



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2015/16 SESSION

15 October 2015
*Second Sitting of the Third
Meeting*
(Pages 413-460)

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

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 *Premier*, Minister of Home Affairs, Health and Culture
Hon Moses I Kirkconnell, JP, MLA *Deputy Premier*, Minister of District Administration,
Tourism and Transport
Hon D Kurt Tibbetts, OBE, JP, MLA Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon Osbourne V Bodden, JP, MLA Minister of Community Affairs, Youth and Sports
Hon Marco S Archer, JP, MLA Minister of Finance and Economic Development
Hon Tara A Rivers, JP, MLA Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

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

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

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

OPPOSITION MEMBERS

Hon. W. McKeeva Bush, OBE, JP, MLA *Leader of the Opposition*, First Elected Member for
West Bay
Mr Bernie A Bush, MLA *Deputy Leader of the Opposition*, Third Elected Member
for West Bay
Capt A Eugene Ebanks, JP, MLA Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

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

APOLOGIES

Hon G Wayne Panton, JP, MLA Financial Services, Commerce and Environment

**OFFICIAL HANSARD REPORT
THIRD MEETING 2015/16 SESSION
THURSDAY
15 OCTOBER 2015
10:35 AM
Second Sitting**

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

The Speaker: Good morning. I will invite the Deputy Speaker to grace us with prayers this morning.

PRAYERS

Hon. Anthony S. Eden: Good morning. 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.* And as the Bible says, pray for peace in Jerusalem.

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

The Speaker: Please be seated.

The House is now in session.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Speaker: There are no affirmations for this morning.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: we have received apologies from the Honourable Minister of Financial Services, Commerce and Environment, and for the late arrival of the Honourable Premier.

PRESENTATION OF PETITIONS

The Speaker: There are no petitions.

PRESENTATION OF PAPERS AND OF REPORTS

CAYMAN ISLANDS EARLY YEARS CURRICULUM FRAMEWORK

The Speaker: I recognise the Honourable Minister of Education, Employment and Gender Affairs.

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

I beg to lay on the Table of this honourable House the Cayman Islands Curriculum Framework.

The Speaker: So ordered.

Hon. Tara A. Rivers: Madam Speaker, may I speak thereto?

The Speaker: Please proceed, Honourable Minister of Education.

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

Madam Speaker, I would just like to read into the record of these proceedings the fact that the Cayman Islands Early Years Curriculum Framework was developed by the Ministry of Education's Early Childhood Care and Education Unit in response to the need within our community for a guiding document

that would ensure consistent provision within the early years.

Madam Speaker, it gives me great pleasure to say that this Framework embraces best practice, inclusive of the Caribbean Community (CARICOM), and in accordance with the United Nations Convention on the Rights of the Child, 1995. It also honours our culture and supports our youngest citizens as they grow and develop to become responsible members of the Cayman Islands' community.

The culture and needs of our community as a whole took to the forefront when developing this document, as it has to fit our society as a whole. And as you will see in the very first pages of this curriculum, the lyrics and melody of our National Song is enshrined.

The Early Years Curriculum Framework provides support and guidance for professionals as they plan and facilitate developmentally appropriate learning experiences that will cultivate key dispositions for life-long learning. Effective implementation of this Framework will foster collaborative relationships among all stakeholders, including Early Childhood Care and Education centres and the families they serve.

Madam Speaker, research shows that the early years is the most significant period in the growth and development of young children. In order for our children to develop into well rounded, confident adults who are assets to our community, we must begin by supporting them in their early years. As we empower our young children to communicate effectively while exploring their world through play and social interactions, we are guiding them on a positive learning pathway. All children are unique individuals, Madam Speaker, and as such, they develop at different paces and have diverse needs and learning styles. Therefore, they need early childhood care and education practitioners who are equipped for the task.

The Cayman Islands Early Years Curriculum Framework is a tool for practitioners to use to develop programmes that meet the needs of the infants, toddlers and young children in their care. The Framework provides learning outcomes for children that are based on international best practice, and activities that are specifically designed to meet the needs of children in the early stages of their development.

The Curriculum Framework is designed to ensure that practitioners and caregivers identify the appropriate practices and activities that should be used to assist the infant, toddler or young child during each stage of development. And there are four key focus areas divided into strands which are well supported by Learning Outcomes enshrined by this Curriculum Framework. They are: Exploration; Respect; Communication and Well-being. Within these four strands it deals with issues, such as, movement, sensory, scientific, mathematical, technological, environment, culture, self, others; verbal and symbolic listening, crea-

tive expression, literacy; health, emotional and social reflection.

The aspiration statement enshrined in the Curriculum Framework is for *all* Children to be self-confident, resilient, critical thinkers who are intrinsically motivated to explore their world through play and active learning, and are able to clearly and creatively communicate their thoughts and ideas with respect to the people and the world around them.

Madam Speaker, the Ministry responsible for Education, through the Early Childhood Care and Education Unit, will continue to offer support as the Cayman Islands Early Years Curriculum Framework is implemented in early childhood care and education centres across our islands. As a matter of fact, each Early Childhood Care and Education (ECCE) centre received free printed copies of the curriculum in June of this year and just last month, some 250 Early Years practitioners attended training sessions facilitated by the ECCE Unit.

Madam Speaker, parent meetings at the Early Childhood Centres also have been facilitated and will continue to be facilitated by the Ministry of Education's Early Childhood Care Unit. And all parents and interested parties can access the e-book version of this curriculum free on the Ministry of Education's website.

Madam Speaker, we keenly anticipate witnessing the positive effects that experiences generated from the use of this Framework will have on the lives of our children and the wider community in ensuing years. And we are very grateful for the contributions of the wider public that we received during the consultation meetings and the development of the Framework, and I wish to acknowledge those accordingly.

Thank you, Madam Speaker.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

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

[No audible reply]

The Speaker: I recognise the Member for East End.

HOUSE DECORUM

Mr. V. Arden McLean, Member for East End: Madam Speaker, this is something I didn't necessarily want to do, but there is a certain decorum that must be maintained by Members of this honourable House and also by the public and the press. I am a little bit concerned that one of the press members has their foot up as if they are watching TV in their lounge. I

would appreciate it if that is corrected as soon as possible, because I am a little bit concerned about it.

The Speaker: Member for East End, I think it has been duly noted by the response of the press member.

Member for North Side?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, my only thing is, just leave the beautiful girl alone up there, whatever she wants to do.

The Speaker: Honourable Leader of the Opposition, I am sure that the Minister responsible for Gender Affairs might prolong her comments if you continue in that vein.

Honourable Leader of the Opposition, please continue with asking your Question.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Madam Speaker. At least there is some levity in this place at times.

Madam Speaker, I thought this question was sent to the person responsible, the Premier, who is responsible for Home Affairs, but I understand that he is not responsible for operations, which was my mistake, and I wanted to say that publicly. I thought he was responsible for that aspect of it.

Anyway, the Question is asked of the Honourable Deputy Governor, Ex-Officio Member responsible for the Portfolio of the Civil Service.

QUESTION 17: ITEMS STOLEN FROM CONTAINER AT GEORGE TOWN POLICE STATION

Hon. W. McKeeva Bush, Leader of the Opposition asked the Honourable Deputy Governor: Can the Honourable Member say (a) What is the amount of items stolen from the container recently broken into at the George Town Police Station? And (b) If "drugs" were part of the inventory, what is the quantity missing?

The Speaker: I recognise the Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Good morning, Madam Speaker.

The Speaker: Good morning.

The Deputy Governor, Hon. Franz I. Manderson: Madam Speaker, the answer: Drugs were stolen. The quantities taken were 24 kilos of cocaine and 33 kilos of ganja.

The Speaker: I recognise the Honourable Leader of the Opposition, and then the Third Elected Member for the district of West Bay to follow.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I am much afraid that the Honourable Deputy Governor has not answered my question in full. He answered question (b) but question (a) is: What were the amount of items stolen from the container recently broken into at the George Town Police Station?

The Speaker: Honourable Deputy—

Hon. W. McKeeva Bush, Leader of the Opposition: Meaning, Madam Speaker, and I should say clearly that drugs were only one part of it or one aspect or one item that was stolen.

The Speaker: Honourable Deputy Governor.

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

Madam Speaker, the information I have is that drugs were the only things that were stolen, and I have given the quantities.

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

The Speaker: One minute, Leader of the Opposition. He is still on his feet so I am not sure—

Hon. W. McKeeva Bush, Leader of the Opposition: Sorry, I thought he had finished.

The Deputy Governor, Hon. Franz I. Manderson: I am finished. Sorry.

The Speaker: Oh.

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

Madam Speaker, I am not going to in any way belittle the answer that I have, because the attempt to answer this is a serious matter.

Madam Speaker, the machinery of the police organisation seems to have taken this matter quite lightly rather than . . . Madam Speaker, to explain myself: When this matter came to the fore they said it was not true, and then lo and behold it was exposed by the media that it had happened, and then there was an announcement by the leadership in the Force that—

An Hon. Member: Nothing.

SUPPLEMENTARIES

Hon. W. McKeeva Bush, Leader of the Opposition:—nothing was stolen. Anyway, all of that hiding (because I think that is what it was) has come to fore.

There is an acceptance that it happened; there is an acceptance that these quantities of drugs were stolen. This is a tremendous amount of drugs that we know are consumed in our country, or believe . . . let's say we believe it is consumed in our country. But, Madam Speaker, what is the Government doing about it? What has been done as far as any kind of reprimand? Because if this had been a local person, you can believe there would have been a lot of noise and some reprimanding going on.

Remember, Madam Speaker, and just to give a historical thing: In the prison we had an outbreak one time. All two local persons were fired. All two! And here we are sitting and taking this quite lightly to the extent that not even the truth was told. Now, I am not going to get up and say that that was done deliberately. I don't know how it was done but it was said publicly. And then, the media exposed it. I would not have known because I was asked about it as the Leader of the Opposition and I said, *Me? I don't even get an invitation to go anywhere much less know what is going on up there.*

So, Madam Speaker, I would like some answer to those points I just raised, from the Deputy Governor.

The Speaker: Honourable Deputy Governor.

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

Madam Speaker, this matter is being taken very seriously. A full investigation of the circumstances of the offences have been underway since the matter was first discovered, and to date, has resulted in a number of warrants and arrests together with seized exhibits, which are currently being forensic examined. Further arrests are expected in the near future. I don't want to go into further details because this is an ongoing investigation, but I have been assured by the top commander in the Police, in particular, the Commissioner of Police, up until Wednesday, that this matter has been given their top priority.

The Speaker: Honourable Leader of the Opposition:

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

I am glad to hear that some number of arrests has been made. I don't know what is going to happen after that, but that has been done.

Now, can the Member explain how this happened? Here, Madam Speaker, let's picture this: we have a container in a secured area of the police compound, as I understand, and someone just jumps over and goes into that place and takes out 24 kilos of cocaine and 33 kilos of ganja? Can the Official Member

explain to the House what he knows in regards to this? He might not know everything, Madam Speaker, but . . .

The Speaker: Honourable Deputy Governor.

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

Madam Speaker, I want to be certainly restrained in all the things that I am saying because the matter is ongoing and don't want to jeopardise the investigation. But it is quite clear that a lot of the safeguards that were put in place to prevent this from happening did not work. So, for example, there are alarm systems, there is a strict procedure that says any drugs found have to be destroyed immediately. Obviously, that did not happen, and all of that in terms of why the security systems, why all of the measures that we have put in place to avoid this happening, didn't happen and didn't work, is being looked at. And that is all part of the investigation.

This is a very serious incident. It is an attack on the police and an attack on our security services. And the Governor, the Commissioner of Police and I, have all been doing everything we can to ensure that the persons who have been involved in this are brought to justice.

The Speaker: Honourable Leader of the Opposition.

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

Madam Speaker, can the Member say what kind of alarm system exist or existed; who was responsible for it; who put it in?

And, can he say how long the drugs were in that compound?

The Speaker: Honourable Deputy Governor, you can exercise your discretion to the first part and continue to answer whatever other part that may not be in breach of national security.

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

Madam Speaker, I do not have information in terms of who installed the security system. I just know that it was a security system in place. Obviously, things did not work as well as they should have.

I can assure the Members and the public that the drugs there were not part of an investigation that was before the court. It was drugs that had been washed up on the shore. They were not there for a long period of time. They were scheduled to be disposed of very shortly and for some reason they were not, and that is the reason why they were present when the theft took place.

The Speaker: Honourable Leader of the Opposition.

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

Madam Speaker, can the Member say how long the drugs were there?

The Speaker: Honourable Deputy Governor.

The Deputy Governor, Hon. Franz I. Manderson: Madam Speaker, I don't have that information. I am quite happy to get it.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Madam Speaker. And I thank the Member for offering that and I would certainly like a rundown.

I am a member of the Security Council, Madam Speaker, but that is neither here nor there, because I don't know if they ever met recently.

Can he give us any kind of rundown on what the alarm system consisted of? What kind of security measures exist? And I know that they are going to say that this is operations but we do vote money down here. And while it may be operations, I think that they owe us some explanation as to what kind of security exists and who provides it—

[Inaudible interjection]

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

I should say clearly, Madam Speaker, I don't expect for the Member to come and address this House, because, yes, it is under investigation but there is an ongoing concern and we must be satisfied as to what is happening. Do they have proper security now? Who provides it? What existed then, because I don't know, and I don't know if the Member himself knows? He might not know. But he could come well in camera and discuss it with us.

[Inaudible interjection]

The Speaker: Honourable Leader of the Opposition, are you endeavouring to solicit an answer now? Or, was that an invitation for him to go in camera?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I said when he can inform us as to what safeguards existed. And who were responsible for the alarm system. What kind was it, et cetera; something that we would have an issue with because we spend the money. I don't expect him to do that now, Madam Speaker, because I suspect he would not know offhand. Or he seems to not know offhand. And yes, we could go in camera to discuss it since it is under investigation, and we have done that sort of thing before.

The Speaker: I recognise the First Elected Member for Bodden Town:

Hon. Anthony S. Eden, Deputy Speaker: Thank you, Madam Speaker, through you to the Honourable Deputy Governor. My recollection is that sometime in the past, not of this magnitude, but something happened. Am I right in remembering that situation?

The Speaker: Honourable Deputy Governor.

[Inaudible interjections]

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

Madam Speaker, I recall many years ago, maybe as long as 10 years ago, there was a theft of drugs from the police station.

The Speaker: I recognise the Third Elected Member for [West Bay]. I apologise for not calling you before the First Elected Member because you did catch my eye.

Please proceed.

Mr. Bernie A. Bush, Third Elected Member for West Bay: That's okay, Madam Speaker, he's an elder of the House.

Madam Speaker, to the Deputy Governor: What has the Governor and yourself decided to do, or what are you discussing before I call it the catalogue of errors by this Police Commissioner and his Deputy who seems to make all of these policies?

We heard the Leader of the Opposition talk about what happened at the prison before and we know what is also happening in the Police Force before, when people have not carried out their duties. Did you hear how much kilos the country . . . just finally heard of the amount of kilos. This man stood there and lied to us all and said that there was nothing stolen. The next morning I knew what was stolen.

What is being done about this Commissioner and his Deputy with this catalogue of errors and mistakes concerning their policies? The Governor claims that he is doing a good job. Is this another part of doing a good job?

The Speaker: Honourable Deputy Governor.

Hon. W. McKeeva Bush, Leader of the Opposition: Well said, my son, you're learning.

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

Madam Speaker, the case is not finished. The matter is ongoing. We need everything to be . . . the facts to come out to find out exactly where the blame lies before we are able for the Governor, myself, or anyone, to take action.

Madam Speaker, I think it is unfair for us to say that the Commissioner lied about the drugs not being stolen. That is an operational decision. When he gives out information to the public it is a matter for him if he thought that giving that information out was going to jeopardise the investigation . . . sometimes you cannot tell the public everything when they want to know. So, I think it is unfair to say that it was a deliberate attempt to mislead the public. That was an operational decision and we have to trust the Commissioner to make those calls when he sees fit.

The Speaker: Honourable Leader of the Opposition.

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

Madam Speaker, can the Member say, since the arrest, have any of the drugs been recovered?

The Speaker: Honourable Deputy Governor.

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

Madam Speaker, I know that some drugs were recovered. It was not entirely clear, from my understanding, that it was related to this. I mean, ganja is ganja, cocaine is cocaine. But some amounts were recovered as a part of the searches that were made, but, from my understanding, it was unsure whether it was linked to the drugs and cocaine that were stolen.

[Inaudible interjections]

The Speaker: If there are no further supplementaries, we will move on to the next item of business.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: There are no statements for this morning.

PERSONAL EXPLANATIONS

The Speaker: No explanations.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: There are no matters of privilege for today's Order Paper.

I recognise the Honourable Deputy Premier.

SUSPENSION OF STANDING ORDER 14(3)

The Deputy Premier, Hon. Moses I. Kirkconnell: I beg to move the suspension of Standing Order 14(3) to allow Government Business to take precedence over Private Members' Motions.

The Speaker: The question is that Standing Order 14(3) be suspended to allow Government Business to take precedence over Private Members' Business and Motions.

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I am not going to tender an objection, but I certainly want to put on record that Thursday's are reserved in the Standing Orders for Private Members' Business, and we do come prepared and we were notified yesterday that this would be the process. But Thursdays are, in our Standing Orders, stipulated as Private Members' Day. And what I am hearing is that Government has, in fact, more business and that will take precedence over the entire . . . well, that's what I understood; I don't know if that was what was meant to say, but that would take precedence. Government Business would take precedence over all the Private Members' Motions, the Premier having given an undertaking that he will deal in this Meeting with Private Members' Business. But, let's don't . . . I hope it's just not too long a delay.

The Speaker: I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure: Thank you, Madam Speaker. Just for clarification, what the Honourable Premier said yesterday was that we did not want to lose the momentum of the Government Business to get it out of the way. But what he did say, and this is just for clarity, was that whenever that business is finished, the Honourable Minister of Financial Services will be back on Monday. I think there are three Government Bills which he has to bring, so the Private Members' Motions will also resume during that interim rather than wait until after the Minister comes back on Monday. So, if there is time between today and tomorrow for the Private Members' Motions, they can begin to be heard then. I just want to make sure that that's clear.

[Inaudible interjection]

The Speaker: The question is that of Standing Order 14(3) be suspended to allow Government Business to take precedence over Private Members' Business and Motions.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 14(3) suspended.

GOVERNMENT BUSINESS

BILLS

FIRST READING

DANGEROUS SUBSTANCE HANDLING AND STORAGE (AMENDMENT) BILL, 2015

The Clerk: The Dangerous Substance Handling and Storage (Amendment) Bill, 2015

The Speaker: The Bill has been read a first time and is set down for second reading.

SECOND READING

DANGEROUS SUBSTANCE HANDLING AND STORAGE (AMENDMENT) BILL, 2015

The Clerk: The Dangerous Substance Handling and Storage (Amendment) Bill, 2015.

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

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

I am not so sure to say that I am pleased to bring what may well be termed as this milestone legislation this morning, but perhaps more appropriately I should say that I am happy for the opportunity to bring the legislation because, certainly, I believe that not only the elected Government, but the entire country, feels the need for this legislation to be brought.

Madam Speaker, to just quickly guide the process for not only the listening public, but for colleagues in this Legislative Assembly, this Bill is a Bill for a Law to amend the Dangerous Substances Handling and Storage Law, 2003; and for incidental and connected purposes.

Madam Speaker, at our last . . . I'm a bit anxious, Madam Speaker, forgive me.

Madam Speaker, forgive me for laughing at myself. I beg to move the second reading of a Bill for a Law to amend the Dangerous Substances Handling and Storage Law, 2003; and for incidental and connected purposes.

The Speaker: The Bill has been duly moved. Does the Honourable Minister responsible for the presentation of the Bill wish to speak thereto?

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker, and so I shall.

At our last Meeting the Government gave its commitment to present the amendments to the Dangerous Substance Handling and Storage Law for debate and at that time we were very hopeful for safe passage through this Legislative Assembly. The purpose of these amendments is to operationalise the Dangerous Substances Handling and Storage Law, which was enacted in 2003, well over a decade ago, to bring the petroleum and fuel sector fully into compliance with internationally recognised codes, with internationally recognised standards and best practices for the wellbeing of these Islands; that is, for safeguarding life and limb, property and, as importantly, the environment.

If you would allow, me, Madam Speaker, I wish to simply provide a brief background and history of this law and the sector to which it relates.

In 2003, this Legislative Assembly met and enacted the Dangerous Substance Handling and Storage Law which replaced the Petroleum Handling and Storage Law (1996 Revision). Among other things, this law was mainly aimed at strengthening the Government's oversight of the sector, primarily to ensure that the industry continued to manage its obligation by utilising and complying with up to date and relevant codes and standards which are continually being established within the sector.

So, the Law saw the creation of a specialised unit which we now know as the Petroleum Inspectorate which, when operating with adequate resources and capabilities and within a set framework, it was intended to achieve Government's objective outlined above, thereby mitigating against risks which are inherent in this particular industry and, hence, against significant liabilities for any future Government.

