputy Speaker</i> , First Elected Member for Bodden Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town
Mr Winston C Connolly, Jr., MLA	Fifth Elected Member for George Town
Mr D Ezzard Miller, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

**OFFICIAL HANSARD REPORT
FIFTH MEETING OF THE
2015/16 SESSION
FRIDAY
6 MAY 2016
11:00 AM
Seventh Sitting**

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

The Speaker: Good morning.

I will call on the Second Elected Member from the District of George Town to say prayers this morning.

PRAYERS

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

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 Premier, the Speaker of the Legislative Assembly, the Leader of the Opposition, Ministers of the Cabinet, ex-officio Members 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.

The Speaker: Please be seated.

The House is now resumed.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

The Speaker: None.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**ANNUAL REPORT OF THE STANDING PUBLIC
ACCOUNTS COMMITTEE FOR 2015/2016 SESSION
OF THE LEGISLATIVE ASSEMBLY**

The Speaker: I recognise the honourable Member for the district of North Side, Chairman of the Standing Public Accounts Committee.

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

I beg to lay on the Table of this honourable House the Annual Report for 2015/16 of the Standing Public Accounts Committee.

The Speaker: So ordered.

Does the honourable Member wish to speak to the report?

Mr. D. Ezzard Miller: Just briefly, Madam Speaker, to thank the members of the Committee for turning up to all the meetings that we actually scheduled and also to thank the staff of the Legislative Assembly for their assistance and the Office of the Auditor General. Also to say, Madam Speaker, that unfortunately we completed the public hearings on a number of reports but the resources available in the Legislative Assembly did not allow for the preparation of the reports. Those were reports on the Management of the Nation Building Fund, National Land Development, Government

Real Estate, Financial and Performance Reporting Statutory Authorities, Government Companies, Finance and Performance Reporting Entire Public Sector, Financial and Performance Reporting Ministries, Portfolios and Offices, Government IT Security and Collecting of Government Revenue.

Having said that, Madam Speaker, I wish to move a motion in accordance with the relevant Standing Orders, that those reports be carried forward to the next session of the Legislative Assembly, that they can be tabled at that sitting. I so move the motion.

The Speaker: The question is that the outstanding Public Accounts Committee reports be carried forward to the next session of the House Meeting.

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

Ayes.

The Speaker: I believe the Ayes have it.

Agreed: Outstanding Public Accounts Committee reports will be carried over to the next session.

The Speaker: I just wish for clarification for the Chair, [to know] whether the resources that you found lacking—has there been a change in the number of the resources, or is it because the increased efficiency of the PAC why the staff was not able to keep up?

Mr. D. Ezzard Miller: Madam Speaker, I think that it led more to a demonstration that there needs to be more resources added to the current complement and plus the idea that we still have a Hansard typist located in some other country, I think that also led to some significant delays and I am hoping that the next budget that those things will be addressed so that they . . . because I really believe that given the work of standing committees in particular, Madam Speaker, we also added two committees, the one on the Independence of Parliament and Review of the Standing Orders Committee really taxed the resources that the Parliament currently has. I do not think it was entirely a lack of non-performance by those people charged. I think it had a lot to do with the resources were simply just not enough to complete all the things they had to do.

The Speaker: Thank you for the clarification.

**ANNUAL REPORT OF THE PUBLIC SERVICE
PENSIONS BOARD FOR THE FISCAL YEAR
ENDED 30TH JUNE, 2015**

The Speaker: I recognise the Honourable Deputy Governor.

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

Madam Speaker, I beg to lay on the Table of this Honourable House the Annual Report for the Public Service Pensions Board as of 30th June, 2015.

The Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak to this Report?

The Deputy Governor, Hon. Franz I. Manderson: Yes, Madam Speaker, just briefly.

I shall offer a brief explanation of the Annual Report and will then speak to the specifics of the Financial Statements as of 30th June, 2015.

Growth of the Fund

The Public Service Pension Fund continues to remain in good financial health. The Fund holds a diversified portfolio of bonds and equity securities that over the long term provides above average returns with minimised variability.

Although the Fund remains underfunded, the actuary has determined that the liability for inactive members (which are existing pensioners and beneficiaries and those with deferred pensions) is sufficiently covered by available assets.

It should be noted that the full liability for additional defined benefit cost is borne by each respective employer. As of the 30th of June, 2015, the net assets available for benefits stood at just over \$511.4 million which represents an approximate increase of \$27.5 million or 6 per cent in net assets available for benefits from the 30th of June, 2014.

The market value of the Fund inclusive of local and foreign investment at the same time was approximately \$509.4 million—representing an increase of just over \$32 million from the 30th of June, 2014.

Other key financial information in respect of the Service Pensions Board for the year ending 30th of June, 2015, is as follows:

- The total contribution to the pension plan over the 12 month period is \$39.8 million.
- Total benefits paid to participants, is \$34.8 million.
- Total investment income is \$29.7 million.
- Total operating income is \$161,000.
- The operating and investment expense is \$8.5 million.
- Actual present value of accumulated plan benefits based on actuarial evaluation as of 1 January 2014 is \$624.2 million.
- The Fund deficit (using assets of 30th June, 2015) and the actual valuation of 1 January 2014 is \$112.9 million.

Madam Speaker, I am pleased to say that the Auditor General issued an unqualified opinion on the financial position of the Public Service Pensions Board as of 30th June, 2015. The Auditor General has stated that the financial statements present fairly in all material respects the financial position of the Public Service Pensions Board.

Madam Speaker, in closing, just to say that the Auditor General has been critical in the past of the Government's inability to get annual reports tabled down at this Parliament and I am very pleased to say that over the last—just in this sitting alone I think we, as a Government, have tabled at least two or three of our annual reports and a vast number will also be tabled next month. So thank you, Madam Speaker.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

QUESTION NO. 60: REMOVAL OF ROCK FENCE INFRINGEMENTS

The Speaker: I recognise the Honourable Member for the district of North Side.

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

Madam Speaker, I beg to ask the Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure the following question standing in my name: Can the Honourable Minister give an update on the removal of the rock fence infringements into the gazetted road reserve for further road in North Side?

The Speaker: I recognise the Honourable Premier firstly to remove the suspension of Standing Order 23(7) and (8) to allow question time to go beyond 11:00 am and then respond to the question, please.

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

The Premier, Hon. Alden M. McLaughlin: Madam Speaker, I beg to move the suspension of Standing Orders 23(7) and (8) in order that question time may continue beyond the hour of 11:00 am.

The Speaker: The question is that Standing Orders 23(7) and (8) be suspended to allow question time to continue beyond the hour of 11:00 am.

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

Ayes.

The Speaker: The Ayes have it. Standing Orders 23(7) and (8) has been suspended.

Agreed: Standing Orders 23(7) and (8) suspended.

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

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

The matter is ongoing and has not been resolved. Madam Speaker, the NRA wrote to the involved parties on two occasions. Those occasions being the 10th of January and the 13th of March, 2013 with proposed solutions. However, nothing seems to have been concluded at that time and given that the Member has brought the matter to light, my Ministry has requested that the NRA readdress the issue with a view to resolving the matter once and for all.

Madam Speaker, if the Member so desires I am quite happy to read both of those letters.

Thank you. Madam Speaker, the letter of January 10th reads:

“We refer to the original encroachment notice sent to you via registered—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Do not tell me what to do.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: “We refer to the original Encroachment Notice sent to you via registered mail on April 16th 2012. It is attached for ease of reference.

“We act on account of public complaints to advise you that the planters/landscaping which align the strip of land in front of your residence (please see attached schematic) is deemed as a road encroachment under Section 16 of the Roads Law (2005 Revision).

Pursuant to Section 17 of the Roads Law, you are hereby directed to have the encroachment removed within two (2) weeks of the date of this letter. Otherwise, the NRA shall take further action as prescribed by the said law.

“You are advised that pursuant to Section 21 of the Roads Law, failure to comply with an encroachment notice is classified as an offence and carries a penalty of up to five thousand dollars and to imprisonment for up to six months.

“Please contact the undersigned at the NRA offices should you have any questions.”

That is the letter of 10 January, Madam Speaker, and just to say to you, I hear the requests to call names. I do not deem that to be proper and unless you direct me to, I will not because I think the point is not who but the point is what.

[Inaudible interjections]

Hon. D. Kurt Tibbetts: Madam Speaker, I do not have a problem laying these on the Table. I am not about to just publicly call the name. That is all. I do not have a problem laying them.

The Speaker: So ordered.

Hon. D. Kurt Tibbetts: I have to finish the other letter. Madam Speaker, the letter of March 13th reads:

“We refer to the original encroachment notice sent to you via registered mail on April 16th, 2012, with a follow-up notice on January 10th 2013. If this final notice, dated 13 March 2013 is not complied with, the NRA will take action.

“We act on behalf of public complaints to advise you that the planters/landscaping which align the strip of land in front of your residence (please see attached schematic) is deemed as a road encroachment under Section 16 of the Roads Law (2005 Revision) which states: ‘The following are for the purposes of this Law, encroachments on a road: (a) any fence erected upon or extending on or over any public road; (b) any tree or shrub projecting upon, overhanging, fallen upon, placed or planted upon any such road.’

“Pursuant to Section 17 of the Roads Law (2005 Revision) which states: ‘Wherever there exists any encroachment on a public road, the owner or occupier of the land or thing from which such encroachments proceeds, or the owner of the thing constituting the encroachment shall, after receiving a notice thereof in writing from the Roads Authority, forthwith remove or abate the same at his own cost and in the event of non-compliance with such a notice by the owner or occupier, as the case may be, the Roads Authority may cause the encroachment to be removed in such a manner as the Authority may think fit.’

“You are hereby directed to have the encroachment removed by the March 29th 2013, otherwise, the NRA shall take action to remove the said encroachment on that date. Please note, Pursuant to section 17(2) of the Roads Law (2005 Revision) which states: ‘Wherever the Roads Authority directs the removal of an encroachment under subsection (1)- (a) the Roads Authority may, without giving notice, authorise any persons to enter upon any land for the purpose of removing the encroachment; (b) neither the Roads Authority nor any person authorised by the Authority shall be liable for any damage occasioned by the removal unless the same is caused by such person’s wilful neglect or default; (c) the cost of removal shall be defrayed by the person responsible for the encroachment and shall be recoverable as a civil debt; and (d) anything constituting the encroachment shall be forfeited, and the Roads Authority may sell or otherwise dispose of it unless the

owner redeems it by paying all the costs of the removal, without prejudice to the penal and civil liabilities of any persons responsible for an encroachment.’

“The NRA shall act in accordance to that section.

“You are hereby advised that pursuant to Section 21 of the Roads Law, failure to comply with an encroachment notice is classified as an offence and carries a penalty of up to five thousand dollars and imprisonment for up to six months.

“Please contact the undersigned at the NRA offices should you have any questions.”

Madam Speaker, I am not making more of a deal of this than it is, but I just wanted the Member to understand what had transpired.

The other thing that occurred during this time, Madam Speaker, is that it appears from the file provided by the NRA that there were lots of dialogue between the parties but no resolution. The NRA had actually proposed three options or solutions and, in short, it ranged from land swap through to making the road 30 feet and it appears that a land swap was the most feasible option.

Unfortunately, Madam Speaker, I was not aware of any of this until the question was asked. So, I will simply follow it up and now that the Member is with clear steer as to what the state of play is, I give the commitment—if I have to meet with the parties I certainly will do so to try to get the matter resolved in as least painful a way as possible—but certainly to get it resolved.

The Speaker: I recognise the Member for North Side for a supplementary.

SUPPLEMENTARIES

Mr. D. Ezzard Miller: Through you, Madam Speaker: Is the Member aware that these infringements still exist today—three years after those notices were filed? And, can the Member say why the landowner has not been prosecuted as provided in the law?

The Speaker: Honourable Minister.

Hon. D. Kurt Tibbetts: Madam Speaker, as my substantive answer says, nothing has been resolved. With regards to why nothing has happened—I cannot answer that. That is part of what I will find out. But, suffice it to say, Madam Speaker, that I agree the matter needs to be resolved and I will do everything to ensure that the matter is resolved hopefully without having to resort to the nuclear option.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Madam Speaker, I understand what the Minister is saying and I respect his ability to negotiate. But had this been one of my less well-off North Side residents, the full weight of the law would have been brought down upon their head. The question I have is: How can this person knowingly, deliberately, intentionally refuse to comply with the law and he is not prosecuted in accordance with the law? Because, Madam Speaker, the land swap proposed by NRA is a problem because the man has fences in the roadway on both sides. Somewhere along the line some are going to have to be removed.

The Speaker: Honourable Minister for Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, I am very hopeful that the Member from North Side will respect the timelines that I went to pains to indicate, so it would not be unfair for him to understand me saying I cannot answer that because I was not aware of any of it until the question was asked. However, as I said, I will find out all that needs to be found out. I cannot comment because I do not know whether this situation being as it is with another party involved whether something else would have been done that would only be sort of conjecture on my part, but what I am saying one more time is that I am going to follow the matter up and I am going to make sure that matter is resolved.

Further than that, Madam Speaker, I would ask him not to goad me into trying to say anything more that I really cannot answer.

The Speaker: I will allow one more supplementary from the North Side Member.

Mr. D. Ezzard Miller: Well, Madam Speaker, just give me a minute to decide which one of the 10 I am going to ask because, Madam Speaker, Members here would not be aware of how dangerous the situation is. The North Side school bus driver refuses to go in there because the road has been made so narrow to pick up children for the North Side School. The garbage truck goes in there and the only reason somebody—one of the residents who lives in there (and I know I am making a statement, but indulge me a minute, please) has not been killed by that garbage truck is because to this point they have not met on that corner because the day that they do, whoever is driving the car, they are going to go with a plastic bag to pick them up.

Madam Speaker, will the Minister commit to providing the funds in the 2016/17 budget to build this road out properly to the 30 feet for safety reasons, including removing these rock fences that infringe on both sides of the road opposite each other? Then, Madam Speaker, the man parks his car in the road!

The Speaker: Member from North Side, are you asking him to commit or to consider?

[Inaudible interjection]

The Speaker: Honourable Minister of Infrastructure.

Hon. D. Kurt Tibbetts: Madam Speaker, I want to say that I quite understand the Member's frustrations. I have not gone in that direction for a little while but I will look at it so I can have a good feel for what the situation is. I will do that. I will get the matter resolved.

I could be mischievous, Madam Speaker, and say that I only wish it had been brought to my attention before now. But it is what it is. We are where we are. I would just ask the Member to allow me to do everything that I can to deal with it. The commitment that he seeks—I can give that commitment—just bear in mind it may well come out of your road funds for the district. Just letting you know.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Once that is the case then we are good and I think he is finished now, Madam Speaker, you can go on to the next one.

Thank you very much.

[Laughter]

The Speaker: I did tell him that was his last supplementary.

QUESTION NO. 61— SPEAR-GUN LICENSING REGIME UPDATE

The Speaker: I recognise the Honourable Member from North Side.

Mr. D. Ezzard Miller: Madam Speaker, I beg to ask the Honourable Minister of Financial Services, Commerce and Environment the following question standing in my name: Can the Honourable Minister give an update on the speargun licencing regime?

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

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

Madam Speaker, the answer to part five, Permits and Licences—the section dealing with permits and licences of the National Conservation Law has not yet been commenced. However, the Department of Environment and the National Conservation Council have been working through the preparation of a variety of licencing directives including those necessary to give effect to the new speargun licencing re-

gime. The Government is aiming to commence part five of the law by June 2016.

