



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2015/16 SESSION

21 October 2015

*Fifth Sitting of the Third Meeting
(Pages 543-606)*

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

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PRESENT WERE:

SPEAKER

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

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>Premier</i> , Minister of Home Affairs, Health and Culture
Hon G Wayne Panton, JP, MLA	Financial Services, Commerce and Environment
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	<i>Deputy Governor</i> , 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	<i>Deputy Speaker</i> , 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. McKeever Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
Mr Bernie A Bush, MLA	<i>Deputy Leader of the Opposition</i> , Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

Mr V Arden McLean, JP, MLA	Elected Member for East End
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APOLOGIES

Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Mr D Ezzard Miller, MLA	Elected Member for North Side

OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2015/16 SESSION
WEDNESDAY
21 OCTOBER 2015
10:24 AM
Fifth Sitting

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

The Speaker: Good morning. I now call on Fourth Elected Member for Bodden Town to lead us in prayers.

PRAYERS

Mr. Alva H. Suckoo, Jr., Fourth Elected Member for Bodden Town: Let us pray.

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

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

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

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

The Speaker: Please be seated.
Proceedings are resumed.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I don't think—

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: I don't think the House is quorate.

LACK OF QUORUM

The Speaker: I have received no apologies, so would ask if Members are within the precinct of the Chamber, if they would kindly make their way in at this time.

[Pause]

Proceedings suspended at 10:27 am

Proceedings resumed at 10:43 am

The Speaker: Please be seated.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

APOLOGIES

The Speaker: Madam Clerk, before you start, I would like to make a correction. I have now received apologies from the Member for North Side who is off Island, and the Honourable Deputy Premier, Minister of District Administration, Tourism and Transport.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Speaker: There are no Oaths or Affirmations.

PRESENTATION OF PETITIONS

The Speaker: There are no petitions for today.

PRESENTATION OF PAPERS AND OF REPORTS

The Speaker: There are no reports or papers as well.

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

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I just want to draw your attention to questions that we have outstanding and then I am wondering whether someone would give a commitment to check on at least the ones I have. I know other Members raised the same matter the other day. But I do have at least one that I desire to understand the Government's position on it. That is the matter of the . . . there are two . . . the matter of the old administration building.

The Speaker: Honourable Premier?

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

We are pressing those responsible for the preparation of the answers to get them done. I know a significant number of those from the Member for North Side are now ready, but he has asked for those to be deferred, and they have been deferred. There aren't any on the Order Paper this morning. We will be back here at least tomorrow, perhaps Friday as well. I will do my very best to make sure that we get as many of the answers to the questions as possible for tomorrow. And I will check specifically on the one asked for the by the Leader of the Opposition.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Speaker: There are no questions for this morning.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

STATEMENT TO SUPPLEMENT THE PRESENTATION OF THE BASELINE SCHOOLS INSPECTIONS AND THE EDUCATION GOVERNANCE REVIEW REPORTS

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

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Madam Speaker, As indicated during my presentation of the reports pertaining to Cayman Islands Baseline Inspection of Schools and the Independent Review of the Cayman Islands Public Education System tabled in this Legislative Assembly last Wednesday, I make this statement in an attempt to provide this honourable House with more detail as it relates to the process carried out in relation to these reviews conducted, and discuss the plan of action moving forward to address the findings of the Reports.

As outlined in my debate in June of last year, it was anticipated that the outcomes of the education governance review, together with findings from the baseline inspection programme of all of our government schools during the 2014-2015 school year, would:

- identify strengths and weaknesses and provide avenues for improvement;
- provide feedback to the Ministry on the priorities being pursued in the reform agenda, documenting and assessing progress and future plans, and identifying any gaps or further areas of priority to be considered;
- provide guidance to the Ministry on opportunities for a new governance role for community partners in the education system; and
- establish a baseline evaluation of the education system, against which future progress can be measured.

These important reviews of our system were indeed carried out during the 2014-15 academic year as promised, and have helped the Ministry of Education to identify some of the gaps in the public education system, as well as some of the progress made to date.

Baseline inspections were carried out in all 15 government schools across Grand Cayman and Cayman Brac between November 2014 and March 2015. The Inspections process was coordinated by the local Lead Inspector, Mrs. Mary Bowerman, who has experience working in and knowledge of the Cayman Islands education system. The Ministry contracted with Mrs. Bowerman as the local Lead Inspector because of her relevant experience of being the previous Director of the (then) Cayman Islands Standards and Assessment Unit.

I am made to understand that the International Schools Inspection Consultancy (ISIC) was chosen by the local Lead Inspector because of its extensive record of having conducted independent school inspections in a number of countries, and for a proposal that outlined a very thorough inspections process. ISIC and its parent company ISI inspect and provide school consultancies in over 50 countries around the world. It has over 1,500 experienced inspectors and consultants, a large proportion of which have both public and private school teaching experience as well as experience inspecting for other inspection providers including the UK's Office for Standards in Education, Children's Services and Skills (OFSTED).

ISIC inspector consultants are experienced at inspecting under a wide range of inspection methodologies including ISI inspection framework, the British Schools Overseas (BSO) framework, OFSTED and nationally based inspection frameworks. In the UK, the ISI inspection framework for independent schools inspects compliance with the same National Minimum Standard (NMS) as OFSTED and is approved by the

UK Department for Education and quality assured by OFSTED.

For the Baseline School Inspections, the “Cayman Islands Education Standards and Assessment Unit Handbook for Inspection and Self-Evaluation 2011” was used. As this is not a new document, all schools would have had access to the document prior to the inspection process.

The baseline inspections primarily examined and reported on the following areas:

- student progress and achievement;
- effectiveness of teaching and its impact on learning;
- leadership and management; and
- quality of provision and student outcomes in English and in mathematics.

Each school was given an overall grade in each of these areas, and the possible grading scheme consisted of the following: “Unsatisfactory”, “Adequate”, “Good” or “Very Good”.

In addition to the baseline school inspections of government schools, the Ministry sought to engage the services of an external and objective body to conduct an independent review of the government education system. The review focused on educational governance; provision and student outcomes in primary and secondary education in the Cayman Islands Government Education System; and provided recommendations for improvement.

KPMG was primarily chosen to carry out the exercise because it has a Global Centre of Excellence in Education, which was utilised as a vital resource in this review process. KPMG contracted, through its Global Centre of Excellence in Education, an education consultant in the UK who was brought in to lead the review, with the support of KPMG and its resources.

Carrying out and receiving the findings of the Baseline Inspections and the Education System Review was an important component of the strategy needed to drive continued improvements in the public education system. However, the Ministry did not sit back and wait to receive these reports before taking action to address some of the identified shortcomings gleaned from my various visits to the schools, and from my engagement with parents, with teachers, with principals, and with representatives of the private sector and wider community since taking office in May 2013.

Instead, the Ministry has been tasked with and has been putting new initiatives and solutions in place to address the issues identified as a result of these consultations. Since taking office in May 2013, and prior to the start of the Baseline Inspections and Education System Review, six Strategic Priority Areas for Education were identified as a result of the various consultations with stakeholders and internal analysis of the education system.

The six Strategic Priority Areas established since taking office are as follows, focusing on:

- 1) International Competitiveness & Raising Standards in Education
- 2) Special Education Needs and Disabilities (SEN/D)
- 3) Conflict Resolution Training & a Crime Reduction Strategy
- 4) Technical & Vocational Education & Training
- 5) Information & Communication Technology and STEM (which is science technology engineering in mathematics education)
- 6) Public - Private Partnerships in Education and Training

During the 2014-2015 school year and whilst inspections were being carried out, these six strategic priority areas provided a guide for the Education Team to develop and implement a number of strategies and initiatives designed to provide the education system with the necessary support and guidance to drive the process of raising standards. And, Madam Speaker, with your permission, I beg to lay the summary of the Education Progress Report on the Table now.

The Speaker: So ordered.

[Education Progress Report laid on the Table of the House]

Hon. Tara A. Rivers: Madam Speaker, the work undertaken thus far has proven to be fruitful and on target because many of the new initiatives and focus areas introduced since taking office in 2013 are in alignment with what is called for in the Baseline Schools Inspections reports and address some of the issues highlighted in the Education System Review.

The outcomes of the inspections and the system review have confirmed that we are on the right track with respect to the six priority areas of focus introduced in the last two years. Also, as a Government, we have worked to ensure continuity (and strengthening) of programmes where those programmes and initiatives were showing positive results. This commitment to appropriate continuity was important given that the education system had suffered from a lack of continuity in many instances due to the change of Government administrations over the years.

An Education Plan of Action 2015-2016 was developed in an effort to address the issues raised in the Baseline School Inspections and the Independent Review of the Cayman Islands’ Public Education System. The Plan of Action is split into two main areas, with a focus on improving leadership and management; and student progress and achievement.

The Plan of Action has been discussed with school principals for review and implementation during the 2015-16 School Year. During the month of Sep-

tember, I, along with the Chief Officer in the Ministry of Education and the Acting Chief Education Officer, have met with all Government school principals, and have visited with the staff at many of the schools themselves, to discuss the plan of action for each school. As a starting point, at these meetings we have encouraged school leaders and educators by identifying the many positive aspects in their individual schools and encouraged them to work towards making those consistent in all classrooms and evident in all practices. I am heartened by the renewed commitment to excellence which has been demonstrated by several of the educators at many of the meetings attended thus far. Through these visits, we have also been promoting intra- and inter-school collaboration to share good ideas and good practice within and between schools. In the upcoming months we will visit the remaining schools to have discussions with staff as an important part of strengthening education stakeholder collaboration.

The Plan of Action, though detailed, outlines actions and initiatives that would be evident in any successful school and are not beyond realistic expectations for the Cayman Islands Education system. Some of the focus areas in the Plan of Action include, but are not limited to:

- development of a 'role and responsibilities' outline for principals and senior managers/senior management teams at the schools that is directly linked to the performance management process;
- identifying area(s) of improvement for principals and providing mentoring/ coaching/training;
- redefining education leadership meetings to focus on training and development for principals;
- working with principals to develop Post Inspection Action Plans to raise standards in each respective school and to address the specific issues identified for individual schools through the inspection process;
- supporting both formal and informal professional development for leaders and aspiring leaders within education through participation in the International Leadership Certificate training offered through the Ontario's Principal's Council which was developed and launched in 2014;
- conducting an audit of under-performing staff, identifying area(s) of improvement for those staff and provide mentoring/ coaching/training to improve teaching practice;
- reviewing behaviour policies to ensure that they provide appropriate consequences as well as positive reinforcement;
- standardising a system for recording behaviour incidents and remedial actions developed using Student Information Management Sys-

tem (SIMS) for primary schools and high schools; and the plan focuses on

- developing a plan for implementing a more effective system to address the needs of students displaying serious behaviour issues.

A consistent theme resonating in the Baseline Schools Inspections and Education System Review was the identified need to increase resourcing in some areas and improve the training and support for management of students with special educational needs and disabilities (SEN/D), and those with behavioural issues. Through the Plan of Action, principals will be required to work with teachers to utilise the information from planning and assessment to provide for the less and more able students. The Plan of Action calls for improved identification of special needs and provision of appropriate SEN/D interventions.

As discussed earlier, working to better address the needs of children with special education needs and/or disabilities is one of the six priority focus areas introduced since taking office in May 2013. The Ministry was tasked to find ways to better enhance the provision for these students. As a result, this school year, non-teaching Special Education Needs Coordinators (SENCOs) have been employed to provide support for all government schools. This includes identifying students with special or additional educational needs, coordinating assessment and essential interventions and then monitoring students' progress and achievement to ensure no child is left behind. This is the first time that all schools will have access to non-teaching SENCOs whose job it is to focus specifically on students with special education needs and disabilities.

In addition, the Ministry of Education is spearheading an inter-ministerial and interdepartmental project aimed at better serving the needs of pre-compulsory school aged children (i.e. toddlers and infants) displaying special education needs and disabilities or those who may be at risk of such, with a renewed focus on strengthening the Early Intervention Programme and related services required by these children. Aspects of this multidisciplinary approach to servicing the needs of these children have begun this year and work will continue to further develop the holistic programme bringing together a number of Ministries and departments/agencies.

The Education Plan of Action 2015-2016 is solutions focused, seeking to address specific issues identified in the reports through specific actions to be taken. In the interest of time, I have identified only a few of the areas from the Plan of Action. And with your permission, I seek to lay on the Table of this House a summary of the Action Plan 2015/16.

The Speaker: So ordered.

[*The Education Plan of Action 2015/16 laid on the Table*]

Hon. Tara A. Rivers: The Education Plan of Action 2015-16 is an accountability framework which identifies one lead person for each action or initiative of the plan, and introduces a reporting structure to document implementation and effectiveness of the outcomes. Support structures have also been put in place but accountability rests with the lead person. Termly reporting, which includes an analysis of individual school data, is due from Senior School Improvement Officers to the Chief Education Officer who in turn will submit a report to the Ministry of Education. The reports will include an analysis of data related to staff performance, student academic progress and achievement, professional development, and behaviour incidents.

The Plan of Action is a direct response to the issues raised through the schools inspections and education system review process. As a Government, we are not shying away from the issues identified. As a country, we need to ensure that the education system addresses those issues and that our children have the high standard of education that they deserve. We also know that there are strengths in the public education system and we need to identify those strengths and ensure that those good practices are consistent in all schools.

As a part of the overall Plan of Action to address the issues identified in the reviews, the Ministry has launched the Cayman Islands Teaching and Learning Strategy 2015-2019, with the initial focus on Literacy, as literacy is the building block, the foundation, for all other learning. But successful implementation of the objectives outlined in the Teaching and Learning Strategy will improve student achievement in all subject areas. The Teaching and Learning Strategy outlines specific measurable achievement targets for each academic year, beginning with the 2015-16 school year (this year), and for the next four succeeding school years thereafter.

The five-year literacy target established for the Cayman Islands is that by the end of the 2019-2020 Academic Year, all students will read and write on level by the end of Year 2. The literacy target established for this school year is to have 85 per cent of students leaving Year 1 who are reading on level. From the 2016/17 school year and for every year thereafter, there are specific, measurable targets for Year 1 and Year 2 students, culminating with 100 per cent of students leaving Year 2 reading and writing on level.

The Cayman Islands Teaching and Learning Strategy 2015-2019 will build upon the strengths of the education system, while also providing specific tools and objectives that are required to navigate the change process and create the kind of educational system that will enable all our students to achieve at

the highest international standards, and certainly to their highest individual potential. Every objective outlined in the Teaching and Learning Strategy is rooted and anchored in a body of research that has been made to fit within the Cayman Islands context.

Also, Madam Speaker, in addition to monitoring the implementation of the Plan of Action 2015-2016 (including aspects of the Teaching and Learning Strategy contained therein), during the course of this fiscal year the Ministry will be considering in greater detail the recommendations of the Education System Review as it relates to introducing some form of enhanced education governance model. The public education system has experienced the benefits of public/private partnerships, and we want to build upon this work with the community to improve the education system and the outcomes for our children.

As Minister, I want to stress and I want to state my unequivocal commitment to public education; and as a part of that commitment to providing the best possible education for our children, it is recognised that there is scope for greater cooperation, for greater participation and for greater collaboration with parents, the private sector, NGOs and the community at large when it comes to public education.

A key plank in the Education Plan of Action 2015-2016 is increased targeted professional development. More targeted Professional Development is recommended in the various reports, and this is already underway. During 2014, a professional development course targeting school leadership (mainly PRINCIPALS and deputy principals last year, which was the International Leadership Certificate offered through the Ontario Principals Council) was locally developed and rolled out during the previous Academic Year. Training pursuant to this leadership programme will continue this School Year as well. In addition, some education staff has had the benefit of participating in a three-day training programme with Dr. Avis Glaze, an international leader in the field of education, held during the first week of October 2015 in order to enhance capacity in:

- Education System and School Leadership Support;
- School and Education System Effectiveness;
- School Improvement Planning;
- Assessing School Effectiveness;
- Self-Assessment and Accountability Measures;
- Strategies for Monitoring Improvement; and
- Teamwork and Collaboration (Developing a Shared Vision).

Dr. Avis Glaze is an imminently qualified education expert sought after to assist education reform efforts in countries worldwide. According to her biography, as one of Canada's outstanding educators, she has been recognised for her work in leadership development, student achievement, school and system im-

provement, character development and equity of outcomes for all students.

As Ontario's first Chief Student Achievement Officer and founding CEO of the Literacy and Numeracy Secretariat, she played a pivotal role in improving student achievement in Ontario schools. Her primary focus in education is on building capacity to ensure that all students achieve, regardless of background factors or personal circumstances.

Dr. Glaze has extensive experience in international education and was chosen by the Canadian Government to assist with educational reform in South Africa. As well, she knows schools across the globe firsthand, having worked with educators in Australia, England, Finland, Singapore, Ireland, Scotland, Germany, the Caribbean and many parts of the United States. She also served as Adviser to the Minister of Education in New Zealand on national standards.

The Ministry of Education has collaborated with Dr. Glaze over the last two years in professional development events for our teachers. She has a unique perspective which is to our benefit in that, in addition to her global eminence in the field of education, she is originally from Jamaica and can therefore understand the Caribbean context which needs to be considered when making significant changes to our system.