Madam Speaker, today we have the Dangerous Substances Law, and, yes, we have a functioning Petroleum Inspectorate Unit. But, regrettably, the mechanisms and systems which are required under the law are not in place or otherwise, not very effective to allow the regime to fulfil its mandate. Nonetheless, within these limitations we have spared no effort to ensure the public is safeguarded as best we can through the resolve and commitment to preserve these Islands.

In actual fact, Madam Speaker, our efforts are also protecting the industry against itself. However, in a few instances because of what I term the fracture with the system of oversight, we have been legally impotent to bring about the necessary compliance which is required. Testimony of what has been accomplished is evidenced in the fact that we have not had any major incidents. But we all know that this can

lead to complacency. Recognising that it would be irresponsible for us to continue to operate in the same vein has pushed us to the point where we are now. And that point is to advance amending legislation to regularise, streamline and fully legitimise Government's interaction with the fuel sector.

Madam Speaker, with the passage of this amending legislation, the gaps which now exist will be remedied, thereby setting us on a fresh course in this sector. Let me say that while delays often represent missed opportunities, it doesn't always call for negative consequences. These critical amendments which are being brought today, although somewhat delayed, have provided my Ministry the unique opportunity to include in the amendments an additional significant issue which needs to be confronted within the fuel sector.

Madam Speaker, as a Government we have been for quite some time passionate but very temperate on this issue. We have been forbearing, given the moods and attitudes to which we have been exposed. We have, Madam Speaker, and I dare say continue to endure what I would describe as unnecessary and unwarranted frustrations, a situation which has tested our metal. It certainly has tested our patience. And, increasingly, it is leaving us with very little option but to move forward, or, should I say, very little option to move forward in the spirit of true collaboration with key industry partners within the sector.

Madam Speaker, I say "partners" because we should be viewing the key players in the sector as potential true partners. But I have to tell the entire country today that this is seemingly without reciprocal sentiments. In other words, it doesn't seem to me like they believe and think the same way that we do. From a broader perspective, global and local factors in recent times have escalated the issue. So, it certainly is high on this Government's agenda.

Since assuming the role of Minister in 2013 with oversight for the fuel sector, I and my colleagues have been doing what I would call a fair amount of homework to make sure that we were fully able to understand exactly how it works and to make sure that any course of action that we took was one that was sustainable and that we could move forward to improve the situation, especially locally. That issue that I have been talking about for the last couple of minutes, Madam Speaker, is none other than fuel pricing and what I would term as the obstinacy of the key players within the sector to cooperate with successive Governments, Madam Speaker, not just this Government, over a very long period of time to chart a course forward which is mutually beneficial to the Government and the people and industry colleagues regarding this topic of fuel pricing.

By now we have fairly good knowledge and understanding of the economic and commercial operation of the sector. However, this Government, while not being intent on being heavy handed or unilateral in

our approach, we are seeking to address this in a manner that will get the desired results. As we speak, Madam Speaker, efforts are underway to have an independent assessment of the commercial operation of the main fuel suppliers. And that assessment is examining the supply chain, trading, economies of scale, the asset-base, the pricing structure and the profitability levels within the sector. This, along with other parallel efforts will allow the Government, hopefully, but not necessarily, in collaboration with key stakeholders to come up with objective open and equitable solutions.

So, Madam Speaker, as we deliberate the Bill before us, I am very aware of the attention that key aspects of the proposed legislation have been receiving. However, we have been proactive in ensuring that critical provisions are included to ensure viable, sustainable, compliant and transparent fuel sector for all of the residents and visitors to the Cayman Islands. Madam Speaker, before I speak to the specifics of that area of the specifics of the proposed amendments, I want to go through all of the other amendments to get past that section before we go into this other area.

The main changes to the existing law that are proposed are as follows: clause 1 provides the short title and commencement and provisions. It is anticipated that once the Bill is approved, swift action will be taken to have the law and its regulations brought into force. Our timetable indicates that this will be accomplished by the end of the month.

Clause 2 amends the short title of the principal Law as it is proposed that the legislation will deal with matters which are wider than the handling and storage of dangerous substances. So, we are proposing that the legislation, once it is approved will be called simply the Dangerous Substances Law, not limited to handling and storage. So that will be taken out of the name. The words "handling and storage" have been deleted to reflect the expanded remit of the law. You see, while this is a minor amendment, Madam Speaker, it is certainly with major desirable consequences for the proposed law, as the current title limits the functioning of the department tasked with enforcing the law, only to matters of an operational compliance and non-commercial nature within the sector.

This has been one of the barriers to the cooperation and collaboration that we have been seeking to foster with the industry. So, the title has been amended and now covers a much wider spectrum particularly the ability to require and obtain information relating to pricing. And I am going to address that a little bit later in my presentation. Nonetheless, Madam Speaker, oversight of the handling and oversight of the sector, I want to make very clear, will in no way be subordinated. This has and will continue to be a major thrust of the Petroleum Inspectorate which is tasked with the oversight. So, its capacity is going to have to

be augmented to adequately fulfill the requirement of the proposed law.

Just to clarify, please note that while we are speaking about dangerous substances, for the most part in the amendments, at times we will only focus on fuel where the provisions relate only to fuel. So, as we all know, fuel is only one type of dangerous substance.

Clause 3 amends the principal Law to change certain definitions. A few minor changes were made in various sections of the principal law to bring the legislation in line with current titles, positions, and in cases where terms needed to be defined for clarity within the context of the law. The definition of "handling" for instance, has been amended, given some of the interpretational issues that we have been countering in the past so as to ensure compliance on the part of operators. Some of the other changes, though apparently cosmetic, were required to ensure a comprehensive overhaul of the legislation.

On the weightier changes, I want to elaborate a little bit, Madam Speaker, on the definition change of "operator." We have been faced with some issues which due to, shall I say, the lack of the ability of the legislation presently, proved very difficult for us to require relevant parties to take appropriate action necessary to fulfill or to remedy issues at hand.

Madam Speaker, a quick example of the inability of this law to deal with certain things is . . . and just to broad-brush that example, I remember in 2007 when there was an independent investigation carried out, there were certain fuel pipelines going through certain locations and the impacts and possible impacts that were found, there were attempts by the Inspectorate to remedy that. But because of the way the law was worded, the matter was never really truly resolved.

So, I am pleased to inform the House today that the amended definition proposed is going to be all-encompassing. Any person who owns, has custody of, is responsible in their capacity of caretaker or director of an entity, is an occupier of a premises, typically private residential homes, and in the cases of vehicles, persons who own, lease or operate the vehicle involved or connected in any way with dangerous substances for trade or for gain, all of the above are now clearly defined as "operators" under the proposed law. And certainly, because of that change they will be held accountable going forward, once they fit within any of those categories.

Madam Speaker, to ensure that the subtle change to permitted vehicle is not overlooked, this definition mandates that all purpose-built or modified vehicles land or water craft built to transport fuel as cargo; that is, not in their fuel tank for propulsion or utility purposes are now subject to the law, or will be once the Bill is passed. And, more importantly, there is no threshold or minimum quantity below which the

law does not apply. All such vehicles will be required to have a permit under the proposed law.

Clause 5 seeks to repeal section 3 of the principal Law which deals with concessions. Since the enactment of the legislation in 2003, no concessions for importation of, or dealing with dangerous substances have ever been issued. So it is proposed that this section will now provide for the regulation of the importation of dangerous substances.

So, any person who wishes to import a specified amount of such substances must have a valid permit issued by the Chief Petroleum Inspector to do so. And the regulations are being finalised too, Madam Speaker, as I speak, and will provide for details on the licensing regime and appeals arising from the decision of the Chief Petroleum Inspector who will be making these decisions and the appeals will be able to be heard by the Board.

Any importer, on each importation of a dangerous substance for which an import permit will be required shall provide to the Chief Petroleum Inspector a record of such importation within seven days of the date of the importation of the dangerous substance; and such record shall provide the name of the importer, the type and the quantity of the dangerous substance. An importer who fails to comply with this requirement commits an offence and will be liable on summary conviction to a fine of \$10,000.

Further to this, any importer who imports more than the prescribed amount of dangerous substance without an import permit commits an offence and will be liable on summary conviction to a fine of \$50,000 or to imprisonment for a term of five years or both; and if the offence is a continuing one, to a further fine of \$10,000 for every day or part of a day during which the offence continues after the conviction. This provision will serve to streamline the process of fuel importation ensuring that key requirements are met by all players, thereby levelling the playing field for all importers.

Clause 6 amends section 4 to provide that an operating permit will no longer be issued for an indefinite period. In fact, these permits will be issued for a maximum of three years under the proposed legislation. Persons who are operating regulated vehicles or regulated premises at the date of the commencement of this legislation without an operating permit will be required to apply for such permit within three months of the commencement of the regulations made under section 4 of the principal legislation.

Clause 7 seeks to amend section 5 of the principal Law to, among other things, replace the term "Permanent Secretary" with "Chief Officer."

Clause 8 repeals section 6 to provide that the functions of the Board shall include hearing appeals in accordance with the new proposed section 3.

Madam Speaker, now turning our attention to clause 9, this new section in the Law will provide for the establishment of a Fuel Standards Committee

which will be responsible, among other things, for setting and publishing the standards of fuel to be imported into and sold in the Islands. The Committee shall consist of the Chief Petroleum Inspector who shall be chairman; the Director of the Department of Environmental Health or his nominee; and the Director of Environment or his nominee; the Director of the Water Authority or his nominee. And I say "his" Madam Speaker, knowing full well that both of these directors are now female, but in law "he" means he or she.

In the past, occasional issues surfaced in relation to fuel quality concerns across the three Islands. But in recent times the issue became widespread and prompted an investigation in 2013, the culmination of which pointed to the need for requisite legislation in this area. So, to ensure that robust fuel standards are established, the Committee may appoint or empanel sub-committees, whether from among members of the Committee or from among persons outside of the Committee or both, to study and make recommendations to the Committee on any aspect of the regulation of fuel standards referred by the Committee.

So, you see, Madam Speaker, we recognise that the makeup of that Committee does not necessarily bring into the Committee all of the expertise that may be required from time to time, hence, the Committee's ability to reach out to whatever level of expertise in whatever specific area. And it is impossible to just have a committee which is made up of such a small group that we are comfortable will have no need to reach outside of that realm to make sure that decisions are made with a certain level of being fully informed. Competent (I should say) decisions. Hence, that part of the oversight being allowed to function in that manner.

Madam Speaker, this kind of oversight really requires a high degree of specialisation. So, Members of any subcommittee who are not members of the Committee are required to have relevant scientific or technical knowledge in the area of fuel quality standards; or qualifications, if and when necessary, in chemistry, biology or environmental studies, or both, in fact. So, as the need requires, such subcommittees will be formed and used and compensated as the Cabinet may determine.

This Committee will carry out such duties that are specified in the law and the regulations. And just to name some of the duties, these duties may include establishing the standards of certain types of fuel to be imported and distributed in the Islands; publishing or causing to be published, in such medium as they determine, such standards and the testing methods to be used by importers and the Chief Petroleum Inspector in the inspection of fuel in order to ensure compliance with the standards; and also, they will be required to and provide periodic reports to the Minister on the operations of the Committee.

So, as anticipated, Madam Speaker, enforcement is therefore a very critical component of

oversight and the legislation provides that where, after inspections are carried out in accordance with the legislation, it is found by the Chief Petroleum Inspector [CPI] or by an inspector under the CPI that an importer has been importing and distributing to operators or direct consumers, fuel which does not accord with standards published under section 9B, the Chief Petroleum Inspector shall require the importer to comply forthwith, with any written direction not inconsistent with this Law which the Chief Petroleum Inspector believes on reasonable grounds is necessary to ensure that the importation or distribution of such fuel is immediately discontinued. And an importer who fails to comply with such direction commits an offence and is liable to an administrative penalty; and the relevant import permit of such person may be suspended, or revoked in accordance with the procedure set out in the legislation.

So, to ensure strict compliance, the enforcement regime cannot be very tolerant to non-conformity or inconsistencies in set parameters, because consequences can be dire, if and when substandard fuel penetrates the market.

Madam Speaker, consequences can be dire, meaning for the consumers. We have had instances in the past where there have been lots of mechanical failures because of substandard fuel or alleged. For such an importer who, more than once in any period of one year, imports and distributes fuel which is found by the Chief Petroleum Inspector not to be in accordance with the standards set out by the Committee, commits an offence and that entity or person too will be liable to an administrative penalty; and the relevant import permit of such person may be suspended, or cancelled in accordance with the procedure prescribed by the legislation.

Now, Madam Speaker, clause 10 is a transformational provision which is guaranteed to liberate Government from the informational abyss when it comes to local fuel prices. But, Madam Speaker, I crave your indulgence to expand on that a little bit later in the presentation while I just finish up the other smaller amendments. I just mentioned 10 because I am trying to go through in sequence first of all.

Clause 11 amends section 12 to clarify that a fine and imprisonment can be alternative penalties. Under the current legislation there are a number of instances where fines and penalties were imposed in conjunction. This has been amended, or is proposed to be amended, mainly to allow the fines and penalties to be rationale and proportionate. These amendments are very similar in nature to the changes proposed under clauses 15 and 16.

Clause 12 amends section 13 of the current legislation to strengthen the reporting requirements by operators for fuel spills or release to the environment. The current provision is not specific in terms of reportable quantities, which makes such reporting very subjective as it stands. This is highly undesirable and the

regulations will further outline details related to this provision.

The Speaker: At this time the House will suspend for 10 minutes.

Proceedings suspended at 11:45 am

Proceedings resumed at 1:31 pm

The Speaker: Please be seated. Proceedings are resumed.

Honourable Minister, you have one hour and 25 minutes remaining.

BILL

SECOND READING

DANGEROUS SUBSTANCE HANDLING AND STORAGE (AMENDMENT) BILL, 2015

[Continuation of debate thereon]

Hon. D. Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure: Thank you, Madam Speaker. Just making sure I do not cause any trouble—I turned the phone off.

Madam Speaker, when we paused I was going on to clause 12 which seeks to amend section 13 of the current legislation to strengthen the reporting requirements by operators for fuel spills or released to the environment. The current provision is not specific in terms of reportable quantities which make such reporting very subjective as it stands now. This is really not a desirable situation and the regulations will further outline details relating to this provision.

Clause 13 allows the Chief Petroleum Inspector to enter regulated premises at any time without notice to investigate complaints or where it appears that there are blatant cases of violation of the law. Currently the law requires at least 24 hours' notice in all cases whether there is an emergency or otherwise. It also restricts entry only during normal working hours of the business. Madam Speaker, this certainly—given possible scenarios that one could easily imagine—is not a situation which should be left. This, Madam Speaker, would be pointless for any proper investigation of a complaint because if you do it the other way around and leave as is, then, having to give 24 hours' notice and only being able to enter the premises during normal working hours gives anybody lots of time to cover up any misdemeanour.

Clause 14 seeks to amend section 15 of the Law which deals with the general duties of the Chief Petroleum Inspector. Madam Speaker, this will simply rationalise the functions of the office to align activities which are pertinent to the issuance of operating permits to the various types and categories of permitted

premises and vehicles. This provision takes into account workload issues and is aimed at insuring that the operation of the department is fit for purpose, efficient and effective. Clause 17 inserts a new section which will provide that Cabinet may make regulations to provide for an administrative penalty system to apply to prescribed offences. This provision would provide an avenue for the avoidance of criminalising some offenses and rightly so under the law. Madam Speaker, this will also allow for the swift handling of minor infractions of the Law.

Clause 18 amends section 24 of the Law which deals with regulations under the legislation. As I mentioned earlier, Madam Speaker, our intention for this proposed legislation is to be as comprehensive as it needs to be. Matters such as security of permitted premises, licensing of contractors to perform works at regulated premises and being aware of ownership and management changes at entities to which this law relates are of paramount importance to us to ensure a robust regime. Hence, these key provisions are proposed to be incorporated into the law to allow for the appropriate regulations to be made.

Madam Speaker, a number of regulations have already been substantially drafted and the regulations include provisions dealing with matters such as the form and content of operating an import permits, spill reporting requirements, pipeline operations, fuel prices signs, calibration, fuel quality and administrative penalties. As it should be with any legislation, we will consult with stakeholders and certainly take their input into account before finalising these and other regulations.

Madam Speaker, with regards the emergency powers of the Chief Petroleum Inspector, the provision that exists now in the Law is (in our view) to narrowly defined. The proposed clause 19 repeals and replaces section 26, such that, the Chief Petroleum Inspector or an inspector under his command may, with the assistance of a police constable or officer of the fire service as the case may require, at any time enter premises or a vehicle if he believes, on reasonable grounds, that the circumstances are of such seriousness and urgency as to require immediate entry to the premises or vehicle without notice or permission of the operator of the premises or vehicle. Any adult person who is capable and who is present at the regulated premises or any permitted vehicle will be served an emergency notice and accordingly will be required to take action to prevent or avert danger as a consequence of the manner in which a dangerous substance is being handled or stored.

So, Madam Speaker, allowing the Chief Petroleum Inspector along with a police officer or a fire officer to enter premises or a vehicle without a “warrant” is not something that is going to cause any great harm or any serious consequence but, certainly, the emergency notice which might be issued will quite

likely prevent or avert danger. That is the whole purpose of that one.

Madam Speaker, now I want to come back to clause 10. Clause 10 provides for the collection by the Chief Petroleum Inspector of information from importers relating to fuel prices and the pricing methods they employ to arrive at their end prices. New sections provide for the following:

The Chief Petroleum Inspector, Madam Speaker, shall monitor changes in fuel prices in these Islands and for such purposes, collect from importers, and compile, analyse and abstract, information on fuel prices and pricing methods and provide such information to the Minister.

We recognise, Madam Speaker, the sensitive nature of the information which will be provided to us. The methodology used in the collection, compilation, analysis and abstraction of information by the Chief Petroleum Inspector under this new section shall be provided to the Cabinet and the Chief Petroleum Inspector shall cause to be published in such medium as he determines a summary of such methodology.

This section provides that an importer shall at the request of the Chief Petroleum Inspector provide to the Chief Petroleum Inspector:-

(a) information on the price for all fuel imported and sold by the importer; and

(b) the pricing methods utilised by the importer in the sale of fuel to operators for such date or periods as the Chief Petroleum Inspector shall specify and the importer shall provide the information to the Chief Petroleum Inspector on or by the date specified in the request.

Information relating to price for fuel will include: first costs, cost of freight, insurance costs, brokerage costs, custom duties, estimates of quantity and the type of fuel in stock, amount and type of fuel nominated to be imported in the next shipment and such other information that may be required.

Madam Speaker, an importer who fails or refuses to provide that information which requested by the Chief Petroleum Inspector or being required to furnish this information or to supply particulars, knowingly or recklessly makes any statement relating to the information or particulars which is false or in any way misleading or furnishes information or supplies particulars which are false or misleading in any material particular or who practises any other deception in furnishing the information or supplying the particulars, commits an offence. What we are suggesting here, Madam Speaker, is, that they will be liable on summary conviction to a fine of \$20,000 or to imprisonment for a term of one year or both.

In addition to the penalty above, the Government may bring civil proceedings against an importer for the purpose of obtaining a court order requiring the importer to provide all information requested under section 10F; and the relevant import permit of the importer may be suspended, or for that matter it may be

cancelled in accordance with the procedure which is prescribed by the legislation.

Where the Chief Petroleum Inspector is of the opinion that, in order to carry out his functions under this new section, he requires access to certain custom records of the Customs Department relating to the importation of fuel, he shall, in writing, after consultation with the Chief Officer, require the Collector of Customs to provide such copies of the customs records as are specified in the request and the Collector of Customs shall cause the copies of the records to be provided to the Chief Petroleum Inspector.

Neither the Collector of Customs nor any public officer of the Customs Department directed by the Customs Collector to provide copies of records under this section, shall be liable in damages for anything done or omitted in the discharge or purported discharge of their duty to provide such records under section 10H, unless it is proven that the act or omission was in bad faith.

Madam Speaker, to reiterate, the data collected by the Chief Petroleum Inspector under the various sections of this provision, whether referring to individuals or entities are strictly confidential and shall be used exclusively for the purposes of this section.

Information collected under this section shall not be disclosed by the Chief Petroleum Inspector in identifiable form to any person other than his Chief Officer and the Cabinet.

Madam Speaker, what I just spoke to is the product of deliberate and detailed consideration and contemplating on matters relating to the dangerous substances sector. I am confident, Madam Speaker, that the desired changes (and to use one of my friend's favourite word, the Elected Member for East End) will bring about tangible results, which are needed in this sector.

Madam Speaker, just to add a few more things, you will have seen by now, Madam Speaker, that we have proposed a few Committee stage amendments and I thank you for allowing us to do so. Those Committee stage amendments are in clause 9 to delete sections 1 and 2 of section 9A and substitute the following—Madam Speaker, I will not go into reading all of it. When we get to the Committee stage we will read it. But basically what had happened—and I am grateful to the Member for North Side for pointing out to us—we had the membership of the committee limited to three people and a quorum being three people. That was an oversight and we have now corrected that. I thank the Member for North Side on that.