Thank you.

The Speaker: If there are no supplementaries—Member for North Side.

Mr. D. Ezzard Miller: Madam Speaker, just for clarity, is the Minister saying that the speargun licencing regime will be in place by June 2016 and if he could put a date on that—the 1st of June or the 30th of June?

The Speaker: Honourable Minister of the Environment.

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

The Member is as persistent as I am consistent in my response on this. He has asked this question a number of times, but definitely we are saying that the commencement of—actually, hopefully, it is part 5 and part 7 of the National Conservation Law—will occur in June. I think we are looking at—I do not remember the exact date, Madam Speaker, but I think it is sometime around the middle of June. I think it is like the 22nd or somewhere thereabouts. At that point, hopefully—once that part is commenced, then the Council will have the authority to adopt the directives that they have been working on in draft form.

Thank you.

The Speaker: If no supplementaries, we move on to the next question.

QUESTION NO. 62—SAND POINT

The Speaker: I recognise the Honourable Member for North Side.

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

I beg to ask the Honourable Minister of Financial Services, Commerce and Environment the following question standing in my name: Can the Honourable Minister give an update on the plans to address the sand offshore at Sand Point?

The Speaker: I recognise the Minister responsible for the Environment.

Hon. G. Wayne Panton: Thank you, Madam Speaker, the answer—the particular area of coastline in question has been experiencing the southward migration of a sandspit thrown up by Hurricane Ivan in 2004. This is not the first time we have seen this happen on this particular coast as we have experienced a similar phenomenon after Hurricane Gilbert in 1988.

In fact, the sandspit seen in 2004 aerial photography in the lands and survey database is the remnant of the Gilbert spit. The Ministry of the Environ-

ment and the Department of Environment have strongly recommended against registering these new boundaries on the basis that the accretion is not the result of a normal coastal process but rather has resulted from a perturbation caused by hurricanes and any temporary accumulation of sand at one of these coastal parcels today, will simply migrate in a relatively short period of time. It is widely held common practise within the islands that coastal boundaries cannot be recorded as fixed but are rather recorded and registered as general boundaries—meaning the boundary of a coastal parcel will vary from day to day. For an in depth discussion on the technicalities of fixed boundaries versus general boundaries, I would defer to the Chief Surveyor or Director of the Lands and Survey Department.

We remain of the view that the boundaries of coastal parcels should remain being recorded and registered as general boundaries. We have expressed our views on this matter to the Ministry of Lands and the Director of the Lands and Survey Department whose responsibility it is ultimately to record and register each parcel boundary.

Thank you.

The Speaker: I recognise the Member for North Side for a supplementary.

SUPPLEMENTARIES

Mr. D. Ezzard Miller: Madam Speaker, the Minister refers to coastal boundaries as general boundaries. Can the Minister confirm that certain landowners in the area have in fact applied to have their boundaries extended—the general boundary—to include these sandspits?

The Speaker: I recognise the Minister for Planning.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker. Even in a roundabout fashion he will not ease me today.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Madam Speaker, the fact is if the Member is speaking directly to those properties where the spit is, there have been two applications to extend (what I would call) the seaward boundary. There have been specific discussions with the surveyor of the landowner because I think originally it was one application and then the next door neighbour said *Well if you do, I may as well do, too*. So it was one surveyor involved.

The surveyor quite understands that that survey is not going to be registered. The landowner has accepted that what they have requested will not be registered as it was. The Lands and Survey Department have sat with the surveyor and they have agreed

on the general boundary which was—and I don't want to get tied up here, but—it is not exact but it is approximately where the original one was. I think it is just a matter for shape.

Mr. D. Ezzard Miller: Is the dock in the water or not in the water.

Hon. D. Kurt Tibbetts: The dock is not in the water, but it is in the sand.

Mr. D. Ezzard Miller: No—but the new boundary?

Hon. D. Kurt Tibbetts: Do you mean, will the dock be within the new boundary?

I do not want to say yes or no but I do not think so because I think—not I think—I know that when the Director of Lands and Survey spoke to me he was quite satisfied with the reasonableness of the surveyor. I can get copies of what has been proposed for the Member to see but I am not 100 per cent sure of exactly what. But with that being the case, I think that in itself, Madam Speaker, is only a temporary solution for that. However, it sets a good precedent for anyone else who might come in the meantime until the matter is resolved properly. But at least we got through that first hump so that you do not have a slew of them apply.

I do know that cohorts in the Ministry are—including Planning—are with discussions to decide on a course of action which I am certain the Minister for Environment and myself will have to make some final decisions once we get the recommendations. I think the Member knows my personal position but, of course, we have to be guided by some level of expertise and we will be willing to do that. But I do not believe that the matter should be left alone as long as it has been, again, because it is only going to create more difficult times for all of the agencies involved.

Mr. D. Ezzard Miller: Though you, Madam Speaker, to the Minister—the Minister, I believe, is acutely aware—

[Inaudible interjection]

Mr. D. Ezzard Miller: All two.

[Laughter]

Mr. D. Ezzard Miller:—that these landowners have in fact (and I would venture to say are still) claiming the land as their own and telling other people they cannot use it.

[Inaudible interjection]

Mr. D. Ezzard Miller: No.

[Inaudible interjection]

Mr. D. Ezzard Miller: And they are running people off it.

[Inaudible interjection]

Mr. D. Ezzard Miller: Through you, Madam Speaker, if Lands and Survey are confident (because I notice the Minister did not say he had withdrawn the application)—

[Inaudible interjection]

Mr. D. Ezzard Miller: Okay, but if Lands and Survey is confident that the proposed or agreed survey is not going to include a section of the sandspit could the Minister ask the relevant authorities in Government to so inform the gentleman that he has no right to run people off what he will never own?

The Speaker: Honourable Minister.

Hon. D. Kurt Tibbetts: Madam Speaker, the truth of the matter is I attempted to be the guinea pig but he was not there. So, I give a personal undertaking because that is what I told his surveyor that I would do—not to be rude but to let him understand—but I have gone there on two occasions. I actually sat on a bucket and threw out my line, did not hear anything, and did not see any action. So I think the person comes and goes. But I will find a person and let the person know—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Say what?

[Inaudible interjection]

Hon. D. Kurt Tibbetts: No, no, no. They do not know who I am.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: They do not. All the way from West—you stay out of this.

[Laughter]

Hon. D. Kurt Tibbetts: Madam Speaker, the point that I want to make since it has gone that route, I do not mean that I will go there and sit and wait until somebody comes out. I am saying when I have gone there, there was no activity and when I went and knocked (I only knocked once) I got no answer. So I know the person comes and goes but I have had people say what the Member from North Side referred to

me—and it is not about being bad it is a matter of clearing the issue up.

I think the survey does the trick for once—I mean, for the first part—and I wanted to ensure that that was registered and done and now we will see where we can go with the next step.

The Speaker: Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker, to the Minister of Environment: Will the Minister confirm or undertake that once agreement is sorted out on the seaward general boundary for this land, the Department of Environment will support the removal of the sand so as to create a real seaward boundary for it?

The Speaker: Honourable Minister for the Environment—I am not sure you are in a position to answer that but the discretion is up to you.

Hon. G. Wayne Panton: Thank you, Madam Chair, I would not want the wrong—sorry, Madam Speaker—I would not want the wrong perspective to be taken if I did not answer. But let me say that while I agree and understand the Member's perspective and motivation and perhaps I might (to some extent) share that, we have to recognise that this is a natural process that is ongoing and I think—I do not know—it would have to be discussed as to whether or what the impact of this might be, but I suspect quite strongly that if we were to interfere with a natural process, there may be unforeseen consequences in respect of that which may have other impacts on adjoining land owners, for example. So there would be some—

[Inaudible interjection]

Hon. G. Wayne Panton:—there would be—I think, a view would be to take a conservative approach in respect of it to try to avoid unforeseen consequences. That, I think, is the best I can tell the Member at this point.

The Speaker: Honourable Member for North Side.

Mr. D. Ezzard Miller: Through you, Madam Speaker, can the Minister of Environment confirm that all of this land there is a result of dredging which altered the original coastline and whether or not the Department of Environment recognises the need (particularly in this area) to re-dredge the sand in order to preserve the entranceway that the people inside the cove who have very expensive houses or very expensive land? And I would humbly suggest to the Minister that if he just lets nature take its course, those people will soon be living on a lake and not have any access to the sea.

The Speaker: Honourable Minister for the Environment.

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

Madam Speaker, I think everybody knows and certainly the Member well knows that, of course, what exists in that area at this point is a result of dredging 30, 40 maybe even 50 years ago (I do not remember the exact) probably not 50 years ago but—

Mr. D. Ezzard Miller: More than that.

Hon. G. Wayne Panton: Maybe more than that, but certainly that whole area—

Mr. D. Ezzard Miller: In the 60s.

Hon. G. Wayne Panton: —as I was a young boy, dredging was still going on in that area. But anyway, the point is, Madam Speaker, that—

Mr. V. Arden McLean, Elected Member for East End: Yeah, well, that wasn't yesterday either, you know.

Hon. G. Wayne Panton: Of course it was not.

Madam Speaker, the point is that what we have today is the result of dredging a long time ago—many decades ago. It does not change the fact, however, Madam Speaker, that even in the altered form that we have had for decades now, that there are natural processes that occur. The dynamics of the movement of sand in the area have clearly been affected by disruptive events like hurricanes and storms. The question that the Member has asked, Madam Speaker, was whether the Department would support removing the sand from where it is currently. The indication that I have made is that while the Department is considering that, there is some concern that removing that sand (as it is currently) might have an impact—a disruptive impact—on neighbouring lands.

If the Member is now asking, Madam Speaker, whether a continuation of what has been happening in terms of the dynamics of the sand moving down to the south and if that continues and it starts to impede the entrance and it looks likely to block the entrance to the Cove, then, that is clearly a separate question and the imperatives in respect of that would be different. The potential impacts on the Cove and the access to the Cove would be greater than the potential impact on the adjoining landowner.

So, steps would be taken to seek to address that, or certainly, the Department of Environment would be supportive of steps being taken to address that in terms of removal of the sand sufficient to maintain the access to the Cove.

Thank you, Madam Speaker.

The Speaker: I recognise the Member for North Side

Mr. D. Ezzard Miller: We could go all day Madam Speaker, but—

The Speaker: Member for East End.

Mr. D. Ezzard Miller: How does the Department of Environment allow trees to—

The Speaker: There being no further . . .
Member for East End.

Mr. V. Arden McLean, Elected Member for East End: Madam Speaker, I was waiting for you to say “there being no further”—and why I am asking to be recognised is that, Madam Speaker, I believe today is the last day of this Meeting or we are hoping today to be the last.

Madam Speaker, I have outstanding questions from meetings ago and now there are four questions that I have submitted and they are not answered again.

Madam Speaker, there is a process that I am guided by, that I am required to follow. The Government, likewise, has a process that they must follow and Members (contrary to what some may say) have a job. We each have our own responsibilities in here. I cannot carry mine out in the absence of the Government carrying theirs out. It is unfair, it is unreasonable and it needs to change.

Madam Speaker, I understand that you cannot do anything about it because you are the one that sits in the middle but it is wrong that I have all these questions on behalf of my constituency. The Government holds the answers and they will not answer the questions for the people. They think I am just—or we are just asking questions. Madam Speaker, I have four questions submitted in April.

Mr. D. Ezzard Miller: Tell them the date.

Mr. V. Arden McLean: The 13th of April.

The Speaker: I can assure you, Member for East End, the Clerk and the staff have sent them up to the respective Ministries and/or portfolios.

Mr. V. Arden McLean: Oh, I do not doubt that, Madam Speaker. I do not doubt that. But we cannot have the Deputy Governor come down here saying that the civil service is so good and the answers are not being provided to the Ministers. Unless they are being provided to the Ministers and the Ministers—I am putting blame everywhere now—are refusing to answer it.

[Inaudible interjection]

The Speaker: So, are you going to turn that into a question?

Mr. V. Arden McLean: No, Madam Speaker, this is not a question. This is between matters that I wanted to be recognised. I want the public and my constituency to know that I am asking questions on their behalf because this is the only place to do it. I have one to the Finance and Economic Development, I have three to the Minister for Planning, Lands, Agriculture, Housing and Infrastructure—all related (at least two of them) related directly to my constituencies and nothing is being forthcoming.

Madam Speaker, the Government needs to answer and tell us where the blame lies because this needs to stop.

[Inaudible interjection]

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I apologise to the Member for those questions not being answered, the reasons for which I do not know, but we will inquire.

We had some 58 questions and I think we have answered about 95 per cent of them in the days that we have been here. We have—it is a mere two weeks (or thereabouts) until the House begins again and I hope that we can—and I am prepared to do that now—move the necessary motion that whatever outstanding questions there are will be carried forward to the next Meeting rather than simply being answered in writing because I know Members would prefer (because I know I used to) that they are able to ask the questions publicly and have the opportunity to ask supplementary questions.

So Madam Speaker, I would move that motion now and hope that the House will agree

The Speaker: Member for East End.

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

Madam Speaker, I want to thank the Premier for that; however, there are many outstanding questions that have been dead now for years and this is but four that I have for this session and I appreciate the Premier saying that because this is politics. I keep telling you there is no steeple out there; it nah no Sunday School Church here. I want it to be heard in here, I do not want anything written—

The Speaker: The question is that the Questions that remain unanswered as of the close of this Meeting be carried over to the next session.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Unanswered Questions as of the close of this session will be carried over to the next session.

[Inaudible interjection]

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I recognise the Honourable Premier.

EDITORIAL OF THE CAYMANIAN COMPASS— ERNST & YOUNG REPORT: REQUIEM FOR RECOMMENDATIONS

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

Madam Speaker, I would like to take this opportunity to address the most erroneous and misleading editorial in today's *Caymanian Compass* under the sensationalised title [The EY Report: Requiem for Recommendations](#). The editorial team has chosen to voice opinions that are in no way based on fact but demonstrate a wilful misunderstanding of the work of the Government and the civil service in relation to the Project Future programme.

Madam Speaker, I am fully cognisant that an editorial is an opinion piece, but that does not give a so-called reputable publication a licence to ignore the facts. They have also chosen to launch a personal, unwarranted and unjustified attack on a very capable senior civil servant, Mrs. Mary Rodrigues, and by extension the civil service senior management team that is delivering these projects.

Madam Speaker, Project Future establishes for the first time a comprehensive and far-reaching programme of public sector reform which will drive the efficiency and effectiveness of public services. The agenda for change has been set by this Government's political priorities. In that context, the Government has welcomed the EY Report as a useful stimulus to its thinking, providing a helpful challenge to existing ways of working. However, the EY Report does not dictate the Project Future agenda as the editorial team seems to believe.

Madam Speaker, with the intention of speaking fact as compared to fiction, it should be acknowledged that the Project Future programme will see the implementation in full or modified form of the majority of the EY recommendations and a number of other recommendations. In November 2015, this Government published the Project Future programme brief. At the time, I explained that the projects would be tackled and five phases to be implemented over the next five years. Work has commenced on numerous

projects. Some will be completed before the 2017 election while others are not expected to be delivered until after the elections. I also explained then (and I do so again), that it is right for the Government to take a long-term view and to put in place the delivery of the reforms this country needs. If we remain bound to electoral cycles, we remain bound to short-term action that will not tackle some of the fundamental issues we face. Our country needs more than that. Our country deserves better than that and that is why this progressive-led Government is setting out a clear plan of future action.