Having had the opportunity to review the Education Action Plan 2015-2016 and the Cayman Islands Teaching and Learning Strategy 2015-2019, Dr. Glaze indicated that these policies are, indeed, of world class caliber. They are second to none that she has examined across the globe, according to her.

She went on to state that "they reflect the knowledge and expertise of [the education] staff and their desire to achieve international comparability." This glowing endorsement by Dr. Glaze of the work that has been done by our local educators already in response to the Baseline Schools Inspections and Education System Review in an attempt to establish the framework to address the issues identified is something to be highly commended.

I want to publically congratulate the team in the Ministry of Education, the Department of Education Services, the Education Quality Assurance Unit (through the work of the Lead Inspector contracted in that Unit) and the schools for the work done to create the Education Action Plan 2015-2016 (and individual schools Post-Inspection Action Plans) and the Cayman Islands Teaching and Learning Strategy 2015-2019. Our educators are committed to improving the system and now have a robust and internationally sanctioned framework in which to work to help achieve the stated goal of excellence in education.

Madam Speaker, since taking office as Minister of Education it has been a priority to have a thorough review of our education system so as to truly understand where we are, as a country in the education improvement journey, and how to get to where we

need to be. Driving educational excellence was a key campaign commitment and a key commitment outlined in the Independent Members' National Priorities Plan. As Minister of Education, I am committed to doing my endeavour best to move this agenda forward as expeditiously as possible. However, it will take the continued support from the entire of Government with respect to the allocation of resources and the support of the community at large in order to achieve it.

I am content to say that, although the Baseline Inspections and Education System Review reports have highlighted some difficult realities about our education system, the reviews have been completed as promised, and we have utilised this information to develop a clear pathway to improvement on all fronts.

In keeping with this Government's commitment to be open, transparent and improve communication, all the reports have already been released to the public and placed on the Ministry of Education website, as well as being tabled in this honourable House as a matter of public record. As a Government, we recognise that there is a lot of work to be done. These reviews were called for because we needed to have an objective understanding of the quality of our education system. Since taking office in 2013, we have listened to stakeholders, and as a result, six strategic priority areas have been introduced to create focus in the education system. Whilst waiting for these evaluations to be completed, the education team has implemented a number of strategies to address the issues identified as a result of internal and other evaluations, which can be seen from the summary report of the education system which I just tabled.

We have the reports and we have made them public. We have the reports and we are taking action. As discussed, we have already developed a plan of action to address the findings of the Baseline Inspections and the Education System Review which is being implemented starting this 2015-2016 school year. This Government has no intention of having these reports sit on a shelf. The results are in and the work continues. Improvements need to be made. We are shifting to a system of accountability for all. Reporting mechanisms have been built in and the education team is expected to make improvements. Our children deserve nothing less.

It is important to stress that the issues facing the public education system have not developed overnight. In fact, they are as a result of many, many years of growing challenges faced by the system; and thus, all the solutions to address the myriad of issues themselves cannot be implemented overnight, nor will the process implemented thus far to address the issues yield overnight results. There are no quick fix solutions! We cannot take a "band-aid approach" to address systemic problems in the education system; but, we must first acknowledge the extent of the issues faced, and deliberately seek to address them

with collective resolve. This isn't about politics; this is about the sustainability of our country.

I am confident that as a result of conducting these reviews, as a result of owning up to the findings, and as a result of a renewed commitment to educational excellence and taking decisive action at all levels to begin to address some of the shortcomings in the education system identified in the reviews, the education system is poised to see significant improvement in the coming years.

I want to reiterate my unequivocal commitment to public education, and to all those who work in our public education system. I want to sincerely thank all of the hard working, committed educators and those working to assist in this process of education transformation in the Cayman Islands. And it would be remiss of me not to publicly acknowledge and recognise one of our own educators who have been recognised publicly for her effort as an educator at the Sir John A. Cumber Primary School as a music teacher, Ms. Rebecca Jefferson, who was one of the five finalists in the Young Caymanian Leadership Award scheme this year. So, that is one example of the many hardworking teachers we have in our system who are, indeed, achieving excellence in what they do.

These are very exciting times, and with a renewed commitment to excellence, and an optimistic outlook to addressing the challenges, I'm confident that together we can achieve the goal of raising standards and addressing the educational needs of all our children.

Thank you, Madam Speaker.

SHORT QUESTIONS

[Standing Order 30(2)]

The Speaker: I recognise firstly the Honourable Leader of the Opposition and then the Deputy Speaker.

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

Under Standing Order 30(2), I would like to ask maybe two questions.

The Speaker: Permitted.

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

Hopefully with all that has been said, I am not straying outside, but, what decisions have been made about the schools in Cayman Brac, specifically the amalgamations, if any?

The Speaker: Honourable Minister of Education, providing that that has been part of your inspections report and a recommendation, otherwise, you can exercise your discretion.

Hon. Tara A. Rivers: Thank you, Madam Speaker. It actually was not a part of the actual inspections review and the reviews of this particular exercise, so I have been informed that the process of looking at a strategic outline case is underway. So, in terms of providing any more detail, as a matter of fact, I would have to ask the Chair if I could provide that in writing, if possible.

The Speaker: Honourable Leader of the Opposition?

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

So what the Minister is saying, if I understand correctly, is that that is something within the policy but you have not done it as yet?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: There are a number of options that are being considered at this time, Madam Speaker, but no definitive decision has been taken as to the final outcome, and that is why the strategic outline case is being done. We are looking at it currently.

The Speaker: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Sorry, Madam Speaker. For all the action plans to enhance excellence in education that the Minister is saying, has been put in place through systems. How much will it teach the child about life, socially, economically . . . actually what the child will live and have to cope with in our local island environment?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Madam Speaker, I want to thank the Member for that question. Certainly one of the focuses that we will be looking at very closely moving forward in seeing how we can actually do a better job through the schools is helping to develop what is known as "character education" and building character of our children so that they can, indeed, cope with the challenges of life that may be beyond the school setting. So this kind of values education which I personally believe, and incidentally, Dr. Glaze also has spoken very strongly about the need to try to develop a system of kind of value based education and character education, because that can go a long way in addressing a number of other societal ills down the line. So, we certainly will be looking at these to see how we can strengthen the life skills of our children during their time in the public education system.

The Speaker: I recognise the Honourable Deputy Speaker, First Elected Member for Bodden Town.

Hon. Anthony S. Eden, Deputy Speaker, First Elected Member for Bodden Town: Thank you, Madam Speaker, and continuing under Standing Order 30(2), can the Honourable Minister say what was in place before your administration took over in May of 2013 to monitor the performance of the schools? Did someone not see the deterioration in standards?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Madam Speaker, if I could have a moment to confer with my staff on that question.

The Speaker: Certainly.

[Pause]

Hon. Tara A. Rivers: Madam Speaker, I have been advised by my staff that with respect to the kind of quality assurance programme that was in place within the education system, up until 2013, some private schools and early childhood education centers had gone through a quality assurance type programme. The last time the public school had received any kind of quality assurance programme was CIFEC [Cayman Islands Further Education Centre] and that was in 2012 but that was more of an internal assessment as well. There had been a number of years since any sort of assessment had been conducted at the primary school. I think the last primary school assessment was conducted in 2008.

The Speaker: Honourable Deputy Speaker.

Hon. Anthony S. Eden: Thank you, Minister, for that. It is good to know that we are going to have in place the monitoring system.

This is just a comment, Madam Speaker, as probably you and I in this House over the years have been lulled into believing that the students were doing so good and having record passes from external exams, to now learn that our students are almost a year behind the standards of those in the UK. That is just a statement and an observation, Madam Speaker.

The Speaker: I recognise the Elected Member for East End.

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

I crave your indulgence under Standing Order 30(2). In the Minister's statement she said: "**During the month of September, I, along with the Chief Officer in the Ministry of Education and the Acting Chief Education Officer, have met with all Government school principals, and have visited with the staff at many of the schools themselves, to discuss the plan of action for each school.**"

Can the Minister tell us why not all 15 schools?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker, and I thank the Member for that question.

He would recognise that the plan is to ensure that all schools will be visited. It was purely a question of timing. During the month of September when schools have their school meetings, a lot of them actually clash timewise, so we certainly can't be in two places at the same time. So, we actually had to end up choosing individual schools and working to a schedule that way so we ensured that we saw both of the public high schools here in Grand Cayman during the month of September. We had, as I said, a meeting with all principals and the principals from Cayman Brac schools were conference-called in, so we actually had that direct dialogue with all principals as the first meeting, and then we deployed our meetings to the individual schools as I outlined and as I said. During the coming months the intention is to visit with the remaining schools. Again, depending on the scheduling of when those meetings will take place at the individual schools, we will make sure that we get to all of those schools in due course.

The Speaker: Elected Member for East End.

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

I wonder if the Minister can tell us how many schools are left and which ones.

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker, I will need time to confer with the staff, and if so, if we do not have that information to hand, I may need to provide that in writing to the Member.

The Speaker: You may consult.

[Pause]

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Madam Speaker, as I suspected, we do not have that information to hand here. The staff has indicated that we will endeavour to get that information to the Member in writing as soon as possible.

The Speaker: Elected Member for East End, I will allow two more.

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

The first question is: Was East End [School] left out? Number two is: Why is it that the Minister has to wait for the scheduled staff meetings of the schools? Why is it that the Minister can't demand that on this day we are having this meeting?

The Speaker: Member for East End is that 1(a) and 1(b)? Or is that questions 1 and 2?

Mr. V. Arden McLean: One, two or (a) (b), but is two then, if East End was left out and why is it the Minister can't schedule the meeting and tell them—

The Speaker: I was trying to ascertain whether you were taking advantage of your privilege of asking two more questions at one stand-up, or whether that was part 1(a) and 1(b)?

Mr. V. Arden McLean: No, no, no, Madam Speaker, You're depriving me now in that regard. That was 1(a) and (b); two will come after that.

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker, to answer the first question, the categorical and simple answer is no, East End has not been left out. And as the Member for East End will well know, because he was there himself, I was recently at the East End Primary School during the launch of their home school reading programme. So I certainly have never left out East End Primary School with respect to any such visit.

With respect to making demands about when the actual meetings should occur, Madam Speaker, we are trying to work collaboratively with the schools. And obviously, the schools have certain needs with respect to their timing as well as making sure that they can only have these major staff meetings happening after school hours. So we are working with the schools to try and figure out the best timing for these various visits. So the schedules have been coordinated that way. The schools have obviously been very welcoming of our visits and we intend to continue that. But we are certainly trying to develop this collaborative, cooperative working relationship between the Ministry, Department of Education Services and the schools.

The Speaker: Elected Member for East End.

Mr. V. Arden McLean: Number 2. Madam Speaker, I think the . . . and it should be viewed as under number 1 because I believe the Minister may have—

The Speaker: Don't push the Minister.

Mr. V. Arden McLean: —what I was asking, and it was related to those others out of the many that were not met with at the staff meeting; all the staff, the teachers, with regard to why wasn't one held with the East End school, or, if one was held with East End school, if East End is one of those schools that did not have a meeting.

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Yes, Madam Speaker, I can actually say that we have not had the all school meeting to discuss the plan of action at the East End Primary School as yet. And that was simply because of this conflict in scheduling during the month of September. But I give the assurance to the Member for East End that we will be visiting the East End Primary School in the earliest possible opportunity.

The Speaker: Third Elected Member for West Bay.

Mr. Bernie A. Bush, Third Elected Member for West Bay: In your statement, you mentioned the SEN situation. As you know, I went to town on that in the last sitting of the House. It is obvious from the statement of the Deputy Speaker of the House, that it has come to what I have always said, that the Education Ministry and of that four-headed monster, two have gone and we still have two left that made us feel so comfortable that all was well in our education system and now all of a sudden, because one thing we found about Education, it does not manifest the next month, it takes a little while to manifest. Madam Speaker, to the Minister: Now that that the SEN has been identified, I have two from Red Bay, one from Prospect, one from West Bay, stated facts. In September the SEN expert shows up at the school, sees the child. They saw them again in January. Will all of this slackness ineptitude (whatever you want to describe it as, Madam Minister of Education) with this new plan be done away with when we have these children with SEN and the teacher at the school recognises it and advises the Ministry and the so-called SEN expert? Will they now be addressing these children, because the figure still has not been given, but the figure is very high? Will these SEN shortcomings that are prevalent in every primary school almost, be addressed?

The Speaker: Honourable Minister.

Hon. Tara A. Rivers: Madam Speaker, I would like to thank the Member for that question and I would like to say that the approach to dealing with the situation of making sure that the needs of our children who display special education needs and disabilities are dealt with in a more effective manner. The approach is kind of multi-faceted. So the first approach that we have introduced this year for the first time is we do have at each school non-teaching SEN coordinators who are

responsible for making sure that the identification of these students happens more accurately, et cetera. The next focus is also on providing further professional development for, not just the experts, as we have identified, but the people that are the specialists who will be working with some of these interventions. But it was found that the teachers themselves, the educators, the principals themselves, could have benefitted from additional professional development as it relates to dealing with students and providing for students with SEN. So, as I talked about in my statement, the focus being very heavily on professional development of our educators, this is one area where we will see increased professional development.

Finally, Madam Speaker, to the Member's point about making sure that we have the resource available and allocation to deal with these children that are displaying these needs, now this obviously is the most challenging of all the three-pronged approach because it does require, as I have said, resources. What the team has been tasked to do is figure out exactly what resources we do have in place, are they being effectively deployed, are they being implemented the way they should be implemented, and there is a greater system of accountability built in now where each person, as identified in the plan of action to be the lead person, so we have a lead person as it relates to SEN as well, and everything that goes under that.

Each lead person will then be responsible with respect to answering what is supposed to be happening under those various aspects of the plan. So that is the new system which did not exist before, because I am sure the Member will appreciate sometimes the various directions of when questions are asked and who is being held responsible and accountable. So there is a system of accountability built into the plan of action that will hopefully help to address some of the concerns. But as I said in the statement, we have and we know of all the areas. This is certainly the area that is in need of greater resources and the ability to provide for all of the need in all of the schools at the one time within one year is a challenge. And to be perfectly honest, as I said, the solutions may not necessarily be able to be rolled out all in one year. But we certainly are developing a plan of action as to how to do that as quickly as possible.

The Speaker: The Third Elected Member for West Bay.

Mr. Bernie A. Bush: Madam Speaker, this new plan, has this finally been something locally? This new plan is this something locally or is it another one of the famous beautiful cut and paste jobs the Education Ministry is formerly famous for? Or is this something that we can really be done locally for a change?

The Speaker: Honourable Minister of Education.

Hon. Tara A. Rivers: Madam Speaker, I want to thank the Member again for those questions because, as I indicated during my statement, I guess that indicates the cynicism that still exists about the system and where we are trying to go. But I want to give comfort to the Member that both the plan of action and the teaching and learning strategy were developed locally. It was based on research and best practice, but it has been developed by key persons within the three major components to Education, that being the Ministry of Education, the Department of Education Services and the Quality Assurance Unit, and it has been working. As I said, we have been working through the individual schools to make sure the schools themselves are having their input with respect to their specific post implementation, or post inspection action plan to address their specific needs. So this is a local, home-grown plan of action and our local home-grown teaching and learning strategy, but it is rooted in best practice and rooted in good teaching and educational excellence.

The Speaker: Third Elected Member for West Bay.

Mr. Bernie A. Bush: Can I ask the Minister, if I will be allowed, as I go through the Island to speak to the foot soldiers to find out if they have been included in this? Can I have permission to ask? A lot of teachers are really afraid because of the repercussions of talking to people on this side of the floor. There is another Member on this side who told me he had the same problem.

How much, have the teachers . . . I heard you name off all these different organisations involved in this, and at the end you said some of the teachers or the teachers, because something has been prevalent. You have people making these decisions that have no idea what's going on in the school itself. And that is why the question is, Can I ask them how much they have been involved as I bump into them in the supermarket so that I can say the Minister told me I could ask you?

The Speaker: Honourable Minister?

Hon. Tara A. Rivers: Thank you for that question. I mean, obviously the Member is free to ask whatever questions he feels he needs to ask in that regard. With respect to the individual schools . . . so there is the sort of national over-all plan of action, which, again, is an accountability framework more than anything else. It is saying who is responsible for what at whatever level. At the schools level the accountability lies with the principals. It is now the principals at their individual schools to take the process further to develop in collaboration and cooperation with those same teachers that you are talking about at their schools, their specific school's post inspection action plan. So that is where you will get, or you should get, the

greatest amount of interaction and input by the teachers themselves, because it is they that will basically have to carry out the post-inspection action plan for their individual schools. So it is left with the principals driving the process, being supported by the Ministry and the Department of Education Services, but we are moving to a framework where schools are going to be given more autonomy, but they are also being given more accountability. So at the principal level, at the leadership level at the school, they are now responsible for making sure that their teachers are involved and are included in the process of developing the school's specific action plan.

The Speaker: I will allow one more question, Third Elected Member for West Bay.