Also, there is a Committee stage amendment proposed in one of the areas where on summary conviction there is a fine and/or a prison sentence, there was nothing else after that to say if they continued the infraction that there would be other penalties. This corrects that and I thank the Member for East End for bringing that to our attention fairly early.

Madam Speaker, we also (as all of us witnessed yesterday morning) had a group of individuals—concerned citizens, I may call them—who presented a box filled with signed petitions who are basically saying to the Government, *We, the people of the country, are fed up with high fuel prices and we expect the Government to do something about it.* That is it in a nutshell.

Madam Speaker, let me say this. I make no excuse for any of my predecessors because, in fact, in truth and, in fact, this has been going on for donkey's years but you see, Madam Speaker, depending on the financial conditions which prevail in a country at any one time is when focus is given to certain things. I have said this before and I will say it again, fuel and the price of fuel is perhaps the one commodity which affects every other price that any consumer has to live with. It is the common denominator in every calculation—it is the only common denominator in every calculation that is made when anybody wants to charge anybody for anything. If anybody who is selling fish, when they go fishing they bear in mind how much gas it took them to go on the trip.

So, Madam Speaker, this piece of proposed legislation—I do not claim that this is perfect. What I can say, though, is that this is the very first time that a Government has put specific recommendations forward to be placed in legislation to be able to come to grips with fuel and fuel prices.

Madam Speaker, there will be some who may well say *Why don't you just simply regulate the industry and tell them how much they can make on fuel and that will end the story.* Madam Speaker, we have thought of that and if it were that simple that would have been the course of action taken. But going through all of the recommendations and listening to the experts as they speak to us, and I have come around to the view that they are perfectly right in their thought, that if we do not do it the way we are doing it now, we may never know what the fuel companies really pay for the gasoline and we would simply accept whatever price they say plus whatever the mark-up they are allowed to make.

Madam Speaker, our economic model is one which not only supports but certainly promotes true competition in the sense let industry compete and by the forces of natural competition consumers will benefit because usually if the commodity is comparable, then people will shop around and find the best price. Those are the ones who will be more successful in selling. But, Madam Speaker, what we have presently in this industry by and large is a duopoly. I am not going to make any accusations today but let me be quick to say that while I make no accusations let me point out a few things that are very possible. It is very possible that collusion has gone on, continues to go on, and if we do nothing, will forever go on. No one can say that that is not possible. Besides the collusion, Madam Speaker, the fact that duties payable on fuel

are on a volume basis not a CIF basis means that for customs records the price of the fuel has no bearing so no great attention has been paid to any invoices providing by way of the price of the fuel—simply what is supposedly the metred volume of the fuel.

Madam Speaker, what this is going to do now is to let the Government know at the end of the day, this is what the final price is for fuel before it is sold to the retailers. Knowing that, Madam Speaker, we will also know as the retailers compete amongst themselves what the mark-up is going to be to the person who purchases the fuel at the pump. So it involves both the retailers and the wholesalers.

Madam Speaker, lest it be forgotten, when it comes to the methodology employed by what CUC is sold their diesel—the method that is used which prices their diesel and I think the Member from East End will be very helpful—I think it is purchased two months in advance or is it three months? Two months. Even with that—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: the price—right. But whatever that is, is not straight forward *when I deliver it, this is how much it is.* It is two months delayed because that is the agreement. But, Madam Speaker, even with that, this will help to determine what that price should be and they may well have to renegotiate how that is structured once we know—because it will not exclude whatever price they pay for the fuel that they are selling to CUC. It will include that. They may well have to—and I have not spoken to Caribbean Utilities but I am certain Caribbean Utilities will fall in line with however it is once it saves money to the customer because it is a direct pass through so it matters not to them.

Madam Speaker, there are many reasons why we should be doing or what we are doing. Madam Speaker, there are other things which will happen in the very near future. The Public Utilities Commission is well on its way to becoming a reality and I believe that the Government can commit to it being up and running by first quarter of next year which is just a couple of months away. At which point in time the petroleum inspectorate will be part and parcel of the Public Utilities Commission and we will have overarching legislation which deals with gas prices, fuel prices—not just gas prices but fuel prices—and all of the methodology employed and all of the reporting mechanisms put in place for those who import fuel for sale.

Madam Speaker, the other issue which the Government has to very seriously consider—and I have thought about this for quite a long time. I have not talked to a lot of people about this, Madam Speaker, but I have no fear in putting it out today. I have mentioned it before. I came across an article which had no bearing—it was not speaking about Cayman but it was generally speaking about fuel and

all of the various aspects of it. There was mention in that article that any small Island nation has to seriously consider the volume of service stations that it allows in the territory. The rationale as to why they said that is because depending on your population base, if you have too many service stations, the prices (because of the running costs of each of those stations and the volumes being low) the prices of the fuel would naturally have to be higher. So while you do not want to be known to be saying that it is not free enterprise and everything else, the truth of the matter is when it comes to fair trade and when it comes to the bigger picture of the consumer benefitting, we have to be extremely careful. So, if we get a proliferation of service stations in the Cayman Islands beyond saturation point, then all of the efforts that we expend in making sure that the wholesale prices are very reasonable, may be nullified because the retail prices do not accord by way of volume. It is not something that I have my mind fixed on but, Madam Speaker, it is something that we certainly have to consider and it is much better for us to seriously consider it earlier rather than later because if it is too late when you realise it, you certainly cannot go and tell the people to shut the station down. I am just saying that that is a consideration.

The other thing which is a personal beef of mine, Madam Speaker, and it is something which I am going to discuss with colleagues and I think we have to come to that point where these bulk distributors and their local companies control licenses should not—and it has been talked about for a while, but again nothing has been done yet. But if I can get the green light, I can promise you that I am going to do something. They should not be allowed, Madam Speaker, to own any of these properties because in doing so, in many instances, they dictate the terms to anyone who is leasing the premises and it is very difficult for somebody who leases the premises to make a dollar because they want it. I hope somebody is recording like how they were recording yesterday. They want it all for themselves.

Madam Speaker, I make these points which are in a sense outside of the actual amendments to this legislation that we bring. But I say that to say that the Government is looking with a wider purview at the situation that obtains. Once we can get this legislation passed, Madam Speaker, let me say this—I do not claim that this is the perfect answer but what I do know is that this is a very important first step and between now and the establishment of the Public Utilities Commission in a few months' time, we will get it right. The matters which I have discussed today which are outside of the legislation that is being proposed will certainly have been considered by then and the Government will make specific decisions and come back to this Legislative Assembly with any amending legislation that we need and certainly discuss it with all our colleagues.

Madam Speaker, my view with this one is that while there may well be other suggestions from Members who have their own ideas, I trust that Members can see it fit to support the legislation and any points which are valid, we are certainly happy to take on board and anything that we can do or anything that anybody can assist us to improve what we are proposing, we are quite happy, Madam Speaker.

I want to commend the Bill to this Honourable House. I wish to thank all of my colleagues for their support and even sometimes the pressure for us to get this on the move. I certainly want to say a very special thank you to all of the Ministry staff and the Chief Petroleum Inspector and his staff for all of the hard work that has been put into making these amendments get to the stage that they are. I want to commend the Bill to this House and trust that Members will see fit to support the amending legislation.

Thank you.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, while whatever the good intentions with this Bill, this is a bureaucracy and I wonder—while we need the expertise—how long before the public would get relief. That is my basic concern with the whole apparatus. If, for instance, we knew we are paying too much (and we all know that) there is a price gouging law in existence which we could be amending, if necessary, at this time and through that deal with it through the CIF and get relief for people quickly.

Madam Speaker, I had some concerns about the committee. However, the mechanism is that they are going to create subcommittees and appoint, I guess if I am understanding correctly, they are appointing staff or appointing members with the proper—

An Hon. Member: On an as needed basis.

Hon. W. McKeever Bush, Leader of the Opposition: —as needed basis. I thought that is what we are doing or what is proposed, but I also thought that in making a matter or a process to deal with the oil companies, that outside of the inspector we probably do not have people with the knowledge base of the industry as it would need to be able to check—

An Hon. Member: Outside of the inspector?

Hon. W. McKeever Bush, Leader of the Opposition: Yes, do we?

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: But, obviously, Madam Speaker, I quite understand that. When I say the inspector—I will say the inspectorate, then. But, obviously, they do not have all the expertise or else you would not be saying what you are saying in this Bill, that you are going to get people as needed.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I know and by what the Minister said, the Minister well knows what he is dealing with—these are no easy kettle of fish that we are dealing with. These are powerful people. These are part of the oil block and this little small legislature—as small and as powerful as we think we are—we do not have the funds to fight them and do the things that they can do. As we use colloquialism here, *mamaguise* us all. That is my concern with the type of bureaucracy that we are proposing.

Firstly, I would hope, Madam Speaker, that we are not creating a bureaucracy that is going to tie us down and not get us anywhere because, as I said, we do have a price gouging law that is most fit for in times of emergency but can be amended quickly if we needed to, and through that, deal with the CIF to get that relief as we know it. Many things the Minister said in regards to what we know exists here in terms of various service stations and how they operate and how they are operated and who owns what and who can make the cause and therefore when people curse and carry on and they curse to us and then they curse the operators, we understand it is not the operators. The operators are barely—and I do not know how anybody can say that the operators are making a huge profit. I do not think we can rightly say that. What is happening is they are carrying on what is passed on to them by the companies.

Hon. D. Kurt Tibbetts: Well, I'm not suggesting that.

Hon. W. McKeeva Bush, Leader of the Opposition: No. And, Madam Speaker, the Member needs to listen. I am agreeing with him that something needs to be done about that.

Madam Speaker, my two concerns were the bureaucracy that we are creating, how quickly we will get relief, and I understand from the Minister that what is meant here is that they are going to get expertise as soon as possible on an as needed basis. That is not denigrating anybody, Madam Speaker. What I was trying to talk about is that we have some expertise at hand in the inspectorate. But we know it goes beyond that and that is what I was concerned about without going into a long debate.

I want to facilitate, Madam Speaker, the Member for East End, my friend from East End, who is quite eager, but has dealt with the matter before, let

us say that, frankly, before the House and quite understands it probably better than most of us.

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 recognise the Member for East End.

Mr. V. Arden McLean, Member for East End: Thank you, Madam Speaker. It sounds like it is a big one coming onto me here now.

[Inaudible interjection]

Mr. V. Arden McLean: The Premier, the Minister and now the Leader of the Opposition.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I rise to make a contribution to the Bill in front of us for a law to amend the Dangerous Substance Handling and Storage Law 2003.

Madam Speaker, there are a couple of things that I want to start with that I can agree right out with the Minister: 1) that this is a commodity that affects every part of our lives, and, as such, there need to be some provisions made to have some control over it; 2), the time has come; and 3), this may not be and it is not the end and all to achieve number 2.

Madam Speaker, whilst I support their effort so that we can get something done, I see the groundswell with our people, which manifested itself yesterday with them presenting a petition to the Minister responsible and the Premier whilst the crowds, the petitioners, were small in number the signatures were the largest ever collected in this country. I think we need to thank George Ebanks for his efforts to gather all these signatures and get Caymanians to sign at long last something that affects them where they come out for and stand together. I hope they do that for more things. I really hope that they do that for other things—like against the lawyers, when that comes up soon.

Madam Speaker, I want to go through parts of the Law that I have my concerns with. Before doing that I want to address some of the things that the Minister talked about and one or two things the Leader of the Opposition just said and put my own position on it, being a person who has been someone involved with the technical side of life since I was 18 years of age and having worked with fuel, been a seaman, having worked with electricity, energy, efficiency and having served on some of these international boards on developing standards as well.

Madam Speaker, the Minister talked about how difficult it is to deal with these oil companies and the Leader of the Opposition spoke about—I think he

called it these “oil blocks”—these people are part of this oil block that tend to control countries.

Madam Speaker, I believe that is a farce when we really get down to it—I am not saying that I do not recognise what the Leader of the Opposition is saying but what I am saying is we need to understand that this is our country, too. You are but an invited guest to this country. If it need be, we can go look and make provisions for Plan B. When the oil companies pressure for us to comply, then we put our Plan B in action, which is, we bring barges in and anchor them off and we take the fuel off those—so there is no *fait accompli* when it comes to them saying we will pull out. Tell them to pull out. Those who have left, many others have come. There are many other oil companies out there that can come. So, for those who leave—ta ta. May you have smooth sailing and strong winds upon your back—hurricane winds upon your back and may you sail and ever see land.

[Inaudible interjection]

Mr. V. Arden McLean: Yes, Premier, I am the friend of business. You are the friend of business, Premier. I am the friend of my people.

An Hon. Member: Amen.

Mr. V. Arden McLean: Any business that disrupts or takes advantage of my people can leave. Yes, you can tell them that. I mean, you can make that public. But unna love to spread rumours about what Mr. Miller and I say. Well, let the world know exactly how I feel.

[Inaudible interjection]

Mr. V. Arden McLean: At least we say it and we are not hiding behind closed doors with stilettos in our hands.

Hon. W. McKeeva Bush, Leader of the Opposition: What are you beating up now?

Mr. V. Arden McLean: No, I am not beating up anybody. I hear him saying, *What kind of friend of business am I?*

[Inaudible interjections]

Mr. V. Arden McLean: Yes, well, you know we cannot be subjected to the whim and fancy of those who would take advantage of the people of our country. And that includes your colleagues, too—your fraternity.

The Premier, Hon. Alden McLaughlin: This is my fraternity.

Mr. V. Arden McLean: This is your fraternity? This is your second one, talk about the first one.

Anyway, Madam Speaker, that is so and so.

Madam Speaker, the Minister talked about how these people test our patience when it comes to applying these things. I know. Upon his arrival in Government this time—well, should I say the previous time—he was the one who implemented the display of prices on gas stations. This time he said that he was going to deal with and he had met with them and he had informed them that he wanted them to come with a plan moving forward. Later on in the year I asked him and he said they had not responded. Here we are now trying to amend the Law, which I must tell him (the Minister) in my view it is for naught. He sees it differently from the way I see it. I would have approached it differently and then I would have been accused of running businesses away.

Madam Speaker, during the UDP Administration 2001-2005, they deregulated the telephone industry straight up. During the 2005-2009 Administration (which I was a part of) we deregulated the electrification industry. How that was done in both instances was that we demanded that they come to the table—rightly or wrongly. The Government of the day demanded they come to the table by virtue of licence coming due and the likes and they had to come to the table and negotiate their licence. That is—those two commodities affect our way of life as well.

[Inaudible interjection]

Mr. V. Arden McLean: Well, I appreciate you cannot deregulate these. You have to regulate them. But the first step is to bring them to the table and say now is your time. Speak now or forever hold your peace and I am going to apply regulations.

[Inaudible interjection]

Mr. V. Arden McLean: But it is not in this. I know you did that. You told them that. But it is not in this. So when they do not come we come here and we tag on something on that. Okay? Anyway, be that as it may, it is merely a suggestion as to how I would have approached it.

Madam Speaker, I do not want to get too much into the minutia of these amendments but there are a few of them that it seems they are coming out at me and I need to comment on them and make some suggestions. I would like to look at—the first one is clause 5 which repeals section 3 which is the concessions that Cabinet was authorised to give. I understand that it has never been used; however, we are now turning it into the Chief Petroleum Inspector to issue permits to import up to three years.

Madam Speaker, I am not casting any aspersions here but there are no provisions for anyone to oversee what the conduct or the permits issuance by

the Chief Petroleum Inspector. This is a commodity that we all agree that is too important and is of such importance that we need to keep our hands on it and make sure—I see no provisions in here that the Board or the Minister has any say in what those permits will entail. I cast no aspersions or anything but because of the nature of this commodity and the problems that the Minister has told us going over successive Governments, we need to make sure that we do not miss anything. We need to make sure the crime of omission or commission is not committed.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, my good friend said that there are provisions for those who apply to appeal. Those are the ones who are aggrieved by the decision. I am not talking about those. I am talking about those who are happy with the decision or maybe a little happier with the decision than they should be.

[Inaudible interjection]

Mr. V. Arden McLean: Ah. Check and balance. That is paramount in this industry. The Leader of the Opposition spoke about these world oil blocks. That is the nature of the green allows people to do anything and commit commissions. Those are the ones that I am very concerned about—and not very, but concerned, Mr. Minister. I expect to see something done with that.

[Inaudible interjection]

Mr. V. Arden McLean: Yes, the decision is wholly and solely that of the Chief Petroleum Inspector and it does not refer to it being regulated by anyone.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, I want now to go on to the fuel standards committee and I think that the Leader of the Opposition spoke a little bit on that. Madam Speaker, again, I cast no aspersions on anyone or their abilities and stuff, but I can say that while the Chief Petroleum Inspector may have some knowledge of these things, I find it difficult to grasp anyone in the Department of Environment or the Department of Environmental Health who would have that total knowledge—that capability of being there. Now, may I suggest that we do it because that is to set the standards for oil which is coming in? May I suggest that we do it a different way. Madam Speaker, I have been in this business for a very long time. I was one of the directors of PowerSmart, Inc. that signed off on the efficiency standards of appliances many, many moons ago. I understand what it entails. You need labs to test these things and the like, to set

these standards. I see the Chief Inspector there—he knows what I am talking about. You need labs. We do not have those types of labs in Cayman. If we do, then somebody should tell me so.

Now, may I suggest that what we do is we require them to give us a standard sheet every time—a quality sheet every time they import and we double-check it? We take samples when we feel a little uneasy and we send it off to a lab somewhere in America to test the authenticity of their document—the veracity of their documents.

We are but a small country. We do not have the regulatory wherewithal to do what this Bill is asking for. We do not. We do not. But we can put provisions that we can be as comfortable as we can be. It may take us six weeks to get it back, but then what we will have is a standard set that they know there is the possibility that they could get their fingers wrapped. That is what we are looking for, and not that we just put it in law. We use it periodically to test it to see that they are meeting the standards they say.

That is, I think, the best way to do it because if we say we go and set standards . . . to set standards we are going to have to go overseas to find out what those standards should be because we have different vehicles here that require different standards of fuel. Yes, Madam Speaker, we will set the initial standards as to what it is that is required. This is the only thing; lead this amount, and the likes and this mixture of colouring and what have you, and what is required is all that is going to be allowed to be imported. But then when you go to verify their fuel, we have to send that overseas and by that time everything is already gone—they already sell it out. That is where my greatest concern is.

[Inaudible interjection]

Mr. V. Arden McLean: Yes, but if we put provisions in here somewhere, whether it is in your regulations or not, that sort of keeps them honest and they know that we have a tool that we can check and the veracity of their slip, their standard that they submit to us.

Madam Speaker, one of the concerns of this committee that I have is under 9C(5): “**If a member of the Committee has any pecuniary or other interest in any matter to be dealt with by the Committee he shall disclose the fact to the Committee and shall not take part in any meeting . . .**”

Madam Speaker, how? Where? When would one of these heads of Department hold a pecuniary interest in an oil company in this country? I mean, do you all know something that I do not?

[Inaudible interjections]

Mr. V. Arden McLean: Yes, but I do not want to know them that you know.

[Laughter and inaudible interjections]

Mr. V. Arden McLean: But, Madam Speaker, the only way that a civil servant can have an interest other than the Government is if the Deputy Governor approves it. You are telling me they mean to have a pecuniary interest? Well, if that is how the civil service is being run nowadays we need to put this in here. We need to put it in every one.

That is worrying. That is seriously worrying. Anyway, we'll leave the Minister to it. One day life will present itself that these conflicts will manifest themselves.

[Inaudible interjection]

Mr. V. Arden McLean: I said there must be something that you all know. The Premier is saying he knows plenty, which I do not want to know from him, but I understand.

Madam Speaker—

[Inaudible interjection]

Mr. V. Arden McLean: Yeah, he is what Connor was in Mobile. Don't worry about that.

[Laughter]

Mr. V. Arden McLean: The other area I would like to turn to, Madam Speaker, if you would follow me is clause 10. This is an important section of this amending Bill that has the main reason why we are here today.

[Inaudible interjection]

Mr. V. Arden McLean: Well, this is the genesis of the amendments now, though.

[Inaudible interjection]

Mr. V. Arden McLean: Oh well, the Minister did say that because of the delay in bringing anything, his Department and Ministry now has a good opportunity to put this one in. Yes, that is true.

Madam Speaker, section 10A says—and I think we should all keep section 10A(1)(a) in our minds during the process of this thing because that is the pivotal clause (10A) in 10. Everything else is driven from 10A. **“The Chief Petroleum Inspector shall monitor changes in fuel prices in the Islands”**—operative word in that sentence: “monitor”—**“and for such purposes, collect from importers,”**—that is the operative thing “collect from”—**“and compile, analyse and abstract, information on fuel prices and pricing methods and provide such information to the Minister.”**

Madam Speaker, [section] 10D says: **“The methodology used in the collection, compilation,**

analysis and abstraction of information by the Chief Petroleum Inspector under section 10A shall be approved by the Cabinet; and the Chief Petroleum Inspector shall cause to be published in such medium as he determines a summary of such methodology.”