Madam Speaker, in the Project Future programme brief, I also identified some 16 recommendations from the EY Report that would not be implemented because they clearly conflicted with our policy. For example, recommendations to raise levies that would clearly run counter to the commitment of this Administration to seek to cut rather than raise levies and charges. For those who wonder what those mean: taxes! We also excluded recommendations where the analysis indicated that the benefits were not sufficient to justify taking the ideas forward.

Madam Speaker, this is open, transparent and responsible Government in action. Madam Speaker, the *Compass* editorial today reserves its most vitriolic comments for Mrs. Rodrigues whom it seems to hold personally responsible for implementing the key recommendations of the Report while insinuating that this Government's support for Project Future is less than enthusiastic. While I suspect, Madam Speaker, that they know better, let me make clear the actual governance structure for Project Future. We, the elected Government, are the decision-makers. We have selected the projects to be explored and we decide which business case documents are approved. The Deputy Governor and his chief officers are responsible for implementation. Mrs. Rodrigues and the Strategic Reforms Implementation Unit are responsible for developing the implementation strategy and providing tools and guidance to help chief officers and their teams deliver the projects.

Madam Speaker, the SRIU has delivered in this role and continues to work to support the work of the civil service. Already their work has earned the regard of external consultants and officials from other Overseas Territories. It has been five months since I and the Deputy Governor launched the Project Future programme in November 2015. While there has been a significant learning curve for government and the civil service alike—and we have faced some challenges—as a government we have declared our objectives and we are making progress. Here is but a brief snapshot of the work which is under way in various stages—that is, either in preparing business case documents, project planning or project execution. Thirteen of 17 of the Phase 1 projects; 7 of 9 of the Phase 2 and 3 projects; 11 of 18 of the Phase 4 projects and 2 of 7 of the Phase 5 projects.

Madam Speaker, it has always been my intention to continue to provide public updates on Project future at key milestones. I am therefore pleased to announce that we are preparing a formal update on progress this month which will commence with my contributions the budget address and will extend to a formal publication which will be circulated to all media houses.

Madam Speaker, I will ensure that the publication is in clear, plain language which even the editorial board of the *Compass* will be unable to misinterpret.

Thank you, Madam Speaker.

Mr. D. Ezzard Miller: I wish you luck.

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

HEALTH INSURANCE PREMIUMS CO-PAY BY CIVIL SERVANTS

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

Madam Speaker, I am asking for a few moments to get copies to circulate to Members. I do not have those as yet.

The Speaker: Are you in a position to use yours or is your copy going to be used for the copies?

Hon. Marco S. Archer, Minister of Finance and Economic Development: It will be the same as what I have written here, Madam Speaker.

[Inaudible interjection]

Hon. Marco S. Archer: Oh, sorry, yes, yes. I need mine to read and this is what they would have to copy from.

The Speaker: All right. We will take a short suspension.

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

Proceedings suspended at 12:03 pm

Proceedings resumed at 12:05 pm

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

HEALTH INSURANCE PREMIUMS CO-PAY BY CIVIL SERVANTS

The Speaker: Please be seated.

I recognise the Honourable Minister for Finance.

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

Madam Speaker, I would like to make a statement in response to the letter dated 3 May, 2016, issued by Mr. James Watler, President of the Cayman Islands Civil Service Association ("CICSA") on the issue of co-pay of health insurance premiums by Civil Servants and to provide information on healthcare costs borne by the Government.

Madam Speaker, I would like to thank Mr. Watler for responding promptly to the very important issue of the Government's rising healthcare costs—an issue that is important to both Civil Servants and the Government alike.

Madam Speaker, on 15 May 2015, the Honourable Premier in his Policy Statement on the 2015/16 Budget acknowledged that good governance means the Government owning up to and taking steps to deal with the intractable problems that plague the Government, such as the burgeoning government health care costs.

In my 2015/16 Budget Address, which I also presented on 15th May 2015, I expounded on the Honourable Premier's statement to which I referenced the Ernst & Young Report where it was recommended that "we should introduce co-pay and deductibles for all CINICO customers."

Madam Speaker, I went on to state in my 2015/16 Budget Address that "given that the majority of CINICO customers are Civil Servants and healthcare benefits are part of their contractual terms and conditions of service, we will request the Deputy Governor and Head of the Civil Service, to present a business case to Cabinet on the feasibility of this recommendation and potential impacts on the Civil Service, Civil Servants, CINICO and the Health Services Authority."

The Deputy Governor in his contribution to the 2015/16 budget debate also stated that as the Head of the Civil Service, he would be asking the portfolio of the Civil Service to review the terms and conditions of Civil Servants, including a proposal to introduce cost sharing for healthcare by 2018.

Madam Speaker, the Government has an obligation to pursue policy actions which address rising cost drivers where such costs are a significant element of its annual operating expenditures. Madam Speaker, healthcare cost is the latest such issue facing our country according to Mercer actuarial report, the Auditor General's audit report and the Ernst & Young report.

Madam Speaker, the below table and charts indicate that the Government's budgeted healthcare costs have risen steadily in the last five years. However, the actual healthcare cost is even higher than the budgeted cost because of the unpredictable na-

ture of the NGS 55 output that will usually exceed the budgeted amount. Therefore, the healthcare cost as a percentage of operating expenses would be even higher than the numbers shown in the table but time did not allow me to get the actual expenditure for these categories.

Madam Speaker, we can see from the table that the budgeted operating expenses for the Government in fiscal year 2011/12 was CI\$524 million; budgeted healthcare costs were CI\$87 million. Budgeted health care costs as a percentage of budgeted operating expenses were 16.6 per cent.

For the fiscal year 2012/13, budgeted operating expenses was CI\$569 million; budgeted health care cost had risen to CI\$102 million. Budgeted health care costs as a percentage of budgeted operating expenses increased from 16.6 [per cent] to 17.9 per cent.

In fiscal year 2013/14, budgeted operating expenses were CI\$549 million; budgeted health care costs were CI\$106 million. Budgeted health care costs as a percentage of budgeted operating expenses increased from 17.9 [per cent] (the previous year) to 19.2 per cent.

In fiscal year 2014/15, budgeted operating expenses were CI\$537 million; budgeted health care costs were CI\$104 million. Budgeted health care costs as a percentage of budgeted operating expenses increased from 19.2 [per cent] (in the previous year) to 19.4 per cent, Madam Speaker.

In fiscal year 2015/16, budgeted operating expenses increased to CI\$553 million; budgeted health care costs increased to CI\$107 million. Budgeted health care costs as a percentage of budgeted operating expenses stood at 19.3 per cent, Madam Speaker. So, despite operating expenditure increasing, the percentage health care costs as a percentage of the overall budget still remained at 19.3 per cent, Madam Speaker.

Therefore, we can see, Madam Speaker, that while operating expenses fluctuates, budgeted health care costs and budgeted health care costs as a percentage of budgeted operating expenses are on an upward trajectory.

Madam Speaker, there is no doubt that healthcare costs are significant and increasing annually.

In addition, to fully fund healthcare costs for Civil Servants, Pensioners, and Seafarers & Veterans, the Government offers loans to underinsured and uninsured persons who seek medical care overseas. As at 4th May 2016, there were 345 outstanding overseas medical loans with unpaid balances totalling CI\$12.3 million owed to the Cayman Islands Government.

The Mercer actuarial valuation Report shows that in June 2014 the country had a post-retirement healthcare liability of approximately CI\$1.18 billion dollars. This is the present value of this amount over

the next 20 years. Unless healthcare costs are addressed, this liability will only increase with time.

Madam Speaker, in 2009 when the Government issued the US\$312.0 million bond, the Government disclosed in the offering memorandum for the bond issue that the healthcare liability was approximately CI\$654 (US\$798) million as at July 2004. Therefore, it is clear that the healthcare liability has doubled, or grown by 100 per cent in 10 years and is growing by approximately CI\$50 million per year.

Madam Speaker, the numbers in the above table represent an estimate of the annual healthcare cost incurred and expensed. These estimates do not reflect any accounting for future post-retirement healthcare cost. However, if the future post-retirement healthcare liability was recognised and expensed every fiscal year, the increase in the annual expenditure would be significantly more than shown in the table above.

Madam Speaker, the Government recognised the gravity and significance of the healthcare cost liability facing the country and the struggles it presented in preparing the budget annually. Prior to the Government's recognition of this issue, the former Minister responsible for the Overseas Territories, Honourable Mark Simmonds, in June 2013 when the Premier, myself and the Financial Secretary travelled to the UK for the 2013/14 Budget, the Minister stressed his concern about the size of the Civil Service and the related cost and liabilities and queried what did the Government intend to do about it.

In preparing the 2014/15 Budget, the Government faced the same dilemma. On 11 March 2014, the Financial Secretary, the former Chief Officer for the Ministry of Finance and myself met with the CICSA Management Council to apprise them of the UK's concerns and the Government's dilemma. At that meeting, it was stated by Management Council Members that in exchange for co-pay, Civil Servants would want freedom to choose healthcare providers.

We received a letter dated 24 March 2014 from the CICSA President, Mr Watler, referring to our discussion and the issue of co-pay with choice and requesting that the issue be discussed with the Deputy Governor, the Portfolio of the Civil Service and the Ministry of Health.

Madam Speaker, in July 2014, as Minister for Finance and Economic Development along with the then Minister for Health, the Honourable Osbourne Bodden, formed the Healthcare Cost Reduction Committee to review the issues that were driving the Government's healthcare costs and to make recommendations on how the Government could reduce those costs.

The Committee met four times between July and December 2014. Madam Speaker, Members will remember that last week I mentioned the various agencies that were involved or represented on that

Committee and I subsequently provided the names of the members from each agency.

Madam Speaker, the Committee's report, inclusive of its recommendations on healthcare reductions, was presented to Caucus on 9 February 2015, and again on 2 November 2015, and accepted by Cabinet on 12 January 2016. Cabinet's approval also included the instruction of the Healthcare Liability Reform Working Committee to prepare and deliver to Cabinet, by 31 March 2016, an Outline Business Case for the recommendation on co-pay for Civil Servants.

Madam Speaker, the preparation of an Outline Business Case involves extensive analysis and appraisals, as it relates to economic and qualitative benefits and risks, and consultation with stakeholders which include Civil Servants and CICSA.

Madam Speaker, as decided above by Cabinet, the Portfolio of the Civil Service has been meeting with the CICSA Management Council over the last four months to agree on the details as to how co-pay with choice would be implemented, meaning who would contribute based on ability and how much they would contribute; that is, Madam Speaker, what percentage of the premium.

Madam Speaker, in addition to co-pay, the Government has already delivered to this honourable House, two Bills—Madam Speaker, that should read "in addition to co-pay as a means of addressing the healthcare liability." In addition to co-pay, the Government has already delivered to this Honourable House, two Bills to amend the Public Service Management Law and the Public Service Pensions Law to increase the retirement age from 60 to 65. These Bills will be debated in the next Session of this Honourable House. Madam Speaker, the proposed increase in the retirement age will benefit Civil Servants in numerous ways, such as, allowing willing and able Civil Servants to earn a higher salary as compared to a pension; being able to negotiate lower mortgage payments with more years to repay their mortgages; and the accompanying mental and physical health benefits of working and remaining active for a longer period of time—in line with the National Pensions Amendment Bill.

Further, Madam Speaker, the Government is also considering the feasibility of the following measures:

1. Capping the lifetime limits on claims. Madam Speaker, presently, every Civil Servant enjoys a lifetime maximum on health insurance claims of \$5 million. Very few actually reach that limit, but the fact that it exists, Madam Speaker, the \$5 million cap—the fact that the \$5 million cap exists results in a potential liability that is quite high. The Government will therefore propose to lower that limit to a more realistic figure which will also limit government's potential future liability. For the

sake of comparison, Madam Speaker, private sector employees usually have a lifetime maximum of \$2 million, and that is for the very senior employees and partners in professional firms.

2. Introduction of a graduated post-retirement benefit scheme. It is possible, Madam Speaker, for someone to spend 30-plus years of their working career in the private sector, then join the Government and retire after 10 years with the same full coverage of lifetime free medical as someone who has worked their entire career in the Civil Service. This is the present regime which should be re-examined as this also impacts the post-retirement healthcare liability that the Government now faces.

Madam Speaker, on the 3 May 2016, the letter from the President of CICSA stated that healthcare costs of Civil Servants, Pensioners and Indigents are conflated. Madam Speaker, this is not the case. Health insurance premiums paid to CINICO for Civil Servants and Pensioners are separate and different than other categories insured by the Government. Moreover, there are four different premium rates for Civil Servants depending on their marital status and whether they have children. Similarly, there are four different premium rates for Pensioners.

Madam Speaker, the below tables indicate that CINICO's monthly health insurance actuarial premium rates have risen steadily in the last five years for Civil Servants, Pensioners and Seafarers and Veterans.

Madam Speaker, the actuarial rates for 2011/12 fiscal year for a single Civil Servant is \$394 per month, Madam Speaker, per month—\$394 per month. For a single plus spouse, it is \$788 per month and for single with children it is, again, \$788 per month. Madam Speaker, for a family, the actuarial premium is \$1,180. Madam Speaker, those figures continue to increase every year. For 2012/13, I will read them just going down the categories: \$416, \$832, \$832, \$1,242. For 2013/14, single \$438 per month; married without children, \$876 per month; single with children, \$876 per month; and a family \$1,361 per month. Those figures increase again, Madam Speaker—sorry, correction, Madam Speaker, those actuarial rates declined at that stage to \$1,314 for a family and \$1,317 for a family in 2014/15 and 2015/16 respectively.

Madam Speaker, there are other rates there for Pensioners and Veterans that is evident to everyone who has this paper before them.

Madam Speaker, over the past five years, monthly health insurance actuarial premium rates have risen by 10 per cent for Civil Servants and Sea-

farers and Veterans and by 16 per cent for Pensioners.

Madam Speaker, the actual premium rates paid by the Government, to CINICO, are different than the above actuarially recommended premiums.

The considerations that I have outlined thus far indicate that co-pay is one means of helping to reduce the healthcare liability and cost borne by the Government, but that, in itself, will not entirely address the significant healthcare liability and cost faced by Government.

Furthermore, in discussions with CICSA Management Council in March 2014 relating to the FCO concerns about the size and cost of the Civil Service, co-pay with choice was raised in the meeting as a possible way of reducing some costs faced by Government.

I repeat, Madam Speaker, that in May 2015, during the budget address and debates, the Honourable Premier spoke to the growing healthcare cost, I spoke to the options available to address the growing healthcare cost starting 2018 and the Deputy Governor also stated that they would be holding discussions with the CICSA and the Civil Service with respect to their terms of employment in an effort to address the growing healthcare liability starting 2018.

The exercise of reducing healthcare costs has now been placed under the Project Future regime which involves further consultation including discussions with CICSA.

For several years, Madam Speaker, spanning several administrations, the issue of co-pay with choice has been discussed with the Civil Service and it is pretty much accepted that the implementation of co-pay should come with choice of healthcare services provider. What remains to be agreed, Madam Speaker, are the details of who will contribute and how much the contribution will be.

That is precisely what was meant by those remarks on 28 April 2016 when I said that it is "pretty much accepted" that there will be a move to co-pay with choice. The Government and other Legislators have accepted that something needs to be done and there are many Civil Servants who are not opposed to co-pay but simply want freedom of choice since they are already paying for private healthcare cost out of pocket instead of going to the Health Services Authority.

Madam Speaker, it is encouraging to know that the CICSA stands ready to continue discussions with those responsible for the discussions, as we are aware that discussions have been ongoing for several months around this very important aspect of healthcare cost reductions.