Mr. Bernie A. Bush: Thank you, Madam Speaker, and to the Minister, thank you for those answers. And that last answer actually gave me this last one, Madam Minister. One of the problems is the last report that made our teachers look like most of them were not trying or something, and one of the things identified that came out when I started to do my homework, was that the principals you just talked about, whom you have now given more say, when they identify a bad teacher, Madam Minister, the red tape to get rid of that bad teacher or to move that bad teacher is unbelievable, and I have had this from four principals. And, of course, we are dealing with human beings, but we are not perfect. Now, will the principals be able to say to the Ministry, *This teacher is not doing the plan, can we move her on, or can we cut her contract?* Whatever the situation is, because the principals say to do it right now at this moment, it will take almost a year and by that time we have ruined 24 children in a classroom. So, Madam Minister, will the principals have that much autonomy that they can now identify to the Ministry that this is a bad teacher and they must be moved on, just like I have identified the cut and paste specialists, we can send them on too, by the way, Madam Minister. Thank you.

The Speaker: Honourable Minister of Education, that is not a question that falls under the Ministry of Education. In fact, it falls under the Honourable Deputy Governor. So we will move on to the next item of business.

Mr. Bernie A. Bush: Madam Speaker, the question was: Will the principals now have the power to identify bad teachers? That was the question. The last piece about the cut and paste, you can dispose of that question, Ma'am. I will deal with Mr. Manderson on that. But the part about the principals now having the power that when they identify a bad teacher . . . now it takes a year, almost, to get rid of that bad teacher and it has affected 20, 24 children. How, now, will the principal be able to identify a bad teacher and move on?

The Speaker: Thank you, Third Elected Member for West Bay, but under section 55 of the Constitution, that responsibility lies flatly on the delegated shoulders of the Honourable Deputy Governor. That is why I made the intervention. The Minister has no responsibility or power to interfere with the civil service. In fact, she can't even choose her own secretary under the system that we have.

[Inaudible interjection]

The Speaker: Madam Clerk.

[Inaudible interjection]

The Speaker: You can direct the question in writing to the Honourable Deputy Governor, or you can speak to him at yours and his convenience. If you wish for it to be in the public forum, formulate a question for the next sitting and send it to the Chair.

Mr. Bernie A. Bush: Okay, Madam Speaker, thank you very much for your patience.

PERSONAL EXPLANATIONS

The Speaker: There are none.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: There are none.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

GAMBLING (AMENDMENT) BILL, 2015

The Clerk: The Gambling (Amendment) Bill, 2015.

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

LIQUOR LICENSING (AMENDMENT) BILL, 2015

The Clerk: The Liquor Licensing (Amendment) Bill, 2015.

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

BILL**SECOND READING****GAMBLING (AMENDMENT) BILL, 2015**

The Clerk: The Gambling (Amendment) Bill, 2015.

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

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

I beg to move the Second Reading of a Bill entitled the Gambling (Amendment) Bill, 2015.

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

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

I rise to present the Bill on behalf of the Government. This is a Bill to amend the Gambling Law (1996 Revision) specifically to facilitate the operation of casinos and other gaming activities onboard Cayman Islands passenger ships while, and only while, they are outside the territorial waters of the Cayman Islands.

Madam Speaker, the Cayman Islands Shipping Registry is extremely well known internationally. It has a tremendous penetration of the market in relation to very large super yachts, for example. It is the world leader in that area. And it also has a lot of other commercial tonnage, but there are certain specific types of vessels, particular types of tonnage which are not reflected on the register. And these can be specifically identified as the large passenger cruise ships that visit Cayman on a daily basis.

Now, certainly attempts were made over the years to attract this type of business to the register. But the fact is that Cayman has certain restrictions in place at the moment which mitigate against those vessels coming on the register. One of them is specifically the Gambling Law (1996 Revision), as it is now, which essentially applies to Cayman Islands vessels wherever they are located in the world.

Madam Speaker, that puts Cayman at a disadvantage in terms of being able to make the Shipping Registry attractive to passenger ships. So, we have other well-known registers that have significant advantages in that respect, like the Bahamas, like even the UK. Those registers do not have similar restrictions in relation to gambling activities in international waters. Vessels, as we know, come into the harbour on frequent visits. If you look at the port of registry you will see some in the Bahamas, you will see some UK registered, and other jurisdictions as well. They do not have the similar restrictions; there-

fore, their registries are able to attract that type of tonnage on the register. And it is significant business for these registers. Each of these vessels has up to several thousand crew on board, and many of those will have ratings, all of which adds to the volume of business that the particular register has ongoing with them on there, and it creates additional fee revenue for those registers as well.

So, Madam Speaker, as I said, there have been attempts in the past. More recently there have been discussions with some of these cruise ship operators who are keen to explore the possibility of bringing the large cruise ships onto the Cayman register because they recognise, as does the international market, the extremely high quality of the Cayman Islands register and there is a move towards quality in these areas. But they are not prepared to move the vessels, clearly, with a restriction in relation to gambling on international waters on an international voyage, because that is a significant aspect of revenue onboard the vessel as well.

So, Madam Speaker, it is important to note in relation to bringing this Bill that this does not reflect a significant policy change by this Government in respect of the issue of gambling, in respect to the issue of the operation of casinos, because if we pass this Bill and it is commenced, it will only allow vessels to operate casinos while they are on the Cayman register when they are at sea, outside our territorial waters and on an international voyage.

Madam Speaker, there is a definition of an international voyage included in the Bill so that it is clear we are talking about going from a port in one party state through international waters to a port in a separate party state. So we won't have a situation where, for example, you could have a locally registered vessel registered as a passenger ship which leaves the Cayman Islands waters, transits international waters and goes to Cayman Brac or Little Cayman and turns around and comes back. It has to be two separate states.

[Inaudible interjection]

Hon. G. Wayne Panton: Madam Speaker, I know the Member for East End is questioning the effect of that, and he suggests, perhaps it is a bad example. It is actually a very relevant example, Madam Speaker, because we want to ensure that this is not open to abuse. We want to ensure that we cannot have someone come and set up here and say you can transit between the Islands and operate an overnight gaming facility.

So, Madam Speaker, the Bill is intended simply to remove this prohibition on Cayman Islands passenger cruise ships when in international waters. And that is exactly what happens today with any of the other cruise ships, not just in the Port of George Town. Of course, when they come in to the Port of

George Town, by the time they are 12 mile outs, they have locked off their gaming facilities. That is exactly what they do in any other port that they visit as well. They do not operate the casinos and gaming facilities. They only do so once they are outside the territorial waters. So, Madam Speaker, in a nutshell that is the essence of this Bill. We are simply seeking to make a change to the application of the gambling law by effectively dis-applying it to Cayman Islands passenger ships which are outside Cayman Islands waters and on an international voyage to facilitate the Cayman Islands Shipping Registry to be in a position to attract valuable business in the form of the cruise passenger ships.

It is nothing more than that, and it has no direct impact on the Cayman Islands other than in that narrow respect.

Madam Speaker, I think I will have some committee stage amendments in respect of this Bill which I will address at that time. But I think this concludes my current presentation in respect of the Bill as it is. And I commend this Bill to this honourable House. Thank you, Madam Speaker.

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

Elected Member for East End.

Mr. V. Arden McLean: Madam Speaker, I thank you.

Madam Speaker, my good friend from North Side is not here today. And I am reminded of the vestryman from East End in speaking at his last day as a vestryman in 1958, I think it was, when we went to elected representation. He said that he might not have been able to do much during his three terms he served as a vestryman, but he was glad to see that when they needed one to make three, he tried to fill that place. The numbers have moved on, so I guess I am only one; but I will fill whatever place I can, likewise.

Madam Speaker, I do not have much to say on this Bill except that I want to echo some of my colleague's position which is that if the Government was going to move this far they should have considered things like churches and social clubs and the likes.

Madam Speaker, I hear the Government . . . you mean I am anticipating? Or are you going to be receptive to that committee stage amendment? Because I don't know if I will be able to do it, you see, on behalf of my friend.

[Inaudible interjection]

Mr. V. Arden McLean: You are going to do it? Oh well—

The Speaker: Member, it should be in circulation, the Gambling (Amendment) Bill . . . sorry, an amendment

to this. If you haven't gotten it, perhaps the Serjeant can see where in the process it has been hitched.

Mr. V. Arden McLean: You mean, you all have one on the floor too?

[Inaudible interjection]

Mr. V. Arden McLean: That's what Ezzard was talking about?

[Inaudible interjection]

Mr. V. Arden McLean: Oh, I didn't know; I haven't seen it.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, there are not that many days you can get that kind of response from the Premier and the Minister of Financial Services, that they have taken my good friend's (from North Side) amendment and they are bringing it themselves. Oh, glory day!

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, the Premier is saying if I would be reasonable, they would bring mine too. I want to know what kind of relationship is developing here between my friend and the Premier.

[Laughter]

Mr. V. Arden McLean: Madam Speaker, I am very glad the Government is bringing it; therefore, I won't have to do it. And I am sure when I call my good friend as soon as we take a break (he should be out of his appointments now) he will be elated in that regard. And I am eternally grateful for them for having done that.

However, Madam Speaker, the other . . . since they are going to do it, that's fine. I won't have to say those things.

But one of the things that I wanted to question the Minister, and since I will be the only one speaking, it appears (I may be presumptuous too), but one of the things I question in this Bill is . . . understand, we are trying to attract these ships, and that's good. However, Madam Speaker, this amendment says an "international voyage" means a voyage between (a) a port in the Cayman Islands, a port in the State or territory outside the Cayman Islands; or a port in a State or territory outside the Cayman Islands to a port in any other State or territory.

"International waters" means the high seas outside the territorial sea of any State or territory."

What we are doing here is giving ourselves an advantage to compete with other passenger liners'

registries elsewhere in the world—Miami, Singapore, wherever they are. But if you are doing that, why are we restricting them to say they cannot do it in territorial waters of another State, because there are States that allow it. So there must be some provisions that we can amend there to say that . . . and God forbid to think that I am a drafter, but something to say that in common terms, Madam Speaker, if it is allowed in other territorial water, that it is allowed under this law so they could be registered here, they could operate it. I don't know how to do that, Madam Speaker, but certainly, I believe that would be the icing on the cake because you can't have some ships up in Alaska registered and Alaska allows gambling in the territorial waters and our ships go in there and they can't. That is the sense of my question as to whether or not that is possible.

Madam Speaker, at committee stage we will then discuss the other matters on legitimising gambling or gain for game in this country. But I would like the Minister to answer that because I know we are quoting conventions, but those are international conventions on the high seas and that kind of stuff. But we are specifically saying that our ships cannot open their gaming facilities in territorial waters, which are usually 12 miles, I think. We are not the only ones with 12 miles, it is the world, I believe. The convention makes provisions for that worldwide. But why are we restricting them from that if other countries allow it? I don't see the validity. Not that we would want to encourage them to do it and put in there that they can, or they should be allowed to when they reach that country, but if it's allowable in that country, why are we restricting ours from doing it? That's the sense of my contribution.

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 call on the mover if he wishes to exercise his right of reply.

Hon. G. Wayne Panton: Thank you, Madam Speaker. Certainly, I would like to thank the Member for East End for his contribution.

Madam Speaker, on his initial point, as was indicated to him, there will be a committee stage amendment proposed by the Government which will address the issue of the commonly held raffles for the raising of funds by organisations, such as churches and other similar organisations. So, we are addressing that.

On his question, or his comment on the limitation in the Bill in respect to the operation of casinos within territorial waters, my understanding, based on representations from the shipping registry folks, is that this is a common provision in respect of registers that attract this kind of business. But I will certainly give him an undertaking that we will have a look at it very

quickly before we get to committee stage in respect of this to confirm whether there is an issue that might be addressed in respect of that.

So, Madam Speaker, with those few words, I again thank the Member for speaking, and I thank the rest of the Members of the House for their acceptance. Thank you.

The Speaker: The question is that a Bill shortly entitled the Gambling (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 Gambling (Amendment) Bill, 2015, given a second reading.

LIQUOR LICENSING (AMENDMENT) BILL, 2015

The Clerk: The Liquor Licensing (Amendment) Bill, 2015.

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

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

I beg to move the Second Reading of a Bill shortly entitled the Liquor Licensing (Amendment) Bill, 2015.

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

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

Madam Speaker the Bill being presented this morning on behalf of the Government seeks to address certain deficiencies which have been noted for some time in relation to the current Liquor Licensing Law. Truthfully, this is a matter which we have spent some considerable time on in the past because the law as it is really requires a much more wholesale re-vamping, but because of other competing priorities we have not been able to complete a thorough review of the law to enable a new replacement law to be presented.

So, Madam Speaker, we have gone with the Bill identifying some of the most problematic areas that have been identified and we have sought to address those at this point. One of the main things is that the law currently provides that a moratorium exists subject to the ability of Cabinet to lift the moratorium from time to time. I think that gives rise to temptations of what we have seen in the past where there

are indications that the moratorium is going to be lifted, there is a huge flood of applications for licences, only some of those applications are acceded to and licences granted, and then the moratorium is immediately re-imposed. So it has created a situation where there is considerable unfairness and considerable dissatisfaction expressed to the Government, not just by those folks who have applied for these licences and who have paid out fees in anticipation of getting a licence, and in some cases I have had complaints that they haven't heard anything further and have not received any rebate in respect of the fees, and those are things we are trying to resolve.

On the other hand, we also have significant complaints from legitimate businesses that are operating. They do not have the ability to obtain their own licences. What they are having to do is lease or purchase licences from those in the market who already have obtained licences and there is something like 60-odd licences which are currently in existence but are not being utilised—at least not being utilised by the licence holder.

Madam Speaker, just running through some of the points of the Bill, as I said, the Bill seeks to address this issue of the moratorium. We will reverse the situation. The Bill seeks to provide that there will be no moratorium imposed by law. But Cabinet will have the ability to impose a moratorium by order from time to time. At this point we do not intend to impose a moratorium unless there is very good reason for it. So this reflects a change in policy because of the difficulties and problems that have been caused by the moratorium being in the law, the impacts on legitimate businesses having to purchase licences at exorbitant values or lease them in order to operate legitimate businesses. That should not be the case, Madam Speaker.

Businesses should be able to satisfy the requirements, whether it is the safety aspect, the health aspect, to be able to conduct business as a restaurant, a bar, and they should be able to apply for these licences to be able to sell and distribute alcohol. If they satisfy all of the requirements, they should be able to get a licence, as they do with any other business, Madam Speaker.

Given that we have 60-odd licences in existence now and we have a significant oversupply of licences in terms of being able to serve the market, taking the approach of removing the moratorium which was imposed by law, is not going to change the issue of accessibility for alcohol. There is no restriction on availability of supply at this point. People will decide whether or not they want to consume alcohol. Changing the policy through this Bill is not going to change their accessibility to that.

Madam Speaker, another aspect of the Bill is that it removes the requirement that licensed premises remain open for the duration of the specified hours. One of the complaints from business owners is that if

there is some other competing event going on, or, for whatever reason business is just very slow for them, they are required by law to continue operating to continue covering these escalating costs during this period of time without the revenue benefits from it. So, like any other business, Madam Speaker, their view is, if they feel they do not have the business to justify being open, they should have the option to close.

Another aspect of the Bill is that trade officers are appointed to assist the board with enforcement matters. A lot of these business licensing amendments that we will see, relate to the platform of the Trade and Business Licensing Law that we have talked about in this House in the past so that we have a platform for business licensing and various resources available to ensure that there is improved enforcement of business licensing laws. And one of these is to be able to appoint the trade officers under the Trade and Business Licensing Law to assist the board, specifically with enforcement matters.

Madam Speaker, continuing in that vein, the Bill will also appoint the Department of Commerce and Investment as the Secretariat to the board so they are better able to coordinate and assist the board with their functions. And this, specifically, is what is done today so we are really codifying effectively what happens today, but it is an area of the law that has grown up by practice and needs to be appropriately reflected in the legislation.

One of the issues in terms of the operation of liquor licences is that we need to make sure that the licence to sell and distribute liquor, as a business, is tied to an existing premises. And that is brought about by providing that every applicant for a liquor licence needs to have a trade and business licence as well, which is a premises licence, unless they are exempted for some reason under the Trade and Business Licensing Law.

A further provision is to change the composition of the board. Right now the board is comprised of five members. And in respect of the chairman, in particular, there is a specific requirement that the chairman has to be a justice of the peace or a magistrate. Clearly, Madam Speaker, it significantly limits the group or class of people who are able to perform this function. So, the Bill will seek to change the composition of the board and remove the requirement for the chairman to be a justice of the peace or a magistrate, and expand the board to include relevant public officers and to expand it to a total of 10 members.

As I mentioned, there has been a number of committees, a number of reviews conducted in relation to the law in the past, and certainly we have been doing our own over the past two years. We will continue taking the work that has been done to this point and continue to further refine that to bring a new Bill to the House to incorporate all of the changes to ensure that we have the best possible environment and to address a lot of the negative issues, in particular the

issues of the moratorium and the black market that has been discussed previously.

Just in terms of the details of the Bill, I will run through these very quickly.