Madam Speaker, I want to come back to [section] 10F which conjures up a whole different thing but I think we should jump now to [section] 10J. **“(1) Subject to subsection (2), individual data collected by the Chief Petroleum Inspector under section 10F and 10H, whether they refer to natural or legal persons are strictly confidential and shall be used exclusively for the purposes of section 10A.”**

Now, [section] 10A is to monitor it and give it to the Minister. [Section] 10D is for him to publish it and [section] 10J(1) is for him to keep it confidential.

[Inaudible interjection]

Mr. V. Arden McLean: It does not matter the methodology or who came and gave them that information or which company gave it to them, the fact is that it is supposed to be confidential—whatever he or she gets to Cabinet, the Minister only. But he can publish the methodology used. So what he does—you have to remember, there are only two companies now, you know. There are only two large companies that sell primarily to our consumers. So when that is said, that the methodology used was this is the import price, this is the this, this is that and people should know they still have to pay wharf fees, too—maybe we need to take that off them. No one has ever considered taking that off. What is that? About 7 cents per gallon? About half of one cent or something like that.

[Inaudible interjection]

Mr. V. Arden McLean: Oh yeah, yeah, I understand. But what I am saying is I do not know if we are not by virtue of deduction that we are not putting ourselves out for being liable to exposing this confidential information when we say that is the price and that is the price and that is the price and this is what it should be.

[Inaudible interjection]

Mr. V. Arden McLean: We are not saying who.

[Inaudible interjection]

Mr. V. Arden McLean: Mind you now, I am not against what you are doing, you know.

[Inaudible interjection]

Mr. V. Arden McLean: I am trying to go that much further and you get the approval from this legislature. I am afraid of them taking us to civil court and saying

we disclosed it. I want all 18 of us to vote to disclose it. That is what I want. I do not want us to hide behind closed doors and then they can take us to court and then we lose time out there.

[Inaudible interjection]

Mr. V. Arden McLean: And then they say *Oh, you say you took it confidentially and this points back to me.* I want us to put in here that all prices received—information received will be published. That is Parliament saying it has to be published with names alongside it because they like knowing what my wages are in here, then we need to know what they bring in the fuel for. That is simple.

[Inaudible interjection]

Mr. V. Arden McLean: I know, I know. We turn and run.

[Inaudible interjection]

Mr. V. Arden McLean: Well, here is an opportunity for you—you have the public—14,000 out of 50,000. That tells me that is a good piece of them and you have 16 of us in here that can help you to do what is outright necessary, straight up no trying to say morally we want you to do it. You have 16 Members of Parliament who will sign the dotted line with you and are prepared for the consequences. I do not want us to be in a situation where we are out at a court fighting a battle there that the Chief Petroleum Inspector the law says it must be confidential. I am afraid of that. That is what I am concerned about, Mr. Minister.

[Inaudible interjection]

Mr. V. Arden McLean: Oh, that LCCL [Local Companies Control Law]. Be careful who you get advice on that one from because you say you did not know anything about it and it came to Cabinet and you did not even know.

Hon. D. Kurt Tibbetts: It didn't come to Cabinet.

Mr. V. Arden McLean: It didn't come to Cabinet?
Be careful who you take advice on them from.

Hon. D. Kurt Tibbetts: So you think it would come to Cabinet and I didn't even know? What's wrong with you man?

Mr. V. Arden McLean: Madam Speaker, I want to move back to [section] 10F. He gets the gist of where I am coming from, Madam Speaker. I want to move back to [section] 10F. [Section] 10F(1) says: “**An importer shall, at the request of the Chief Petroleum Inspector, provide to the Chief Petroleum Inspec-**

tor (a) information on the price for all fuel imported and sold by the importer; and (b) the pricing methods utilised by the importer in the sale of fuel to operators and consumers for such date or periods as the Chief Petroleum Inspector shall specify and the importer shall provide the information to the Chief Petroleum Inspector on or by the date specified in the request.”

I will also talk about [section] 10G about the fines. Madam Speaker, [section] 10F(2) says: “**Information relating to subsection (1) may include first costs; cost of freight; insurance costs; brokerage costs; custom duties; estimates of quantity and type of fuel in stock; amount and type of fuel nominated to be imported in the next shipment; and such other information as is prescribed.”**

Madam Speaker, every company operating in this country for resale, imports their products in many—for one reason or another they have to go and import. If you are in farming, you are going to import tractors or whatever—pesticides or whatever. Everything is importation. When it arrives at our dock—it ain't anything about by request. You are required to produce invoices. Why is it we are letting importers of fuel off and only upon request? Not upon request.

Every shipment the necessary information must be provided to the Chief Petroleum Inspector. There is no maybe or perhaps. We just spoke about the Chief Inspector giving them permission to bring in fuel. They have applied for, Madam Speaker, let us say 500 million gallons. In that section where the Chief Petroleum Inspector issues that permit, there is also a provision that if they bring in over and above that 500 million gallons they have committed an offence. All I am saying is that I want to see us—every shipment that hooks up onto those pipelines—and we need to talk about those pipelines, too, from the submarine cable to the delivery to the tanks. Skulduggery is going on there, too. We need to talk about that.

[Inaudible interjection]

Mr. V. Arden McLean: Yes?

[Inaudible interjections]

Mr. V. Arden McLean: Because they are bleeding it off and we do not know anything about it. We will have to get to that one.

[Inaudible interjection]

Mr. V. Arden McLean: Yeah. Okay? They are only paying duties from weight delivered into the tank.

An Hon. Member: The metered part.

Mr. V. Arden McLean: The metered part but the other one they are sucking it off and selling that, too. But there are only a few of them doing it, you see.

Oh, what a tangled web we weave, Madam Speaker.

Hon. D. Kurt Tibbetts: That's the one percent factor.

Mr. V. Arden McLean: Ah-h-h. You know about it?

Hon. D. Kurt Tibbetts: Yes.

Mr. V. Arden McLean: Okay, I was going to tell you but since we publicly started now, let us deal with it.

Hon. D. Kurt Tibbetts: Let's get this first and then we can deal with it.

Mr. V. Arden McLean: Okay, we will deal with it.

[Inaudible interjection]

Mr. V. Arden McLean: Huh?

Hon. D. Kurt Tibbetts: I said we have things to deal with. I agree with you

Mr. V. Arden McLean: And you know that I know.

Hon. D. Kurt Tibbetts: Yeah but I don't want you not to know.

Mr. V. Arden McLean: Despite the Premier saying that he knows more than me.

The Speaker: Members, please keep the remarks through the Chair.

Mr. V. Arden McLean: Madam Speaker, what I am saying is that there should be no requirement for the Chief Petroleum Inspector to request this information. There must be a requirement that they provided on every shipment. If we are going to play hardball—we say there is collusion, we say that we do not know what the prices are—then we need to put them under some obligation to give it to us. Every time, Madam Speaker, we bring in anything, the poor man brings in anything, Al Thompson bringing in anything or Cox bringing in anything, or the Kirkconnell bringing in any lumber—we need to itemise it. Now, that is the free market, I understand all that. But we need to itemise it. Now, you can sell it for what you want because you are on the free market. That is your business what you sell it for, but at the very least you are required—anything coming in the country we must know the value of it. How are we going to do our CPI [Consumer Price Index] if we do not know the value of it? How are we going to calculate our *GPI* [sic]?

[Inaudible interjection]

Mr. V. Arden McLean: Our GDP [Gross Domestic Product]. How do we calculate our GDP if we do not know the counter side of it? I do not know—and here we are with millions and millions of dollars that we know nothing of but it is circulating in this community and we would like to say our GDP is such. It is not such because we have commodities in this country that we know nothing now, Madam Speaker, and I speak in particular of fuel. If we think there is any one commodity—

[Inaudible interjections]

Mr. V. Arden McLean: You mean the 1 per cent of fuel?

[Inaudible interjection]

Mr. V. Arden McLean: Okay—

[Inaudible interjections and laughter]

Mr. V. Arden McLean: Madam Speaker, I told you didn't bring it up.

Hon. D. Kurt Tibbetts: You told me not to bring it up?

Mr. V. Arden McLean: Madam Speaker, you used to spend a lot of time in East End. Do you remember a gentleman by the name of Grant up there? He had a little saying *What good for eat not good for talk*. Okay? He started this.

[Inaudible interjection]

Mr. V. Arden McLean: You want me to tell the country about the 1 per cent—I will read it—windscreen information.

Madam Speaker, until that arrives . . . I tell you that anybody who plays or tries to destroy or use, get in hands their fortunes at the expense of my people needs to pay the price.

[Inaudible interjection]

Mr. V. Arden McLean: No, no. Not you, not you.

[Inaudible interjection]

Mr. V. Arden McLean: Now that you started it, the public will be asking me *Well, what was it Arden?*

Hon. D. Kurt Tibbetts: Get it over with.

Mr. V. Arden McLean: Do you want me to read it?

Hon. D. Kurt Tibbetts: Get it over with.

Mr. V. Arden McLean: Okay.

Madam Speaker, what I am saying to the Minister is to be careful of that which you wish for. I hear the lawyers talking about the law of unintended consequence or something like that. And you know when you start stirring, stink and stink and stinker. Be careful.

[Inaudible interjection and laughter]

Mr. V. Arden McLean: Madam Speaker, I want to talk briefly about that penalty that this Bill is proposing in [section] 10G(1) **“An importer who: (a) fails or refuses to provide the information requested by the Chief Petroleum Inspector under subsection (1); or (b) being required to furnish information or to supply particulars under subsection (1), knowingly or recklessly makes any statement relating to the information or particulars which is false or misleading in any material particular or furnishes information or supplies particulars which are false or misleading in any material particular or who practices any other deception in furnishing the information or supplying the particulars, commits an offence and is liable on summary conviction to a fine of \$20,000 or to imprisonment for a term of 1 year or to both.”**

Now, Madam Speaker, the Leader of the Opposition talked about these big companies and how the oil and how the world influenced and all that kind of stuff. I want us to compare that little \$20,000 to me going in the North Sound or for that matter anybody—any Caymanian—going up in the North Sound, picking up 11 conchs—one gets hidden, like how the bullets gets hidden in your suitcase or something in your boat—or you destroy one coral head. Do you know what that fine is, Madam Speaker? Up to \$500,000; where I going to find that?

Mr. Minister, let us keep it real, sir.

[Inaudible interjection]

Mr. V. Arden McLean: Let us keep it real, sir.

[Inaudible interjection]

Mr. V. Arden McLean: No, we know we never get it but that is potential of what the fine is.

[Inaudible interjection]

Mr. V. Arden McLean: For which ship? Which ship? Madam Speaker, the Minister needs to stop now. I mean he has carried me down this road. He knows I love him but he needs to stop this now. He has just indicated to me that it is for them big ship that drop the anchor. Which ones?

[Inaudible interjection]

Mr. V. Arden McLean: The only person that has been charged under this, happens to be from mine and Mr. Miller's district and the Minister for Education, West Bay, and they take away the people's boat and all that. The passenger liners rip it up and leave, you know, and it's no \$500,000 there. So do not come with that, sir. Please, please give me a break. Okay?

An Hon. Member: Okay.

Mr. V. Arden McLean: Good.

Now, Madam Speaker, we go away and you do not declare a particular thing in your suitcase or something of that nature. Do you know what the law says? Four times the value you get charged. But do you know who that is for, Madam Speaker? That is for us.

Madam Speaker, these oil companies are not even owned by Caymanians, you know. So what are we doing? We are protecting the Americas. No, no, no, no, no, no. Something is wrong. Madam Speaker, I am not anti-business contrary to the Premier's stated position. I am not anti-business. I am fair for Caymanians versus those of us who are not. We have to be fair to us, you know. These companies are from someplace else and we are getting them come here to take advantage of our Caymanians and then not charging them in law.

Now, Madam Speaker, what is wrong with that picture? Do we see it? I want to see \$500,000 in here, too. But then there is no—

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I spoke earlier about heads of Departments not declaring a conflict.

Madam Speaker, if we go back to [section] 9C(6)—[section 9C](5) speaks to if they have any pecuniary interest then they have to declare it if it is not disclosed. [Section 9C](6) says, **“A member who fails to comply with subsection (5) commits an offence and is liable on summary conviction to a fine of \$20,000”—same \$20,000—“and to imprisonment for 2 years”**—this is only one year for them big oil companies, you know—

[Inaudible interjection]

Mr. V. Arden McLean: Not only that, **“on conviction, on indictment to a fine of \$50,000 and to imprisonment for 5 years,”**—we are talking about your Head of Environmental Health, you know, and your Head of Department of the Environment and the Chief Petroleum Inspector.

Madam Speaker, that is serious, you know, when you have an oil company that is part of a conglomerate—an international conglomerate—that their daily income is billions and billions of dollars. I do not

know if there is something wrong with that picture but I certainly have my concerns about it.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, I hear the claims. I hear the claims, Madam Speaker. I hear the claims, Madam Speaker, that if what about the little man—they have their little heavy equipment like some of them guys that have heavy equipment. You know, like the quarries, and they bring in their 6,000 gallon every couple weeks or something like that. What happens when you are charging them \$500,000? No, we are setting standards—quantities. Anything under 10,000 this is fined for; anything over it, you will pay the price.

[Inaudible interjection]

Mr. V. Arden McLean: We have to differentiate between those who are trying to help themselves to make a few dollars to put their children in school off driving truck and digging one old hole to get a little quarry thing and one little marina. We have to differentiate the difference between them and those who bring in 500 million gallons a year that is going to sell it to the little person—my people in East End who have to travel a half an hour and it is \$5.00 for every mile they travel. Those are the ones we need to control; the ones that are bringing it in for their quarry and their trucks—they are stimulating the economy. These big ones are taking it out of the economy.

[Inaudible interjection]

Mr. V. Arden McLean: Well, you have to add on a little bit, you know.

[Laughter]

Mr. V. Arden McLean: Madam Speaker, I think the Minister gets the gist and the Chief Petroleum Inspector gets the gist of what I am talking about. I want to see a differential and I am sure that the right Honourable Attorney General understands exactly what I mean as well.

[Inaudible interjection]

Mr. V. Arden McLean: On civil matters.

Laughter]

Mr. V. Arden McLean: Madam Speaker, I do not want to go on too much more on the Bill because I want to support it. I want us to go further. But I believe this Bill does not solve our problem. Our problem is we cannot dictate what price above the cost can be applied. I know, Madam Speaker, the latest thing is

that after I started talking about this and I said that in Bahamas I think it is 44 cents and 33 cents respectively for the gas stations and for the importer—44 at the end and 33 for the importer, I think it is. Then I see in the papers the one response from the large importers saying that if you price control the price is going to go up. How is it going to go up unless we make ya carry it up?

[Inaudible interjection]

Mr. V. Arden McLean: Oh!

You see how they try to spread fear? What we need to do is do what George Ebanks did with that petition and go out there and walk from East End straight into George Town for two weeks. It will make us more physically fit and ride bicycles. Go back to what it used to be. When you do see a car at night you will wonder if it is a groundhog with two shiny eyes coming.

[Laughter and inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, the people need to send a message. They just sent a message. Let us not disappoint that message that George Ebanks gathered to bring to us. Let us not disappoint them.

If they—14,000 out of 50,000—can go out there and appreciate and understand, then they must be prepared to make the sacrifice when we do something and these people pull out and for a couple weeks then we do not have any fuel so we come on bicycle or walk until we can get our business going. Let them go! They are not going any place. They never had it so good; the three S's—sea, sand and sunshine.

Madam Speaker, I was only on ships that say SS—universally ran—SS this; SS that. Steam Ship.

Madam Speaker, I want to talk about another area that the Minister—I want him to ask the drafters to do. It is because of a technical thing now.

Don't you worry, I will get to the 1 per cent for you.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, 19. I trust they are following me. [Section] 19 where, “**The principal Law is amended by repealing section 26 and substituting the following: “The Chief Petroleum Inspector or a petroleum inspector may, with the assistance of a police constable or officer of the fire brigade as the case may require, at any time, enter premises or a vehicle if he believes, on reasonable grounds, that the circumstances are of such seriousness and urgency as to require immediate entry to the premises or vehicle without**

notice or permission of the operator of the premises or vehicle.

“For the purposes of subsection (1), the Chief Petroleum Inspector or a petroleum inspector (a) may direct the driver of the vehicle to move the vehicle to a place (or another place) to which the public has access;”

Now, the problem—what they are looking at is that if he goes to a private place, it is trespassing. That is why that was put there. They are not encouraging him to go to trespass on private property. Well, Madam Speaker, it must be a public place (I understand that) where the Government cannot be sued for trespassing. Well, Madam Speaker, let me paint a little scenario. The Chief Inspector driving along West Bay Road and sees a truck used for the transportation of fuel going into West Bay and just before he reaches the Ritz, gas is pouring out of one of the loading pipe areas in the back. What is he going to do? Pull into Ritz-Carlton parking lot to try to stop it? That is immediate. The urgency in that is now.

[Inaudible interjection]

Mr. V. Arden McLean: So what is he going to do? Leave it or—

[Inaudible interjection]

Mr. V. Arden McLean: Well, he needs to stop him. He needs to stop him. My argument is he needs to get it as far away from the public as possible whether that is private or not. Now, I know they say other place but the perception is that he must try to avoid being sued and go to a public place where there is public access. Go anywhere. Madam Speaker, there is much open space anywhere that will avoid being in contact with the public. That is what I am trying to avoid. You cannot—there is a split second he has to do this. He is going to be looking for the safest place. He does not want it by that house; he does not want it by that one because someone could very well strike a match when he parked it there in that open space and it run straight down and blow the equipment up. That is a reality. So, I need someone to take a look at that. I understand the public place because that is probably why it is put there.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I received some information on the windscreen, Madam Speaker, and the—

[Inaudible interjection]

Mr. V. Arden McLean: Well, it does not matter to me whether I am called or not, but, Madam Speaker, somebody delivered something to me and the Minister

for Works seems to know that I had it and he is calling my hand. I do not know how he knows I had it unless he put it on my windscreen, Madam Speaker.

[Laughter and inaudible interjections]

Mr. V. Arden McLean: Because I can tell you, Madam Speaker, I only disclosed it to my good friend and colleague and sidekick from North Side yesterday morning, and I have had it now about three weeks.

Anyway, Madam Speaker, what it details is what is happening at these gas importers. I cannot say that it is 100 per cent true, but I can tell you what, based on my knowledge, it is possible.

The Speaker: Member, if you are going to refer to it which I will give you permission, I need to have a copy of it at some stage before you sit down.

Mr. V. Arden McLean: And now that is another windscreen disclosure.

The Speaker: This is an open screen.

Mr. V. Arden McLean: Open screen.

The Speaker: You can redact the source if that is the case. I do not know—

Mr. V. Arden McLean: No, there is no source, Madam Speaker, but there are some accusations in here that I did not want to disclose, and certainly if you get it in your hand then you will have to make it public. So I will not refer to it.

The Speaker: You can disclose it, save and except those accusations, and just mark it out. I just need to see what you actually refer to.

Mr. V. Arden McLean: I am not that good at blocking out things, Madam Speaker; it is either I give it or I do not.

The Speaker: Practise makes perfect, I am told.

Mr. V. Arden McLean: Yes, yes, yes, yes, but I do not want to start now. I do not want to get perfect.

Madam Speaker, one of the things—and I am not going to refer to that, Madam Speaker, you know. What is happening in this country is that when those ships come in, what they are doing . . . and, Madam Speaker, it would take me a little while to calculate the amount of fuel that is left in the line from the buoy to the tanks, to the metre at the tanks. It would take me a little while to deal with that.

[Inaudible interjection]

Mr. V. Arden McLean: I do not remember. But over the years, I think that the discharge is 12 inch, 8 inch—a couple of 12s.

Now, Madam Speaker, let me tell you something, that is over a quarter mile—about that—about 1500 feet maybe. That is a lot of fuel. So what happens is that that fuel is left in there. When fuel is delivered on those ships at the point of origin, they know how much they have delivered on the ship so when it gets here they just deliver it all off and there is no need to measure what is on the ship coming off the ship, other than what is delivered at point. So you are talking US\$100,000 worth of fuel that is left in those pipelines.

So what some of the people are doing—or it is possible—is they bleed that off. The Government does not know anything about that, you know, and the company does not know anything about that, either. It does not go through the metre so the Government only gets paid for the metered amount \$0.75 and the company is none the wiser. The possibility is—not possibility, probability—is the ability exists within unscrupulous people to drain that off, collect 8,000 to 10,000 gallons of fuel (Inspector, are you listening, sir?), and then negotiate with one of the gas stations—

An Hon. Member: Or more.

Mr. V. Arden McLean:—or more—

[Inaudible interjection]

Mr. V. Arden McLean: Or private providers to sell it to them for cash—no cheque now—cheap, cheap, cheap, cheap, cheap—at \$2.50.

[Inaudible interjection]

Mr. V. Arden McLean: At \$2.50.