Madam Speaker, the Government has made great strides to control expenditure and to ensure that the FCO did not insist that we cut jobs to reduce costs. However, Madam Speaker, the truth is, there are very few places to cut in order to control cost or

expenditure without adversely affecting the quality of services provided. Everyday there are growing demands for new services and additional Civil Servants to provide those services. Essential services such as education, national security, and healthcare are under-funded because of the healthcare costs and the long term healthcare liability, Madam Speaker.

Madam Speaker, I trust that this Statement has clarified what was intended by co-pay with choice and has been pretty much accepted, and what remains to be agreed, is who will contribute and how much they will contribute.

Thank you, Madam Speaker.

The Speaker: We will now take the luncheon break and reconvene at 2:00 pm.

Proceedings suspended at 12:50 pm

Proceedings resumed at 2:22 pm

The Speaker: Please be seated.
Proceedings are resumed.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

SECOND READING

EDUCATION BILL, 2016 *[Deferred]*

The Clerk: The Education Bill, 2016.

Hon. D. Kurt Tibbetts: Madam Speaker, as per agreement between the Members, I would move that the Education Bill, 2016, be carried over into the next Meeting.

The Speaker: The question is that the Education Bill, 2016, be deferred until the next Session.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Education Bill, 2016, deferred until next Session.

The Speaker: The House will now resolve itself into Committee to consider the various Bills.

House in Committee at 2:24 pm

COMMITTEE ON BILLS

The Chairman: Please be seated.

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

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

TAX INFORMATION AUTHORITY (AMENDMENT) BILL, 2015

The Clerk: The Tax Information Authority (Amendment) Bill, 2015.

Clause 1	Short title and commencement
Clause 2	Repeal and substitution of section 25 of the Tax Information Authority Law (2014 Revision) - regulations

The Chairman: The question is that clauses 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.

Clauses 1 and 2 passed.

The Clerk: A Bill for a Law to amend the Tax Information Authority Law (2014 Revision); to make provision for the establishment and implementation of an administrative penalty regime; to prescribe the penalty for a breach of the regulations; 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.

LIMITED LIABILITY COMPANIES BILL, 2015

The Clerk: The Limited Liability Companies Bill, 2015.

Clause 1	Short title and commencement
Clause 2	Interpretation
Clause 3	Saving of rules of equity
Clause 4	Registrar and register of limited liability company
Clause 5	Formation
Clause 6	Name convention
Clause 7	Registered office
Clause 8	Amendment to registration statement
Clause 9	Capacity and separate legal personality
Clause 10	Admission of members

The Chairman: The question is that clauses 1 through 10 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 10 passed.

The Clerk: Clause 11 Transfer of a limited liability company interest

The Chairman: Honourable Minister, I believe there is an amendment to clause 11.

AMENDMENT TO CLAUSE 11

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Minister responsible for Financial Services, Commerce and Environment, give notice to move the following amendments to the Limited Liability Companies Bill, 2015 in clause 11, by inserting after subclause (5) the following subclause: "(6) A limited liability company shall maintain at the registered office of the limited liability company a register of security interests which shall contain the time and date of receipt of any notices validly served at the registered office pursuant to subsection (5) and that register shall be updated within twenty-one days of receipt of a validly served notice and that register, or an extract thereof, shall be open to inspection by a person - (a) expressly provided for in the LLC agreement; or (b) permitted by the manager.";

The Chairman: The amendment has been duly moved. Does the Minister wish to speak further to it?

Hon. G. Wayne Panton: Madam Chairman, I think it is fairly self-explanatory in terms of the language. I would be happy to explain further if Members have any questions.

The Chairman: Does any other Member wish to speak to the amendment? If not, does the mover wish to add anything further, or can I put the question.

Hon. G. Wayne Panton: Thank you, Madam Chairman. I suggest we put the question.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 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	Right of assignee to become member
Clause 13	Cessation of membership and effect of bankruptcy or death of a member
Clause 14	Redemption and repurchase of a limited liability company interest
Clause 15	Withdrawal of member
Clause 16	Limited liability company agreement
Clause 17	Remedies for breach of a limited liability company agreement
Clause 18	Lack of capacity or power; ultra vires
Clause 19	Classes and voting

The Chairman: If there is no debate, I put the question that clauses 12 through 19 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 12 through 19 passed.

The Clerk:

Clause 20	Liability to third parties
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Clause 21	Contributions
Clause 22	Allocation of profits and losses
Clause 23	Allocation of distributions
Clause 24	Distributions
Clause 25	Limitation on distributions
Clause 26	Vesting of management powers
Clause 27	Managers
Clause 28	Classes of managers and voting rights
Clause 29	Remedies for breach of an LLC agreement by manager
Clause 30	Delegation of rights and powers to manage

The Chairman: If there is no debate, I put the question that clauses 20 through 30 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 30 passed.

The Clerk:

Clause 31	Reliance on reports and information by manager
Clause 32	Resignation of manager
Clause 33	Access to and confidentiality of information; records
Clause 34	Business transactions of member or manager with the limited liability company
Clause 35	Winding up
Clause 36	Voluntary winding up
Clause 37	Winding up by Court
Clause 38	Distribution of assets
Clause 39	Winding up petitions
Clause 40	Removal of defunct limited liability company
Clause 41	Vesting of property

The Chairman: If there is no debate, I put the question that clauses 30 through 41 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 30 through 41 passed.

The Clerk:

Clause 42	Power to compromise with creditors and members
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- Clause 43 Provisions for facilitating reconstruction and amalgamation of limited liability companies
- Clause 44 Power to acquire LLC interests of dissentient members
- Clause 45 Definitions in this Part
- Clause 46 Merger and consolidation
- Clause 47 Delay of effective date
- Clause 48 Termination or amendment
- Clause 49 Effect of merger or consolidation

The Chairman: If there is no debate, I put the question that clauses 42 through 49 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 42 through 49 passed.

The Clerk: Clause 50 Merger or consolidation with exempted companies.

AMENDMENT TO CLAUSE 50

The Chairman: Honourable Minister, there is an amendment proposed.

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

As noted earlier, I move the amendment to the Bill in clause 50 by deleting subclause (1) and substituting the following subclause -

“(1) One or more limited liability companies may merge or consolidate with one or more exempted companies, provided that -

(a) with respect to the constituent limited liability companies, section 46(3) to (18) of this Law shall apply (where applicable);

(b) with respect to the constituent exempted companies, Part XVI (including sections 238 and 239) of the Companies Law shall apply mutatis mutandis and to the extent that the provisions are not inconsistent with this Law; and

(c) no constituent exempted company may be a segregated portfolio company.”;

The Chairman: The amendment has been duly moved. Does the Minister wish to the amendment?

Hon. G. Wayne Panton: Madam Chairman, I think this is sufficiently straightforward as well, but I would be happy to answer any questions from Members.

The Chairman: Does any other Member wish to speak to the amendment? Honourable Minister, can I put the question or do you need to reply?

Hon. G. Wayne Panton: Yes, please. Thank you.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 50 passed.

The Chairman: The question is that clause 50, 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 50, as amended, passed.

The Clerk:

Clause 51 Merger or consolidation with foreign companies

Clause 52 Rights of dissenters

Clause 53 Limitation on rights of dissenters

The Chairman: I put the question that clauses 51 through 53 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 51 through 53 passed.

AMENDMENT TO CLAUSE 54

The Clerk: Clause 54 Continuation of foreign entities.

The Chairman: Honourable Minister, there is a proposed amendment.

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

I move an amendment to the Bill as follows: in clause 54(8) by deleting the words “(in this section referred to as “changes”)”. That’s it for that one.

The Chairman: The amendment has been moved. Does the Minister wish to speak to the amendment?

Hon. G. Wayne Panton: No, thank you, Madam Chairman, unless there are questions.

The Chairman: Does any other Member wish to speak to the amendment?

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 54 passed.

The Chairman: The question is that clause 54, 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 54, as amended, passed.

The Clerk:

Clause 55	Deregistration of limited liability companies
Clause 56	Conversion of an exempted company to a limited liability company
Clause 57	Annual returns
Clause 58	Tax undertaking
Clause 59	Filings by electronic means
Clause 60	Application of other Cayman Islands laws

The Chairman: I put the question that clauses 55 through 60 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 55 through 60 passed.

The Clerk: Clause 61 Register of members

AMENDMENT TO CLAUSE 61

The Chairman: Honourable Minister, there is a proposed amendment to clause 61.

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

I move an amendment to the Bill as follows: in clause 61(1) by deleting the words "the time and date of receipt of any notices pursuant to section 11(5)".

The Chairman: The amendment has been moved. Does the Minister wish to the amendment?

Hon. G. Wayne Panton: No, thank you, Madam Chairman.

The Chairman: Does any other Member wish to speak to the amendment?

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 61 passed.

The Chairman: The question is that clause 61, 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 61, as amended, passed.

The Clerk:

Clause 62	Register of managers
Clause 63	Accounts and Records
Clause 64	Agreement as to benefits
Clause 65	Per diem penalty cap
Clause 66	Contracts
Clause 67	Prohibited sale of securities
Clause 68	Electronic business by limited liability companies
Clause 69	Regulations

The Chairman: I put the question that clauses 62 through 69 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 62 through 69 passed.

The Clerk: A Bill for a Law to provide for the formation and registration of limited liability companies; 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.

Agreed: Title passed.

COMPANIES (AMENDMENT) BILL, 2016

The Clerk: The Companies (Amendment) Bill, 2016

Clause 1	Short title
Clause 2	Repeal and substitution of section 166 of the Companies Law (2013 Revision) - shares may be non-negotiable or negotiable
Clause 3	Repeal of section 167 - negotiable shares may be exchanged
Clause 4	Amendment of section 168 - annual returns
Clause 5	Insertion of section 231A - issue of bearer shares prohibited

The Chairman: The question is that clauses 1 through 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 1 through 5 passed.

The Clerk: A Bill for a Law to amend the Companies Law (2013 Revision) to abolish bearer shares; 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.

SUNDAY TRADING (AMENDMENT) BILL, 2016

The Clerk: The Sunday Trading (Amendment) Bill, 2016.

Clause 1	Short title and commencement
Clause 2	Repeal and substitution of section 2 of the Sunday Trading Law (2014 Revision) – definition
Clause 3	Repeal and substitution of section 4 of the Sunday Trading Law (2014 Revision) – powers of police

The Chairman: The question is that clauses 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: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Sunday Trading Law (2014 Revision) to empower trade officers and the director of the department of commerce and investment, to enforce the law; and for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

SPECIAL ECONOMIC ZONES (AMENDMENT) BILL, 2015

The Clerk: The Special Economic Zones (Amendment) Bill, 2015.

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Special Economic Zones Law 2011 Law 22 of 2011 – interpretation
Clause 3	Amendment of section 3 - establishment of the Special Economic Zone Authority
Clause 4	Amendment of section 4 – secretariat
Clause 5	Amendment of section 5 – functions of the Authority
Clause 6	Insertion of section 5A – committees and special meetings

The Chairman: The question is that clauses 1 through 6 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 6 passed.

The Clerk: Clause 7 Amendment of section 6 – powers of the Authority

The Chairman: Honourable Minister, there is a proposed amendment.

Members, could we have just one conversation going? Otherwise, we are not going to finish today.

[Inaudible interjection]

The Clerk:

Clause 8 Amendment of section 15 – request for further information

Clause 9 Amendment of section 29 - enforcement

Clause 10 Insertion of sections 29A – powers of trade officer to enforce Law and 29B – warrant to enter and search premises

The Chairman: Honourable Minister, there is an insertion so we will do it at the end because it is a new clause.

The question is that clauses 7 through 10 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 7 through 10 passed.

The Chairman: Honourable Minister, we will now do the new clause 8.

NEW CLAUSE 8

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

In accordance with the provisions of Standing Order 52(1) and (2), I the Minister responsible for Financial Services, Commerce and Environment, give notice to move the following amendments to the Special Economic Zones (Amendment) Bill, 2015: That the Bill be amended by inserting after clause 7, the following clause 8:

The principal Law is amended in section 14 by inserting after subsection (1) the following subsections “(1)(a) Where an exempted company or exempted limited partnership that is already registered as an

exempted company or exempted limited partnership in the Islands applies to be registered as a special economic zone entity, the change in registration of the exempted company or exempted limited partnership to registration in the special economic zone shall in accordance with section 50 of the Immigration Law (2015 Revision) be a change of employer for an employee of the exempted company or exempted limited partnership who holds a work permit; and”.

The Clerk: Clause 8 Amendment of section 14 - application for trade certificate.

The Chairman: The clause is taken to have been read the first time. The question now is that the clause be read a second time.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New clause 8 given a second reading.

The Chairman: The question is that this clause be added to the Bill as clause 8, and that the subsequent clauses be renumbered accordingly.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New clause 8 passed.

The Clerk:

Clause 11 Amendment of Schedule 1 - constitution and procedure of Authority

Clause 12 Amendment of Schedule 3 – benefits accruing to special economic zone enterprises located within the Cayman Enterprise City

The Chairman: The question is that clauses 11 and 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 11 and 12 passed.

The Clerk: A Bill for a Law to amend the Special Economic Zones Law, 2011, Law 22 of 2011, to allow the

Special Economic Zone Authority to more efficiently execute procedures and perform functions as prescribed; to permit enforcement under the Law to be carried out by a Trade Officer within the Department of Commerce and Investment; 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.

ACCOUNTANTS BILL, 2016

The Clerk: The Accountants Bill, 2016.

Clause 1	Short title and commencement
Clause 2	Interpretation
Clause 3	Continuation of the Cayman Islands Society of Professional Accountants as the Cayman Islands Institute of Professional Accountants
Clause 4	The Council
Clause 5	The Institute's funds
Clause 6	The Institute's accounts
Clause 7	Registrar and the register
Clause 8	Registration of members and renewal of membership
Clause 9	Registration of an associate member and renewal of membership
Clause 10	Registration of students and renewal of membership

The Chairman: The question is that clauses 1 through 10 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 10 passed.

The Clerk:

Clause 11	Licensing of Caymanians and permanent residents
Clause 12	Licensing of work permit holders
Clause 13	Practising without a licence to be an offence
Clause 14	Validity and renewal of licence
Clause 15	Notification of results of application
Clause 16	List of licence holders to be published
Clause 17	Investigation Committee

Clause 18	Professional misconduct
Clause 19	Complaints
Clause 20	Investigations and recommendations

The Chairman: The question is that clauses 11 through 20 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Clauses 11 through 20 passed.

The Clerk:

Clause 21	Disciplinary and other orders
Clause 22	Orders to be registered
Clause 23	Immediate implementation of orders
Clause 24	Amendment of register on order
Clause 25	Certificate or licence to be returned
Clause 26	Restoration of name to the Register or reinstatement of a licence
Clause 27	Appeals against decisions
Clause 28	Part 3 not to derogate from the provisions of the Trade and Business Law (Law 21 of 2014)
Clause 29	Compliance with the Proceeds of Crime Law (2014 Revision)

The Chairman: The question is that clauses 21 through 29 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 21 through 29 passed.

The Chairman: Honourable Attorney General?

The Attorney General, Hon. Samuel W. Bulgin: [INAUDIBLE—microphone not turned on or not speaking into microphone].

The Chairman: Could that be taken as a consequential change or you want to do a formal amendment?