Clause 3 seeks to (and I have covered some of this already in general, but just to go through it for the sake of clarity) provide that the sale or offer for sale of intoxicating liquor shall only be carried out by the holder of a licence under this law. And where the provision is contravened, there will be a fine of up to ten thousand dollars on summary conviction.

Clause 4 provides that we will have the new membership of the board as we discussed earlier, and sets out and confirms that we will have a board for Grand Cayman and a board for Cayman Brac and Little Cayman as well, as is currently the case.

Importantly, in terms of efficiency and operation, as was done in connection with the Trade and Business Licensing Law and a few others that we are working on, this Bill will also allow more efficient participation providing that there can be participation of board members by way of conference telephone, computer or similar equipment that allows participants at a meeting to communicate with each other in real time so that there is the potential for effective dialogue on any issues and resolution of those issues or consensus in respect of those issues.

Clause 4 of the Bill amends section 4 [of the principal Law] to designate the DCI as the secretariat.

Clauses 6 and 7 of the Bill provides that a licence is a permit to a business licensed in accordance with the Trade and Business Licensing Law, and a Board shall not grant a licence to an applicant unless that the applicant either has a valid trade and business licence or is exempt.

Clause 8 amends section 9 of the principal Law. And this is the significant area of policy change in respect of this, to reverse the order of the moratorium so that there is only a moratorium in place if Cabinet puts it in place, rather than what exists today where there is a moratorium in place unless Cabinet lifts the moratorium.

Clause 9 provides for the amendment to address the opening of the licensed premises during the permitted hours as opposed to being required to be open for the full period of the permitted hours.

Clause 13 proposes to amend section 33 to provide that a trade officer may, at the request of the board inspect licensed premises and, upon the inspection, submit a written report to the board on whether the premises are being utilised in accordance with the obligations under the legislation.

Clause 14 seeks to amend section 34 to set out specifically the powers of the trade officer.

Clause 19 deals with transitional provisions. And as it is, there is a provision that a holder of a liquor licence which is not being utilised at the moment in connection with "a premises", including a premise which is licensed under the Trade and Business Li-

censing Law, will have a transition period. The Bill currently provides that it is a one year transition period, until the 30th September 2016. We will propose a committee stage amendment to extend it to the 30th of September 2018 so that there is a three-year transition period.

Madam Speaker, I think that concludes the essence of the outline I wanted to provide this honourable House with in respect of this Bill, and I commend this Bill to this honourable House for passage. 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?

I recognise the Elected Member for East End.

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

Revelations, revelations, Madam Speaker! Each day I hear them in here.

Madam Speaker, there is much to be discussed in this amendment Bill and I shall try to touch on some of them as the Minister made them in his presentation.

I believe anybody in this country who is in the business of the disposal of alcohol, welcomes the change to that Liquor Licensing Law, because they have been under tremendous stress just to run a little business. From the word "go" with the Liquor Licensing Law it has attracted persons in this country with their opinions, their position and whatnot, thus many years of applying individuals' wishes, desires, and, dare I say, contraventions of the law in order to facilitate individuals' wishes, desires and needs.

Madam Speaker, I have not been a licensee under this law, however, in recent times I have had reason to address that board, and I came away less than impressed. Madam Speaker, one of the difficulties in this country, which I think I spoke briefly to the Attorney General, is we come here, successive sessions of this Legislature, we make laws to make it better for our country, to make it better for the people, to facilitate the smooth running of this country, but we appoint people to the boards and they apply their own interpretation of the law without understanding that they are creatures of statute. This is one such law that has been used, abused, and all that can be said which is bad about the administration of this law.

Madam Speaker, I spoke to the Attorney General on the matter of the Authorities and Boards Law that we brought in 2005 to 2009, but it wasn't brought here. I think it was discussed during that session of this Legislature. It is The Public Authorities and Boards Law that we were recommending. One of the things we need to do is for someone to take the responsibility to do some orientation with people when they go on these boards. A classic example was when I recently appeared before this Liquor Licensing Board. I was there representing my nephew on a

complaint that he had made to the board. I was supporting him and his two friends, well, his cousin and another friend.

They being young, I decided to go and make a presentation to the board on their behalf. And I was told by the chairman that he was going to exempt me from taking the oath. Of course, Madam Speaker, I asked him where he had the authority to require me to go under the oath, and that he can now exempt me as an MLA. He said, *Yes, the law says that.* I said, *Well, I need you to show it to me.*

So he brought section 5 of the law to my attention, which says: **“5. (1) A Board shall hear and deal with all applications and matters relevant thereto and may grant, renew, vary or revoke any licences.**

“(2) In hearing an application a Board shall-

- “(a) sit in a place open to the public;**
- “(b) hear on oath every person who desires to be heard in any matter relevant to an application; and**
- “(c) record a summary of the evidence given before it.”**

So my response was, *You need to read that so that everybody can hear it, and then you need to tell everybody the purpose of my visit. It is certainly not to make an application for a licence.*

Madam Speaker, that, is the first one the Minister should have changed, because we have a police officer sitting down in there every time they meet to administer the oath. So, I told the chairman that 1) I wasn't going to take any oath, and I was there in my private capacity; 2) my nephew, nor his cousin nor his friend were taking an oath; and if he insisted on it I was going to take him where he would have to take an oath, which is that odd-shaped building right across the street.

That's the problem. They apply their own logics to these things.

On another occasion appearing before this board, after the complaint had been made to the board through the chairman, the chairman was doing the investigation and calling all parties together. So, I needed some kind of instrument that would instruct him from the board to do so. And he promptly replied to me that it was not on paper, but he had it in his head.

Madam Speaker, this makes the board creatures of this statute. Whilst I was told that the board has the right to decide how it conducts its meetings, it does not go that far. It certainly does not go that far that the chairman can take it upon himself to conduct the investigation. The board must instruct you to do so, and it must instruct you in writing. But everybody does what they want, and no one does anything. The Minister got up here a while ago and said *Oh, we have 60-odd licences that were legitimately given*

*when they lifted the moratorium, the likes, and the likes and whatever. But the board agrees for those individuals to lease it to another individual. Anyone can show me anyplace in this law that it says a licence can be leased, or bought, or transferred, I will pay them. But the board sits there and decides, *Oh, because Ossie has a licence, he not using it, he can lease it to Arden for \$1,000 a month so he can run he own bar in East End.* No such thing. The chairman should have been prosecuted a long time ago for being ultra vires the law!*

But when you have—

The Speaker: That's your opinion, Member?

Mr. V. Arden McLean: Well, certainly, because I ain't the prosecutor. But, yes, Madam Speaker, that is my opinion.

The Speaker: I want to make sure you are not saying it as a statement of fact.

Mr. V. Arden McLean: Yes, Madam Speaker, I thank you.

But, Madam Speaker, somebody should have been, I guess in a way that my people can understand it, hauled over the coals a long time ago. And, Madam Speaker, I am telling you, this is not the ordinary man on the street that has these licences. It is all those . . . and, Madam Speaker, I am going to come that and invite the Minister to look at some of this to avoid the same thing happening again.

These are those same lawyers that tried to beat me this morning, some of them. You hear? They won't give us partnership and say that we have 60 partnerships, but they are getting their liquor licence. That's how it works. Okay? Oh, unna think this was done, or what? It's not over!

Madam Speaker, this amendment is going to further facilitate them to get the licence in their names, in their company names that they hide somewhere overseas now. Watch how it works.

Madam Speaker, they love to say that there are little semantics that they have 60 Caymanians as partners. I never said they weren't partners; but certainly I have always talked about equity partner. I only see one up inside here that was ever an equity partner. Anyway, that is beside the point, Madam Speaker. You see how quickly I get it in, though. Oh.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I believe that amendments . . . after you've been here 15 years you'll learn how to do it too.

Amendments to this Liquor Licensing Law are welcome. But I cannot, in all fairness, say that it is going to eliminate some of the things that needed to be done. The Minister spoke of attaching the liquor

licence to a premise. Well, all business licences are attached to a premise, or they should be. If you are going to do a licence you need to tell us where you are going to do it. There are many in this country now that are not enforced, and we can talk about them as well, that need to be enforced, such as many dive operators do not have a ramp to launch their boats. They use the government's premises.

[Inaudible interjection]

Mr. V. Arden McLean: Oh no. Nothing said about that. And when you open your mouth you are a bad person. But you know what? Too bad! I have to speak on behalf of the people that I represent. And we need to do something about it.

Now, Madam Speaker, one of the things the Minister wants to do—and I believe he genuinely wants to do it in that his objectives are genuine, I believe—is that for a liquor licence you must have a trade and business licence, which is renewed annually. And when a business licence is issued, the requirement is to have a premise to conduct that business from. Now, you can't sue the business; it's not an entity. Only a company and an individual can be sued, or be responsible for the conduct of that business. Once it is renewed, it seems like we are assuming that the liquor licence is going to be in operation, or the trade and business licence is issued and the liquor licence granted, so I guess we assume that it is going to go into operation to get out of the anomaly of where they hold these licences and don't do anything with them, and then lease them or rent them to someone else. We have to put a timeframe in this amendment to say you must have your premises within a prescribed time. Because this law is saying if you continue, in essence, to renew your trade and business licence, you can hold that liquor licence.

Now, the other problem with that, Madam Speaker, is that this amendment does not say specifically that you need a trade and business licence specific to the distribution of alcohol. So you could have a business licence to do something else, and you can trade as a bar within that licence. If we are going to do it, every liquor licence must have a business licence.

Madam Speaker, public knowledge is that there are people in this country and in recent times . . . there are companies in this country, because the old law issued licences in individual names. So, there are companies in this country that used their employees to apply for a licence when the moratorium was lifted in anticipation of opening bars somewhere. And they continue to renew them every year. And within their development, they own every licence in their employee's name.

Now, those are the lower people down the ladder, and now they are changing it to the VPs, higher up the chain. And the board is allowing them to transfer it. Nothing is stopping it from being trans-

ferred because that's how the board does it. Madam Speaker, this thing called liquor licence is a serious commodity for the serious rich. Hear what I tell you, Madam Speaker? And no matter what kind of sin we talk about that it is—because I know my good friend for Bodden Town is going to deal with my ears a little later on—whilst it may be in law, we have carried it even further and we are using it for the ultimate sin, which is to push Caymanians out of it. And that is precisely what this amendment is going to do. Those who can afford these business licences are going (understand that it is going to be a free for all) to utilise that and get these liquor licences and work their way into every corner of this country where Caymanians could open a little bar. Caymanians can't compete with these guys. They cannot compete with them and they will push them out, Madam Speaker.

There was a provision in this law, Madam Speaker, for offences committed by a body corporate. Why is that? Why? Because it can be if you have a body corporate that is a holder of a business licence, they can apply. That's what's happening. And you won't know who the individual is, because it's a body corporate, as an individual person.

I am glad the Minister is saying there will be disclosure, but you will never know who that individual is. The Liquor Licensing Board will see that there is a business licence in nightclub what-have-you, and they have to issue it in the name of the nightclub. The nightclub is the holder which is another company. That is what is going to happen. I don't know who unna doing this for, or who is going to benefit from this, but it was moms and pops that used to have the little bars which promoted and sustained Caymanians and that is what we have to be careful for, Mr. Minister. We need to watch out for that. And I understand the difficulties in saying that an entity that is a company, which has responsibilities just like the individual, can't have the licence. I understand that is going to be extremely difficult. But that is how they are going to wipe the moms and pops out. And you wouldn't know who's doing it. You will not know.

Right now, Madam Speaker, the licence is issued in the individual's name. And yes, they are employees and lower down, and they spread it out amongst them and they have 100 licences. Madam Speaker, I am saying to the Minister, let's see if there is some way we can do something to avoid that kind of stuff happening. Over the years we surrounded this law with so much control. Originally it was enacted in '85. Over the years we have tried to rein this thing in for different reasons, one was we didn't want to spread it out throughout the community so much. Well, Madam Speaker, we then went and at one stage changed it (since I've been here or just before I came), that you had to be a certain distance in a location from churches to get a licence. Along came another government, and we remember the controversy surrounding Margaritaville right along the side of the

United Church. You can't get it much closer than that! And I know that ain't 15 feet, much less 1,500 feet! I think that is right on the boundary, right?

So, Madam Speaker, what I am saying is if we are concerned about these things, we need to put some provisions in place. I don't have a problem with the liquor licence. What I am concerned about is that it can be done anywhere now and some can do anything they want and there needs to be some degree of separation. We need to have some degree of separation on these matters. And I am not so far to the right that you can't see me. I wouldn't go that far. I am not an extremist or anything. But certainly, there is a certain degree of leaning to the right that needs to be exercised here because we are in a Christian based society and we need to respect their wishes as well, Minister.

Thus, the reason why my colleague introduced amendments to make sure that we are not going to arrest the churches and the service clubs which are community based. Yes. You know, that's why we went that far to support the churches that it does not apply to their little garden parties and their raffles and the like. You know? This was to do with the Gambling Bill.

So, Madam Speaker, I believe—

The Speaker: Is the Member concluding his contribution?

Mr. V. Arden McLean: No, I was—

The Speaker: Then we will take the luncheon break.

Mr. V. Arden McLean: No. I was moving on to another area.

The Speaker: We will take the luncheon break and reconvene at 2:30 pm.

Proceedings suspended at 12:58 pm

Proceedings resumed at 2:38 pm

GOVERNMENT BUSINESS

BILLS

LIQUOR LICENSING (AMENDMENT) BILL, 2015

[Debate continuing thereon]

The Speaker: Please be seated.

I recognise the Member for the district East End to continue his contribution.

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

The Speaker: Member, you have one hour and 25 minutes remaining.

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

Madam Speaker, I see where they are now circulating Committee stage amendments that are to this Bill. So, I am just trying to look and see, Madam Speaker, if my arguments are being shot down prematurely by these amendments.

Madam Speaker, one of the things I was just talking to the Minister about was clause 6. And Madam Speaker, it seems rather confusing to me, but I am sure there has to be some legal mind over on that side that would assist us in this, and there are eight over there, I believe.

Madam Speaker, if I can invite you to follow me, clause 6 says: "**The principal Law is amended in section 7 as follows—(a) in subsection (1), by inserting after the words 'A licence is a permit to' the words 'a business,'**"—so if we read that in the law, [section] 7 would then read: "A licence" (that is a Liquor Licence now) "is a permit to a business, an individual person or to two individual persons jointly, who may or may not be the servants or representatives of another named person, in compliance with this Law, to dispose of— (a) such intoxicating liquors; (b) in such quantities;" and what have you.

Then, we look at the definition of "applicant" [and] the Liquor Licensing Law (2000 Revision) is amended (this is clause 2) "by deleting the definition of the word 'applicant' and substituting the following definition—'applicant' means (a) the holder of a licence under the Trade and Business Licensing Law (2007 Revision); or (b)" (which is going to be amended to be removed, I believe) "a trade or business that is exempt from the application of that Law."

If it is a holder of the licence, how then can we say a person or two persons jointly who may be or may not be representative of another person? I do not understand this. So, Madam Speaker, maybe the Minister and his technocrats can deal with that because if it is confusing that much, other people must find that confusing as well.

Now, Madam Speaker, what I want to turn back to is clause 4 where the Board for Grand Cayman and Cayman Brac which shall be comprised of, and I look particularly at the public officers. I understand the Director of Commerce and Investment or designate, but I do not understand what value the Director of Planning or the Director of Environmental Health, or designates can bring to this process.

Why I say that, Madam Speaker, is because, if we are going to require a business, the holder of a business licence, to be granted in both instances, Cayman Brac and Little Cayman as well, if it is going to be a requirement for the applicant to be the holder of a Trade and Business Licence, those two departments have already had input in that Trade and Business Licence. I think it is a colossal waste of time be-

cause they are on the Business Licensing [Board] too. It is a colossal waste of time of public servants to be on this one, too. It is a duplication of people because the Trade and Business Licence Law 2015 [says in section 9(a)]: “**the following persons appointed from the private sector by Cabinet—the Chairman . . . (b) the following public officers who shall hold office by virtue of their public service appointment—(i) the Director of Commerce and Investment or designate; (ii) the Director of Planning or designate; and (iii) the Director of Environmental Health**”—that is under the Trade and Business Licence—they are on the Board too.

I think it is a colossal waste of time. I understand the duplication of the Director of Commerce and Investment or designate, but not the other two because they are also on the Trade and Business Licence . . . to make an application for a Trade and Business Licence under 17, I think, it is a requirement that you must show that you have permission to get from those same departments to qualify for a Trade and Business Licence that the you have permission.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I hear the Minister telling me it is a different purpose. But what I am saying is if you apply for a Trade and Business Licence, part of that process is you have to apply for planning permission to occupy a particular premise to conduct that business in. And the Department of Environment, it is referred to them for their input before you can get permission to conduct that business in those premises. So, Planning is involved and then they send it on to the Department of Environmental Health for their comment on whether or not that can get permission to be occupied.

[Inaudible interjection]

Mr. V. Arden McLean: Madam Speaker, I hear the Minister saying that it is two different applications, which is true, but then it drives me to a particular thing then. Are we going to require that the Trade and Business Licence be specific to the sale of liquor? Because if not, then maybe there is a need for it, but maybe that should be a part of this process as well.