[Inaudible interjection]

Mr. V. Arden McLean: Now, you understand that supplier, regardless of who they are, can now sell that at the regular price \$4.85 or \$4.40 or whatever. You really cannot blame the end man, you know—

[Inaudible interjection]

Mr. V. Arden McLean: The man who is buying it. But it is fraud on the company and a thievery.

[Inaudible interjection]

Mr. V. Arden McLean: The receiver is as bad as the thief. Let us jail them all. That is what we are doing in this county, Attorney General. I know you only advise

on civil matters, so let us see what kind of civil matters this can be.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, my good, good friend said it is time for me to go to law school. Do you really think we need nine of unna up in here? Do you think we need nine lawyers in here? No, no, no, no. Leave me alone.

Madam Speaker, that is the 1 per cent my good friend, the Minister, is talking about.

[Inaudible interjection]

Mr. V. Arden McLean: Every minute they throw me under the bus. But that is all right.

[Inaudible interjection]

Mr. V. Arden McLean: And there is no—what the problem is, Madam Speaker, they are allowed between 1 and 2 per cent variance on their product, their volumes. What is in that pipeline does not amount to 1 per cent. You work it out there for me. I cannot remember the formula.

Madam Speaker, everybody is joining in with their thievery in this country. Thieving! Everyone has their fingers in it and poor old George Ebanks, he is chasing signatures. But you must applaud him for chasing them. Hopefully, it will work that that skulduggery gets cut out. That is what is happening. But you know, Madam Speaker, no one wants to talk about these things.

What the oil companies need to do is to investigate to see if it is being done at their terminals.

[Inaudible interjection]

Mr. V. Arden McLean: Yeah, it names some of the gas stations that they selling it to too.

[Inaudible interjection]

Mr. V. Arden McLean: I do not know if that is true.

[Inaudible interjection]

Mr. V. Arden McLean: So we cannot say that. But, Madam Speaker, you know how these things come to you and they are so bizarre that you wonder if you are in Land of Oz, so you do not even open your mouth about it. You say this is impossible to be going on in your country and that Caymanians would treat Caymanians like this. For the price of a dollar—a fistful of dollars, Madam Speaker, that is what we do. And then when the Member for North Side and I say it, we are anti-business according to the Premier and according to this one and that one. I am the villain. So what are

you going to do about that, now, jail me or what? It is our people we are talking about. Is it any wonder our people are not getting a fair shake?

Madam Speaker, look, the Minister spoke of a rule of thumb I believe and I am not saying that is the . . . as to how many gas stations retail outlets should be per population or per car or per thousands of cars or whatever the case is—whatever that formula is. He is saying there may be a need for us to move towards forcing them to take their—

Hon. D. Kurt Tibbetts: To sell their assets.

Mr. V. Arden McLean: Madam Speaker, I said that a long time. What they are doing is forcing these people—they are telling them the price they have to sell the fuel so they can meet their monthly obligations to them. The time has come to call them in on their LCCL which does not allow it. You are an importer.

[Inaudible interjection]

Mr. V. Arden McLean: What are we doing? And we are sitting down here *Oh, well, if we break that*, you know, Madam Speaker, I certainly believe that the country has a responsibility to honour whatever commitments it has made. But do not tell me if you break it I cannot, too. If you are in contravention of the agreement you made with me as a country, then, I should be viewed as no less when I do not meet the obligations of that contract.

Madam Speaker, I know how difficult this is for the Minister to—no, no, I am talking about dealing with these people—

Mr. D. Ezzard Miller, Elected Member for North Side: Arden, look here. Boy I tell you things happen, you know. God is good. Look at this ad in this paper.

That is exactly in contravention of the LCCL.

Mr. V. Arden McLean: Unna cannot be joking here, man.

Mr. D. Ezzard Miller: Read it. That's public. Read it.

Mr. V. Arden McLean: Why would I be standing up here at this time anyhow?

Oh, Lord, *Cayman Compass*, Thursday, October 15, 2015—that must be today—in the classifieds. Just say that they are contradicting it.

“This notifies the public that Encompass Cayman, Ltd., on behalf of Rubis Cayman, Ltd. has submitted an application for full planning permission for a proposed fuelling station including c-store plus food and beverage shop at Block 12-C parcel 435 on Esterley Tibbetts Highway opposite the Strand Shopping Centre and Canal Point Road. The proposal may be inspected during normal working hours at the Planning Department offices located at the Govern-

ment Administration Building, ground floor.” [UNVERIFIED QUOTE]

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Who's that?

Ruben?

Mr. V. Arden McLean: Ruben?

[Laughter]

Hon. W. McKeever Bush, Leader of the Opposition: That's the name I'm hearing over here.

Mr. V. Arden McLean: Rubis.

Hon. W. McKeever Bush, Leader of the Opposition: Whichever one it is. They are all the same thing. They are all a bunch of carpetbaggers.

Mr. V. Arden McLean: Madam Speaker, now I wonder how many more we are going to get. They are going to be piled up on top of each other and then they try and apply for one up in East End in that ill-forgotten place that they wanted to put that port—that mega-quarry.

[Inaudible interjection]

Mr. V. Arden McLean: You stay out of this—

Hon. W. McKeever Bush, Leader of the Opposition: You should have had it.

Mr. V. Arden McLean: That mega-quarry that I was laying down in front of the bulldozer for.

Madam Speaker, how many more gas stations can we have?

Hon. W. McKeever Bush, Leader of the Opposition: But see the amendment? The amendment says they cannot do any more. What are you talking about that all afternoon for?

[Inaudible interjections]

Mr. V. Arden McLean: You want a little time off mine?

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

Mr. V. Arden McLean: Go ahead.

Madam Speaker, the Leader of the Opposition is saying, *Why can't we not stop these people?* I mean, how many more gas stations, how many more Caymanians are they going to hold at ransom once

they get them caught up in building these gas stations?

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, I do not know any more. I cannot say any more, but I can tell you what. I want to thank George Ebanks and all his people for their efforts to try and show that the people of this country are fed up. Poor people fed up and since this is the poor people movement, I expect—

[Laughter]

Hon. W. McKeeva Bush, Leader of the Opposition: You mean they are moving poor people? They are moving them!

[Laughter]

Mr. V. Arden McLean: I expect some response to satisfy the wishes of the people, but, more importantly, some relief for the people of this country.

We need to do something. And, Madam Speaker, do not think I am talking about the whole country. I am being a little bit selfish, too, because it is the people in East End in particular that I am talking about. They have to drive further than anyone else—they and the North Siders. The Government has not done anything. The previous Government—the UDP Government did not do anything with the roads. Now, this one is not doing anything with the roads. That means my people are staying on the roads much longer, burning more gas and they cannot pay for milk for their children because they have to get to work to try to work so they can pay for the milk and we use it up out in gas.

It is a vicious cycle and it is killing us. The cycle is never ending and at the same time our children are ending. Our children are dying. Our people are dying. The electricity bills—the cost of electricity—the fuel is more than the actual cost of the generation of electricity. The fuel price is two-thirds what the cost of electricity is. Who do you think is paying for it? It is us. Then we say *Oh, the electricity bill should not be so high* but when you have young babies and you need to keep them cool and you need refrigerator—the price is going up. But if the price of fuel was lower, it would be that much better.

[Inaudible interjection]

Mr. V. Arden McLean: The Minister was talking about the pass-through with CUC. CUC gets fuel much cheaper than anyone else in the country because of the volumes they can negotiate the price much lower. They negotiate it based on world oil price two months delayed and then they allow them—they have to compete for the profit margin. It is miniscule but it is a

pass-through. But us out here we cannot negotiate except, until George Ebanks came along. Now he has the negotiating power behind him because he has 14,000 people—can you see them walking down George Town street? I bet you the poor people movement will pay attention then.

Madam Speaker, I am not trying to take away from this. I am trying to help the Minister and the Government deal with this thing and maybe my suggestions are way off the wall, Madam Speaker. I see the draft lady out there and she looks at me with that little kind of funny eye and those kinds of things when I say these things. That is fine and it may be off the wall but I am sure she and Attorney General can find some way of at least recognising something I said. You know, I am trying to assist here. I feel sorry for the Minister for Works because I know the type of person he is. He is not a confrontational type of guy like me. But mind you, mind you when the time comes he can be. So I would not advise them to get too comfortable with his kindness.

Hon. W. McKeeva Bush, Leader of the Opposition: Remember that time he jumped over that [INAUDIBLE] at Frank?

[Inaudible interjection and laughter]

Mr. V. Arden McLean: Madam Speaker, I thank you and I hope that the Minister takes some of what I said on board. Madam Speaker, for your benefit I will share this windscreen business with you, you see, privately.

Thank you very much, Madam Speaker.

The Speaker: Does any other Member wish to speak? Does any other Member wish speak? Does any other Member wish to speak?

I recognise the Minister responsible for Sports.

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

Madam Speaker, I debated long and hard whether to stand and speak on this matter because I think everyone here knows that my family owns a gas station and we have been in the gas business for the last 60 years as a family. No one comes close to that in Cayman so I think I am in a position to be able to speak a bit about this.

First of all, I want to commend the Minister of PLAHI for bringing this which is a first attempt at really trying to come to grips with what the country has been enduring for some time with the two fuel companies in the name of first Texaco and Esso and Chevron and Rubis and Sol. We have been through it all and I have listened closely to what the Member for East End had to say and with his knowledge and have learned a few things as well there that I did not know.

I would also like to commend Mr. George Ebanks and the members of the community that signed up to protest because it is the community that are feeling this, Madam Speaker. They are feeling it in every way. As someone who retails fuel, I can tell you—and it is very important to tell the public—that we are not the money making businesses.

Yes, they are the modern stations that have elaborate c-stores and they make money in those because you have to charge a high rate of mark-up in the c-store to cover for what you do not make on fuel. Anyone who has been around a while will know that the word has always been—and the Minister himself who used to be in the fuel business—there is no money in gas. These days, people make money as I said with elaborate franchise stations and fancy food outlets and the like and the prices that they are able to charge because it is a convenience product.

Madam Speaker, like I said, we started as Texaco and we went on and better was promised when Chevron came along and we saw no better; if anything, worse. Then along came Rubis lately and the great things were promised again and the great products and the great deals and the partnerships with the stations and the dealers. And again, we have our backs up against the wall. We are basically dictated to. We are told that we must have your margins within this and must compete with the other fuel supplier and therefore everyone ends up making nothing.

Madam Speaker, from history, if you are not making in the region of 22 to 25 per cent mark-up on your fuel, you are not making anything to pay your bills with. We, I can tell you now in the fuel business—and this is across the board because we talk—most of us are around the 13 to 15 per cent margin, some less, because of trying to gather market share. You cannot in this environment run a business profitably, Madam Speaker, at those rates.

So, it is incumbent upon the Government to find a way to bring relief because the price on the pump that the public is enduring and having to sweat to pay for, having to sweat to pay for the huge light bills, having to sweat to pay for the products on the shelves which are all driven by petroleum products. Madam Speaker, the lower we can get those prices, naturally, the better off the community will be. It is a direct pass-through especially your light bill. Everyone knows that.

Madam Speaker, at a time in world history when fuel is as low—well it was as low the other day as \$30 a barrel. I think it is on the way back up because of demand and reductions in supply. It is around \$40 now I think. Madam Speaker, we have seen some of the highest prices on our pumps. That is befuddling. That is confusing to anyone and it is time that the community rail-up and say enough is enough. I commend the efforts of those who managed to get 16,000 people or whatever it was, to sign up. And I wish 16,000 of them had blocked off down around

those fuel suppliers and around George Town and maybe then we would really get some action. But we are trying within our remit here with what we can do in terms of legislation. We have to look carefully at this, Madam Speaker. What we just heard there just now that there is another station being proposed to be owned by a fuel supplier, is a serious cause for concern. If you have a pie, Madam Speaker, and you keep cutting that pie into smaller and smaller slices, sooner or later nobody is going to get enough to eat or get full out of it. That is what is happening. We have a tiny Island here with a limited capacity—even if you have three cars, you can only drive one at a time. You cannot drive all three of them.

The market share is not increasing and if we keep building fuel stations in this country and worse yet, fuel stations that are owned by the suppliers who dictate all possible terms, we are headed for disaster. I have to stress that point. When the Minister alluded to a moratorium in this area, I can tell you he has my full support because—not that I am not being selfish in the sense that, as I said, I declared my interests in that my family owns a fuel station. But the fact remains that whether I am in the business or not, it applies to whomever else. The people cannot survive. We are seeing the ruthless actions of these suppliers.

One of my good friends was just kicked out of a station; kicked out for no good reason. The man who kicked him out took off and left the Island. Just like that! This guy has been in this station from the time it was built and he was struggling and paying the high rent that they want for it because it is their station. But bam, they found a flimsy excuse, kicked him out. Luckily he is otherwise employed but someone was put in without even a tendering process—without any sort of saying *Well, this station is up for grabs*. When we knew again, as dealers, one of the new dealers on the block was slotted into the spot and no one knew what had happened. It was a mystery. How come this person, brand new in the fuel business, now has two fuel stations? Nothing against those people, they are good people, my friends, but no way on earth that could be fair. There were people who were struggling in this business in the George Town and West Bay area that were never given an opportunity to bid for that station. No—one manager who was here and thought he could do what he wanted did as he wanted and left the Island. It is done; deal done.

This is the kind of thing that happens; these people are ruthless. As I told the Minister earlier when we were talking, they will come right now and put a fuel station next to mine because they do not really care. All they are interested in is the amount of fuel leaving the compound. It is going to be distributed and they do not care whether we are fighting next door to each other trying to survive. So we have to put restrictions in place as a county, as a Government, it is time. It is here. We have to stand up and we have to put restrictions in place and protect the consumers

first and foremost because this is killing us. The cost of fuel in this country is ridiculous.

If we look at the cost of fuel in the US now it is below \$2.00 a gallon. There was a time, I grew up as I said in this business, when I was pumping gas at five years old the margin—and all of you who are around my age group or older will know that Cayman was always like \$1.00 more expensive than the US. You remember that? If you had a \$1.00 at the pump in the US you had about \$2.00 here. That was always—if you had \$2.00 in the US you had \$3.00 here. You could always sort of gauge it. Now it is \$2-\$3 spread but nobody could ever tell us. As dealers we go to meetings and we ask *Why is it that this is so high? Why can we not get relief? Oil prices are down.* Nobody answers you. Nobody pays you any attention. You are just dismissed. The Government is dismissed. When the Minister asked them earlier this year to give him the breakdown on how they arrive at their prices—

Hon. D. Kurt Tibbetts: Proprietary information.

Hon. Osbourne V. Bodden: Proprietary information the claim is and all now he has not gotten that. So this legislation is directly heading in that direction to try and make sure that we know that we are not talking off the cuff, that we can establish what is a fair and equitable price for the product in this country.

Madam Speaker, I do not intend to speak long because I think a lot has been said by the Minister and by the Member for East End but, you know, I want to use another example of how you basically have no control. When we all heard about the bad gas in this country, all of us on the retail side lost business because one company had worse gas than the other, whatever. We could not get the company that was dealing with that situation to even admit that they had a problem. They refused to acknowledge that they had a problem. If it was not for the efforts of a garage—a specific garage—in this country that made every effort to bring in their own testers and send fuel off to be tested and eventually prove that there was a problem with the fuel mix, we would still be having that problem. The suppliers had no interest besides selling their fuel. They were not caring if your car was not starting, if it was breaking down in the middle of the road or whatever.

It is serious! We have a serious problem! These folks are ruthless; and yes, there are two of them in large part and what you heard today about the 1 per cent and all that, this is the kind of thing that is going on. You wonder how some gas stations can sell so much cheaper than others? It is not that they are doing it from the goodness of their heart. It is the backdoor deals that are going on. There is a lot of stuff going on in this and we need to get to the bottom of it. The market is corrupted first and foremost by the suppliers and then, of course, the unethical dealers.

So, Madam Speaker, at the end of all of it, what I am saying is that our public and I was not put here by either of those companies, I was put here by my people, the people of Bodden Town and by the people of these Cayman Islands. I was put here to defend their right and I am fed up and sick of it. I really, really thought hard and long about speaking because, like I said, I am conflicted to an extent. I have information that other people do not have but I also feel it is incumbent upon me to share my experiences because I know first-hand. I am not asking anybody. This is information that I know. I live it every day; my family lives it every day and we do not make any money out of our gas station anymore. Those days are done. All I am doing is paying bills up there and getting robbed. That is what I am doing.

So, right now, Madam Speaker, there is a time and a time for everything and the time has come in this country for these fuel companies to be reined in and every effort made to certainly . . . Rubis has just taken on a brand new manager, well, I hope he comes in with some new ideas and some new ways of doing things because the way it has been going so far is not the right way.

I just want to commend the Minister, commend the team that have worked hard at this and the inspectorate, Mr. Duke and his team who have been working hard to try to deal with these suppliers, commend them. I am looking forward to the other piece of important thing that the Ministry will be doing, which is the Public Utilities Commission that will also greatly assist in this area to bring some relief to people in this country. We cannot continue with the high cost of living and one of the largest things that is driving the cost of living in this country is the cost of fuel.

Madam Speaker, enough is enough. We cannot afford to be building a gas station on every street corner and we certainly cannot afford to have run away people and run away companies, doing as they please and getting away with murder as it were in this country. And the people out there who are taking the licks because everywhere you look you see a Rubis or a Sol sign, when at the end of the day you see those prices on those billboards, those gas station owners are called robbers and thieves when in truth and in fact they are making very little and the money is being taken out of this country. They do not even contribute . . . when we grew up with Texaco, Texaco was one of the best corporate citizens this country had. There was nothing that happened that Texaco's name was not on it. Ask them what they sponsor and what they do these days. Where is the money going?

Madam Speaker, I rest my case. Thank you very much.

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

I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Madam Speaker, thank you very much for the opportunity to speak to this motion and I certainly will be brief.

As my colleague, the Minister of Planning, so eloquently and comprehensively outlined why we as a Government felt this was an important Bill to be brought to this House and as he also recognised that this is the first that any Government has attempted to do this type of fix to the problem which we all know has existed for many, many years; for that, I want to congratulate the Minister but also congratulate this Government of which I am a part for having the foresight, having the strength and determination to do more than just talk about the issue.

Madam Speaker, we heard from my colleague who obviously has direct experience with respect to this particular industry so I have nothing more to add to that and certainly my experience is only that of a lay person with regards to paying the fees that we pay with respect to having to actually drive these roads every day.

Madam Speaker, in most instances, in many families (even though many families are without) in many cases today you can make the argument that having a vehicle and driving a vehicle is no longer a luxury but a necessity in many instances. So in that regard, Madam Speaker, we as a country must find a way to help our people to stop having to make the decisions between whether or not I find food for my family today or find money for gas in my car to drive to work, to drive to pick up the children from school or to drive to do necessary deliveries, such as, going to the hospital, going to and from medical appointments, et cetera.

Madam Speaker, I am certainly not here to say that people do not abuse the privilege of being able to drive and for those that do, well they need to get their priorities straight when it comes to making sure that they can put food on the table. But, Madam Speaker, for many, many people that is a reality. That is a decision that they have to make with respect to, do they pay their light bill, do they buy food or do they put gas in their cars. These types of costs that we incur on a daily basis for many people is the key component to why people are struggling with respect to being able to survive and live in this country.

So, Madam Speaker, I want to again that as a Government we thought very long and hard about the fact that what it is that we need to do. But once we came to that determination we made a decision that we were going to do it. We were going to take this thing forward and we are going to do it in a very sensible, pragmatic, rational and reasoned approach. And, I think, as the Minister of Planning has so eloquently put, there are many, many issues that still re-

main to be addressed but a journey of a thousand miles starts with one step, Madam Speaker. So this is the step that we have taken to try to let the country know we hear you, we are concerned about the issues that you are concerned about, and, as a Government we are prepared to do what we need to do in order to try to address these issues within the broader context of our values from a commercial but as well as a social perspective.

Madam Speaker, with that I would just like to commend this Bill to the House and to ask the support of those in this Chamber in this regard.

Thank you.

The Speaker: Does any other Member wish to speak? Does any other Member wish to speak? Does any other Member wish to speak?

I recognise the Honourable Premier.

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

Madam Speaker, I just wish to rise to thank all the Members for their various contributions and simply to commend the Minister who has been driving this process really from the time he was Minister with responsibility in the 2005-2009 Administration. At which time he was the then Leader of Government Business and the Minister responsible for this area.

Quite frankly, Madam Speaker, the Government has run out of patience with trying to negotiate some sense of reasonableness with the fuel distributors. I know that we are embarking upon a difficult area. I have seen the editorial stance of the *Cayman Compass* who thinks we ought not to be interfering with prices and the prospect of price control is something that is an anathema to the free market. But, Madam Speaker, we simply cannot go on the way that we have all these years. There are only two fuel distributors in the country and as someone said that amounts to a duopoly. We believe that they have—I will not use that bad word—but that they collaborate about fixing prices. We have heard the instances explained about what dealers go through and consumers all know the very high prices we continue to pay.