Hon. G. Wayne Panton: Madam Chair, in respect of this Bill, I move an amendment in accordance with Standing Orders 52(1) and (2)—

The Chairman: Honourable Minister, sorry for the interruption, but can I just put the question on [clauses] 21 through 27? And then we will move on to 28 and 29 that would necessitate the amendment.

Hon. G. Wayne Panton: Indeed.

The Chairman: I put the question that clauses 21 through 27 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 21 through 27 passed.

The Chairman: Honourable Minister, I think you need to propose an amendment as per the instructions of the Attorney General, for clauses 28 and 29.

AMENDMENT TO CLAUSES 28 And 29

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

I move an amendment in accordance with Standing Orders 52(1) and (2) to the Accountants Bill, 2016, in respect of clauses 28 and 29 to remove the parenthetical language as it appears in 28, the reference is to "Law 21 of 2014"; and 29 would be "2014 Revision".

The Chairman: I am impressed with this spontaneous amendment, I must say.

The question is that parenthetical [language] as it appears in part 5(b) be deleted.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 28 and 29 amended.

The Chairman: And I will put the question that clauses 28 and 29, 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: Clauses 28 and 29, as amended, passed.

The Clerk:

Clause 30	Regulations
Clause 31	Offences in relation to licenses and registration
Clause 32	Immunity

The Chairman: I put the question is that clauses 30 through 32 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 30 through 32 passed.

The Clerk: Clause 33 Co-operation.

AMENDMENT TO CLAUSE 33

The Chairman: Honourable Minister, there is an amendment.

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

In accordance with the provisions of Standing Orders 52(1) and (2), I, Wayne Panton, Minister responsible for Financial Services, Commerce and Environment give notice to move the following amendments to the Accountants Bill, 2016, that the Bill be amended in respect of clause 33(2) by deleting the words "the Financial Secretary".]

The Chairman: 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 33 passed.

The Chairman: I put the question that clause 33, 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 33, as amended, passed.

The Clerk:

Clause 34	Repeal
Clause 35	Savings, transitional and consequential provisions
Clause 36	Powers of Institute with regard to rule making etc.
Clause 37	Fee may be waived, reduced or deferred

The Chairman: I put the question is that clauses 34 through 37 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 34 through 37 passed.

The Clerk: Clause 38 Oversight procedures

The Chairman: I put the question is that clause 38—sorry, there's a proposed amendment.

AMENDMENT TO CLAUSE 38

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

As noted, I move the following amendment to clause 38(6) of the Accountants Bill 2016 as follows: by deleting the words "for which the relevant sole practitioner is convicted" and substituting the words "for which the relevant sole practitioner or the relevant firm is convicted"; and by deleting the words "after conviction the relevant sole practitioner commits" and substituting the words "after conviction the relevant sole practitioner or the relevant firm commits".

The Chairman: 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 38 passed.

The Chairman: I put the question that clause 38, 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 38, as amended, passed.

The Clerk:

Schedule 1	Objects of the Institute
Schedule 2	Provisions relating to Appeals against decisions of the Disciplinary Tribunal or the Council

The Chairman: I put the question that Schedule 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: Schedule 1 and 2 passed.

The Clerk: A Bill for a Law to provide a modernised system for the regulation of accountants; 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.

HEALTH INSURANCE COMMISSION (AMENDMENT) BILL, 2016

The Clerk: The Health Insurance Commission (Amendment) Bill, 2016.

Clause 1	Short title
Clause 2	Amendment of section 7 of the Health Insurance Commission Law (2010 Revision) - functions of Commission
Clause 3	Amendment of section 8 of the Health Insurance Commission Law (2010 Revision) - segregated insurance fund

The Chairman: I put the question that clauses 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: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Health Insurance Commission Law (2010 Revision) to make provision for the better administration of the segregated insurance fund; 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.

HEALTH INSURANCE (AMENDMENT) BILL, 2016

The Clerk: The Health Insurance (Amendment) Bill, 2016.

Clause 1	Short title
Clause 2	Amendment of section 5 of the Health Insurance Law (2013 Revision) - compulsory health insurance
Clause 3	Validation

The Chairman: I put the question is that clauses 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: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Health Insurance Law (2013 Revision) to make provision for insurance coverage for a past Speaker who was not a Member of the Legislative Assembly; to validate the failure to pay certain monies into the segregated insurance fund; 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.

HEALTH SERVICES AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Health Services Authority (Amendment) Bill, 2016.

Clause 1	Short title
Clause 2	Repeal and substitution of section 12 of the Health Services Authority Law (2010 Revision) – immunity
Clause 3	Amendment of section 13 of the Health Services Authority Law (2010 Revision) – indemnity

The Chairman: I put the question is that clauses 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: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Health Services Authority Law (2010 Revision) to vary the immunity and indemnity provisions that are applicable to the Authority, its directors, its employees and health foundation committee members; and to make provision for incidental and connected matters.

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.

STANDARDS IN PUBLIC LIFE (AMENDMENT) BILL, 2016

The Clerk: The Standards in Public Life (Amendment) Bill, 2016.

Clause 1	Short title and commencement
Clause 2	Amendment of section 2 of the Standards in Public Life Law, 2014 (Law 3 of 2014) - interpretation
Clause 3	Amendment of section 11 - duty to furnish declarations
Clause 4	Amendment of section 12 of the principal Law - contents of declarations
Clause 5	Repeal and substitution of section 14 - inspection of declarations
Clause 6	Amendment of section 24 - protection of information
Clause 7	Amendment of section 26 - appointment of board members
Clause 8	Amendment of section 27 - terms of appointment
Clause 9	Repeal and substitution of section 33 - contempt of Assembly

The Chairman: The question is that clauses 1 through 9 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 9 passed.

The Clerk: A Bill for a Law to amend the Standards In Public Life Law, 2014 (Law 3 of 2014) to clarify the extent to which a person in public life is required to declare matters that relate to other persons; 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.

JUDGES' EMOLUMENTS AND ALLOWANCES (AMENDMENT) BILL, 2016

The Clerk: The Judges' Emoluments and Allowances (Amendment) Bill, 2016.

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| Clause 1 | Short title and commencement |
| Clause 2 | Amendment of section 1 of the Judges' Emoluments and Allowances Law (2006 Revision) - short title |
| Clause 3 | Amendment of section 2 of the Judges' Emoluments and Allowances Law (2006 Revision - salaries, etc. |

The Chairman: The question is that clauses 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: Clauses 1 through 3 passed.

The Clerk: A Bill for a Law to amend the Judges' Emoluments and Allowances Law (2006 Revision) to make provision for the law to apply to magistrates; to enhance the employment benefits available to magistrates; 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.

JUSTICE PROTECTION (AMENDMENT) BILL, 2016

The Clerk: The Justice Protection (Amendment) Bill, 2016.

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| Clause 1 | Short title and commencement |
| Clause 2 | Amendment of section 2 of the Justice Protection Law, 2008 - interpretation |
| Clause 3 | Amendment of section 3 - establishment of Justice Protection Programme |
| Clause 4 | Amendment of section 4 - constitution, functions and powers of Justice Protection Administrative Centre |
| Clause 5 | Amendment of section 5 - Crown Prosecutor to submit application |
| Clause 6 | Repeal and substitution of section 6 - cases to be considered for protection |
| Clause 7 | Amendment of section 7 - disclosure of certain information to Centre |
| Clause 8 | Amendment of section 8 - inclusion of prospective participant in Programme |
| Clause 9 | Repeal and substitution of Part IV - constitution, functions and powers of Justice Protection Investigative Agency |

The Chairman: The question is that clauses 1 through 9 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 9 passed.

The Clerk:

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| Clause 10 | Repeal of Part V - constitution, functions and powers of Justice Protection Protective Agency |
| Clause 11 | Amendment of section 11 - Memorandum of Understanding |
| Clause 12 | Repeal and substitution of Part VII - Memorandum of Agreement |
| Clause 13 | Amendment of section 17 - cessation of protection and assistance |
| Clause 14 | Amendment of section 18 - restoration of former identity |
| Clause 15 | Amendment of section 20 - external enforcement of Programme |
| Clause 16 | Amendment of section 21 - officers protected from suit in respect of decisions made under this Law |
| Clause 17 | Amendment of section 23 - officers not required to disclose information |

- Clause 18 Amendment of section 24 - requirement where participant becomes a witness in criminal proceedings
- Clause 19 Amendment of section 26 - annual reports
- Clause 20 Amendment of section 27 - regulations
- Clause 21 Amendment of Schedule 1 - prospective participants in the Justice Protection Programme

The Chairman: The question is that clauses 10 through 21 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 10 through 21 passed.

The Clerk: Clause 22 Amendment of Schedule 2 - offences which may give rise to protection under the Justice Protection Programme.

The Chairman: Honourable Member, there is a proposed amendment to clause 22.

AMENDMENT TO CLAUSE 22

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Chairman.

In accordance with Standing Order 52(1) and (2), I beg to move the following amendment to the Justice Protection (Amendment) Bill, 2016, that clause 22 be amended by inserting after the words "Assaults endangering life and health, and other serious assaults;" the words "Corruption offences;"

The Chairman: The amendment has been duly moved. Does the Honourable Attorney General wish to expound on the amendment?

The Attorney General, Hon. Samuel W. Bulgin: No, Madam Chairman.

The Chairman: Does any other Member wish to speak to the amendment?

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 22 passed.

The Chairman: I put the question that clause 22, 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 22, as amended, passed.

The Clerk:

Clause 23 Repeal of Schedule 4 - Memorandum of Agreement establishing a Justice Protection Programme

Clause 24 Amendment of Schedule 5 - territories that may participate in the Justice Protection Programme

Clause 25 Amendment of Schedule 6 - Justice Protection Programme certificate

Clause 26 Amendment of miscellaneous provisions - substitutions of various words

The Chairman: The question is that clauses 23 through 26 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 23 through 26 passed.

The Clerk: A Bill for a law to amend the Justice Protection Law, 2008 (Law 16 Of 2008) to make provision for increased efficiency and effectiveness of the implementation of the witness protection programme in the Cayman Islands, by merging some agencies; transferring to the Cabinet powers previously exercisable by the governor in cabinet, as a consequence of the Cayman Islands Constitution order, 2009; clarifying rights and responsibilities of various parties to agreements under the programme; 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.

ANTI-CORRUPTION (AMENDMENT) BILL, 2016

The Clerk: The Anti-Corruption (Amendment) Bill, 2016.

Clause 1 Short title and commencement
 Clause 2 Amendment of section 2 of the Anti-Corruption Law (2014 Revision) - interpretation

The Chairman: The question is that clauses 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: Clauses 1 and 2 passed.

The Clerk: Clause 3 Insertion of new sections - appointment of staff of the Commission, etc.

The Chairman: Honourable Member, there is a proposed amendment to clause 3.

AMENDMENT TO CLAUSE 3

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Chairman.

In accordance with the provision of Standing Order 52(1) and (2), I the Honourable Second Official Member beg to move the following amendments to the Anti-Corruption (Amendment) Bill, 2016, that clause 3 of the Bill be amended as follows: In section 3A, by deleting the word "Law" as it appears in inverted commas, and by substituting the words "this Law and the Public Service Management Law (2013 Revision)"; and in section 3D by deleting subsection (2) and substituting the following subsection "(2) After making an arrest, the investigating officer may deliver the person arrested to a police station to be further dealt with according to law."

The Chairman: The amendment has been moved does the Honourable Attorney General wish to speak further to it?

The Attorney General, Hon. Samuel W. Bulgin: No, Madam Chair, the amendment is self-explanatory; it is simply just trying to clarify which law the appointment will be made pursuant to, and secondly to further clarify what may happen once a person is arrested and they may be delivered to a police station to be further processed. Thank you.

The Chairman: Elected Member for North Side.

Mr. D. Ezzard Miller: Thank you, Madam Chairman, just to ask a question. In the second amendment, the "law" there is the Anti-Corruption Law? Or is it the Penal Code or the Police Law?

The Chairman: Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: It is a number of them; it could be any of them.

Mr. D. Ezzard Miller: But it should be "laws" then?

The Attorney General, Hon. Samuel W. Bulgin: Under the . . . no don't pluralise it. We don't pluralise "law".

Mr. D. Ezzard Miller: Okay.

The Attorney General, Hon. Samuel W. Bulgin: In this case.

Under the Police Law, for example, a photograph can only be taken at a certain place, a police station, sorry. And I think under the Prisons Detention and something or another, order, certain function has to be conducted at the police station, so I just want to make that quite clear.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: The question I had during the debate is: Are the police then going to take over the investigating or it just means that the investigating officers appointed under the Anti-Corruption Law will continue their investigation and construct the case according to those three laws?

The Attorney General, Hon. Samuel W. Bulgin: No, Madam Chairman. The investigators under the Anti-Corruption Law will continue the investigations but if a person is arrested the Anti-Corruption Commission operates from an office, not the police station. They operate from an office across the road. Under the Police Law if you arrest someone and you want to take a photograph of that person for example, it has to be taken at the police station. So they wouldn't be able to do it at their office where they have someone.

Also, under the Prison and Places of Detention Regulations, certain functions have to be conducted at the Police station as opposed to anywhere else. So only those things are to be done at the police station. So, the person will be taken to a police station to be processed according to all of these things. But in terms of the actual investigation that will still be carried on by the investigator from the Anti-Corruption Unit.

The Chairman: If there is no further debate, 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: Amendment to clause 3 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk: Clause 4 Amendment of section 4 - powers, duties and functions of the Commission under this Law.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 4 passed.

The Clerk: Clause 5 Insertion of new section - delegation of powers, duties and functions of the Commission.

The Chairman: I recognise the Honourable Attorney General for a proposed amendment.

AMENDMENT TO CLAUSE 5

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Chairman.

Pursuant to Standing Order 52(1) and (2), I beg to move the following amendment, which is clause 5, that it be amended in section 4A as follows: In subsection (1) by deleting the word "powers"; in subsection (2) by deleting the word "power" and by substituting the words "duties and functions"; in subsection (5) by deleting the word "power" where it twice appears"; and in subsection (6) by deleting the word "powers". Thank you.

The Chairman: The amendment has been moved, does the Honourable Attorney General wish to speak to the amendment?

The Attorney General, Hon. Samuel W. Bulgin: Madam Chair, just to point out that this was in response to some observations made by the Elected Member for North Side when he contributed to the Bill and to sort of properly delineate in the legislation what it is that would be delegated. Thank you.

The Chairman: Does any other Member wish to speak?

If not, I put the question that the amendment to clause 5 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 5 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Clause 5, as amended, passed.

The Clerk:

Clause 6	Amendment of section 19 - conflicts of interests
Clause 7	Amendment of section 20 - duty of a public officer and member of the Legislative Assembly to whom a bribe is offered, etc.
Clause 8	Amendment of section 25 - false statements to the Commission
Clause 9	Amendment of section 28 - operations of the Commission
Clause 10	Amendment of section 29 - arrest without a warrant
Clause 11	Amendment of section 30 - order to make material available
Clause 12	Amendment of section 31 - authority for search
Clause 13	Amendment of section 32 - translation of seized documents
Clause 14	Amendment of section 34 - resisting or obstructing a constable
Clause 15	Amendment of section 37 - protection of informers

Clause 16	Amendment of section 42 - security of the Islands and access to documents, etc.
Clause 17	Amendment of section 45 - savings
Clause 18	Amendment of section 46 - Regulations
Clause 19	Amendment of section 53 - Annual report
Clause 20	Amendment of the Schedule
Clause 21	Transitional provisions

The Chairman: The question is that clauses 6 through 21 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 6 through 21 passed.