[Inaudible interjection]

Mr. V. Arden McLean: That is what I was complaining about earlier, that it was not specific to it, but it needs to be.

[Inaudible interjection]

Mr. V. Arden McLean: It does not need to be . . . wow!

All right, Madam Speaker, the Minister said it does not need to be specific to it, so that is fine if he can . . .

Madam Speaker, this thing about moratorium, I do not know the objective of it to make Cabinet have the authority to put [a] moratorium in place. What would prompt Cabinet to put a moratorium in place? I really do not see any reason why Cabinet would be prompted to put a moratorium in place. In the past, the reason the moratorium was put on, allegedly, was because there were too many liquor licenses. Now, when we open it up and all it requires is a business licence and you get a proliferation of them now, which is what the Minister in essence said, that now it will be open to anyone to apply if they wish. And it is market driven, absolutely, so the only reason now why we would want to put a moratorium is to control the market. I see no reason. Madam Speaker, I am just saying that it seems somewhat redundant to leave it in place and put it in the hands of a Cabinet. It is rather redundant as far as I am concerned.

Madam Speaker, the other area I note with interest that the . . . I should congratulate the Minister on the section of removing [such areas] on the appointment of the Boards because I can tell you, Madam Speaker, this thing about needing a JP or a Magistrate, thank God it is gone because they say familiarity breeds contempt, but longevity too, and that is not a good thing.

Madam Speaker, whilst section 8(1) is being repealed about the Board’s satisfaction that the person needs to be of good character and the likes, I take it that the Minister is satisfied that the scrutiny of good character under Trade and Business Licence is sufficient to replace that. Because, Madam Speaker, if the Minister says that a body corporate can apply, then, Police records under the business and staffing . . . the Trade and Business Licence does not apply.

Now, the person who has a family business and wants to sell and get a licence to do alcohol, under the old law it was the individual that had to prove they were of good character and they had . . . **[section 8(1)] “A Board may not grant a licence to any person unless it is satisfied that such person—(a) is of good character, and exhibits to the Board a certificate signed by the Commissioner showing his record of criminal convictions, if any, over the preceding fifteen years; (b) is over the age of twenty-one years; (c) is of sufficient business capability to understand and comply with this Law; and (d) has paid the fee prescribed for the grant of a licence.”**

Now, I know I could name a couple that we know did not have sufficient business capacity because the Law also makes provision to transfer it if one of your family members or someone passes, depending on whose name it was in. But if we are no longer concerned about that and removing it, anybody

can get a business licence. There is very little character whitewash required to get a business licence.

“In the case of an application for the grant of a licence only, a police clearance certificate for—(A) the applicant, where the applicant is an individual; (B) any individual who has a legal or beneficial interest in the company, where the applicant is a company;”—Madam Speaker, that is **“An application pursuant to subsection (1)”** in the Business and Staff and Planning Law under 18 “shall be” and then it goes on shall submit **“to the Board through the Department in the prescribed form”** and then it lists all these things.

And 18(2)(b)(iv) **“in the case of an application for the grant of a licence only, a bank reference for the applicant;**

“(v) where the applicant will be carrying on business in a public place, evidence of the approval of the relevant authority to carry on business in such a place;

“(vi) where permission is required under any Law in force in the Islands relating to planning, evidence of such permission.”

I know this law is new, Madam Speaker, but it is all relative to getting these Trade and Business Licenses for this Liquor Licence too and it is becoming a little confusing. And maybe there is an explanation for it, but that is why I was saying earlier that I do not see the need for the planning people to be on the Board.

Madam Speaker, I do not know because the bar on character for Trade and Business Licence is much lower than what the Liquor Licence was requiring. And if we are removing it, I do not know what . . . if we did not consider it relevant, then fine, but I think we need to somehow see if that is the case.

Madam Speaker, I have a problem with section 19 and the Minister said an amendment is being brought to extend that; the one year exemption to get their business in order and get a business licence. And he is now saying that he is bringing an amendment to extend that by two years, to 2018 I believe.

[Inaudible interjection]

Mr. V. Arden McLean: Two thousand and sixteen (2016) was being proposed and now we are going to do it to 2018.

Madam Speaker, anyone who cannot get their house in order in one year to do a Trade and Business Licence should not be in the business. And if the Government cannot get their house in order to be prepared to accommodate applicants, then I feel sorry for this country. I cannot support extending it. This is September next year you are talking about, Madam Speaker. That is the problem nowadays where we look for reasons to accommodate those who do not do what they are supposed to do or incompetence or whatever the case may be and we legislate to cover for that. Maybe we need to hold their hands to the fire

a little bit longer and get the job done. One year is a long time.

Madam Speaker, I guess I will hear that they have other things to do too.

So, Madam Speaker, I will close there and ask the Minister if he is so mindful that he would respond to some of the concerns that I have and, if they are genuine concerns, if he will address them at Committee stage.

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 recognise the Honourable Minister responsible for Financial Services should he wish to exercise his right of reply.

Hon. G. Wayne Panton: Madam Speaker, thank you very much.

Let me extend my thanks to the Member for East End for his comments. I think I will be generous and say they were very helpful generally, but there are some that I would have to disagree with him on.

Madam Speaker, as I said in my contribution in introducing the Bill, the Liquor Licensing Law has been one which has been recognised as having a number of . . . let me say numerous deficiencies. It has been a subject of a number of reviews. As I said, we are continuing that process with the intention of bringing an up to date piece of legislation which covers, as much as possible, the variety of issues that have been identified.

Some of the comments from the Member for East End reflect a number of those issues. There are a number of gaps that are recognised. There are a number of deficiencies that are recognised. There are a number of lacunas that are recognised. Certainly, it would be appropriate for us to try to address those. We were not able, given the time constraints and the limitation on resources, to address it on this occasion, but as I said we will continue to seek to do that as soon as possible.

Madam Speaker, the Member articulated concerns in relation to the procedures being followed by the Board and some of those concerns may be appropriate. What in fact has happened is the Board has tried to find ways to make the Law work to reflect what the needs are in terms of the commercial realities. We have section 5(14) of the existing Law, which as the Member noted, provides that the Board has the ability to conduct and regulate its own procedures, and they have, rightly or wrongly, attempted to extend that to some of the procedures which would facilitate, from their perspective, proper conduct of Board meetings and the taking of information and evidence. But I am not getting into that at this point further, Madam Speaker, simply to say what I think we see with some

of the issues, really are a reflection of an attempt to make it work.

Madam Speaker, the Member also discussed the concept of the Trade and Business Licence being tied to the Liquor Licence, and he was mulling over whether there should be a specific Trade and Business Licence relevant to the sale of alcohol.

Madam Speaker, the point about having a Trade and Business Licence tied to the Liquor Licence is simply to try to tie in premises with the licence itself. Today, with the law as it is, there are many licenses out there that are held by people that are not being utilised and they are not connected at all with any existing premises. So we want to draw a line on that. Going forward new licenses will need to be connected to premises and we are doing that through the concept of having Trade and Business Licenses related to the Liquor Licence in that the applicant must have a Trade and Business Licence. It does not have to be that the Trade and Business Licence is somehow relevant to the Liquor Licence and what is being contemplated under that. What we are trying to ensure is that they have a Trade and Business Licence which means they have a premises.

They will also, as they do today, have to go through a process of addressing health issues and safety issues in terms of fire, in terms of the Department of Environmental Health. So, that is why we have and why it is contemplated that we would have these bodies represented as a part of the Board. The applicant might have a Trade and Business Licence which is dissimilar to this type of business. What is contemplated in terms of that Trade and Business Licence and the premises that it relates to at that time will be different from what may be contemplated if they are going to change the premises in some way to utilise those premises for a business which requires a Liquor Licence. So, the purposes may be different at different times and we need to have the ability for the relevant government bodies to have input in respect of those issues at that time.

Madam Speaker, the Member also referred to clause 6 of the Bill as it purports to and proposes to amend [section] 7 and he referred to the insertion of the word “business” in 7(1). I must confess, Madam Speaker, I am not sure, as I did not really follow his concern there in terms of his explanation. This simply contemplates that the licence could be in the name of a business, which is a separate legal personality, it could be an individual person, or it could be in the names of two individual persons jointly. So the last two contemplated could be someone acting as a sole proprietor in their own name or, secondly, in terms of the two individual persons jointly, that is a partnership they have agreed on to operate this business. The fact that it is a business, a company, for example, Madam Speaker, does not change what we will be doing in the future compared to what we are doing today.

The Member mentioned, perhaps I should say stated, a question which was: Who are we doing this for? We are doing it for Caymanian businesses that are finding it difficult to operate because of the moratorium structure that is in place. What happens tomorrow if this law is in place is not going to be any different from what happens today with the current law. Caymanians are not going to be disadvantaged and I have to take issue with the representation that this is going to push Caymanians out or kill small Caymanians. I cannot see how that does that, not what we are talking about here. If we are talking about a broader context of someone having a distributor’s licence and who is representing a lot of different brands moving into districts and obtaining licenses to do retail in direct competition with the same people that they are supplying, those are issues that reflect questions of fair competition and we may have to address those in different ways. It is probably not possible to address it in this legislation, but it is entirely possible that that may be the subject of further discussions.

I simply want to say, Madam Speaker, that I do not accept a statement that the amendment being proposed now is somehow going to harm or kill mom and pop operations or other Caymanians; that is not the case at all.

[Inaudible interjections]

Mr. G. Wayne Panton: We have many, many Caymanians today, Madam Speaker, that are operating businesses where they are having to because they cannot legitimately get a licence, whether it is a restaurant or a bar or whatever it is. They cannot legitimately get a licence in their own name; they are having to, or have had to, rent licenses or expend significant amounts of capital to buy licenses. So, those folks are—

[Inaudible interjection]

Mr. G. Wayne Panton: —being helped in this case, Madam Speaker, because they will have the ability to apply for a licence in their own name and they will not have to be spending . . . what they spend on rent for a licence in one month will be less . . . sorry, will be more than what they spend in one year for a licence in their own name to conduct the same type of business.

[Inaudible interjection]

Hon. G. Wayne Panton: Madam Speaker, no business in Cayman . . . let me rephrase—very, very, very few businesses in Cayman can be conducted without being subject to the Trade and Business Licensing Law or the Local Companies Control Law. In the case of the latter, you are subject to that if you are a business which is not 60 per cent Caymanian owned and controlled and you will only get an LCCL in very lim-

ited circumstances where there is very significant amounts of capital investment that is beyond the means of people locally, or there are things like proprietary technologies involved, which again, would not be available locally. So the situations in which that type of thing happens are very limited. But you must comply with the 60/40 rule in order to get—in any other cases—a Trade and Business Licence. So that will address the concerns that the Member has about non-Caymanians being able to operate these businesses.

Now, the new Trade and Business Licensing Law, also contains a raft of provisions which are designed to address, historically, the issue of fronting. So there are new powers, there are new disclosures that are required to try to address that. If that is what the Member's concerns are, in this respect, then that should certainly be addressed under the provisions of the new Trade and Business Licensing Law which will come into effect before the end of this year.

Madam Speaker, in respect of the transition point, I am not going to say I disagree with the Member's perspective in relation to what might be an appropriate time period. But the situation we have today has been created by this concept of the moratorium which has been imposed, which was imposed by law to begin with.

So, today, we have Caymanians who have obtained licenses in the past, whether it was through the Board or whether they went through the process of purchasing those licences and expending significant investment in respect to that, they have those licenses and they have held them for a long period of time with the intention of, at some point, utilising them when they feel the market is right, the opportunity is right for them and this represents a significant investment for them.

So while on the one hand it may appear to conflict with the idea that going forward we should have a Trade and Business Licence tied to a Liquor Licence and you should not get it otherwise, we have to be cognisant of the fact that there are Caymanians who have taken this approach of making significant investments. And what they are saying to us is: *Look, give us a period of time through which we can make a decision to move forward.* It is not simply a question and it is not a question of Government being ready to do it, it is a question of affording a facility to these Caymanians who have made these investments in these licenses to organise themselves, organise their finances, organise their acquisition of property, to conduct negotiations as they need to for either the acquisition of premises through renting or leasing or purchase so that they can get to the point of engaging in the conduct of business in accordance with the licence.

They will have to have a Trade and Business Licence to conduct that business, but at the moment we initially contemplated a one year transition period so that they would be able to organise themselves.

We have had a lot of comments from Caymanian business owners, to whom it is relevant; some of the same mom and pop people, some of the same sole traders that the Member for East End is referring to, who feel that that one year period is too short for them and they feel that they are being overly penalised. I indicated when I first introduced the Bill, Madam Speaker, that, we were proposing to change that period to a two year period. In fact, Madam Speaker, that seemed to have generated a lot more reaction. So, after discussion with some of these people to whom it is relevant, we have agreed on a period of a maximum of five years which will be reflected in Committee stage amendments.

That, Madam Speaker, is the outside period of which I think we could justify as being fair and reasonable to enable Caymanians who have made these types of investments to realise their ambitions, their dreams, to get this business going without being unduly penalised by a transition provision in the Law.

Madam Speaker, I believe I have covered most of the concerns, if not all of the concerns, articulated by the Member for East End who spoke. But I would close off simply by saying that the Government's ambition here is to serve the interests of our Caymanian business community, our own Caymanian people that have been calling us weekly, in some cases, saying that they have been subjected to the vagaries of this policy reflected in the Law of having a moratorium in place, which has created all kinds of market disruptions in this respect. And they feel that it reflects tremendous unfairness on them and their ability to make a living in their own country and be subjected to costs and expenses in respect of that, of the business that they want to engage in, the same as everybody else.

So, because they cannot get a licence they have had to pay, in some cases, exorbitant costs. And I have seen situations, Madam Speaker, where people have expended significant amounts of money to set up businesses, to begin operations, and suddenly there is a falling out between the individual who owns the licence that they are renting it from and the business operator. And for the licence, they make a submission to the Liquor Licensing Board and say, *We no longer want to have anything to do with these people,* with no particular justification on the face of it, and the Caymanian who has to invest anywhere from 50 to several hundred thousand dollars in their businesses, find that they are now in a position that they cannot conduct business and they have to scramble around to try to find somebody else who will lease their licence to them. That is not always easy to do. And where they can get it, you know, it becomes a buyer's market—the individual sits there who owns the licence and says, *Yeah, well give me x.* And what choice do they have? If they want to resume doing business, they have to pay it and can do nothing about it.

So, Madam Speaker, that is the context of this for us. We have big businesses, small businesses, owned by Caymanians that cannot get their own licenses. I mean, if they wanted a hotel, there is no moratorium on hotel licenses. So, if you have \$300 million, you can get a licence, but if you are an average Caymanian who is trying to do a business anywhere from \$200,000 or \$100,000 up to a million and half, \$2 million, you cannot get your own licence. You are not going to build a hotel for that. So you have to resort to these . . . to the black market to the leasing market. And these things, I mean the Member from East End is right, there is no specific provision in the Law allowing these things, but it has grown up of necessity.

So once we address the issue of the moratorium, we have addressed the issue of supply, and these issues will go away. Because if a business can apply to get their own licence, they are certainly not going to resort to the black market or somebody else out there who is offering to lease their licence or sell their licence to them. Why would they? They can get their own licence and it is going to cost them a small fraction, so their operating costs go down, the viability of the business goes up, the employment situation for the staff members improves, and the Caymanian business owners are better off.

So, Madam Speaker, with that explanation I hope it is sufficient to encapsulate the policy issues and the concerns and what the Government is trying to address in respect of this. And I thank you very much and I thank the Member for East End for his helpful comments as well, which some will be addressed, if not all, by Committee stage.

Thank you, Madam Speaker.

The Speaker: The question is that a Bill shortly entitled the Liquor Licensing (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 Liquor Licensing (Amendment) Bill given a second reading.

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

House in Committee at 3:26 pm

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

COMMITTEE ON BILLS

The Chairman: Please be seated.

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

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

DANGEROUS SUBSTANCES HANDLING AND STORAGE (AMENDMENT) BILL, 2015

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

Clause 1	Short title and commencement
Clause 2	Amendment of section 1 of the Dangerous Substances Handling and Storage Law, 2003- short title
Clause 3	Amendment of section 2- interpretation
Clause 4	Amendment of the principal Law

The Chairman: The question is that clauses 1 through 4 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 4 passed.

The Clerk: 5. Repeal of section 3 and substitution-concessions.

The Chairman: Honourable Minister, I believe there is an amendment to clause 5.

AMENDMENT TO CLAUSE 5

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

In accordance with the provision of Standing Order 52(1) and (2), I wish to move the following amendments to the Dangerous Substances Handling and Storage (Amendment) Bill, 2015: That the Bill be amended in clause 5 as follows: by deleting subsection (3) of section 3 and substituting the following –

“(3) The Chief Petroleum Inspector shall issue an import permit subject to conditions, limitations and terms which are in accordance with provisions of this Law and regulations.”

And in subsection (9) of section 3, by deleting the words “three months” and substituting the words “one month”.

The Chairman: The amendments have been duly moved. Does the Minister wish to say anything more to it?