Now, the purpose of the Bill that is here is to compel the fuel distributors to disclose to Government what they are paying for the fuel with all its attendant costs (shipping, insurance and so forth) so that we can then determine what margins they are actually making on these sales. It may well be that because of all of the things that are involved in getting fuel from wherever they take it on board to Cayman, that the prices that they currently charge and have charged for many years are justified. If that is the case, then we know and the whole country will know. But somehow I doubt that, otherwise, I think they would have with alacrity disclosed that information to us a long time ago. But we shall see.

Madam Speaker, we are determined this time around to do something about the issue of fuel prices. I heard the Leader of the Opposition with his concerns about bureaucracy and everybody is complaining about prices and I see he has (among other things) a motion about how we avert social deterioration and everybody complaining about prices. But he has been around 30 years—been a member of many a Government, led a couple.

POINT OF ORDER

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, which motion is the Premier speaking to?

The Speaker: I recognise the Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Yes, Ma'am. Which motion is this Member speaking to because the point of order is relevance. The point of order is relevance and the point of order is that my motion you are speaking to has not been on the Floor of this House. So how are you going to talk to it?

The Premier, Hon. Alden McLaughlin: I am not talking to it.

Hon. W. McKeever Bush, Leader of the Opposition: What are you talking about? You mean you are just beating up on yourself? Well, go ahead then if that gives you some kind of fun. Go ahead!

[Laughter and inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: You just said you had—

The Speaker: Member—

Hon. W. McKeever Bush, Leader of the Opposition:—four years and you could not do anything—

The Speaker: Leader—

Hon. W. McKeever Bush, Leader of the Opposition: I never had responsibility. Only the speaker had responsibility.

The Speaker: Honourable Leader of the Opposition—

[Inaudible interjection]

The Speaker: There is a rule concerning anticipation, and I have been listening. The Honourable Premier merely mentioned the motion and did not debate the merits of the motion. If he debates the merits of the motion it is a proper—

[Inaudible interjection]

The Speaker: Honourable Leader of the Opposition, I will not engage in that this afternoon.

Hon. W. McKeever Bush, Leader of the Opposition: That's right, please don't. I know my Standing Orders as well as you.

The Speaker: Honourable Premier, please continue.

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

Madam Speaker, I am sorry that I have upset the Leader of the Opposition. I was merely pointing out that he has been in office in this House for 30 years and nothing of any consequence has occurred with respect to dealing with fuel prices. He was not in charge for the full 30 years, but I am merely pointing out that this is the first Administration that has actually gotten the backbone to stand up and say we are going to do something about it.

Hon. W. McKeever Bush, Leader of the Opposition: And you were there before and didn't get anything done.

The Premier, Hon. Alden McLaughlin: This applies, Madam Speaker, equally with respect to some of the comments made by the Member for East End who complains bitterly about poor people fed up. Well, he was in Government as well—

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

The Premier, Hon. Alden McLaughlin:—with me—

Hon. W. McKeever Bush, Leader of the Opposition: He was there with you!

The Premier, Hon. Alden McLaughlin:—and I am saying, Madam Speaker—

[Inaudible interjection]

The Speaker: Order!

The Premier, Hon. Alden McLaughlin:—that we are determined. This Administration is determined to do something about this issue besides run our mouths and there are going to be some that are upset about that but we have thought long and hard about this. We have taken proper advice; we have engaged the services of people who know this area, this industry, including from a regulatory standpoint and so we are pressing ahead with a Public Utilities Commission. We are not going to let the current free for all with respect to fuel prices remain. It is just as well that the fuel dis-

tributors understand this Government's resolve with respect to this matter.

So, Madam Speaker, I just, again, want to thank all those who have worked so hard to get us to this point. This is nowhere near where we need to get. All this is actually going to do for the time being is let us have access to the relevant information. Based on that the Government will then take whatever decisions are necessary to achieve the result which we want, which is fair, reasonable fuel prices for the consumers in this country.

For those, Madam Speaker, including particularly the Member for East End who seems to have implied that we have done and are doing nothing to deal with the issues that affect people in this country with respect to prices and costs, let me just quickly say that since we have taken office we have reduced import duty on fuel imported for the purposes of generation of electricity—not once but twice. Taking it down from 75 cents to when the first of January comes around next year it will be down 50 cents so that the import duty will have dropped from 75 cents to 25 cents a gallon because we are concerned about the costs that people incur with respect to electricity; particularly the component that he spoke about which is the fuel costs. Here is another measure that we are taking to try to get prices down to reasonable levels that people can afford.

Plus, Madam Speaker, we have not increased any fees or taxes since we took office and we have no intention of doing so during this term. There has never been an Administration in my memory that has done more in two-plus years to try to control and reduce costs than the Administration which I have the honour and privilege to lead.

They, Madam Speaker, on the other side can run up their mouth as much as they want but I want them to point out what they did when they were in charge.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Third Elected Member from the district of West Bay.

Mr. Bernie A. Bush: Madam Speaker, having spoken to the Minister responsible for bringing this Bill, my concern with the \$20,000 fine which I thought was a joke and he has promised me that they are going to put in a fine system that will make it worth the while for this country when these people do create their sins. So I stand in support of the Bill once that fine of \$250,000 or \$300,000 something of that size for these big people—something that they will twitch about.

[Inaudible interjection]

Mr. Bernie A. Bush: Yes, sir. Thank you.

The Speaker: Does any other Member wish to speak?

I recognise the Fourth Elected Member for the district of Bodden Town.

Mr. Alva H. Suckoo, Fourth Elected Member for Bodden Town: Thank you, Madam Speaker.

Madam Speaker, I will be very brief because I think everybody has pretty much covered everything I wanted to say and I just did not want to miss the opportunity to thank personally Mr. George Ebanks for his efforts for coming here to support this Government and what we are doing here today.

This, I think, is historic and as the Premier said it is the first time that any Government has taken this bold step and I am proud to be a member of this Government in doing this. It is time for us to start to break up what I have seen and witnessed for myself for a very long time that is impacting fuel prices here. Fuel prices impact every single aspect of our economy. It impacts every single life here in these Islands and it is time for us to take control of the situation and I am so pleased to be a part of this today. I just wanted to rise to give my full support to this Bill and the proposed amendments that will be coming up in Committee stage. I encourage every single Member of this House to support this.

Thank you, Madam Speaker.

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

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

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

Madam Speaker, I have listened to what everybody has had to say about this Bill and regardless of the bantering or even the arguments which is only natural in this forum, I still get the sense that everybody is in support of the Bill.

There are some issues which have been brought up by some of those who have spoken, which are going to call for us to have to huddle for a while to seek perhaps some more committee stage amendments which I absolutely do not have a problem with. I just have to ask for you to—without us having to waste the time of the House—find a way for us to not go to committee right now and still be able to continue the business of the House. But we will get to that.

Madam Speaker—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: No, I had to.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: No—otherwise we will sit down and waste time. We cannot do anything more until then. Thank you, Madam Speaker.

Madam Speaker, there are just a few points that I wish to make which I hope that Members will bear with me in that I am not going to address that many of the issues brought up in my winding up, but I assure Members we have made notes of all of the points raised. We are going to be looking to see with the legal team how we can deal with the Committee stage amendments because there is absolutely nothing in my mind or the Government's mind which does not want to do whatever is right. So that is why from when I brought the Bill I said I welcome suggestions from all Members so that we can try to put it all together.

My good friend, Mr. George Ebanks, was not here when I was speaking first and I wish to once again thank him for his support.

Madam Speaker, good deeds never go unpunished; I keep hearing that. And I also know that now that this matter has come to the fore there are going to be those who complain because the fact that it is now in the fore again, they want the results today. I do not blame anyone for that. But the fact of the matter, and I need to reiterate this, the fact of the matter is, Madam Speaker, we have to go through the process we are going through now if we are going to steer the course and when the end result comes about we have the mechanisms in place and the machinery in place that we can hold fast to what we say.

Now, Madam Speaker, I want to take just two or three minutes to speak to the bulk distributors. Madam Speaker, lest anyone either does not know, does not remember or does not care to remember, that in another life I had dealings with these people, too. So I know—a long time; a long, long time ago. But that is not what propels me now. I want to make a few admissions here because perhaps I might feel better when I leave here this evening if I do.

When I wanted to do something, when I was allowed the privilege to be the Minister in charge dealing with these people, I prayed hard for the strength because I knew what I was up against. I had meetings with them until I was sick of having meetings with them. This is not this time around. This is before. I spoke to the then country managers and whoever else they brought down—all kinds of foreign language people dressed up in full suits and I was trying to be what I should be with proper decorum and everything else. I said, *Listen, all the Government is asking for you to do is to be able for us (both sides) to agree on a mechanism by which we would know for sure—not by what you tell us—but for sure, this is what it costs you to deliver gas to the gas stations; this is what your investment is; this is what your return is that you expect, and let us at least see that it is not unfair or in our view unfair to the public—every single time, Madam Speaker, and whoever else is listening, barring*

none. Some of them could not even speak English well enough to say the word *proprietary* but you could hear the halfway they were speaking that that is what they meant. Every single thing that we wanted from them was proprietary information. So you could not get it.

During that time before you knew it, time had gone. But the real confession which I will make to everybody here today is that from the day that I walked into the office of the new (well, not really new anymore) the Government Administration Building and the Governor and the Premier decided that I would be a Minister (well, not just the Premier about being a Minister, but the subjects that I had) and this was one of them. I said unless I pop open we are going to do something about it this time.

We ain't near finished, nowhere near. And I accept that. Even yesterday, I know some people misunderstand because all they really want is to see the results. So, thank God, it does not look like I had to pop open.

Madam Speaker, I really need to ask for just a little bit of patience—not plenty—just a little bit of patience because we have to get each step. We cannot skip the steps and get the full results. We have sat and we have taken the best advice I believe we could and we know where we are going with it. The crowning glory of this is going to be the Public Utilities Commission where the petroleum inspectorate is going to be subsumed into that Commission and that Commission, although the petroleum inspectorate will still be doing all of its work, but that Commission—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Yes—and the ICTA—that commission will have the office set up and the mechanisms in place which will have all of these things which are precursors to all of that and the end result that I hope for—not about if I have my way, but that I believe is the right way—the end result is anytime these bulk distributors want to change their prices, they go to them (the PUC) to seek permission and they justify it before one cent is raised. That is the end result we are looking for and that is how it has to get. You see, to get to that point we have to break it down that we know what it is costing them. We cannot simply say, *This is how much you can make off of it* because if we say that, *dawg nyam yu suppa* at the end of the day. This is not saying it in a bad way but think about what I am saying. If we were to regulate from now and say this is how much, they would still have the various avenues.

Let me tell you what they do. Let me tell you what they do—besides all the things that have been told today. They make up companies—which I know the Member for East End knows. I know he knows. They make up companies that they say buy all of their fuel. So all that is, is paperwork now, you know, that

could be done by them. And then when that company or that entity purchases the fuel, then that company has to make some money and then sell it to them again. You see, if we do not know—and I really, I hope they are taping, I hope they are listening because it does not matter to me. It really does not matter to me. But the point that I am making is while all of that is legitimate from a business standpoint, to me ethically, it sucks! Because they then take that opportunity—and you do not know how much mark-up it is there. In fact, I do believe that in most instances that is where the most of it is hidden, because they do not tell you anything before that and that becomes the beginning price. In the meantime, they have ba-doom and ba-doom, but nobody says anything about that. That is how it is done, and it is not just them.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: That is exactly what we are saying. Thank you very much, sir. That is exactly what we are saying.

So, Madam Speaker, I only say the few little things that I have said—not shooting anything across their bow any more. Not shooting anything across the bow any more.

[Inaudible interjection and crosstalk]

Hon. D. Kurt Tibbetts: So, I am being directed here, Madam Speaker, which I do not mind a bit. Not a problem. I do not have a problem. Once we are going in the right direction they can lead me any way they want.

So, Madam Speaker, once we get to the point with the PUC and, as I said, I give the commitment and I hope those who are listening who are responsible understand that by the first quarter in 2016 that is going to be up and running. By the first quarter in 2016—and thank God I can say this safely today—everybody who is involved is on board and anxious. So there is no pushback. Thank God. Once we get that up and running, once we know what it costs—and I am just saying it how it is, how I see it because we have not finalised all of those things yet—to get the fuel to the pumps, we now have all of the retailers, displaying on a daily basis what the price of their fuel is—and that is a big step, by the way. Although it is so regular everywhere else around the world, it was not regular for us. But people can drive past now and they can shop. Before time, you would go and you would be too embarrassed to leave when you see the price so you just took what you got wherever you stopped. It happened to me, I know.

So, what will happen then is it will be easier for us once we know what it is costing them because the bulk distributors are not going to be selling to the various retailers at a different price; that is going to be one price. So we are going to know what those costs

are, and then we are going to know what the retailers are selling it for and if it comes to the point once we examine the situation we will be in a position to say *Listen, retailers. Hold on a minute. You are making too much, now. Hold on a second.* In other words, so we are dealing with it right across the board.

Madam Speaker, if I could only say that by tomorrow morning if God spares my life and he allows me to get up that it would all be over and everything would be perfect—that is more than utopia. I know it will not happen but I can give this commitment on behalf of the Government that this one we are going to see it through. While we want it to happen as swiftly as we possibly can, we are not going to cut corners and regret doing anything. But, Madam Speaker, I expect to see tangible results in fuel prices long before the PUC because let us put it this way—and this is the shot straight in the face—if these entities are stupid enough during that interim to not fall in line with a system, it is to their loss. Just to repeat what the Member for East End said because he will know—he and I have shared this view for a long time—going, where are they going? And if they so choose to up and leave the infrastructure they have and go about their business, make them go ahead.

Mr. V. Arden McLean: Government will take it over.

Hon. D. Kurt Tibbetts: But I am saying it does not matter to me, they can go!

[Inaudible interjections]

Hon. D. Kurt Tibbetts: But I am only saying that because the reason why I mention it, Madam Speaker, is in talks to them, alluded to that by way of a sideways threat to the point where I had to walk outside one time because I was smoking so much—I do not mean smoking cigarettes—I mean smoke was coming from all my ears and everywhere. But I did not say it but boy, I thought it. You can believe so.

I am saying that it is not about us threatening them. This is all about simple fair play and what the people of the country deserve. In this day and age more now than any other time and the biggest reason why it was not to the fore over a period of many years is because it was a time of plenty. But the time of plenty is gone and it is as simple as that. Let nobody believe that we in here do not feel it to. I do not know about unna but I know I feel it.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: No, I know. Yes, but I go there just as often—nearly, not quite.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Madam Speaker, having had my little time to vent for a little bit, I do not want to waste too much of the time but I hope that people will really understand that even when I speak for myself—in this one I speak on behalf of the Government and the full commitment is there and what I am happy about regardless of the little in-betweens, is that it appears that everybody supports the direction in which we are going. I do not have any problem with everybody keeping a tight rein and pushing me as fast as they want. I really do not care about that. We are going to get there as fast as we possibly can. I do thank—say what?

[Inaudible interjection and laughter]

Hon. D. Kurt Tibbetts: No, we will not be that—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: We certainly will not be that. We are not anti-business by any means. Absolutely not! There are just some exceptions to every rule.

[Inaudible interjection and laughter]

Hon. D. Kurt Tibbetts: So, Madam Speaker, having said all of that, I want to again thank Members for their contributions. I want to thank all of those involved—the team who have been working steadfastly with the amendments, the legal drafting for their assistance and, Madam Speaker, a special thank you again—even with their frustrations—to the public for their support in the movement and I just want everyone to rest assured that we are going to get to the point where the end game will be achieved.

Thank you very much.

The Speaker: The question is that the Dangerous Substance Handling and Storage (Amendment) Bill, 2015, be given a second reading.

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

AYES.

The Speaker: The Ayes have it.

Agreed: The Dangerous Substance Handling and Storage (Amendment) Bill, 2015, given a second reading.

The Speaker: I recognise the Honourable Premier for suspension of Standing Order 10(2) to allow the business of the House to continue beyond the hour of 4:30.

SUSPENSION OF STANDING ORDER 10(2)

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

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption

The Speaker: The question is that Standing Order 10(2) be suspended to allow the business of the House to continue 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.

The Speaker: At this time, we will take a ten-minute break.

Proceedings suspended at 4:34 pm

Proceedings resumed at 5:18 pm

The Speaker: Please be seated.

I recognise the Honourable Premier.

SUSPENSION OF STANDING ORDER 49(1)

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. Madam Speaker, we are in the situation where there have been some suggestions with respect to amendments to the Dangerous Substances Bill and they are going to take some little time for the legislative draft persons to make the necessary amendments. So rather than interrupt the flow of the House's business I am proposing that we suspend Standing Order 49(1) to enable the Committee stage of the Bill to be deferred and that we proceed with the other business on the Order Paper in the interim. I expect by sometime tomorrow the changes that are being proposed will be ready and the House can then resolve itself into Committee and we can take the Committee stage of the Bill.

I move the suspension of Standing Order 49(1) for the purposes mentioned.

The Speaker: The question is that Standing Order 49(1) be suspended.

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

AYES.

The Speaker: The Ayes have it.

Agreed: Standing Order 49(1) suspended to defer the Committee stage of the Dangerous Substance

Handling and Storage (Amendment) Bill, 2015, and to deal with the other business on the Order Paper.

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

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

LEGAL AID BILL, 2015

The Clerk: The Legal Aid Bill 2015.

The Speaker: I recognise the Honourable Attorney General.

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

Madam Speaker, I beg to move that the Bill with the short title The Legal Aid Bill, 2015, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Legal Aid 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 Legal Aid Bill, 2015, given a third reading and passed.

PUBLIC MANAGEMENT AND FINANCE (AMENDMENT) BILL, 2015

The Clerk: The Public Management and Finance (Amendment) Bill, 2015.

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

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

Madam Speaker, I beg to move that the Bill shortly entitled The Public Management and Finance (Amendment) Bill, 2015, be given a third reading and passed.

Thank you.

The Speaker: The question is that the Bill shortly entitled the Public Management and Finance (Amendment) Bill, 2015, be given a third reading and passed.

AYES.

The Speaker: The Ayes have it.

Agreed: The Public Management and Finance (Amendment) Bill, 2015 given a third reading and passed.

MOTION

Government Motion No. 7/2015-2016 Membership of the Public Accounts Committee

The Speaker: I recognise the Honourable Premier.

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

Madam Speaker, I beg to move Government Motion No. 7/2015-16—Membership of the Public Accounts Committee.

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, the Motion:

WHEREAS paragraph (1) of Standing Order 77 provides “There shall be a standing select committee, to be styled the Public Accounts Committee, to consider reports of the Auditor General –

- a) on the accounts of the Government;
- b) on such other accounts required to be laid before the House as the committee may think fit; and
- c) on any matter incidental to the performance of his duties or the exercise of his powers as the committee may think fit.”

AND WHEREAS the current Public Accounts Committee (in this Motion referred to as “the Committee”) was elected on Wednesday, 29 May 2013 and comprised –

1. Second Elected Member for George Town – Mr. Roy McTaggart – Chairman
2. Leader of the Opposition and First Elected Member for West Bay – Hon. W. McKeeva Bush – Deputy Chairman
3. Fourth Elected Member for West Bay – Capt. Eugene Ebanks
4. Fifth Elected Member for George Town – Mr. Winston C. Connolly Jr.
5. Sixth Elected Member for George Town – Mr. Joseph X. Hew

AND WHEREAS paragraph (2) of Standing Order 80 authorises the House to revoke the ap-

pointment of a Member to a standing select committee and appoint another Member in his place.

AND WHEREAS paragraph (4) of Standing Order 80 provides that “a member of a standing select committee may resign from that committee by tendering his resignation to the Presiding Officer whereupon the House may appoint another Member to fill the vacancy.”

AND WHEREAS the Second Elected Member for George Town tendered his resignation from the Committee, as Chairman, to the Presiding Officer on 2nd October 2015.

BE IT THEREFORE RESOLVED THAT in accordance with paragraph (4) of Standing Order 80, the Legislative Assembly accepts the resignation of the Second Elected Member for George Town as Chairman of the Public Accounts Committee.

AND BE IT FURTHER RESOLVED THAT the Legislative Assembly revokes the appointment of the Leader of the Opposition and First Elected Member for West Bay from the Public Accounts Committee.

AND BE IT FURTHER RESOLVED THAT the Legislative Assembly appoints the Elected Member for North Side as a member and Chairman of the Committee and the Second Elected Member for George Town as Deputy Chairman of the Committee.

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

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

Madam Speaker, by this Motion we are proposing to remove the Leader of the Opposition from the Public Accounts Committee and to add the elected Member for North Side. In addition, we are proposing to accept the resignation of the Second Elected Member for George Town as Chairman of the Committee and in his stead to appoint the Member for North Side as the new Chairman of the Committee bringing in an Opposition Member which is in line with convention.

Madam Speaker, this Motion has become necessary because the Leader of the Opposition has, over the past year or so, consistently made derogatory statements regarding the integrity and professionalism of the former Auditor General and his office. Our concern is that those statements demonstrate the inability of the Leader of the Opposition to consider the reports and oversight of the Office of the Auditor General with any sense of objectivity. We are even more concerned now that the Committee is about to consider the Auditor General's report on the Nation Building Fund which was created by the Leader of the Opposition when he was Premier and the Fund was managed by his office.