The Clerk: A Bill for a Law to amend the Anti-Corruption Law (2014 Revision); 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.

STATISTICS (AMENDMENT) BILL, 2016

The Clerk: The Statistics (Amendment) Bill, 2016

Clause 1	Short title
Clause 2	Amendment of section 2 of the Statistics Law (2011 Revision) - definitions
Clause 3	Amendment of section 7 - other statistics
Clause 4	Amendment of section 8 - compilation, etc., of statistics
Clause 5	Repeal and substitution of section 11 - supply of information required in forms
Clause 6	Amendment of section 14 - supply of information to Director of the Economics and Statistics Office, etc.
Clause 7	Amendment of section 18 - offences by person employed for purposes of this Law
Clause 8	Amendment of section 19 - offences of obstruction, etc.

Clause 9	Amendment of section 21 - regulations
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Clause 10	Amendment of miscellaneous sections - substitution of "Cabinet" for "Governor"
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The Chairman: The question is that clauses 1 through 10 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 10 passed.

The Clerk: A Bill for a Law to amend the Statistics Law (2011 Revision) to make further provision for the effectiveness of the economics and statistics office in relation to the collection of statistical information; and to make provision for incidental and connected matters.

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.

INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Information and Communications Technology Authority (Amendment) Bill, 2016.

Clause 1	Short title
Clause 2	Amendment of sections of the Information and Communications Technology Authority Law (2011 Revision) - substitution of "Cabinet" for "Governor in Cabinet"
Clause 3	Amendment of section 2 - definitions
Clause 4	Amendment of section 5 - appointment of directors
Clause 5	Amendment of section 16 - advances, grants and guarantees
Clause 6	Amendment of section 58 - administrative fines

The Chairman: The question is that clauses 1 through 6 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 6 passed.

The Clerk:

Clause 7 Amendment of Schedule 1 - procedure of the Board
 Clause 8 Amendment of Schedule 2 - a Code to govern, etc.

The Chairman: The question is that clauses 7 and 8 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 7 and 8 passed.

The Clerk: A Bill for a Law to amend the Information and Communications Technology Authority Law (2011 Revision) to increase the fine under section 58; to amend various references to “the Governor in Cabinet” to “Cabinet” in accordance with constitutional requirements; 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.

CADET CORPS (AMENDMENT) BILL, 2015

The Clerk: The Cadet Corps (Amendment) Bill, 2015.

Clause 1 Short title
 Clause 2 Amendment of section 2 of the Cadet Corps Law, 2003, Law 32 of 2003 - interpretation

The Chairman: The question is that clauses 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: Clauses 1 and 2 passed.

The Clerk: A Bill for a Law to amend the Cadet Corps Law, 2003, Law 32 of 2003, to change the ministerial responsibility for the Cadet Corps; and to make provision for incidental and connected matters.

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.

NATIONAL PENSIONS (AMENDMENT) BILL, 2016

The Clerk: The National Pensions (Amendment) Bill, 2016.

Clause 1 Short title and commencement
 Clause 2 Amendment of the National Pensions Law (2012 Revision), except section 3 - substitution of “Director” for “Superintendent”

The Chairman: The question is that clauses 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: Clauses 1 and 2 passed.

The Clerk: Clause 3 Amendment of section 3 – definitions.

The Chairman: Honourable Minister, there is a proposed amendment to clause 3.

AMENDMENT TO CLAUSE 3

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Thank you, Madam Chair.

In accordance with the provisions of Standing Order 52(1) and (2), I, the Honourable Tara Rivers, Minister with responsibility for Education, Employment and Gender Affairs, give notice to move the following amendments to the National Pensions (Amendment) Bill, in clause 3, as follows: by inserting after paragraph (c) the following paragraph “(d)” in the definition of the word “employee” by inserting after the words “but does not include a Caymanian as defined in the

Immigration Law (2015 Revision) who is under 23 years of age and pursuing fulltime education”; and by renumbering paragraphs (d) to (h) as paragraphs (e) to (i).

The Chairman: The amendment has been moved. Does the Minister wish to speak further to the amendment?

Hon. Tara A. Rivers: This amendment was, as I discussed during my debate, a way of trying to ensure that Caymanian students aren't disenfranchised from getting summer or holiday jobs, or even jobs to those students who are actually studying full time on the Island.

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

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

Ayes.

The Speaker: The Ayes have it.

Clause 3, as amended, passed.

The Clerk:

Clause 4	Amendment of section 4 - establishment of pensions plans
Clause 5	Amendment of section 5 - greater pension benefits and previous pensions
Clause 6	Amendment of section 6 - prohibitions of administration of an unregistered pension plan
Clause 7	Amendment of section 7 - refusal or revocation of registration
Clause 8	Amendment of section 8 - administrator
Clause 9	Amendment of section 9 - registration
Clause 10	Amendment of section 12 - registration of amendment
Clause 11	Amendment of section 16 - duties of administrator
Clause 12	Insertion of section 16A - functions of the administrator

Clause 13 Amendment of section 17 - diligence, care and skill

Clause 14 Insertion of section 18A - obligations of employer

The Chairman: The question is that clauses 4 through 14 stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 4 through 14 passed.

The Clerk: Clause 15 Repeal and substitution of section 20 - information from administrator.

AMENDMENT TO CLAUSE 15

The Chairman: Honourable Minister, there is a proposed amendment to clause 15.

Hon. Tara A. Rivers: Thank you, Madam Chair.

The proposed amendment is as follows: In clause 15, in the proposed section 20(2) by deleting the words “as soon as is reasonably practicable” and substituting the words “within twenty-one days after the date upon which an employee becomes eligible to become a member of a pension plan”;

The Chairman: The amendment has been moved. Does the Minister wish to speak further to it?

Hon. Tara A. Rivers: No, Madam Chairman, I think it's self-explanatory.

The Chairman: Does any other Member wish to speak?

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 15 passed.

The Chairman: The question is that clause 15, as amended, stands part of the Bill.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Clause 15, as amended, passed.**The Clerk:**

Clause 16	Repeal and substitution of section 22 - annual statement of pension benefits
Clause 17	Amendment of section 23 - inspection of administrator's documents
Clause 18	Amendment of section 25 - eligibility for membership
Clause 19	Repeal and substitution of section 26 - normal retirement date
Clause 20	Amendment of section 27 - deferred pension for past service
Clause 21	Amendment of section 28 - deferred pension
Clause 22	Amendment of section 30 - minimum benefit
Clause 23	Amendment of section 33 - early retirement option

The Chairman: The question is that clauses 16 through 23 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 16 through 23 passed.

The Clerk: Clause 24 Repeal and substitution of section 34 – transfer.

AMENDMENT TO CLAUSE 24

The Chairman: Honourable Minister, there is a proposed amendment to clause 24.

Hon. Tara A. Rivers: Thank you, Madam Chair.

To clause 24, the proposed amendment is in clause 24 in the proposed section 34 as follows: in the proposed subsection (5) by deleting the words “no longer resident” and substituting the words “to have ceased to be resident”; and in the proposed subsection (10) in paragraph (a) by deleting the words “subsection (1)(a)” and substituting the words “subsection (1)(a)(ii)”; and in the proposed paragraph (b) by deleting the words “subsection (1)(b)” and substituting the words “subsection (1)(a)(iii)”;

The Chairman: The amendment has been moved. Does the Minister wish to speak further to it?

Hon. Tara A. Rivers: Madam Chairman, this is just to clarify some language to make sure there is consistency with the way it's used in a previous provision but also just to renumber to make it consistent.

The Chairman: Does any other Member wish to speak?

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 24 passed.

The Chairman: The question is that clause 24, as amended, stands part of the Bill.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Clause 24, as amended, passed.

The Clerk: Clause 25 Amendment of section 39 - pre-retirement death benefit.

The Chairman: Honourable Minister, there is a proposed amendment to clause 25.

AMENDMENT TO CLAUSE 25

Hon. Tara A. Rivers: Thank you, Madam Chair.

In clause 25 the amendment is as follows by inserting the following paragraphs: in subsection (1) by inserting after the word “entitled” the word “either”; in subsection (2) by deleting the words “the surviving spouse may elect that either” and substituting the words “the surviving spouse who elects to receive a deferred pension may further elect that either”; and by renumbering paragraphs (a) and (b) as paragraphs (c) and (d);

The Chairman: The amendment has been duly moved. Does the Minister wish to speak further?

Hon. Tara A. Rivers: Yes, Madam Chair, just briefly to state that this was a change that we felt needed to be made based on the feedback we received during public consultation about the way that this particular provision was being interpreted in the markets by the administrators and otherwise, and how there was a seeming discrepancy between the rights of a spouse, as opposed to the rights of a named beneficiary, or girlfriend or boyfriend, upon the death of the member. So this makes it very clear that both . . . or that all parties, spouses and named beneficiaries, have the same rights under the law.

The Chairman: Does any other Member wish to speak?

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 25 passed.

The Chairman: I will now put the question that clause 25, 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 25, as amended, passed.

The Clerk:

Clause 26 Amendment of section 41 - commuted value

Clause 27 Amendment of section 43 - payment on breakdown of marriage

The Chairman: I put the question that clauses 26 and 27 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 and 27 passed.

The Clerk: Clause 28 Amendment of section 47 - contribution rate.

The Chairman: Honourable Minister, there is a proposed amendment to clause 28.

AMENDMENT TO CLAUSE 28

Hon. Tara A. Rivers: Thank you, Madam Chair.

There are two proposed amendments to this section, if you would like, I can take both of them in turn.

The Chairman: Please proceed.

Hon. Tara A. Rivers: Thank you.

In clause 28 in the proposed section 47(10) (b) as follows - by deleting the words "of the member

being terminated" and; by inserting after the words "within the first six month period" the words "following the three month period after the date upon which the member was terminated".

The Chairman: The amendment has been duly moved. Do you wish to speak further to the amendment to [clause] 28?

Hon. Tara A. Rivers: Yes, Madam Chair, I can speak to that amendment and then I will go on to the second amendment . . . or do you want me to just do the second amendment.

The Chairman: Just do the second amendment.

Hon. Tara A. Rivers: Okay, thank you.

So, in the same clause 28, in the proposed section 47(10)(d), by deleting the paragraph (d) and substituting the following: "for the educational purposes of a member or the dependent child of a member who is under 23 years of age and pursuing full time education."

The Chairman: The amendments have been made. Does the Minister wish to speak now further to them? Or are they self-explanatory?

Hon. Tara A. Rivers: Madam Chair, I believe they are self-explanatory, unless there are any questions.

The Chairman: I put the question 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 28 passed.

The Chairman: I will 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.

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

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Not in this section, but I would ask the Minister's indulgence to speak to the aspect of retirement, the change in the retirement age. I know it's not in this particular section, but before she finishes the examination of the Bill, if she could speak to that.

The Chairman: Are you seeking clarification that it's going from 60 to 65?

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, the move. As I said, it is not in this particular section, but before you finish or whenever you choose, to just speak to that aspect.

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Yes, Madam Chairman, I would propose finishing the amendments and then speaking to that clarification at the end if that is acceptable to you, Madam Chair.

The Clerk:

Clause 29	Repeal and substitution of section 48 - notice to superintendent of arrears of contributions
Clause 30	Repeal and substitution of section 50 - accrual
Clause 31	Amendment of section 52B - withdrawal of amount from pension account as a deposit
Clause 32	Amendment of section 52C - withdrawal of amount from pension account to pay off an existing mortgage
Clause 33	Amendment of section 52D - additional contributions

The Chairman: I put the question that clauses 29 through 33 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 33 passed.

The Clerk: Clause 34 Repeal and substitution of section 53 – refunds.

The Chairman: Honourable Minister, there is a proposed amendment to clause 34.

AMENDMENT TO CLAUSE 34

Hon. Tara A. Rivers: Thank you, Madam Chair.

The proposed amendment is that in clause 34 in the proposed section 53(3) by deleting the words "that is outside of the islands";

The Chairman: The amendment has been moved, does the Minister wish to speak to it?

Hon. Tara A. Rivers: Madam Chair, very briefly. This amendment allows that if a member has a saving arrangement or a life annuity that operates within the islands, they should be able to transfer to one of these here in the Cayman Islands. So, by removing "that is outside the islands" would allow this to happen without them having to actually seek to transfer that outside the Islands.

The Chairman: The amendment has been moved and spoken to.

Does any other Member wish to speak to it?
Member for North Side?

Mr. D. Ezzard Miller: Madam Chairman, is the formula by which that portability is going to be facilitated, going to be written in the regulations?

Hon. Tara A. Rivers: Madam Chairman, yes, the formula and those aspects will be dealt with. They aren't dealt with in the primary law. That is something the Ministry will look to do within the regulations.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Will the same formula be applied to transfers between any of the 16 plans licensed locally?

The Chairman: Honourable Minister?

Hon. Tara A. Rivers: Madam Chair, I would need to confer with my staff to get further clarification on that particular point.

The Chairman: Certainly.

[Pause]

Hon. Tara A. Rivers: Thank you, Madam Chair, and thank you for your indulgence.

I have been informed that as it relates to the defined contribution plans it would be governed by the regulations; and as it relates to defined benefits plans, those are a little bit more complicated, and so, it would be defined by the terms of the regulations, but also of the pension plan administrator's rules.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Is it intended that the formula will include an X-factor based on the investment portfolio of the various plans?

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Thank you, Madam Chair. I will confer just to get confirmation on that point.

[Pause]

The Chairman: Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Chair.

The performance of the overall plan would need to be taken into consideration when determining the value of the member's portfolio, because obviously that is going to be determined by the value of the plan overall. So that would have to be something that they would have to take into consideration.

The Chairman: Honourable Member for North Side, I was take it that the delayed reaction of your hand means that you have finished your questioning?

[Inaudible reply]

The Chairman: 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 34 passed.

The Chairman: I will now put the question that clause 34, 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 34, as amended, passed.

The Clerk:

Clause 35	Amendment of section 69 - adoption of a new pension plan
Clause 36	Amendment of section 74 - quorum and votes
Clause 37	Amendment of section 78 - National Pensions Board
Clause 38	Repeal and substitution of section 79 – Superintendent

Clause 39	Insertion of section 79A - Powers of Director and Deputy Director
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The Chairman: I put the question that clauses 35 through 39 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 39 passed.

The Clerk: Clause 40 Amendment of section 80 - duty of Superintendent and Board.

The Chairman: Honourable Minister, there is a proposed amendment to clause 40.

AMENDMENT TO CLAUSE 40

Hon. Tara A. Rivers: Thank you, Madam Chair. The amendment is as follows: in clause 40 by inserting after the words "by repealing paragraph (a)" the words "and substituting the words hear, consider and determine decisions appealed in accordance with Part XIII of the Law"; and

The Chairman: The amendment has been moved, does the Minister wish to speak to it?

Hon. Tara A. Rivers: Madam Chair, this is just the revision I spoke about during the debate, saying that . . . making clear the role of the Pensions Board as the appeals mechanism.

The Chairman: If no other Member wishes to speak, 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 40 passed.

The Chairman: I will now put the question that clause 40, 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 40, as amended, passed.**The Clerk:**

Clause 41	Amendment of section 81 - research
Clause 42	Amendment of section 82 - information
Clause 43	Amendment of section 85 - annual report
Clause 44	Amendment of section 87 - entry onto business premises by the Superintendent
Clause 45	Amendment of section 88 - obstruction
Clause 46	Amendment of section 90 - offences
Clause 47	Insertion of section 90A - liability of directors, etc where offence is committed by a body corporate
Clause 48	Amendment of section 94 - conflict
Clause 49	Insertion of section 94A - victimization
Clause 50	Amendment of section 95 - regulations

The Chairman: I put the question that clauses 41 through 50 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 41 through 50 passed.