Hon. D. Kurt Tibbetts: Madam Chair, no. Most of the committee stage amendments that I will be putting forward are based on contributions from other Members during the course of debate, and thank you for the opportunity, but there are a couple of new amendments which actually came to light because of two spills that we had over the weekend and caused us to have a look at the actual existing legislation so that we could make sure that a couple of obvious loopholes are fixed.

The Chairman: If no other Member wishes to speak, I will put the question that the amendments stand part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 5 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 5, as amended, passed.

The Clerk:

Clause 6 Amendment of section 4- operating permits

Clause 7 Amendment of section 5- the Dangerous Substances Handling and Storage Board established

Clause 8 Repeal of section 6 and substitution-functions of the Board

The Chairman: The question is that clauses 6 through 8 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 6 through 8 passed.

The Clerk: Clause 9 Insertion of new sections- Fuel Standards Committee, etc.

The Chairman: Honourable Minister, there is an amendment.

AMENDMENT TO CLAUSE 9

Hon. D. Kurt Tibbetts: Under the same Standing Order, I move that the Bill be amended in clause 9 by deleting subsections (1) and (2) of section 9A and substituting the following:

“(1) There is established a Fuel Standards Committee to carry out the duties specified in this Law and the Committee shall consist of – (a) the Chief Petroleum Inspector, who shall be chairman; (b) the Director of the Department of Environmental Health or his nominee; (c) the Director of Environment or his nominee; (d) the Director of the Water Authority or his nominee; and (e) a public officer of the Ministry appointed by the Chief Officer, who shall be an ex-officio and non-voting member.”

“(2) The public officer appointed under subsection (1)(e) shall act as secretary to the Committee and shall take minutes of meetings and carry out such other duties and perform such other functions as are assigned by the chairman.”;

By deleting subsection (6) of section 9A and substituting the following–

“(6) The procedures of a sub-committee shall be determined by the chairman of the Committee in accordance with this Law and regulations.”

In section 9B, by deleting subparagraph (c) and substituting the following–

“(c) providing quarterly, bi-annual, annual reports or such other periodic reports to the Minister on its operations.”;

By deleting subsections (3) and (4) of section 9C and substituting the following–

“(3) The quorum of the Committee shall be 3 voting members of the Committee.”

“(4) Subject to this Law, the Committee shall have power to regulate its own practice and procedure and shall take all actions and reach its decisions by a majority of votes and, in ad-

dition to an original vote, the chairman shall have a casting vote in any case in which the voting is equal.”

The Chairman: Does any other Member wish to speak?

[Inaudible interjection]

The Chairman: Honourable Minister, sorry.

[No audible reply]

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 9 passed.

The Chairman: I now put the question is that clause 9, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 9 as amended passed.

The Clerk: Clause 10 Insertion of new sections—collection of fuel data by the Chief Petroleum Inspector, etc.

The Chairman: There is an amendment to clause 10.

AMENDMENTS TO CLAUSE 10

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

Again, under the same Standing Order, I move that clause 10 be amended in section 10G (1) as follows—and I would like for Members to pay special attention because if they are in disagreement I will change, but I want to, with your permission, Madam Chairman, propose a small, and it may seem small, but a very important change to what is the proposed committee stage amendment.

What Members have in subsection (a) is *by deleting the words “to a fine of \$20,000” and substituting the words “to a fine of \$100,000”*, and if Members are in agreement, and with your permission, I would like to change that to say, “by deleting the words ‘to a

fine of \$20,000’ and substituting the words ‘to a fine of \$250,000.’”

The Chairman: Does any Member have a dissenting voice?

Honourable Leader of the Opposition.

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

No, Madam Chairman, you better put that different, because I do not have a dissenting voice; I have a question to ask.

The Chairman: Please proceed accordingly.

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

Thank you.

Madam Chairman, while \$150,000 more is quite substantial, does the Member feel that it is enough? This is big business that we are talking about. Oil is not something penny ha’penny. And for instance—and I don’t know whether this would impact what I am about to ask and I know it is impacted by, let’s say, the Customs Law, but if this company, any particular oil company does not declare its cargo value, they are impacted by the Customs, once the Customs finds out.

Hon. D. Kurt Tibbetts: In that law.

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

In that law.

Hon. D. Kurt Tibbetts: Right.

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

I don’t know . . . this would not impact that.

Hon. D. Kurt Tibbetts: This is totally separate.

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

This fine?

Hon. D. Kurt Tibbetts: This is a totally separate fine.

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

This having to do with—

Hon. D. Kurt Tibbetts: A reporting regime.

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

A reporting.

Hon. D. Kurt Tibbetts: Mm-hmm. Yes.

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

And if they—

Hon. D. Kurt Tibbetts: In other words, it is possible for them to get caught under both.

Hon. W. McKeeva Bush, Leader of the Opposition: It would be possible.

Hon. D. Kurt Tibbetts: Yes, very possible.

Hon. W. McKeeva Bush, Leader of the Opposition: So, this . . . in that instance, because that is a form of reporting.

Hon. D. Kurt Tibbetts: Yes, I understand. And I hear exactly what you are asking and I am saying to you that they could be caught under both. I understand what you are saying.

Hon. W. McKeeva Bush, Leader of the Opposition: Oh. All right, I just want to make sure that we are not getting a bly, because there is no time for that.

Hon. D. Kurt Tibbetts: No, this doesn't supersede that.

Hon. W. McKeeva Bush, Leader of the Opposition: But which would be the higher amount. Have we looked at that? This one or Customs?

Hon. D. Kurt Tibbetts: It just depends on by how much. Or how much the value is.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, Customs depends on the quantity—

Hon. D. Kurt Tibbetts: On value.

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

Hon. D. Kurt Tibbetts: Customs depends on value.

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

Hon. D. Kurt Tibbetts: This depends on truth or lie.

The Chairman: Elected Member for East End.

Mr. V. Arden McLean: But, Madam Chairman, this does not cover Customs Law because duties are not applied based on value. Am I correct?

The Chairman: Honourable Minister?

Hon. D. Kurt Tibbetts: Customs duties are charged on volume. Yet, it does not mean that they are still not supposed to report the correct CIF value even if Customs is charging it on the volume.

The Chairman: Member for East End.

Mr. V. Arden McLean: Does Customs have jurisdiction over it if it is not . . . Customs' penalties are based on CIF.

Hon. D. Kurt Tibbetts: Mm-hmm.

Mr. V. Arden McLean: And this—

[Inaudible interjection]

Mr. V. Arden McLean: No, but Customs' penalties are based on cost and how . . . someone would have to explain to me how can Customs then have jurisdiction over this one where the duty value is based on volume. Now the only way they could get caught under the Customs Law is if they did not declare the volume that was being brought in. I mean, that's how I see it. Maybe I'm wrong, maybe the Attorney General . . . I don't know who is responding, or the Minister of Finance.

The Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: Madam Chairman, I hear the Member's point and this is something that we can make sure of. In any case, what this law is doing, I mean what this law seeks to do, wouldn't change what we are doing here.

Hon. W. McKeeva Bush, Leader of the Opposition: No.

Hon. D. Kurt Tibbetts: It wouldn't change this.

Hon. W. McKeeva Bush, Leader of the Opposition: [INAUDIBLE].

Hon. D. Kurt Tibbetts: But I am of the view that if this section, once these amendments become law, if this section of the Dangerous Substances Law is something that is proven by way of a conviction, then, I am of the view, although we would have to check it and make sure, but I am of the view then, that Customs can also step in, because one way or the other they must have given wrong information.

The Chairman: Member for East End.

Mr. V. Arden McLean: So, Madam Chairman, why don't we . . . the Third Elected Member for West Bay likes to use this phrase, "cut and paste" Customs Law and put it here?

Hon. D. Kurt Tibbetts: No, we can't do that.

Mr. V. Arden McLean: Penalty is four times the assessed value.

Hon. D. Kurt Tibbetts: I understand what you are saying, but the reason why we didn't do it from the beginning is because of the view that I hold, which is that we would be duplicating the two. But I hear what the Member is saying, and I am asking us, can we just concentrate on this? I hear you, and I won't leave it alone. And if we need to make any amendments to the Customs Law which will tie in the importers, then I will do that. But the cut and paste that you are asking for . . . it was recommended to us not to do that because it might be a duplication of law.

Mr. V. Arden McLean, Elected Member for East End: Okay, then, Madam Chairman.

The Chairman: Member for East End.

Mr. V. Arden McLean: Since we didn't do that, I wonder why we didn't add in that catch-all clause—

Hon. D. Kurt Tibbetts: Which is?

Mr. V. Arden McLean: —of the continuing offence.

Hon. D. Kurt Tibbetts: Look on B.

Hon. W. McKeever Bush, Leader of the Opposition: Yes, \$5,000 a day.

Hon. D. Kurt Tibbetts: Right next to it; right below it.

Mr. V. Arden McLean: B?

Hon. D. Kurt Tibbetts: If you will allow me.

Mr. V. Arden McLean: Sure, sure.

The Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: If I may continue.

Madam Chair, I will repeat if you don't mind: That the Bill be amended in clause 10 in section 10G (1) as follows— (a) "by deleting the words 'to a fine of \$20,000' and substituting the words 'to a fine of \$250,000.'"

And (b)—

Mr. V. Arden McLean: I am sorry, Madam Chairman, because it may be my mistake because I only have this one that . . .

The Chairman: I believe it was distributed after lunch.

Mr. V. Arden McLean: The one that was tabled on the 16th is the only one I have.

Hon. W. McKeever Bush, Leader of the Opposition: No, there's another one.

Hon. D. Kurt Tibbetts: Serjeant?

Mr. V. Arden McLean: Wait a minute, maybe I have that.

The Chairman: All Members should have received a copy.

Hon. D. Kurt Tibbetts: The very last one, Madam Chairman, just for clarity, the last one that was distributed actually contains all of the amendments.

So, instead of having three different documents, we put them all together for ease of reference.

Mr. V. Arden McLean: Unna really got me in a thither here now.

Hon. D. Kurt Tibbetts: And now we're in number 3.

Mr. V. Arden McLean: I got it. I was treating everything separate.

I've got it Madam Chairman.

Hon. D. Kurt Tibbetts: Okay.

And (b), by inserting after the word "both" the words "and if the offence is a continuing one, to an administrative penalty", and, Madam Chairman, if everyone has agreed with the \$250,000 which seemingly I have agreement with that, I would wish to change that \$5,000 to \$10,000. So it would read: "to an administrative penalty of \$10,000 for every day or part of a day during which the offence has continued."

Hon. W. McKeever Bush, Leader of the Opposition: That doesn't mean anything to them. Fifty thousand—

The Chairman: Is there any further debate on this proposed amendment?

Member for East End.

[Inaudible interjections]

Mr. V. Arden McLean: I don't have a problem with applying those fines; it's just that the one with the 10(f), "at the request of the Chief Petroleum Inspector", I still have my concerns with whether or not we should just say that they must produce it every order they get. 'Bout "at the request"—suppose he forgets?

Hon. D. Kurt Tibbetts: Madam Chairman, what the Member wants to achieve is exactly what is envisaged. But these are the way the drafting experts have put the stuff together and it's not that I don't understand him, but I can assure him that there will be no failure to do what has to be done.

Mr. V. Arden McLean: Madam Chairman, I hear the Minister, but if either one of us or ordinary people go to Miami, it is not upon request, or maybe, or perhaps,

it is a requirement to clear your stuff from Customs that you must produce all documentation, all proof.

Hon. D. Kurt Tibbetts: They have to clear through Customs, Madam Chairman. So, they are supposed to give Customs the information anyhow. This is a different reporting regime. I am just telling you. I understand you.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 10 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 10, as amended, passed.

The Clerk: Clause 11 Amendment of section 12-avoidance of pollution and safe conduct of activities.

The Chairman: There is an amendment to clause 11.

AMENDMENT TO CLAUSE 11

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

I move that the Bill be amended by deleting clause 11 and substituting the following clause –

“Amendment of section 12- avoidance of pollution and safe conduct of activities. (and that would be the marginal note)

“11. The principal Law is amended in section 12 as follows– in subsection (1), by deleting the words “The operator of any workplace” and by substituting the words “An operator”;

In subsection (3), by inserting after the word “workplace” where it first appears, the words “or in any permitted vehicle” and after the word “workplace” where it appears for the second time, the words “or in that permitted vehicle”; and

By repealing subsections (4) and (5) and substituting the following –

“(4) An operator who contravenes subsection (1) 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.

“(5) A person who contravenes subsections (2) or (3) commits an offence and is liable on summary conviction to a fine of \$20,000 or to imprisonment for a term of 1 year and [sic] to both.”

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

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

Hon. W. McKeeva Bush, Leader of the Opposition: In this instance, Madam Chair, so that I quite understand, the operator, you are talking about whom?

Hon. D. Kurt Tibbetts: Just give me one second.

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

Is this the gas station operator? Or is it the companies we are talking about?

The Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: Before I answer that, because I don't want to forget, Madam Chairman, the very last line in the substituting sub-clause (5) where I read, a *fine of \$20,000 or to imprisonment for a term of 1 year and to both*, that should be “or to both.”

The answer to the question by the Honourable Leader of the Opposition's question is the reason why we've changed that, to simply make sure for the definition of an “operator” the original definition of the operator was at the workplace. But this simply changes the operator to an operator, whether it is at the workplace or whether it is on the road.

Hon. W. McKeeva Bush, Leader of the Opposition: So we are talking about the importer—

Hon. D. Kurt Tibbetts: That's right.

Hon. W. McKeeva Bush, Leader of the Opposition:—who is delivering these services.

Hon. D. Kurt Tibbetts: That's right.

Hon. W. McKeeva Bush, Leader of the Opposition: So, we are not talking about . . . but we want to make . . . is that clear enough so that the operator of just an ordinary gas station doesn't get caught up into this?

It can't be said that it is the gas station owner and not the—

Hon. D. Kurt Tibbetts: See, if we go back a little bit in the first amendment, where we are amending section 12, in subsection (3) by inserting after the word “workplace” where it appears the words “or in any permitted vehicle” and after the word “workplace” where it appears for the second time, the words “or in that permitted vehicle.”

So, it will be the workplace or in any permitted vehicle, and this would be the workplace or in that permitted vehicle. This is, again, reporting, like a spill.

Hon. W. McKeever Bush, Leader of the Opposition: So it's only a matter of reporting, not the damage caused?

[Inaudible interjection]

Hon. D. Kurt Tibbetts: This section is all about reporting.

Hon. W. McKeever Bush, Leader of the Opposition: This is just for the negligence of not reporting?

Hon. D. Kurt Tibbetts: Exactly. But I want to make sure.

Hon. W. McKeever Bush, Leader of the Opposition: But what happens to the damage from the spill?

Hon. D. Kurt Tibbetts: No, no, no. These are other sections, but that is taken care of, but this is just for this alone.

Hon. W. McKeever Bush, Leader of the Opposition: Yes, but I want to make sure that we are catching the aspect of any damage of the spill.

Hon. D. Kurt Tibbetts: Yes. The Bill has all of that in it. In other words . . . the law itself already exists.

Hon. W. McKeever Bush, Leader of the Opposition: You're talking about the law? You kept saying the Bill and that is why I was confused but it is the law.

Hon. D. Kurt Tibbetts: Forgive me, yes, the law has those provisions. So—

Hon. W. McKeever Bush, Leader of the Opposition: Just to make sure that I have it with some clarity, this is to make sure that the oil company in transporting and at work, at the workplace, at their compound. If that happens and they didn't report it, then they are contravening the law? That's the question.

The Chairman: Honourable Minister.

Hon. D. Kurt Tibbetts: Forgive me. Say it again.

Hon. W. McKeever Bush, Leader of the Opposition: I was just saying that for the sake of clarity we are . . . I am trying to—

Hon. D. Kurt Tibbetts: You want to make sure that a spill doesn't just go without anybody taking care of it, not paying for whatever they have to pay for.

Hon. W. McKeever Bush, Leader of the Opposition: In one aspect, correct. But the other aspect is that we want to make sure that this pertains to the oil company on their compound and also on transporting.

Hon. D. Kurt Tibbetts: Right. And it's not just an oil company. Bear in mind there are other people who provide or who transport this kind of stuff. They have to be responsible also.

Hon. W. McKeever Bush, Leader of the Opposition: So, any trucking company—

Hon. D. Kurt Tibbetts: That's right.

Hon. W. McKeever Bush, Leader of the Opposition: —that has a spill—

Hon. D. Kurt Tibbetts: That's right.

Hon. W. McKeever Bush, Leader of the Opposition: —they are caught up and not the oil company.

Hon. D. Kurt Tibbetts: That's right. In other words, it is ensuring both. In other words, wherever it happens . . . okay, somebody sitting in an office at an oil company won't know of a spill when it happens. It is the person driving the vehicle—

Hon. W. McKeever Bush, Leader of the Opposition: On the transport aspect.

Hon. D. Kurt Tibbetts: Yes.

So that is what I am saying. That is why you are adding into it after the word “workplace” [the words] “or in that permitted vehicle” so that it captures the workplace and when it goes on the road. But you see, it is . . . while the first entities we think about, Madam Chairman, are the two bulk distributors, in matters like this it is not necessarily limited to those bulk distributors because you have other people who do mobile delivery of fuel and you want to ensure that they understand what the law is all about and that they act responsibly too.