Madam Speaker, the Leader of the Opposition's involvement in and interference with the Committee's work has made it difficult for the Committee to effectively engage with the Auditor General and exercise its Constitutional mandate in examining Government's use of public resources. These concerns are not new and have been raised in the past and reported in the media.

In a June 2014 letter to the Leader of the Opposition, the Chair of the Committee asked the Honourable Leader of the Opposition to take leave from the Committee and allow the Legislative Assembly to elect another Member of the Opposition who could and would act in an objective and unbiased manner. The Leader of the Opposition has refused to resign and his ongoing interference has caused the Committee to not be able to function as it is required.

Madam Speaker, the country is well aware that the Leader of the Opposition has a history of bad blood with the Office of the Auditor General and the contention has not been limited only to the one that has just recently left Cayman. Indeed, a 29 August 2011 report in the *Cayman Compass* outlines a statement from the Leader of the Opposition in which he blasted the former Acting Auditor General, Garnet Harrison, who was about to look into the Nation Building Fund calling him “a hitman.” Also, in that same *Cayman Compass* report is the story that the then Governor Duncan Taylor in a press statement had cautioned the now Leader of the Opposition to exercise restraint and said it was unacceptable for the then Leader of Government to make personal attacks on the Auditor General.

According to a 28 June 2012 [Hansard](#) report page 70, Madam Speaker, the Leader of the Opposition said in respect of another report by the Auditor General, “**Madam Speaker, I know I am more targeted. And I know I am more in jeopardy. . . . Every one of them knows what the agenda is, they know the geo-politics that are being played but they sit down and grin. They brown-nose the FCO and the Auditor General, and the Governor sometimes, when they choose.**”

In that same session of the Legislative Assembly on the 28th of June 2012, the [Hansard](#) report on page 79, the now Leader of the Opposition continued in this same paranoid vein saying, “**The aim and objective is not to get Alden McLaughlin; the aim and objective is to embarrass McKeeva Bush and his Government. That is the aim and objective.**”

Further, Madam Speaker, according to the 23 August 2012 [Hansard](#) report on page 205, when speaking of Government loans the Leader of the Opposition said, “. . . **the Auditor General was jumping down the throat of the civil servant before they could get anything started. And he was in the papers every Monday morning criticising somebody, making it look like the whole world, the whole**

Government was corrupt or everybody was falling down.”

Madam Speaker, I am sure there are more instances when the now Leader of the Opposition castigated the Office of the Auditor General while he was in charge of Government. But now that he is not, his tirade against, not only the office, but the Auditor General himself has ratcheted up. Just last year on the 26th of June 2014, according to the [Hansard](#) of this House on page 249 he called the Auditor General, “tongue-twisting.” In the 12th September 2014 [Hansard](#) on page 411 he said the Auditor General, “Cannot tell the truth when he needs to tell the truth!”

Madam Speaker, on 15th of January of this year, Cayman News Service ran a story in which the now Leader of the Opposition accused the Auditor General’s office of nastiness, misinformation and false representation saying that reports written about the accounting of his administration were spiteful.

Madam Speaker, only a few months ago on 14th of August in another *Cayman News Service* report, the now Leader of the Opposition threatened to sue the Auditor General and anyone else who published the details of the Nation Building Audit Report calling it a witch hunt and a means to damage him.

Madam Speaker, this is just a sampling of the Leader of the Opposition’s castigation of the Auditor General and the Office of the Auditor General. As responsible stewards of this country, this Administration unlike the Leader of the Opposition welcomes the scrutiny of the Office of the Auditor General. When he brings to light issues that need to be addressed we do not slag him off, but we put our noses to the grindstone, seek to address the issues and make them right. It is because of our good stewardship, Madam Speaker, that the Auditor General’s office is now able to see how Government is managing its projects and improving the Public Accounts records.

By removing the Leader of the Opposition from the Public Accounts Committee and naming the Member for North Side as its Chairman, we are ensuring the people of the Cayman Islands that the Committee will continue to be fair and balanced and to, again, be able to get on with its work.

Regrettably, as the Leader of the Opposition has refused to take up the invitation to resign it is felt best to allow the Legislative Assembly to make the needed changes so as to enable the Committee to better meet its charge to examine the Public Accounts of the Cayman Islands and the accounts and financial dealings of all authorities, offices and departments of Government, of all courts and of all Government owned companies.

Madam Speaker, this Administration is committed to doing what is right, doing it transparently and working for the greater good of the Cayman Islands and our people. This change to the Public Accounts Committee is further evidence of that commitment.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak? Does any other Member wish to speak?

I recognise the Honourable Leader of the Opposition.

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

Madam Speaker, as a legislature, we have been operating, functioning by the same conventions and practises of which the House of Commons and the Commonwealth Parliaments or Legislatures operate. The PAC has always operated as such—as closely as possible, Madam Speaker, in these Islands.

The PAC Committee has always operated with Opposition Members on it and leading it. In the Commonwealth, when a Government loses the election and the PAC is formed, the members are chosen in a balanced manner. The Chairman comes from the official Opposition—not necessarily the Leader of the Opposition—just someone from them that knows the system or has accounting background; all the better. But Government, Madam Speaker, has a majority of members as they do today in our PAC [Public Accounts Committee].

However, Madam Speaker, none of those members would be Ministers or be Junior Ministers who sit in Cabinet at times, or, members who are associated with policy, development and application to the extent we see those members with it here in our Islands. In the Cayman Islands here, we have sensibly followed the same practise and convention of parliamentary government as it is carried on by the Parliament in the United Kingdom and parliaments and legislatures throughout the Commonwealth.

Madam Speaker, at the swearing in of this new Assembly on the 29th of May 2013 the [Hansard](#) records what happened on that day with the election of the members of the new PAC.

Madam Speaker, I listened intently wondering what next, coming from the Premier who, Madam Speaker, would say anything at any time and twist anything at any time—what I have termed “say anything, twist everything”.

Madam Speaker, I am not going to dwell on this thing about the Auditor General because I have a motion coming—that is if they do not stop me from bringing it—where I can deal with the works of the Audit office. And, Madam Speaker, to say bad blood, no, Madam Speaker, McKeeva Bush does not hate anybody, not even to the Premier who has said some of the worst things that could be said and has attacked me, I think, more than anybody else that I have ever come across politically. He is desperately trying to get me out of the way, Madam Speaker, but I do not need a PAC Committee to deal with him. I can deal with him. But he is a hypocrite! I will tell you why.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: I cannot say that? I can say something worse! You cannot tell the truth either! You twist it where you want to.

Madam Speaker, the bad blood that existed if he calls it that, he called it even a paranoid vein, is because I recognised what is going on in this country and what has gone on. The Auditor General—he can talk about the good of his Government. The Auditor General never performed anything on your Government so you can say that. Tell me which account!

A Member came here some time ago and could say—the Deputy Governor knows, Madam Speaker—that one of his Chief Officers told him (because they told me and they told him) that what the Auditor General was saying in the report was not true (the Chief Officer now for the Ministry of Education). That he had made remarks that I had had something to do with it and he told the Auditor General *Sir, that is not true. You cannot say that.* When the Auditor General put it in his report he went to the Deputy Governor and reported it. He told the Deputy Governor. The Auditor General definitely was here to do a job and to get a job. He got a job. He did his job. He did it here—his dirty work here—and now he is gone with our information all that he can carry in his back pocket and who else knows what else. There are so many of them agents around here that you would not know how to sweep the yard sometimes unless they were taking a picture of it. But he came here to do a job—came here to make civil servants look as bad as possible (some of them) and, of course, me being the person that I am and who stood up to them on more than one occasion—yes, Madam Speaker, I was a target—that same Auditor General and Duncan Taylor. I am not going into it, Madam Speaker, do not worry about that. Do not worry about it.

When they go before the Court, the Court will know as they have done it before. I hate nobody, thank God. I sleep good; willing to forgive and forget. You hit me now, I can laugh at you later but I cannot take a liar and I cannot take, Madam Speaker, when people I know are deliberately doing something to hurt this country and in hurting me, hurting the country. That is what he was doing. That Auditor General made us stop from taking a loan for 3 or 2 per cent for 5-point-something per cent—\$50-odd million more in interest over 10 years. He told me I could get that loan from anybody next door he said, if I walked outside on the street. You do not hear anything about that, Madam Speaker. Uh-uh, you do not hear anything about that, but it is on record. It forms part of the history.

No, I did not like how he operated, Madam Speaker, because he could not tell the truth. He also, Madam Speaker, took strong objection to me because I took a strong objection to him and the way he operated. I did not become part of the Public Accounts Committee, Madam Speaker, for him to send me long statements of what questions I should ask. That is not

for him to do. That is for me to look at the evidence and ask those questions—not for him to write all these questions and say I must ask them. See them here! I lay them on the Table of the House. Loads of them and that is how he operated! *McKeeva don't cow-tie to that.* I would get a report, Madam Speaker, and I ask the questions that I see necessary.

The Speaker: So ordered.

Hon. W. McKeeva Bush, Leader of the Opposition: That is how he operates. I do not operate that way as long as I have been associated with Public Accounts Committee. And mind you, Madam Speaker, at times I was not on them, but Members at times chose to invite me to come in as a person, as a Member of this House and sit in and listen.

That is what other Public Accounts used to do back in the '90s and early '80s as far as I can remember from Esdaile's time. They would invite us in as Members.

He also did not like me because, Madam Speaker, over the years the Audit office produces invoices of their expenditure, brings it here—\$40,000, \$20,000, \$30,000—and we have to pay it. This time around I said, *No, you don't. It's not working that way. You have all of these bills for us. Tell me what you have done with it. Who you hired in Cayman Brac; which person you brought down from Canada and you now advertised it and you hired them. I want to know everything.* At times, I only voted for the amounts because people had to be paid. Those are some of the reasons I wanted him to be accountable in the Public Accounts Committee. Thousands of dollars! Staff members here know so. They bring them here and they have to distribute them to us. Thirty thousand at one time; \$25,000—name it; \$70-odd thousand; his expenses! They bring in their friends from the companies that they want to bring in and never advertised it. This went on for years, of course. This time when I got in there I said, *No, you don't.* But, of course, people took affront to it and I should not handle him that way. Oh, no? Yet, every civil servant that spends something, there is a question on it in trying to show their bad management; trying to show them up; trying to make the politician look like he spent something.

He was not no good because, Madam Speaker, there is a written apology to Gene Thompson's company from him. Do not question me on it. From him! What he said, Madam Speaker, about the projects of the Dart Company and the Shetty Hospital. They got lawyers and went to him and said, *You tell us where we are wrong or you are going to court.* He wrote an apology saying that he did not find anything wrong. Him? Good riddance. Strong winds at your back. Keep going east!

Madam Speaker, on the audits—my audits . . . I am not concerned, Madam Speaker, about anything that he wanted to say. It is how he said it. And,

Madam Speaker, any programme, any project, any work can be improved upon. Anything can be improved upon. I did not mind that. It is the way he said it and what he had done.

You heard me on the radio show with Mr. Orrett Connor. Loads of money spent. I gave them \$750,000 for the old people home here in George Town. I did not hear anything about that. Uh-uh. Do you know why? Do you all know why? We gave them money to the scouting. I never asked him anything about accounts. Heritage Acts programme, Madam Speaker, he said in his report that there was no reporting, there were no accounts, nothing. Made it look like that man did not know what he was doing and that we were just giving away Government's money. Here are our reports 2014/15, 2011/2012. Madam Speaker, here they are. Reports continuing, but he said there were no accounts. The man has the accounts. He went to him and he told them *See them here*. He still wrote in there that there were none. He did not know that I had kept my copies that they had sent me. He did not know that.

Look, he had a hit job to do and that is what he had done to make as many people look bad as possible. We cannot do this when the Constitution says we can. So go ahead, move me off if that sweetens you. Not hurting me. It is going to be lesser meetings for me to attend to. Now the only thing I have to do is get on the radio more.

Madam Speaker, the hypocrisy of the Premier to come here and say by appointing the North Side Member he is doing the right thing; things will be better or managed better or something—whatever the words he used—I am going to have to read the *Hansard* now, Madam Speaker, and all of it. I hope you have that *Hansard*, Madam Speaker, of—

The Speaker: What date?

Hon. W. McKeeva Bush, Leader of the Opposition: Wednesday, the 29th of May 2013—Nominations and Election of Members to the Standing Public Accounts Committee (PAC).

The Speaker: Yes, I have it.

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

Madam Speaker, this is the nominations and election of Members to the Standing Public Accounts Committee as I read it from Wednesday, the 29th of May 2013, the [Official Hansard Report](#).

The Speaker: Proceedings are resumed.

The next order of business is the nomination of Members of the Standing Public Accounts Committee (PAC). This Standing Committee that exists is by virtue of Standing Order 77; therefore, there is no need for a motion to establish the said Committee.

First, I will ask the Honourable Premier to read the terms of reference of the Standing Public Accounts Committee.

The Premier got up, Madam Speaker; I do not need to read that. That was the motion for the Standing Public Accounts on the Standing Orders.

The Speaker: Thank you, Honourable Premier.

I will now take nominations for the Standing Public Accounts Committee. The Committee shall be comprised of five members.

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition and First Elected Member for West Bay: Thank you, Madam Speaker.

Madam Speaker, I move the nomination of the Second [Elected] Member for George Town, Mr. [Roy] McTaggart to be Chairperson of the Committee.

The Speaker: Is there a seconder?

Mr. Bernie A. Bush: Second Elected Member for West Bay: Madam [Speaker], (and of course he is not that, he is actually the Third Elected Member for West Bay, but nevertheless) ***I beg to second the motion.***

We nominated the Member for George Town, the Second [Elected] Member because he was sitting over here. It was not too long ago that he skedaddled and went over there.

[Laughter and inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: No, I think that reminds me of when you hook up a bay shad and he is going skedaddle up across the bay.

Never mind, Madam Speaker, we nominated him.

The Speaker: Second Elected Member for George Town, do you accept the nomination?

Mr. Roy M. McTaggart, Second Elected Member for George Town: Madam Speaker, I am delighted to. Thank you.

The Speaker: Thank you.

Are there any further nominations?

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I beg to nominate the following as members of the Public Accounts Committee:

- *Fourth Elected Member for Bodden Town*
- *Sixth Elected Member for George Town*
- *First Elected Member for West Bay and Leader of the Opposition*
- *First Elected Member for Bodden Town*

The Speaker: Thank you.

Are there any further nominations? Are there any further nominations?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, just to make an inquiry.

The Speaker: Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Is the Government saying that they want the First [Elected] Member for Bodden Town, the Fourth [Elected] Member for Bodden Town, and the Sixth [Elected] Member for George Town? Three Members?

The Speaker: Honourable Leader of the Opposition, I have the Fourth [Elected] Member for Bodden Town, the Sixth [Elected] Member for George Town, the First [Elected] Member for West Bay and Leader of the Opposition, and the First [Elected] Member for Bodden Town, together with your nomination, the Second [Elected] Member for George Town, comprising the five Members of the PAC.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I hear what the Government is saying, and since I am not making a nomination but, rather, am speaking to the nomination . . . we have talked about entering a new age a new era, and we talked about the good governance we want and the good open transparency. I admit that there is nothing stopping Government, as it has been normal for the Governments to have three and two, but I am wondering [having three and then there is two other members, that is what I meant] but I am wondering whether, in the spirit that all seem to want to go in, we should not have one of the Independent [Members] as a member of the PAC. It is a very important committee, and I believe it would be a more balanced committee to have it that way.

The Speaker: Honourable Member, are you requesting the Government to consult, or are you making a nomination in your own right?

Hon. W. McKeeva Bush, Leader of the Opposition: I would ask the Government to re-look at their proposal of the three Members, to have one of the Independent [Members] sit on the Committee.

[Inaudible interjection]

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

[Inaudible interjections]

The Speaker: Honourable Premier?

[Pause]

The Speaker: Honourable Premier.

I recognise the First Elected Member for Bodden Town.

Hon. Anthony S. Eden, Deputy Speaker, First Elected Member for Bodden Town: Madam Speaker, in light of what has transpired I will decline the nomination.

The Speaker: Thank you, honourable Member.

Honourable Premier, would you do the fifth nomination?

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, I beg to nominate the Fifth Elected Member for George Town.

Hon. W. McKeeva Bush, Leader of the Opposition: Fifth? Is that not the same thing?

Not sitting on that side. No, no, no, no.

No, Madam Speaker, let's be very clear and not play around. I am speaking in regard to the Member for North Side or the Member for East End to make it a more balanced Public Accounts Committee to go forward. I still see the Government as having three Members. The Member sits on the Government side, and it seems to me that you cannot sit over there and be something else. I mean you have to be fish or fowl, you cannot be both. And I certainly won't vote for that.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin, Jr.: Madam Speaker, we are prepared to be concessionary, but I think what the Honourable Leader of the Opposition is asking for really is expecting too much. The nomination stands.

The Speaker: I recognise the Third Elected Member for West Bay.

[Inaudible interjection]

The Speaker: Okay. All right!

If there are no more nominations—

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I beg to nominate the Member for North Side to be a member of the Public Accounts Committee.

The Speaker: Is there a seconder?

I recognise the [Second] Elected Member for West Bay.

Mr. Bernie A. Bush: Madam Speaker—I correctly said it this time. Sorry about the first time, Ma'am.

The Speaker: That's okay.

Mr. Bernie A. Bush: I second the [nomination] of the Member for North Side [to be a member of the PAC.]

The Speaker: Are there any other nominations? Does the Member for North Side wish to accept the nomination?

Mr. D. Ezzard Miller, Elected Member for North Side: Yes, Madam Speaker, I will accept the nomination. And I beg to nominate the Member for East End.

The Speaker: Is there a seconder?

Mr. Roy M. McTaggart: Madam Speaker, I rise to second the nomination.

The Speaker: Members, as there are more than five persons now nominated, it will take a few minutes for the Clerk to prepare a ballot. We will suspend for five minutes. Please remain in your seats for the preparation of the ballots.

[pause]

The Speaker: They are checking the procedure about the appointment of scrutineers. That is why I momentarily left the Chamber. I recognise that I need to ask the Sixth Elected Member for George Town whether he accepts the nomination, as well as the Member for East End.

I will ask the Sixth Elected Member for George Town whether or not he accepts the nomination.

Mr. Joseph X. Hew, Sixth Elected Member for George Town: Madam Speaker, I humbly accept.

The Speaker: Thank you.

Elected Member for East End, do you accept the nomination?

Mr. V. Arden McLean, Elected Member for East End: Madam Speaker, I accept the nomination.

The Speaker: Thank you.

We will wait [while] the Clerk brings in the ballots.

Honourable Members, out of an abundance of caution, does the Second Elected Member for George Town accept the nomination?

Mr. Roy M. McTaggart: Yes, Madam Speaker.

The Speaker: The Fourth Elected Member for Bodden Town, do you accept the nomination?

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Madam Speaker, yes, I accept.

The Speaker: The First Elected Member for West Bay, do you accept the nomination?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, yes, I do.

The Speaker: I believe I have already checked with the Fourth Elected Member for Bodden Town.

Point of Clarification

Hon. Osbourne V. Bodden, Minister of Health, Sports, Youth and Culture: Madam Speaker, point of clarification: When we had the original change, I thought we moved to the Fifth Elected Member for George Town, instead of the Sixth.

[Inaudible interjections]

The Speaker: Honourable Minister, I have:

- Second [Elected Member] for George Town
- Fourth [Elected Member] for Bodden Town
- Sixth [Elected Member] for George Town
- First [Elected Member] for West Bay
- Fifth [Elected Member] for George Town
- [Elected Member] for North Side
- [Elected Member] for East End

[Inaudible interjection]

The Speaker: I call on the Fifth Elected Member for George Town. Do you accept the nomination, sir?

Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town: Madam Speaker, I do accept it.

The Speaker: I thank you.

[Long Pause]

The Speaker: Honourable Members, the ballot papers are now prepared and the ballot box is here. I am going to ask the Serjeant if he would ensure that all Members have an opportunity to look at the ballot box and ensure that it is free and clear.

While he is doing that, we are also going to have two scrutineers, the Official Members of the House. We are going to ask the Deputy Governor and the Attorney General to come and take their positions, please.

Once the Serjeant has completed his exercise the ballot papers will be distributed and Members may vote for no more than five members of the Public Accounts Committee. Once you have done that, I would recommend that you fold your paper, and, as the ballot box comes back around, place it in so as to maintain the secrecy of the ballot, if that is your desire.

The ballot box has now been locked. [Addressing the Serjeant] Please distribute.

Out of an abundance of caution I had better say that you can vote once per person. One person cannot get five votes.

[Pause]

The Speaker: If Members have completed the ballot, please indicate so that the Serjeant can collect it and we can do a tally.

[Long Pause]

The Speaker: Order. The Clerk wishes to conduct the conclusion of this. Thank you.

At this time I will ask the Honourable Clerk of the House to read the results.