The Clerk: Clause 51 Insertion of section 95A - verification of compliance.

The Chairman: Honourable Minister, there is a proposed amendment to clause 51.

AMENDMENT TO CLAUSE 51

Hon. Tara A. Rivers: Thank you, Madam Chair. The proposed amendment is as follows: in clause 51 in the proposed section 95A by inserting after the words "from the Director or administrator" the words "as authorized by the Director" wherever they appear.

The Chairman: The amendment has duly been moved, does the Minister wish to speak thereto?

Hon. Tara A. Rivers: No, Madam Chair, I believe it is self-explanatory. But if there are questions I'll answer them

The Chairman: If no other Member wishes to speak, 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 51 passed.

The Chairman: I now put the question that clause 51, as amended, now stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 51, as amended, passed.

The Clerk: A Bill for a Law to amend the National Pensions Law (2012 Revision) to increase the requirements for the education of members; to establish the Department of Labour and Pensions; to establish the normal age of pension entitlement and to improve compliance; and for incidental and connected purposes.

Hon. Tara A. Rivers: Madam Chair, sorry, before we—

The Chairman: Honourable Minister of Education.

Hon. Tara A. Rivers: I just wanted to go back to the clarification that was requested, I guess, if now is the time or to do it after the . . . because that was the last amendment being put forward.

The Chairman: Yes, you may. And just for a consequential amendment to the title, the word "establishment" is a scrivener's error and needs to be corrected.

Please proceed, Honourable Minister.

Hon. Tara A. Rivers: Thank you, Madam Chair.

Just for the benefit of the Member and, of course, the listening audience, the proposed change in the Bill is to change both the title or the terminology used, replacing the reference to normal retirement date to now being known as the normal age of pension entitlement, or normal age of entitlement. And the purpose of that is to make sure that it is very clear that it is the age where people would be entitled to their full pensions under the law and there is a change as it relates to the age from the current age in the law as 60, and the Bill will be amending that to 65. So, again, that is in recognising that we are living longer, we are able to work longer, able to make a contribution to society, and also, by changing the reference to the retirement date it makes it very clear that there isn't a

forced retirement date that is being imported into the law which is somehow being used as a definition as is stated now, given that it uses the terms specifically "retirement date." Going forward it will be referred to as age of pension entitlement. So, again, it makes it an optional election process.

The Chairman: Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Thank you.

Madam Chair, just if the Leader of the Opposition doesn't mind, I think there is one question that rings around people asking us and perhaps the Minister could just clarify that. Just want to make sure with what the Minister has just said, that it does not mean that someone has to work until age 65.

The Chairman: Honourable Minister?

Hon. Tara A. Rivers: Yes, Madam Chair. And for further clarification (and I want to thank the Minister for that question), there are still the provisions for early retirement in the Bill. But those provisions will also track the new age of the pension entitlement age being 65. So the new early retirement age would subsequently be 55, which is 10 years prior to the age of pension entitlement. So there is still the option to retire earlier, but the regular early retirement provisions would kick in during that time.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: So, Madam Chair, the person that wishes to retire at age 60 is not being disenfranchised at that age at any point?

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: But—

[Inaudible interjections]

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Madam Chair, the Cabinet, as the Bill anticipates, will be making an order with respect to the Bill coming into force. So those kinds of considerations with respect to any transitional provisions or otherwise would be dealt with there. But certainly, in terms of people being disenfranchised, the purpose is to try to ensure that the people who want to continue to work are able to do so and not being forced out at 60.

Hon. W. McKeever Bush, Leader of the Opposition: I understand that, and that's been the biggest request or complaint that we have been getting. People want to work longer, be able to work to age 65 and even

some beyond that, if you listen to them. And so you are saying that the person who reaches 60 can opt for an early retirement?

Hon. Tara A. Rivers: The early retirement provision will still stand, and certainly, age 60 would fall within that early retirement bracket, as the current law allows for.

Hon. W. McKeever Bush, Leader of the Opposition: So how . . . in regard . . . I know this is not the—

The Chairman: Honourable Leader of the Opposition.

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

This is not the civil service, but can anybody say how government is dealing with it? We get that question too.

[Inaudible interjections]

The Chairman: In the next session there is a . . . we can deal with that.

Honourable Minister, I was on a cross-fire discussion, but I wasn't quite sure whether you indicated that it would be necessary to bring an amendment to effect that when we next meet.

Hon. Tara A. Rivers: Madam Chairman, I am being given indication that that is not what is expected at this time.

Mr. D. Ezzard Miller: Madam Chairman.

The Chairman: Honourable Member for North Side.

Mr. D. Ezzard Miller: Madam Chairman, is the Minister saying that currently under the regulatory regime set up under the National Pension legislation, the private sector pension plans offer a five-year pre-retirement, early retirement below age 60 under certain conditions? Is the Minister saying that we are not moving the 55 to 60 so the pension plans are going to allow people to retire 10 years earlier? But what is that going to do to the investment portfolio?

Hon. Tara A. Rivers: Sorry, Madam Chair, I just want to confer to make sure again that we give the correct information, but I don't believe that is the case. Hold on.

[Pause]

Hon. Tara A. Rivers: Thank you, Madam Chair. As I tried to explain earlier, the current provisions in the law allow for a 10-year period which would be considered early retirement, and there's a regime which governs early retirement.

[Inaudible interjection]

Hon. Tara A. Rivers: No, no. Right now the retirement date is 60. People can access early retirement at 50. So, because we are moving that age to 65, the early retirement period is tracking the increase in the five years. So that's what I'm saying, going forward, early retirement would then be from 55 to 65, in keeping with the increase in the five years age of pension entitlement. With respect to anybody that is in the 60 years old now (this is what I was talking about), the order would be dealing with the implementation and any transitional provisions during that time. But to your point about the period for early retirement; that period has not changed. It's just the age of when it kicks in (so to speak), tracks the new age of 65. So it's 10 years below 65. So there was always a 10-year period in the current law and that's being continued under the Bill.

Hon. D. Kurt Tibbetts: And that's not [INAUDIBLE], that's under a specific review.

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Well, that's what I want to find out. Is there any plan to change the conditions under which you can be granted early retirement?

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Madam Chair, I was very candid in my discussion when we introduced this Bill. There are still areas in the law that we believe we need to look at seeing as how we can strengthen moving forward. So that, certainly, will be an area that the Ministry will look at to see if that is the regime itself that needs to be further strengthened in that regard.

Mr. D. Ezzard Miller: That is just another section of the bad law that—

The Chairman: Member for North Side.
I didn't hear it. Was it something that invoked a response, because I didn't hear what you said?
Honourable Leader of the Opposition?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chair, we sit here and we talk about laws like they are not supposed to ever change. Countries where parliaments meet every week, they change laws as the situation comes up. So don't think that we are making legislation that we are not going to find some fault with. Pension legislation has been made a long time now, (what?) 18 years or just about? And we've done well. But we have had situations come up that we haven't touched, or haven't done anything about and then we wait until we get a Bill with 50 clauses.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, you have to.

Hon. Tara A. Rivers: And of course, Madam Chair, the fact is that laws are evolutionary. It has taken this long to get us to where we are now and we realise that there are a number of things we need to deal with. We try to deal with them in as expeditious a manner as possible, but, of course, it will continue to evolve and hopefully we will continue to be more proactive as a people, as a government, dealing with them as they come up and not wait these long periods in between.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Because it's people that we are dealing with. And as we find, problems come up. And, as I said, if we were meeting every week, as many parliaments do, we would have cause to do something about the situations that we find.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: And even when we go through it, like you said earlier, we still know there are things that we might have to do.

[Inaudible interjection]

The Chairman: Member for North Side.

Mr. D. Ezzard Miller: Madam Chairman, there is a special carve-out in your amendments for persons who would be 60 next year, but because the law has changed to retirement age being 65, those people now, could be thousands of people, who would normally be able to retire at 60 within the next five years. How are we handling them in terms of their choice to retire?

Hon. Tara A. Rivers: Thank you, Madam Chair, and again, it allows me to clarify the point I was trying to make earlier. Those are the catchment groups (so to speak) that will be dealt with during the actual order itself in looking at how the provision will be applied for them and the options and abilities they will have. So, that is something that will be determined through the order that Cabinet will then need to take forward to bring the law itself into force.

The Chairman: Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Chair, just quickly to perhaps assist, page 10 of the green Bill, number 3(c).

[Inaudible interjection]

Hon. D. Kurt Tibbetts: It's an 8.5 by 11 green copy. In 3(c), the very last paragraph, I think that's the one the Minister is referring to. I'm going to the Bill itself.

Hon. Tara A. Rivers: It is clause 3, and it amends section 3 of the Law, our page 10. I'll just read it for clarification. Thank you, Minister.

Hon. D. Kurt Tibbetts: You take over.

Hon. Tara A. Rivers: “‘normal age of pension entitlement’ means sixty-five years of age except that a person who attains sixty years of age, within the time prescribed by Order made by Cabinet, may opt for a normal age of pension entitlement of sixty years of age;”

So those provisions will be determined within the form prescribed here, which is the Order made by Cabinet.

The Chairman: Sorry, the Member for East End did catch my eye, but I forgot. Sorry Member.
Member for East End.

Mr. V. Arden McLean: Madam Chairman, it begs the question when the Minister says that the fact that we move from 60 to 65 and from when it was 60 the normal retirement age you had an early retirement option of 50. So we are tracking that by virtue of moving it, so the early retirement age would be 55. I am wondering and it begs the question, then: What about the years required to be fully vested?

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Madam Chair, my understanding pretty much in terms of your investing of your pension entitlement is immediately in the sense that you don't . . . like under some benefit plans, where you have to work for a certain period of time before you can access that at retirement, it is not the case here. Whatever you put into your retirement pot you will be able to access once you retire, because it's defined contribution.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chairman, there are certain . . . most pension plans require a period to be vested. The Cayman Islands Government says 10 years.

Hon. Tara A. Rivers: Madam Chairman, the Hansards . . . if you look back when the original law was introduced, the original law talked about this being, again going back to the 1996 to 1998 of which this Bill is amending, the way it was set up was to have this sort of immediate vesting provision. There is a differ-

ence between defined contribution and defined benefit with respect to defined benefit plans which most recently the government system, the civil service, was under defined benefit. They have now since moved to defined contribution. So this regime was always set up with the intention of what I understand from the reading of the historic annals of this House, to be a pension that vested upon entry, but you obviously don't get those funds until you reach that age which is now known, or will be now known as pension entitlement.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Chair, I am appreciative of these points of clarification before the Bill goes to the Third Reading.

The matter of the losses in various schemes is a big point of concern. What are you doing in addressing that? I guess that is in the way they . . .

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Madam Chair, if I may, I believe the Member is talking about the investments and the way the plans are invested.

Hon. W. McKeever Bush, Leader of the Opposition: The investment plans, yes.

Hon. Tara A. Rivers: I did indicate in my windup of the Bill that the Investment Regulations, which is a separate regulation to support the actual law which we are debating here today, or passing in Bill form, the Investment Regulations are being worked on as we speak, and will look at those issues of the way the funds are invested and the parameters determining the regime. Again, for the benefit of the listening public, those regulations have not been amended since they were introduced. So there have been some issues in that regard.

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

Madam Chair, it is a big point of concern about the various losses. If someone has \$50,000, a poor person, and they are losing \$5,000 a year or two years, it's a lot of money for them . . . well, for anyone. And so, if that is going to be addressed in your regulations, we need to draw the public's attention to it because, as I said, many people complain, and rightly so, about the losses, and so, whatever you are doing to fix that situation if you can somehow speak to the public about it, that would be a good thing.

Hon. Tara A. Rivers: Thank you, Madam Chair, and just to reiterate the fact that, you know . . . I mean, I think everybody in this Chamber appreciates the fact that our pension regime up until this point has not had this kind of thorough looking at in review and revision

and so we are trying to approach it holistically by first tackling the law, and then, but in tandem with the law, which is what we are debating or passing today, the regulations will be coming shortly behind. And already the investment regulations in particular are already being revised to address these concerns of the investments, the way they are invested as well as the concern that was raised about the payout, the monthly payout. They are looking at the actual schedule that is being used currently to pay the monthly, kind of payout, when you reach the age of pension entitlement. All of those things are actually being reviewed and proposals are being discussed with the relevant persons to bring forward some amendments in that regard.

So, as I gave the commitment to the country when we first took office, this is an area that I realise we really needed to look at closely. We have brought this Bill as a first step and we will be looking to bring the Investment Regulations in short order as well as general regulations to support the law which will also then be looked at once we have dealt with the Investment Regulations.

Hon. W. McKeeva Bush, Leader of the Opposition: And what sort of timeframe are you talking about?

The Chairman: Honourable Leader of the Opposition, I will allow this question, but I was about to put the question on the Title. The Standing Order says that we should not be discussing the details or the merits unless there is a specific thing. But I have allowed some—

Hon. W. McKeeva Bush, Leader of the Opposition: But that is specific, Madam Chair. But I am not going to hold argument about the Standing Order, but I certainly believe that this is a good point to raise before we reach Third Reading. And I don't consider it a debate. I certainly could have mentioned these in a debate, but I'd rather sit here and try to get the clarification where we can discuss it back and forth.

The Chairman: I see why you're the father of the House, but please make this the last one so we can move on.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, that's the last one.

Hon. Tara A. Rivers: Thank you, Madam Chair.

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

Hon. Tara A. Rivers: Madam Chair, I can certainly commit that we are not going to wait another 18 years to bring the changes that we certainly need to these Bills, but we will be working as expeditiously as possi-

ble. Of course, we have to work with Legislative Drafting and their schedule as well as everything else. So we will continue to work as quickly as possible to try to address the concerns. And as I said, I think the country should take comfort that we have reached this point within this administration and will continue to put the emphasis on it as we are.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: The question is that the Bills be reported to the House.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Bills to be reported to the House.

Proceedings resumed at 4:05 pm

The Speaker: Please be seated.

Proceedings of the House are resumed.

REPORT ON BILLS

TAX INFORMATION AUTHORITY (AMENDMENT) BILL, 2015

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

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

I am to report that a Bill shortly entitled the Tax Information Authority (Amendment) Bill, 2015, was considered by a Committee of the whole House and passed.

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

LIMITED LIABILITY COMPANIES BILL, 2015

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

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

I am to report that a Bill shortly entitled the Limited Liability Companies Bill, 2015, 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 the Third Reading.

COMPANIES (AMENDMENT) BILL, 2016

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

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

I am to report that a Bill shortly entitled The Companies (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

SUNDAY TRADING (AMENDMENT) BILL, 2016

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

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

I am to report that a Bill shortly entitled The Sunday Trading (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

SPECIAL ECONOMIC ZONES (AMENDMENT) BILL, 2015

Hon. G. Wayne Panton: Madam Speaker, I am to report that a Bill shortly entitled The Special Economic Zones (Amendment) Bill, 2015, 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 the Third Reading.

THE ACCOUNTANTS BILL, 2016

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

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

I am to report that a Bill shortly entitled The Accountants Bill, 2016, 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 the Third Reading.

HEALTH INSURANCE COMMISSION (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

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

I am to report that a Bill shortly entitled The Health Insurance Commission (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendments.