As I said earlier, these two amendments are basically to ensure that everybody understands their responsibility to report such an incident so that whatever services have to be provided, whether the NRA has to come to the scene, or whoever else. Do you understand what I am saying? That is what this is all about.

Hon. W. McKeever Bush, Leader of the Opposition: Yes. You are catching two entities, I quite understand that.

Hon. D. Kurt Tibbetts: And it was two spills on the weekend that we had that made us realise that there was nothing which concretely and unequivocally stated in the law that you have a responsibility to report it, instead of going and getting a couple gallons of sand and throwing it on the ground and going about your business (if I can say it like that).

Hon. W. McKeever Bush, Leader of the Opposition: Now, on the transporting, it is absolutely clear. The other question that I have is: When you are talking about the workplace, you have two companies who have two compounds on Grand Cayman. You have an airport facility as well, but—

Hon. D. Kurt Tibbetts: And in Cayman Brac you have an airport facility as well.

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

Hon. D. Kurt Tibbetts: And you have people who are in the heavy equipment business that may have a big tank and get that filled up.

Hon. W. McKeever Bush, Leader of the Opposition: I am sure that that is so. But I am sure they are not as large as the two importers.

Hon. D. Kurt Tibbetts: No. Right.

Hon. W. McKeever Bush, Leader of the Opposition: And what I want to ask is: Are these fines pertaining to the compounds anywhere, but those on the waterfront?

Hon. D. Kurt Tibbetts: But you have to bear in mind that these fines are only for not reporting. This is not to do with anything else. This section has only to do with your responsibility to report it.

Hon. W. McKeever Bush, Leader of the Opposition: If that happened in the office, on their compound, they have to report it. So, yes, that is what we are talking about.

Hon. D. Kurt Tibbetts: Yes. Okay

Hon. W. McKeever Bush, Leader of the Opposition: And so, this covers that compound.

Hon. D. Kurt Tibbetts: Yes.

Hon. W. McKeever Bush, Leader of the Opposition: And so for the quantities of any oil that saturated the grounds there, I am saying are our fines sufficient?

Hon. D. Kurt Tibbetts: For the reporting end of it? Yes. Because the Chief Petroleum Inspector has the authority to instruct them for any mitigation measures, or whatever it is, and all of that cost will be borne by them. Do you understand what I am saying?

Hon. W. McKeever Bush, Leader of the Opposition: So, the oil is in the ground.

Hon. D. Kurt Tibbetts: I'm sorry . . . yes, yes, yes.

Hon. W. McKeever Bush, Leader of the Opposition: Any substance in the ground.

Hon. D. Kurt Tibbetts: Right. Exactly!

The Chairman: If there is no further debate on this, I put the question is that the amendments stand part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 11 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 11, as amended, passed.

The Clerk: Clause 12. Amendment of section 13-reporting of pollution to Chief Petroleum Inspector.

The Chairman: Honourable Minister, there is a proposed amendment to clause 12.

AMENDMENT TO CLAUSE 12

Hon. D. Kurt Tibbetts: Yes, Madam Chairman, since I have said it so many times, I don't think I have to repeat the Standing Order, under all of those things, I am asking that the Bill be amended in clause 12 by deleting paragraph (a) and substituting the following (that is, in clause 12)- (a) in sub-section (1) by deleting the words "The operator of a workplace" and by substituting the words "An operator"; and by deleting the words "any dangerous substances" and substituting the words "dangerous substances of a prescribed amount;"; and by inserting after paragraph (b) the fol-

lowing paragraph- "(ba) by repealing subsection (3) and substituting the following- '(3) Where any accidental release or spillage involving dangerous substances has occurred at a work place or from a permitted vehicle, the operator shall take all reasonable action to ensure that no person disturb, move or remove any wreckage or debris resulting from the release or spillage except with the permission and in accordance with any directions of the Chief Petroleum Inspector.'"

The Chairman: If there is no debate I put the question is that the amendments stand part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 12 passed.

The Chairman: The question is that clause 12, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 12, as amended, passed.

The Clerk:

Clause 13	Amendment of section 14- check of workplaces by the Chief Petroleum Inspector
Clause 14	Amendment of section 15- general duties of the Chief Petroleum Inspector
Clause 15	Amendment of section 21- engaging in activities under this Law without an operating permit
Clause 16	Amendment of section 22 - further offences
Clause 17	Insertion of new section- administrative penalties

The Chairman: The question is that clauses 13 through 17 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 13 through 17 passed.

The Clerk: Clause 18 Amendment of section 24- regulations.

The Chairman: Honourable Minister there is a proposed amendment to clause 18

AMENDMENT TO CLAUSE 18

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

I move that the Bill be amended in clause 18 as follows: By deleting the words "in section 24(1)" and substituting the words "in section 24".

[Inaudible interjection]

Hon. D. Kurt Tibbetts: I am reminded by the authority on the matter, Madam Chairman, that I should have said, and substituting the words, "in subsection 24";

In paragraph (c), by inserting after paragraph (kc) the following paragraph: "(kd) matters relating generally to permitted vehicles including the inspection of such vehicles by the Chief Petroleum Inspector."

And by inserting after paragraph (c) the following paragraph: "(d) by deleting paragraph (m) and substituting the following paragraph- '(m) any other matter required to be prescribed or for the better carrying out of the objects and purposes of this Law.'"

The Chairman: If there is no debate on this matter, I put the question that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 18 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 18, as amended, passed.

The Clerk: Clause 19 Amendment of section 26- emergency powers of the Chief Petroleum Inspector.

The Chairman: Honourable Minister there is a proposed amendment to clause 19.

AMENDMENT TO CLAUSE 19

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

Just before I read this very last proposed amendment, I want to thank you and Members because there have been several amendments. But as right as you think you have it, once you see room for improvement and the opportunity is there, you try to make it righter. So, that's the attempt here.

Madam Chairman, I seek to amend the Bill in clause 19, in section 26 (2) by deleting paragraph (a) and substituting the following: "(a) may direct the driver of the vehicle to move the vehicle to a place to which the public has access, provided that to do so would pose no risk or danger to any person;".

The Chairman: If there is no debate on this amendment, I put the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 19 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 19, as amended, passed.

The Clerk: A Bill for a Law to amend the Dangerous Substances Handling and Storage Law, 2003; and for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

GAMBLING (AMENDMENT) BILL 2015

The Clerk: The Gambling (Amendment) Bill, 2015.

Clause 1

Short title and commencement.

The Chairman: Honourable Minister there is a proposed amendment to clause 1.

AMENDMENT TO CLAUSE 1

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Minister responsible for Commerce, give notice to move the following amendments to the Gambling (Amendment) Bill, 2015, by deleting the long title and substituting the following long title:

"A Bill for a Law to amend the Gambling Law (1996 Revision) to exclude specified vessels and raffles held by voluntary associations from the application of the law; and for incidental and connected purposes".

The Chairman: Honourable Minister of Financial Services.

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

The Chairman: There is an amendment to clause 1.

Hon. G. Wayne Panton: Yes, sorry, that the Bill be amended by deleting sub-clause (2) and substituting the following sub-clause:

"(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions of this Law."

The Chairman: Does any Member have any questions or comments on clause 1 amendment, on the Gambling (Amendment) Bill, 2015?

Hon. W. McKeeva Bush, Leader of the Opposition: Clause 1, that's the short title.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 1 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 1, as amended, passed.

The Clerk: Clause 2 Amendment of section 2 of the Gambling Law (1996 Revision) - definitions and interpretation.

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

AMENDMENT TO CLAUSE 2

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

Under the same Standing Order, I move that the Bill be amended in clause 2, by inserting in the appropriate alphabetical sequence, the following definition: "‘raffle’ means the sale of numbered tickets, one or more of which is drawn at random for the awarding of a prize."

The Chairman: If there are no comments—
Honourable Leader of the Opposition?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chairman, there are a number of amendments circulating, and I am trying to find which one that is.

The Chairman: We are in clause 2.

Hon. W. McKeeva Bush, Leader of the Opposition: We had the title and in clause 2, where it says "deleting part . . . this is an amendment now that he filed, the last one?"

This is Liquor Licensing . . . Ah, yes. I don't have that one.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: Oh, that's Ezzard's. Dangerous Substances . . . no, I don't have that.

[Inaudible interjections]

The Chairman: Honourable Leader of the Opposition?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Chairman, I'm just seeing the amendment to the amendment.

The Chairman: Honourable Minister of Financial Services, you may want to take this opportunity to elucidate further, seeing that some of the amendments were just circulated and Members are having some time trying to put it all together. That might help to expedite the process.

Hon. G. Wayne Panton: Madam Chairman, thank you. I apologise to Members for the confusion. I think, with respect, the confusion is being generated by some of the amendments proposed in relation to the Liquor Licensing Bill. As far as I am aware, we should have one set of committee stage amendments circulated in respect of the Gambling Bill. I think that's where the confusion is, and I apologise to Members.

Hon. W. McKeeva Bush, Leader of the Opposition: What are you trying to do with these raffles?

Hon. G. Wayne Panton: Madam Chairman, just by way of explanation in relation to the last amendment, we have taken on board the comment that while we are making this change to the Gambling Law (1996 Revision), that we should take the opportunity to effectively legalise the holding of raffles by church organisations, service organisations, and other voluntary organisations who hold raffles to raise funds for programmes that they may utilise for civic purposes and contributions to society. So that is the basis of these series of amendments, including the first one.

The Chairman: Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: So, what they are doing is taking the opportunity to do that, there are no penalties associated with this. Are there penalties associated with this? And if there are none according to the law, then, from the Penal Code perspective.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: So what you are saying is that they have to be registered?

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Madam Chairman, what this amendment or these series of amendments that are proposed in respect of this seeks to do, is to dis-apply the application of the Gambling Law in respect specifically of those things. So, the whole Gambling (Amendment) Bill initially sought to dis-apply the Gambling Law in respect of Cayman Islands registered cruise ships that were on international voyages, and so, that is that. So what these amendments seek to do at this point is to, for the most part, address the issue of legalising the raffles in the sense that it will

dis-apply the Gambling Law to raffles being conducted by churches, service organisations—

Hon. W. McKeeva Bush, Leader of the Opposition: So where the Lions, the Rotary, where the sports clubs and different people have these raffles, you are saying that the law is not going to pertain to them?

Hon. G. Wayne Panton: Correct. That is the intent. At the moment, I think it has been recognised for a very long time that these types of events and functions were for good purposes, they were raising funds legitimately for good legitimate purposes, but the Gambling Law technically applied. So, we are simply taking the opportunity and this was certainly part of a recommendation that came from the Member for North Side, although he wanted to go a lot further. The Government's position was we would not take on board the amendments he was proposing, but, rather, just limit it to effectively legitimising or legalising these raffles by the churches and service organisations.

Hon. W. McKeeva Bush, Leader of the Opposition: I have a follow up, yes, Madam Chairman.

The word "church" here is several times in the particular amendment, but when we said "voluntary or associations", that, is taken to mean sports clubs and so on. I mean, nobody in the law area is going to say, *You are not covered because it is not specified in this law.*

[Inaudible interjection]

The Speaker: Honourable Minister?

Hon. Wayne Panton: Madam Chairman, I mean, this is intended to reflect the fact that these are not for profit agencies or organisations which donate the proceeds, or apply the proceeds for specific purposes, charitable or—

Hon. W. McKeeva Bush, Leader of the Opposition: I understand the Minister's very first explanation, Madam Chairman. All I want is to ensure is that once this has gone in and they say churches can do it and the Rotary can do it and Lions can do it, but the little sports clubs, when they come they say, *No, you're not covered because you are not mentioned here.* I just want to make sure that we have an understanding, because I see that often now as to, *It doesn't mean that; that's not what it means,* when I've seen sentences handed down. So, I just want to make sure that as a legislature we are of the understanding that this does mean associations, organisations—ABC sports clubs raises money to go on their trip, a school does it to raise money for their trip—that that is covered; the law as it stands will not affect them.

The Chairman: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Chairman, my apologies. Can you repeat your request for directions?

The Chairman: I think he is trying to get a confirmation that the sports clubs would not be exempted from a post interpretation of the passage today.

Hon. G. Wayne Panton: Madam Chairman, thank you. Sorry, I was distracted by questions from colleagues as well.

I think the intention is really to have this apply to the types of associations that the Member is speaking to. These are voluntary associations where people get involved and give their time for specific purposes, or I suppose it could be sports clubs as well. I don't see any issue in principle in leaving that out. I think if we get very definitive in terms of listing then they might wind up leaving out things that are appropriate.

Hon. W. McKeeva Bush, Leader of the Opposition: I know, but often in judgments handed down, and in defence, when it is not specific in the law we hear, *What did legislators mean when they passed the Bill?* Then they say, *Well, the courts, I have seen, rely on what did the Legislative Assembly mean when they passed it.* So, you have given an explanation. You are the Minister, that's what will have to be relied on, and that was what I was looking for. Thank you very much.

Hon. Osbourne V. Boddin, Minister of Community Affairs, Youth and Sports: But, Madam Chairman, just to support what the Leader of the Opposition is saying, as Minister of Sports, there are so many sporting organisations, I would ask the Minister to seriously consider inserting "sporting organisations and other voluntary" and because there are so many, there is a proliferation. And by the sheer volume, there are more than any of the other ones. I think it's a good idea.

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

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chairman, two interventions here. The difficulty with that is you get professional sporting organisations and they are paid for what they do. The specific is that it must be voluntarily joined. But if you get some of those professionals coming in here and setting up base, then they may . . . anyway, Madam Chairman, in the case of my colleague having this committee stage amendment here, and he had asked me to move it, I know in motions we would have to get a seconder. And in committee, if I don't move it, it doesn't say it will fall away. Motions

will fall away, but committee doesn't say that it will fall away. There is no provision—

Hon. W. McKeeva Bush, Leader of the Opposition: It will fall away.

Mr. V. Arden McLean: For motions.

Hon. W. McKeeva Bush, Leader of the Opposition: No. Well, this . . . in fact, what you would be making is a motion to add it to the Bill. And if you don't make it, it will fall away.

Hon. G. Wayne Panton: Madam Chairman.

Hon. W. McKeeva Bush, Leader of the Opposition: But I would say, on the matter too—

The Chairman: One minute—

Hon. W. McKeeva Bush, Leader of the Opposition:—if I should . . . and I will stop. But here we are talking about voluntary. And I think that covers where if you have professional bodies come in and try to operate somehow, the law speaks to being voluntary. I think what I would like to include in those being “voluntary” are sports clubs, local sports clubs. Yes.

The Chairman: Honourable Minister.

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

We do have an additional amendment proposed which deals with inserting a power to make regulations specifically in relation to the licensing for raffles, including the mode and manner of application and for the conduct of raffles, et cetera. So, utilising this power of regulation, assuming that it is adopted, we could clarify specifically through those regulations the extent of application of that particular provision and get more specific.

The Chairman: Third Elected Member for West Bay.

Mr. Bernie A. Bush: Madam Chairman, building on what the Minister of Sports said, it is very easy to get around all of those with the word “local.” So we have to cut people and, the organisations must be recognised and in good standing with the Ministry here and with their international body; very simple.

The Chairman: Honourable Minister of Financial Affairs, do you wish to respond to that observation?

Hon. G. Wayne Panton: Madam Chairman, I will have to admit that I was not able to follow what the Member said.

Mr. Bernie A. Bush: I said I was just building on what the Minister of Sports said. The word “local” would cover the part because of professionals who are coming in. Just put the word “local” so we only cover our people. Someone can't come in here and do that, that's not right, only our local voluntary organisations. And for the sports club that the Leader of the Opposition and the Minister of Sports were talking about, they must be recognised and in good standing, because you do not somebody to say they have club X, and they are not really recognised by the football or track and field, or whatever, association. They must be in good standing and recognised by the Ministry of Sports and their local governing body. Ossie can get it for you.

Hon. G. Wayne Panton: Madam Chairman, certainly I understand the Member's comment. But, as I said, we can detail those issues in the regulations that are proposed in terms of this.

The Chairman: Can I now put the question that the amendment stands part of the clause?

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

The Clerk: Clause 3 Insertion of section 2A and 2B in the Gambling Law (1996 Revision) – application; prohibition while in port

The Chairman: Honourable Minister of Financial Services there is a proposed amendment to clause 3.

AMENDMENT TO CLAUSE 3

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

Madam Chair, the amendment moved under the Standing Orders in respect of clause 3 is by deleting the sections to be inserted in the principal Law as sections 2A and 2B and substituting the following section –

“2A.(1) This Law shall not apply to – (a) a Cayman Islands registered passenger ship operating under a contract carriage while it is in international waters and on an international voyage; and (b) raffles staged by churches, service organisations and other voluntary as-

sociations to raise funds for the programmes of the respective churches, organisations and associations.

“(2) Section 158(h) of the Penal Code (2013 Revision) shall not apply to persons who stage raffles in accordance with this Law.

“(3) For the avoidance of doubt, gambling is not permitted . . .”

Sorry, Madam Chairman, I need to just check one point if you would indulge.

The Chairman: Certainly.

Hon. G. Wayne Panton: Apologies, Madam Chairman.