The Clerk: [Reading each ballot paper]

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

To save some time, Madam Speaker, as you can see, what she did was to read out all the people and the votes that they had.

The Speaker: Thank you, scrutineers, for assisting the process.

[Pause]

RESULTS OF BALLOTS

The Speaker: The result of the voting is as follows:

Mr. Alva H. Suckoo, Jr.	14
Mr. Joseph X. Hew	11
Hon. W. McKeever Bush	13
Mr. Roy M. McTaggart	17
Mr. D. Ezzard Miller	7
Mr. V. Arden McLean	[8]

Mr. Winston C. Connolly, Jr. [14]

The Speaker: The Members of the Public Accounts Committee are as follows:

1. **Mr. Alva H. Suckoo, Jr.**
2. **Mr. Joseph X. Hew**
3. **Hon. W. McKeever Bush**
4. **Mr. Roy M. McTaggart**
5. **Mr. Winston C. Connolly, Jr.**

In accordance with the provision of Standing Order 70(2), I nominate Mr. Roy M. McTaggart as the Chairman of the Standing Public Accounts Committee.

[Applause]

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

Madam Speaker, I read that to say how hypocritical can the Premier be? After going through all of this rejecting the Member for North Side—not only that! He would not stop at that. We went to a vote. He would not have him on. Could not have him on is what he said! I am expecting too much. If they want him today—he accepts it, so be it. No problem to me. If I was there I would continue to do my job. I do not know what kind of excuse now you are going to come up with because, mind you, Madam Speaker, he can do that good—find excuses of why he did something. But I can tell you—he did not want him on then.

Now, Madam Speaker, whatever they come with as an excuse, and the excuse presently is that the Auditor General and I could not make it. I castigated him. I never heard what I had done wrong when he said that I interfered. I cannot see what interference I had done. The Chairman never pointed out that I interfered. The only thing they ever done, Madam Speaker, was, to try to stop me one day when I was making a statement explaining what the Auditor General had already made public. And the Speaker said the Member has his right. Nobody ever showed me that I had done any interference. My job is to get a report, look at it, scrutinise it and if it is wrong, then I say it is wrong. If there are lies in it, I say it is a lie. If I figure that he is targeting somebody unnecessarily, then it is my job as a representative of the people to point that out. I think that man had done that several times and he lied most of all! Lied! And lied too often—you can make mistakes, but lie too often, it shows, Madam Speaker. I know I have carried out my responsibility as I should. Examine the reports of the Audit office, look at what he said, see who he has interviewed, see how he comes to his conclusions and go according to the facts that I am aware of. That is my duty as a member.

At times, Madam Speaker, that man would say he interviewed a civil servant and he did not! An audit said you that must interview the person that is

being accused—at least the person that ran a programme. If he made his recommendations, a fair recommendation for changes, well, we would accept them. As I said, Madam Speaker, I would, as anything can be improved upon—anything! The recommendations that I thought was fair that he made, I agreed with. Where he is not fair and there is a lot of that—far too much—where he has picked who to slap up and he picked who to give a bligh to on fairness.

I have a motion, Madam Speaker, where I intend to go into depth on the matters so that it is on record in this Honourable House and then all that Audit office is going to know some things and the people of this country are going to know some things. You hear what I say? They are going to know some things.

They can find out why they do certain things and why they come after certain people. When their spouses work all over the place and carry on all kinds of rackets and you have to interfere and you have to point your fingers and you have to say *uh-uh, cannot do it*. Then they take a pitch on you and they came after you. They cannot say, Madam Speaker, because I come and defend myself that I am not supposed to. If I was not here as a Member, then, the PAC has to call me in and say talk to me about this. This is the report. Is this true? And they can ask their questions. That is what the PAC would do. I would have to defend my position. I would have to explain and that is what I had done with him. But it is because in one of the reports I got an auditor, paid for myself to audit him—audit what he said—and I came here and defended myself and showed where he was not doing the work properly. Where they said things and then could not back it up. An auditor in this country! I had to do that.

So, on the question of moving me off the Committee, the Government has the votes. Let them go ahead. I do object though, Madam Speaker, to the fact that three councillors who act as Ministers, sometimes, will be members of this Committee. And if they act as Ministers I guess they sit in Cabinet or have close connections if can act as Minister.

Madam Speaker, if objection is taken of this Member for being a member because I have matters before the Public Accounts Committee, I can defend those. I do not worry about the Nation Building—let them say what they want. They can threaten anything, Madam Speaker, I helped people. That is what I was elected to do. I brought it here. I explained it and those that did not like it—well, I was then what they are now. I had the Members and I did what I had to do to help people. That is what that was about. If I helped somebody and they abused it? Well, I cannot say anything about that because I cannot make people honest if they are not. But my job was if I see a case and I can help, go ahead and do it and that is what I tried to do there, to help people—no matter if they were PPM, whether they were PNA, or who they were; wherever

they come from—UDP or whoever. I did not care, Madam Speaker, I do not! That has been my—

[Inaudible interjection]

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

They were in existence then? I do not know if the C4C were in existence. They only came up later on. But some of the people, some of the people, some of the people—not the Members in here—but some of the people I am talking about got help. I do not care who they were. I don't care! So blame me if you want. Say that! But don't tell any lie on this man, Madam Speaker. You are talking about walking on the fighting side of me. That is what you are doing!

So if they take objection to that—if I had those matters before the PAC and can elucidate and explain and enlighten or speak the truth and defend actions and policies and they say I am conflicted, I do not know how I would be, Madam Speaker, bearing in mind that that is the way the PAC operates all over the world. If I am conflicted, Madam Speaker, I do not know how the new Chairman will stomach three members being part of the executive in the manner that they are and then is now going to sit—and they talk about my matters coming! What they are not talking about is their matters coming! And, Madam Speaker, I couldn't do anything wrong in the Committee because the Government always had the majority members. So what am I going to do wrong? Not even the Chairman can get anything done if they don't want it done because they have the majority! They have the majority members.

Madam Speaker, I had every reason to deal with that Auditor General in a manner I did. Just look at the things he said and how he worded them. Don't know whether it was him but he read them and it was him who signed them. I do not know really believe it was him; it was that other guy, Martin Ruben, who we are going to deal with good and proper. They will have to learn that there are people who will stand up and say we believe that the civil service—look, they are human. They are humans. Yes, you can say that they did not have it done right. Anything can be improved upon but you are going to say all the things that you say to make them look like they are worthless; they aren't any good—the same thing you are going to do to politicians. Well, you cannot do that with me. Uh-uh.

Thank God, Madam Speaker, I am 60 because if I were 35 it would be a whole lot different story. Hear what I tell you? It would be a whole lot different story. Today I can get riled up but I know when and how far to go and when to stop. That is what age does for you. Mouth them off good. Forgive, never forget, I guess. Just ask the Lord for guidance.

Madam Speaker, I have no more to say here. I have not done anything wrong and if the Premier brings something that I do not know about and they accuse me, then I reserve my right under the Standing

Orders, Madam Speaker, to make a personal explanation.

Thank you.

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

I recognise the Second Elected Member for the district of George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Thank you, Madam Speaker, for the opportunity to speak to this Motion. I suppose it is absolutely essential that I do speak in my former capacity as Chair of the Public Accounts Committee, Madam Speaker; a privilege I held for some two years.

Madam Speaker, I rise, too, to support the Premier in this Motion and I feel probably the best way for me to deal with it, to set out my feelings and my position would be to read into the record the letter that I wrote to the Leader of the Opposition in June 2014.

Madam Speaker, the difficulties I had . . . the difficulties and disagreements with the Leader of the Opposition with regard to what I perceived to be the attacks and remarks made by him with regard to the Auditor General are well known. So much so that they were highlighted in the press last summer and there had been much discourse even within the Public Accounts Committee at hearings with regard to it. Things really got to our heads last summer after some particularly what I perceived to be disparaging remarks that were made publicly. I really took it upon myself to write to the Leader of the Opposition to ask him and to invite him to resign the position because I felt that things had gotten to the point that they were untenable.

With your permission, Madam Speaker, I would like to read into the record the letter that I wrote.

The Speaker: Please proceed.

Mr. Roy M. McTaggart: It was dated 25 June, 2014 and it said:

Dear Mr. Bush,

I am writing to you in my capacity as Chairman of the Public Accounts Committee in respect to the public statements made by you following the release of the Auditor General's most recent report entitled "Management of Travel and Hospitality Expenditures."

Following the release of this report, I have seen and heard you make a number of disparaging public comments on Cayman27, Rooster, and most recently, last Friday, in the Finance Committee, that by any reasonable interpretation can only be seen as an attack on the Office of the Auditor General and are potentially slanderous.

In my mind, your statements cast aspersions on the integrity and professionalism of the Auditor General and clearly demonstrate an inability to consider the reports and oversight of the Office of the Auditor General with any sense of objectivity. In fact, your bias makes it difficult for the Committee to effectively engage with the Auditor General and exercise its Constitutional mandate in examining Government's use of public resources.

From my perspective, your public comments clearly demonstrate that there are conflicts of interest on your part with respect to the Auditor General's report on travel and hospitality expenditures. I believe that our experience to date on the Committee with other reports strongly suggest that these conflicts now cover anything to do with the Office of the Auditor General.

In short, the present situation is untenable and it is important that changes are made to allow the Committee to function in an effective and objective manner. While I acknowledge that I have no power or authority to compel you, in the interests of good governance I am writing to ask that you resign as a member of the Public Accounts Committee and allow the Legislative Assembly to elect another member of the Opposition who can and will act in an objective and unbiased manner. I believe that such a step will allow the Public Accounts Committee to function as it is intended and is in the best interests of the people of the Cayman Islands whom we were elected to serve. [UNVERIFIED QUOTE]

Madam Speaker, do you require me to lay a copy of the letter with you?

The Speaker: So ordered.

Mr. Roy M. McTaggart: Madam Speaker, following that letter which I do not believe I ever had an official response from the Leader of the Opposition, I do know that on 15 January, 2015 the Office of the Auditor General released a position paper, really, defending his independence and public reporting and that came primarily as a result of—he certainly told me that the challenges that he faced with regard to these public comments that he had to defend himself by putting out this position paper regarding his independent work, the fact that it promotes good governance, transparency and accountability in the use of public funds and gives quite (what I perceive to be) a very comprehensive and succinct description of what his role, responsibilities are and just how important it is that the Auditor General's Office remain independent and free from any influences or threats.

Madam Speaker, I think in the Leader of the Opposition's response to the motion before us, he made a number of statements that I think bear some correction and I would like to spend maybe the rest of my time speaking briefly to those issues.

First off, Madam Speaker, he spoke about the PAC being led by the Opposition and that, Madam Speaker, is generally true throughout the Commonwealth. That is a predominant way of operation and the predominant way that Public Accounts Committees operate in the Commonwealth but it is not exclusive. There are, within the Commonwealth, a number of countries where the Public Accounts Committees are led by the Government bench as well. I would agree with him that the best practise would be for that the Public Accounts Committee to be led by the Opposition. Madam Speaker, that is what we will achieve as a result of this now in my resignation and the Chair now being taken up by the Member for North Side and I am happy to relinquish that position so that he may take it on. Truly we will have what I perceive now to be as balanced a Public Accounts Committee as we can have. But it will also reflect, too, the composition of the House in that the majority of Members of the PAC will be members from the Government bench. That, too, generally is the way it operates in the Commonwealth.

The Leader of the Opposition also made quite a bit of the fact that the remaining members—or certainly on the Government bench that are members of the Public Accounts Committee are councillors and from time to time we are appointed and to act as temporary Ministers and possibly suggesting that we should not be there on that Committee. But, really, Madam Speaker, if you take a look at the composition of this House, with the exception of the First Elected Member for Bodden Town, there are no other Members on the Government bench who could possibly sit on the Public Accounts Committee if that were to follow through and be taken to its natural conclusion. Therefore, the entire Public Accounts Committee, bar one, would be made up on Opposition members and that, too, is untenable. I do not necessarily accept it that simply because we act as temporary Ministers in here from time to time that that would preclude us from being effective members of the Public Accounts Committee. I do not consider that the statement has a particular merit.

[Inaudible interjection]

Mr. Roy M. McTaggart: I am sorry. I should have referred to Mr. Eden as the First Elected of Bodden Town as the Deputy Speaker. So, I mean, I think even with the Deputy Speaker there would be questions as to whether he should be on a Public Accounts Committee.

There were also a number of statements made with regard to the questions and I believe a number of those papers were laid before and laid on the Table of the House, Madam Speaker, with regard to suggest questions that the Auditor General provides to the Committee at the outset of the public inquiries that we have with regard to his reports. Now,

Madam Speaker, those questions that are provided by the Auditor General are given to us at our invitation. It is not something he has forced on us or insisted that we have. What we asked him to do and what he has done for this Committee from the outset is provide some leading questions for us to begin with when we are examining witnesses in terms of trying to illicit information and understanding and bring flavour out for the reports that he has prepared. There is not a single member of that Committee who is bound by those questions that he gives and I know very rarely do we ever follow them, but maybe use them as a basis to focus in on areas of the report that need to be focused in on and to provide that flavour and to illicit the type of information that the Public Accounts Committee would find relevant. So there is no real sense that the Auditor General is trying—or has been ever—trying to influence or direct the way that any public inquiry or public examination of his reports take place.

The fourth matter which he raised or took issue with, are the invoices that do come from the Auditor General. Madam Speaker, one of the orders of business every month on our agenda is to look at and examine invoices from his office and to query him and seek information from him, clarity from him, as to the nature and content of information and items that he is charging us for. One of the things that we have implemented, Madam Speaker, is that wherever there are any third-party invoices—like for consultants or specialists which, he has to hire in—he does produce invoices to the Committee and we do query him and examine those invoices at great length. The Leader of the Opposition is aware of that because he has participated in and questioned the Auditor General from time to time with regard to those invoices.

Madam Speaker, my view is the Motion before us is one that is necessary for the smoother operation of the Public Accounts Committee moving forward. I expressed to the Premier that although I was resigning as Chair that I would be happy to remain on as a member of that Committee because I do believe that I have a lot to contribute and can help the Committee in discharging its responsibilities. I believe now that we will have a more balanced and workable Committee and one that will be most helpful in this Parliament holding the Government accountable for the public resources that we entrust to them and it will help us to hold them accountable and be more transparent in terms of accounting to the public and the people who put us here with regard to the resources that we give to the public service.

Madam Speaker, these reports and public reports that are issued by the Auditor General from a Public Accounts Committee, it is never about getting somebody or getting back at anyone. The truth of the matter is, Madam Speaker, these reports identify very clearly, issues and problems that exist within the Government—and when I say the Government, I mean within the civil service. It is only human nature that

when the light is shown on things and deficiencies are identified, people do not like it. But in my mind, Madam Speaker, and the way I have operated the Public Accounts Committee for the past two years, it is always about: What can we do to improve things? What can we change? What can we do that is different to ensure that the things and the issues that have been highlighted, the deficiencies, and the things that have just gone wrong—what can we do differently that we ensure that these things never ever happen again?

Madam Speaker, if we can accomplish that, if we can get change, if we can get a mind-set within those who are charged with administering public resources such that they treat things and account for them in accordance with principles of good governance, then we will have certainly accomplished our job. That ultimately is where the Public Accounts needs to be and the role that it should be playing and we are there to support and to help the Auditor General to discharge his responsibilities and to ensure that he is not unnecessarily and unfairly maligned and attacked in any way. We are there to support and he is there to support us in our work in discharging our responsibility to this Parliament and to the people of the Cayman Islands and that is the way it should work.

With those few comments, Madam Speaker, I thank you for the opportunity to contribute to the debate and just indicate my support for it.

Thank you.

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

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

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

Madam Speaker, I am particularly grateful for the contribution of the recent erstwhile Chairman of the Public Accounts Committee which I believe has given a perspective that really only the Chairman could offer.

I, Madam Speaker, have not moved this Motion without long and careful thought. As was indicated by the letter of June more than a year ago—the letter from the Chairman inviting the Leader of the Opposition to resign. This is a train that has been coming for quite some time. We tried to avoid this particular result but, as I said, the recent actions and statements by the Leader of the Opposition convinced us (and certainly convinced me) that unless we wanted a completely dysfunctional Public Accounts Committee and Office of the Auditor General, which felt it was under siege, we needed to take this particular action.

Madam Speaker, criticisms of what the Government did in terms of the Constitution, the make-up

of the Public Accounts Committee have been made by the Leader of the Opposition. I will agree with him in this. It sure was an error of judgement on my part to have nominated him as a member of the Committee. But, Madam Speaker, we—and I was seeking to be fair, and as Leader of the Opposition I felt it was important that he be appointed to the Committee.

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin: No, Madam Speaker. When I said (as I was quoted by the Leader of the Opposition to say) that he was expecting too much, what he was proposing would have put three Opposition Members on the Committee at the time. The Second Elected Member for George Town was sitting on the Opposition side of this House at the time that he was appointed as Chairman of the Committee.

Madam Speaker, when he changed sides our response was that the Fourth Elected Member for Bodden Town resigned in order that another Opposition Member could be appointed to the Committee. That is what transpired.

With respect to the criticism that the Committee should have been Chaired by an Opposition Member, I say, Madam Speaker, an events that have transpired, in fact, the events which have led to this moment have demonstrated what would have happened if the fox would have been appointed to guard the henhouse because what the Committee was doing for the last almost two-and-a-half years has been considering reports on the activities and projects of the previous Administration led by the now Leader of the Opposition.

So, Madam Speaker, I have no doubt in my mind that given the circumstances and the relative positions of Members in this House that what we sought to do was the right thing.

With regard to the criticism that councillors should not sit on the Public Accounts Committee, the Leader of the Opposition's memory is incredibly short. For when he was Premier, he had no less than two of his councillors sitting on Public Accounts Committee.

Hon. W. McKeever Bush, Leader of the Opposition: But they didn't sit in Cabinet!

The Premier, Hon. Alden McLaughlin: In the persons of Mr. Dwayne Seymour and Mr. Ellio Solomon—

Hon. W. McKeever Bush, Leader of the Opposition: They were never appointed Ministers nor were they ever sitting in Cabinet!

The Premier, Hon. Alden McLaughlin: Madam Speaker, I really do not give much weight to those objections—

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin:—and criticism by the Honourable Leader of the Opposition.

So, Madam Speaker, I think all that needs to be said has been said. I am not going to drag this matter out at all. And I just regret that it has come to this, but the Government is doing what we think is in the best interests of good governance and—

[Inaudible interjections]

The Premier, Hon. Alden McLaughlin:—of the Public Accounts Committee being able to continue to do and carry out its Constitutional mandate.

Thank you, Madam Speaker.

The Speaker: The question is: BE IT THEREFORE RESOLVED that in accordance with paragraph (4) of Standing Order 80, the Legislative Assembly accepts the resignation of the Second Elected Member for George Town as Chairman of the Public Accounts Committee—

Let me just pause here—out of an abundance of caution can I get an indication from the Member for North Side that he accepts the nomination.

Mr. D. Ezzard Miller: Yes, Madam Speaker.

The Speaker: Thank you.

AND BE IT FURTHER RESOLVED that the Legislative Assembly revokes the appointment of the Leader of the Opposition and First Elected Member for West Bay from the Public Accounts Committee.

AND BE IT FURTHER RESOLVED that the Legislative Assembly appoints the Elected Member for North Side as a member and Chairman of the Committee and the Second Elected Member for George Town as Deputy Chairman of the Committee.

And Second Elected Member for George Town, do you accept the nomination for the Deputy Chairman?

Mr. Roy M. McTaggart: Yes, ma'am.

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

AYES.

The Speaker: The Ayes have it.

Hon. W. McKeever Bush, Leader of the Opposition: Division, please.

The Speaker: Madam Clerk, please call a division.

Division No. 7

Ayes: 9

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. D. Kurt Tibbetts
Hon. Osbourne V. Bodden
Mr. Winston C. Connolly
Mr. Roy M. McTaggart
Mr. Joseph X. Hew
Mr. Alva H. Suckoo
Mr. D. Ezzard Miller

Noes: 3

Hon. Anthony S. Eden
Mr. Bernie A. Bush
Capt. A. Eugene Ebanks

Abstention: 1

Hon. W. McKeever Bush

Absentees: 4

Hon. G. Wayne Panton
Hon. Marco S. Archer
Hon. Tara A. Rivers
Mr. V. Arden McLean

The Speaker: The results of the Division: Ayes: 9; Noes: 3; Abstentions: 1 and Absentees: 4

Agreed by majority on division: Government Motion No. 7/2015-2016 - Membership of the Public Accounts Committee passed.

The Speaker: I recognise the Honourable Premier.

ADJOURNMENT

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

Madam Speaker, I move the adjournment of this Honourable House until 10:00 am tomorrow.

The Speaker: The question is that the honourable House be now adjourned until 10:00 am tomorrow morning.

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

AYES.

The Speaker: The Ayes have it. The House now stands adjourned until 10:00 am tomorrow.

At 6:40 pm the House stood adjourned until 10:00 am Friday, 16th October 2015.

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