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

HEALTH INSURANCE (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. I am to report that a Bill shortly entitled The Health Insurance (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

HEALTH SERVICES AUTHORITY (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I am to report that a Bill shortly entitled The Health Services Authority (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

Moment of interruption—4:30 pm

The Speaker: I recognise the Honourable Premier, as we've reached the hour of interruption.

SUSPENSION OF STANDING ORDER 10(2)

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. I move the suspension of Standing

Order 10(2) to enable the House to continue proceedings beyond the hour of interruption

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

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

[Report on Bills continuing]

STANDARDS IN PUBLIC LIFE (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

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

I am to report that a Bill shortly entitled The Standards in Public Life (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

JUDGES' EMOLUMENTS AND ALLOWANCES (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Deputy Governor.

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

I am to report that a Bill shortly entitled The Judges' Emoluments and Allowances (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

JUSTICE PROTECTION (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled The Justice Protection (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed with one amendment.

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

ANTI-CORRUPTION (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled The Anti-Corruption (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed with two amendments.

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

STATISTICS (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Minister of Finance.

Hon. Marco S. Archer: Madam Speaker, I am to report that a Bill shortly entitled The Statistics (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Minister of Infrastructure.

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

I wish to report that a Bill shortly entitled The Information and Communications Technology Authority (Amendment) Bill, 2016, was passed by a Committee of the whole House without amendment.

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

CADET CORPS (AMENDMENT) BILL, 2015

The Speaker: I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker.

I wish to report that a Bill shortly entitled The Cadet Corps (Amendment) Bill, 2015, was considered by a Committee of the whole House and passed without amendment.

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

NATIONAL PENSIONS (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker.

I wish to report that a Bill shortly entitled The National Pensions (Amendment) Bill, 2016, 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 the Third Reading.

THIRD READINGS

TAX INFORMATION AUTHORITY (AMENDMENT) BILL, 2015

The Chairman: Honourable Minister of Financial Services.

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

I beg to move that a Bill shortly entitled the Tax Information Authority (Amendment) Bill, 2015, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Tax Information Authority (Amendment) Bill, 2015, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Tax Information Authority (Amendment) Bill, 2015, given a third reading and passed.

LIMITED LIABILITY COMPANIES BILL, 2015

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

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

I beg to move that a Bill shortly entitled the Limited Liability Companies Bill, 2015, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Limited Liability Companies Bill, 2015, 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 Limited Liability Companies Bill, 2015, given a third reading and passed.

COMPANIES (AMENDMENT) BILL, 2016

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

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

I beg to move that a Bill shortly entitled the Companies (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Companies (Amendment) Bill, 2016, 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 Companies (Amendment) Bill, 2016, given a third reading and passed.

SUNDAY TRADING (AMENDMENT) BILL, 2016

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

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

I beg to move that a Bill shortly entitled The Sunday Trading (Amendment) Bill, 2016, be given a Third Reading and passed.

The Speaker: The question is that a Bill shortly entitled the Sunday Trading (Amendment) Bill, 2016, 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 Sunday Trading (Amendment) Bill, 2016, given a third reading and passed.

SPECIAL ECONOMIC ZONES (AMENDMENT) BILL, 2015

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, I move that a Bill shortly entitled The Special Economic Zones (Amendment) Bill, 2015, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Special Economic Zones (Amendment) Bill, 2015, 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 Special Economic Zones (Amendment) Bill, 2015, given a third reading and passed.

ACCOUNTANTS BILL, 2016

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

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

I beg to move that a Bill shortly entitled The Accountants Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Accountants Bill, 2016, 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 Accountants Bill, 2016, given a third reading and passed.

HEALTH INSURANCE COMMISSION (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

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

I beg to move that The Health Insurance Commission (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Health Insurance Commission (Amendment) Bill, 2016, 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 Health Insurance Commission (Amendment) Bill, 2016, given a third reading and passed.

HEALTH INSURANCE (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. I beg to move that The Health Insurance (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Health Insurance (Amendment) Bill, 2016, 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 Health Insurance (Amendment) Bill, 2016, given a third reading and passed.

HEALTH SERVICES AUTHORITY (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

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

I beg to move that The Health Services Authority (Amendment) Bill, 2016, be read a third time and passed.

The Speaker: The question is that a Bill shortly entitled The Health Services Authority (Amendment) Bill, 2016, 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 Health Services Authority (Amendment) Bill, 2016, given a third reading and passed.

STANDARDS IN PUBLIC LIFE (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Premier.

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

I beg to move that The Standards in Public Life (Amendment) Bill, 2016, be read a third time and passed.

The Speaker: The question is that a Bill shortly entitled The Standards in Public Life (Amendment) Bill, 2016, 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 Standards in Public Life (Amendment) Bill, 2016, given a third reading and passed.

JUDGES' EMOLUMENTS AND ALLOWANCES (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Deputy Governor.

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

I beg to move that a Bill shortly entitled The Judges' Emoluments and Allowances (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Judges' Emoluments and Allowances (Amendment) Bill, 2016, 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 Judges' Emoluments and Allowances (Amendment) Bill, 2016, given a third reading and passed.

JUSTICE PROTECTION (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I beg to move that a Bill shortly entitled The Justice Protection (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Justice Protection (Amendment) Bill, 2016, 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 Justice Protection (Amendment) Bill, 2016, given a third reading and passed.

ANTI-CORRUPTION (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I beg to move that a Bill shortly entitled The Anti-Corruption (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that The Anti-Corruption (Amendment) Bill, 2016, 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 Anti-Corruption (Amendment) Bill, 2016, given a third reading and passed.

STATISTICS (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Minister of Finance.

Hon. Marco S. Archer: Madam Speaker, I beg to move that a Bill entitled The Statistics (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Statistics (Amendment) Bill, 2016, 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 Statistics (Amendment) Bill, 2016, given a third reading and passed.

**INFORMATION AND COMMUNICATIONS
TECHNOLOGY AUTHORITY (AMENDMENT)
BILL, 2016**

The Speaker: I recognise the Honourable Minister of Infrastructure.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker. I beg to move that a Bill shortly entitled The Information and Communications Technology Authority (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that The Information and Communications Technology Authority (Amendment) Bill, 2016, 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 Information and Communications Technology Authority (Amendment) Bill, 2016, given a third reading and passed.

CADET CORPS (AMENDMENT) BILL, 2015

The Speaker: I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker. I beg to move that a Bill shortly entitled The Cadet Corps (Amendment) Bill, 2015, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Cadet Corps (Amendment) Bill, 2015, 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 Cadet Corps (Amendment) Bill, 2015, given a third reading and passed.

NATIONAL PENSIONS (AMENDMENT) BILL, 2016

The Speaker: I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker. I beg to move that a Bill shortly entitled The National Pensions (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The National Pensions (Amendment) Bill, 2016, 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 National Pensions (Amendment) Bill, 2016, given a third reading and passed.

MOTIONS

**Government Motion No. 11/2015-2016—
Amendment to the Development Plan 1997—
Proposed Rezoning: George Town Central, Block
13D Parcel 1 and West Bay Beach South, Block
13C Parcel 1
[Deferred]**

The Speaker: I recognise the Honourable Minister of Planning, Lands, Agriculture, Housing and Infrastructure.

Hon. D. Kurt Tibbetts: Thank you. Madam Speaker, on closer examination of this Government Motion, there is a very small parcel which was not included in this, so I seek to withdraw this to bring it to the first meeting of the next session.

The Speaker: The question is that Government Motion No. 11 of 2015/16 be hereby deferred to be brought back at the first Meeting of the next session. All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 11 of 2015/16 deferred to be brought back at the first meeting of the next session.

**Government Motion No. 12/2015-2016—Health
Insurance (Amendment) Regulations, 2016**

The Speaker: I recognise the Honourable Premier, Minister of Home Affairs, Health and Culture.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. I beg to move Government Motion No. 12/2015-2016—The Health Insurance (Amendment) Regulations, 2016.

The Speaker: The Motion has been duly moved and is open for debate. Does the Honourable Premier wish to speak thereto?

The Premier, Hon. Alden McLaughlin: Madam Speaker, these are the regulations which I laid on the Table of this honourable House last week, and I spoke extensively to them at that point. So, Madam Speaker, I am not proposing to say much more by way of introduction.

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

I will recognise the Honourable Premier if he wishes to respond.

The Premier, Hon. Alden McLaughlin: Madam Speaker, simply to thank Members for their tacit support.

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT the Health Insurance (Amendment) Regulations, 2016, be affirmed by the Legislative Assembly pursuant to the provisions of section 25(2) of the Health Insurance Law (2013 Revision).

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 12.2015-16 passed.

Government Motion No. 13/2015-2016—Tax Information Exchange Agreements between the Cayman Islands and various jurisdictions, as of 24th March, 2016

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

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

I beg to move Government Motion No. 13/2015-2016 in connection with the Tax Information Exchange Agreements between the Cayman Islands and various jurisdictions, as of 24th March 2016. With your permission, Madam Speaker, I will read the Motion.

The Speaker: Please proceed.

Hon. G. Wayne Panton: The Motion reads:

WHEREAS it is an important element of the Cayman Islands Government's international coop-

eration and economic policy to enter into international agreements and instruments for the exchange of information for tax purposes;

AND WHEREAS the Governor has delegated responsibility for the conduct of external affairs insofar as they relate to financial services to the Minister for Financial Services under Section 55, subsection 4 of Schedule 2 to the Cayman Islands Constitution Order 2009;

AND WHEREAS the Government of the Cayman Islands has negotiated and concluded Tax Information Exchange Agreements with the following countries, namely, Republic of Seychelles, Kingdom of Belgium, and Isle of Man.

AND WHEREAS the Government of the Cayman Islands has negotiated and concluded Protocols Amending the Tax Information Exchange Agreements with the following countries, namely, Guernsey, and Isle of Man.

AND WHEREAS the Cabinet, pursuant to section 3(5) of the Tax Information Authority Law (2014 Revision) has approved, by way of an Order, the scheduling of the abovementioned agreements to the said Tax Information Authority Law;

AND WHEREAS section 3(5)(a) of the Tax Information Authority Law (2014 Revision) provides that an Order made under the said Section is subject to an affirmative resolution of the Legislative Assembly;

AND WHEREAS the Government of the Cayman Islands pursuant to section 3(5) of the Tax Information Authority Law (2014 Revision) is seeking approval of the Legislative Assembly for the agreements set out in the Tax Information Authority (Tax Information Agreements) Order, 2016 to be scheduled to the Tax Information Authority Law;

BE IT THEREFORE RESOLVED THAT the Tax Information Exchange Agreements be scheduled to the Tax Information Authority Law (2014 Revision) as follows:

Thirty-Fifth Schedule	Agreement Between the Government of the Cayman Islands and the Government of the Republic of Seychelles Concerning the Exchange of Information on Tax Matters;
Thirty-Sixth Schedule	Agreement Between the Government of the Cayman Islands and the Kingdom of Belgium for the Exchange of Information on Tax Matters;
Thirty-Seventh Schedule	Agreement Between the Government of the Cayman Islands and the Government of the Isle of Man for the Exchange of Information on Tax Matters;
Thirty-Eighth Schedule	Protocol Amending the Agreement Between the Gov-

Thirty-Ninth Schedule

ernment of the Cayman Islands and the States of Guernsey for the Exchange of Information on Tax Matters; and Protocol Amending the Agreement Between the Government of the Cayman Islands and the Government of Isle of Man for the Exchange of Information on Tax Matters.

The Speaker: The Motion has been duly moved. Does the Minister wish to speak further to the Motion?

Hon. G. Wayne Panton: Madam Speaker, just very quickly to say that I think Members are familiar . . . well, let me say they will recall that I earlier tabled the Tax Information Authority (Tax Information Agreements) Order, 2016, on the Table of this honourable House obviously for the purpose of this Motion. The formalities that are required are firstly that the Order is done through Cabinet under section 3(5) of the Law, and then an affirmative resolution of this Legislative Assembly be passed under section 3(5)(a). So, Madam Speaker, it is this final step that we are seeking the resolution of this honourable House in the affirmative in order to achieve the scheduling and complete the formalities in respect of these various agreements being enforced as bilateral agreements between the Cayman Islands and the various states mentioned.

The Speaker: Does any other Member wish to speak?

Member, we are just checking to see whether that was your presentation or your winding up.

Does any other Member wish to speak? Final call, does any other Member wish to speak?

If not, I will once again recognise the Honourable Minister responsible for Financial Services.

Hon. G. Wayne Panton: Madam Speaker, only to say thank you to Members of this honourable House for their support in this respect. Thank you.

The Speaker: The question is that Government Motion No. 13/2015-2016 be approved.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 13/2015-2016 passed.

The Speaker: I recognise the Honourable Premier for the adjournment motion.

ADJOURNMENT

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

Before I adjourn this Meeting of this honourable house, I just want to say a couple of things with respect to this Meeting. First, I want to thank Members generally for their cooperation. I don't know if I can ever recall a more productive meeting in my almost 16 years here. We started with 19 Bills. We've deferred one, and so we've passed 18 Bills. And we had 11 Private Members' Motions, one was withdrawn and one was deferred. So we passed nine of those.

We have done two Government Motions. We had three, and I don't have the number of questions at hand, but there were 50-something of those, and the majority of those were answered.

So, I want to thank Members for their cooperation because to do so we have had to work very late, particularly last night when we adjourned the House at 13 minutes to midnight.

Madam Speaker, I also want to thank the staff here. We are very conscious that we infringe on their private time and their family life and drive them to exhaustion on occasions such as this. And, Madam Speaker, I want to especially thank the Legislative Drafting staff for the tremendous amount of work that they have done and continue to do. They actually produced, I think, 21 Bills in time for this meeting. But two of those were deferred for different reasons, so they didn't appear on the order paper this time around. And they are still producing other substantial pieces of legislation to be dealt with at the next meeting and meetings to come. So, I want to acknowledge their hard work. I think far too often, instead of those sorts of compliments, we get complaints about things not being ready on time. So I just want, on behalf of all Members of this House, not just the Government, to extend our thanks and gratitude to them.

And I want to thank the Honourable Attorney General who heads up that whole shebang.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: And so, Madam Speaker, with those few words I wish to adjourn this Meeting of the Legislative Assembly sine die.

I am hopeful that we will be able shortly to advise when the budget meeting will start. The reason I am hesitant to set a date is because, as Members know, we still have to get that final sign off from the Foreign and Commonwealth Office with respect to the budget. So, I don't want to announce a date now and we have to change it. But we are aiming for somewhere around either the third or final week of this month, May.

So, Madam Speaker, because I've gone on after I said I moved the adjournment, let me just say

again I move the adjournment of this honourable House sine die.

The Speaker: Thank you, Honourable Premier.

And the Chair, certainly on behalf of the staff, graciously accepts your expressions of gratitude, for they go beyond the call of duty, all of them, but in particular the sound person, Mr. Gould, who, unknown to most of you, was ill but still came into work. And for Mr. Randall who stepped in seamlessly to ensure that we had proper recordings going on. And certainly to Mr. Carter who facilitated that interim transfer over to the Legislative Assembly. It shows that co-operation does take us along far.

It would certainly be remiss of me if I did not put on record my gratitude to Almighty God. Most of you would not know, but certainly Mr. Gould would have known, that in anticipation of this Meeting, I took the time to come into this honourable Chamber, touch every chair, every desk and prayed for almost three hours for us to have a most productive and efficient and collaborative session. I think the record speaks for itself.

The question is that the House now stands adjourned sine die.

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

Ayes.

The Speaker: The Ayes have it.

At 5:05 the House stood adjourned sine die.