Madam Chairman, with your permission I would like to make a change to the specific wording that has been set out in the committee stage amendments circulated to address an issue which was raised during comments on the Bill earlier, particularly by the Member for East End. I would be grateful for your guidance as to how to enable that at this point.

The Chairman: Is it a whole new section, or is it an amendment to an amendment to allow them to gamble in territorial areas where it is not restricted?

Hon. G. Wayne Panton: Correct. It's an amendment. Basically, Madam Chair, rather than subsection (3) which I started to read earlier, this would be a replacement of that subsection (3).

The Chairman: Go ahead and propose it.

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

Instead of the subsection (3) which has been circulated, Madam Chairman, I would propose under the relevant Standing Orders, an amendment which would read as follows:

“For the avoidance of doubt, gambling is not permitted on a vessel described in section 2A, subsection (1)(a) nor on any other vessel while the vessel is in port in the Islands or its territorial sea, but is permitted in any port in any other territory—

The Chairman: Could you please slow down so that the Clerk can record verbatim?

Hon. G. Wayne Panton: I apologise.

The Chairman: It's okay.

Hon. G. Wayne Panton: Madam Chairman, I will start it over—

The Chairman: Continue after “sea”—“territorial sea”.

Hon. G. Wayne Panton: “. . . but is permitted in any port in any other territory or state that permits gambling in its port or its territorial sea.”

So, by way of explanation, Madam Chair, in terms of the comments from the Member for East End, a scenario, which I think he may have alluded to, but, certainly, I recognise as being correct, is that you may have, for example, a cruise ship which is within US territorial waters sailing the Alaska route and they are within US territorial waters the whole time and, under the original provision, a Cayman Islands registered vessel would not be able to sail that route and have casinos open during the visits between ports.

Hon. W. McKeever Bush, Leader of the Opposition: Wouldn't they be in international waters still?

Hon. G. Wayne Panton: There would be times when they may be in what is considered international waters, but there would be a lot of the time when they are considered to be within territorial waters on a voyage like that because they remain, coast-wise, within the State of Alaska. So they are just visiting different towns, for example, within the State of Alaska.

If it is permitted, this will allow it, yes.

The Chairman: The amendment has been moved, does anyone wish to speak to this amendment?

Member for East End.

Mr. V. Arden McLean: That is all I was asking, Madam Chairman, in my debate; that was what I was saying, because I believe there are places that they are allowed within the territorial waters. And if this will allow it, I'm fine with that.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

The Clerk: Insertion of section 23A in the Gambling Law (1996 Revision) – Regulations.

The Chairman: Honourable Minister

NEW CLAUSE 4

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

I move an amendment—

The Chairman: One minute please.

The clause is deemed to have been read the first time (as it's a new clause).

The question is that it be read a second time.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New Clause 4 be read a second time.

The Chairman: Honourable Minister, in an effort to expedite this tedious process I forgot to ask you to move your new clause.

Hon. G. Wayne Panton: Thank you, Madam Chairman. You were making so much progress I didn't want to interfere.

I move a motion to add after clause 3 the following clause 4—

"The Gambling Law (1996 Revision) is amended by inserting after section 23 the following section in the Gambling Law (1996 Revision) - "Regulations 23A."

"The Cabinet may make regulations providing for the licensing of raffles including the mode and manner of application, the conduct of raffles, accounting for proceeds, fees, offences, appeal process and conditions or limitations to be attached to the licences."

The Chairman: Member for East End.

Mr. V. Arden McLean: I need to hear an explanation from the Minister as to why would we want to go into that, because there are so many different methods they use. I can think of garden parties, you know, you're doing it for a vehicle; you're doing it for a boxing match; you're doing it for . . . there are so many different ways to do it, you can't cover them all in

regulations. As long as they are conducted by those specific organisations, the voluntary organisations, then, I think we should leave it up to them to decide how they are conducted, you know? Because if Cabinet starts getting into the listing of how each raffle should be done, we may find ourselves in bigger quandary than we are in right now.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: Thank you.

Madam Chairman, the proposed new section 23A, dealing with these regulations, is really permissive in terms of enabling Cabinet to make these regulations if and to the extent they think it necessary. It doesn't require Cabinet to deal with all aspects of it; it's permissive to cover regulations in respect of areas that Cabinet feels there is either an issue or confusion which has arisen which it would be appropriate to address by way of regulation for clarification. Thank you.

The Chairman: Member for East End.

Mr. V. Arden McLean: I hear the Minister, but I am not overly convinced that . . . you know, what you will do then is truncate, so to speak, the different organisations on how they can conduct the raffle. I believe that is the better way to explain it, because if Cabinet says that raffle has to be done in a certain way and different organisations have different ideas about how they want to conduct it, then you have truncated them to the way Cabinet thinks is best, and that is where I am a little bit off, so to speak. For instance, Cabinet may say you need to give a running total of all the tickets, or something like that, and they don't have ticket numbers. You have now brought them, truncated them to creating numbers and what have you and the likes.

The Chairman: Honourable Minister.

Hon. G. Wayne Panton: I understand the Member's comments. I think, as I said earlier, this is simply permissive and it allows Cabinet the opportunity to address the way in which these types of things, these raffles may be conducted without having, for example, to have to come back down to the Legislative Assembly to seek changes or amendments to the law to address issues that may have become apparent subsequently. So this gives Cabinet the power to make these regulations. It could, for example, if there are annual raffles by a particular organisation, they could licence those to occur on an annual basis. It doesn't have to be the case, as I believe the Member for East End might be suggesting; that there are multiple licensing procedures around each particular raffle that may occur. It may be that they could be licensed to conduct them on a broader basis if they have a programme of doing that and utilising those proceeds in

respect of their organisations and associations as intended.

Mr. V. Arden McLean: *[INAUDIBLE- microphone was not turned on when the Member first started to speak.]* . . . and when we all agree that we support them doing that because it is for the purposes of providing services to the community. And whatever the proceeds, we know that's going to go there, but when you start talking about offences and that kind of stuff, I believe that if a church finds somebody who is stealing the money, I believe there is a moral obligation for the church to read them out, or something of that nature. And trust me; those churches will read you out with those immoral behaviours. Sometimes they do, anyhow. But the mode and manner of application, the conduct of raffles, accounting for proceeds, fees, offences . . . I am a little bit concerned that we are applying too many needles into the cushion, you know?

The Attorney General, Hon. Samuel W. Bulgin: Madam—

The Chairman: I recognise the Honourable Attorney General.

The Attorney General, Hon. Samuel W. Bulgin: Madam Chairman, just following the observation made by the Honourable Minister, in response to the honourable Member, the fact is that this regulation-making power is not meant to be overly prescriptive as the Member is implying. It does say that Cabinet may make such a regulation, and the best way to clarify this for the Member is that it is far more convenient to address some of these details in regulations, as the Minister said, rather than if and when issues do arise, which are not really substantive matters, to have to come back to the Legislative Assembly to amend the principal law each time. Clearly, that would not be convenient. So, this gives the Government the flexibility to make necessary reform as the legislation comes into being and is being used and issues arise from time to time.

The issue about offences, for example, is more concerned where there is a licensing regime and there is a breach of that licensing regime. Then, clearly, the regulations might provide for how you punish those breaches and so on. But to allay the Member's fear, this really is not meant to be overly proscriptive; it really just provides the Government with a bit of flexibility to address issues as they arise from time to time once the law is in operation.

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chairman, if such is the case, then why don't we use a general (oh, Lord, give it to me, Madam Chairman)—

The Chairman: Power to make regulations.

Mr. V. Arden McLean: —power to make regulations by Cabinet? Because the only other place to make regulations is 23 in this law about the Postmaster General with regard to letters after he consults with the Governor in Council. Lord, that tells how old this is. It is "Governor in Council" with the approval of "Governor in Council" and that changed a long time ago. But anyway, if he could, just make a general power to make regulation for the entire thing. Madam Chairman, the Attorney General said not prescriptive, but I hate to disagree with him, but it is extremely prescriptive to the churches and the raffles which relate to churches and voluntary organisations. But there is none for anything else, such as, the one for the ships. It's just a law to allow the ships to—

[Inaudible interjection]

Mr. V. Arden McLean: Pardon me?

It is extremely dedicated to the raffles, and that's all I'm saying.

The Chairman: Honourable Minister.

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

I can't really add more than the efforts of the Honourable Attorney General in addressing the Member's concerns. I will say in relation to his reference back to the dis-application in respect of passenger ships is something that we are proposing to do outside the Cayman Islands waters. So there is not much from our perspective in the way of risk of abuse; that's an either/or situation. In this case, where we are legalizing or dis-applying the law to raffles held by churches and service organisations, there is potentially an opportunity for some abuse down the road which, having a power to address those for clarification or to address any perceived abuse would be useful. And that's all this seeks to do. It gives a number of examples of areas that the regulations can cover, but it doesn't require the regulations which may be issued by Cabinet to cover all of those areas.

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: I will concede. But may I just say my last lick is . . . we are talking out both sides of our mouths. We can do it, but we can regulate how we do it. That's all. That's all.

The Chairman: Honourable Minister, just for clarity, bundled into it is the word “fees” and I just want to make sure that’s your intention to have that as a part of this amendment.

Hon. G. Wayne Panton: Madam Chairman, as I understand it, yes, that is correct. But it doesn’t necessarily mean that they will be applied; it’s just that there is a power to consider it included in regulations if it’s considered appropriate.

The Chairman: I put the question that this clause be added to the Bill as clause 4.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New clause 4 passed and added to the Bill.

The Clerk: A Bill for a Law to amend the Gambling Law (1996 Revision) to exclude specified vessels from the application of the law; and for incidental and connected purposes.

The Chairman: The question is that . . . Honourable Minister, there is an amendment to the title of this as well. I think you intimated it earlier on, but so that correct procedure is followed, I invite you to repeat it again, please.

Hon. G. Wayne Panton: Thank you, Madam Chairman, and apologies. The motion for the proposed amendment is to delete the [short] title of the Bill and substitute the following long title:

“A Bill for a Law to amend the Gambling Law (1996 Revision) to exclude specified vessels and raffles held by voluntary associations from the application of the law; and for incidental and connected purposes”.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title, as amended, passed.

LIQUOR LICENSING (AMENDMENT) BILL, 2015

The Clerk: The Liquor Licensing (Amendment) Bill, 2015.

Clause 1 Short title and commencement.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk: Clause 2 Amendment of section 2 of the Liquor Licensing Law (2000 Revision) – definitions.

The Chairman: Honourable Minister, there is an amendment proposed for clause 2.

AMENDMENT TO CLAUSE 2

Hon. G. Wayne Panton: Thank you.

Let me preface this by saying that there are several amendments with respect to the Bill which will lead to some confusion. I will try to go slowly to ensure Members are inconvenienced as little as possible.

In respect of this amendment, in accordance with the provisions of Standing Order 52(1) and (2), I, as Minister responsible for Commerce, give notice to move the following amendment to the Liquor Licensing (Amendment) Bill, 2015, in clause 2 by deleting paragraph (a) and substituting as follows: deleting the definition of the word “applicant” and substituting the following definition: “‘applicant’ means a person or a business that makes an application for a licence under this Law.”

The Chairman: If there is no debate, I put the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 2 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk: Clause 3 Amendment of section 3 - no intoxicating liquor to be sold without a licence except in certain cases.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 3 passed.

The Clerk: Clause 4 Amendment of section 4 - Licensing Boards and Districts.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 4 passed.

The Clerk: Clause 5 Amendment of section 5 - functions and conduct of the Boards.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 5 passed.

The Clerk: Clause 6 Amendment of section 7 - nature of a licence.

The Chairman: Honourable Minister, there is an amendment to clause 6.

AMENDMENT TO CLAUSE 6

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

In accordance with the relevant Standing Order, I move that the Bill be amended in clause 6 by deleting subparagraph (b) and (c) and substituting the following subparagraphs: "(b) in subsection (2), by inserting after the word "Persons" the words "or businesses"; (c) by repealing subsection (3);" And in subsection (4), by deleting the words "persons other than the licensee" and inserting the words "persons other than the holder of the licence or the licence holder's employees."

The Chairman: If there are no questions, the question is that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 6 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 6, as amended, passed.

The Clerk: Clause 7 Amendment of section 8 - qualifications of a licensee.

The Chairman: Honourable Minister, there is an amendment to clause 7.

AMENDMENT TO CLAUSE 7

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

I move that the Bill be amended in clause 7 by deleting the subsection proposed for insertion as section 8(1) in the principal Law and substituting the following subsections:

"(1) A Board shall not grant a licence to an applicant unless it is satisfied that the applicant has paid the fee prescribed for the grant of a licence under this Law and –

(a) has a valid trade and business licence issued under the Trade and Business Licensing Law (2007 Revision);

(b) subject to subsection (1A), is a company that is registered under section

80 of the Companies Law (2013 Revision); or

- (c) subject to subsection (1B), is an applicant for an occasional licence except where the applicant is a company described under subsection (b).

(1A) An applicant, including an applicant for an occasional licence, that is a company described under subsection (1)(b) shall provide the following when applying for a licence under this Law –

- (a) evidence of registration under section 80 of the Companies Law (2013 Revision);
- (b) a bank reference for the applicant;
- (c) where the licensed premises is located in a public place, evidence of the approval of the relevant authority to dispose of intoxicating liquor in that place; and
- (d) where relevant, evidence of compliance with the laws relating to pensions, health insurance, labour relations, environmental health or fire safety.

(1B) An applicant for an occasional licence shall provide the following when applying for a licence under this Law –

- (a) evidence of the status as a Caymanian, if any, of –
- (i) the applicant, where the applicant is an individual;
- (ii) any individual who has a legal or beneficial interest in the company, where the applicant is a company; or
- (iii) each partner who is a partner in the firm, where the applicant is a firm;
- (b) a police clearance certificate for –
- (i) the applicant where the applicant is an individual;
- (ii) any individual who has a legal or beneficial interest in the company, where the applicant is a company; or
- (iii) each partner who is a partner in the firm, where the applicant is a firm;
- (c) a bank reference for the applicant;
- (d) where the licensed premises is located in a public place, evidence of the approval of the relevant authority to dispose of intoxicating liquor in that place;
- (e) where relevant, evidence of compliance with the laws relating to pensions, health insurance, labour rela-

tions, environmental health or fire safety; and

- (f) where the applicant is a company that is not Caymanian owned and controlled and not exempt from the Local Companies Control Law (2015 Revision), a licence under that Law.

(1C) The Board may take steps to carry out due diligence procedures with regards to any director or any person who has a beneficial interest in a trade or business for which an application for the grant or renewal of a licence is made under this Law.”

Hon. G. Wayne Panton: Madam Chairman, in terms of the additional amendment for (1D), may I proceed to simply read that out, even though it's on a separate notice?

The Chairman: Yes. Please proceed.

Hon. G. Wayne Panton: Thank you.

Following on from 1C there would be an additional subsection 1D which reads:

“(1D) The Board on receipt of a police clearance or on the carrying out of due diligence procedures may make such determinations regarding the grant or refusal of an application for a licence as it sees fit and shall provide reasons for its determinations.”

That was a rather long amendment, Madam Chairman, and I hope Members were able to follow it.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 7 passed.

The Chairman: The question is that clause 7 as amended stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 7, as amended, passed.

The Clerk: Clause 8. Amendment of section 9 - requirements for licensed premises

Clause 15 Insertion of section 42A - offence by body corporate

Clause 16 Amendment of section 44 - general penalty

The Chairman: Honourable Minister, there is an amendment to clause 8.

The Chairman: The question is that clauses 9 through 16 stand part of the Bill.

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

AMENDMENT TO CLAUSE 8

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

Ayes.

I move that the Bill be amended in clause 8 by deleting paragraph (a) and substituting the following paragraph: "(a) by repealing subsection (2) and substituting the following subsection –

The Chairman: The Ayes have it.

"(2) A moratorium on the granting of new licences in the Islands may be made by the Cabinet by Order published in the Gazette, such Order appointing the date of commencement and expiration of the moratorium and different dates may be appointed in relation to different categories of licences; and"

Agreed: Clauses 9 through 16 passed.

The Clerk: Clause 17 Amendment of section 50 - power to make regulations

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

The Chairman: Honourable Minister, there is an amendment to clause 17.

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

AMENDMENT TO CLAUSE 17

Ayes.

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

The Chairman: The Ayes have it.

Under the relevant Standing Order I move that the Bill be amended by deleting clause 17 and substituting the following clause:

Agreed: Amendment to clause 8 passed.

"The principal Law is amended by repealing section 50 and substituting the following section:

The Chairman: The question is that clause 8, as amended, stands part of the Bill.

"50.(1) The Cabinet may make regulations for giving effect to the objects and purposes of this Law and providing for the responsible sale, distribution, service and consumption of liquor in the Islands.

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

"(2) Notwithstanding the generality of the provisions in subsection (1), the Cabinet may, by way of regulations provide for the training of licensees, servers and any person involved in the sale, distribution, service and consumption of liquor in the Islands.

Ayes.

"(3) The forms in the Schedule may be amended by way of regulations made pursuant to subsection (1)."

The Chairman: The Ayes have it.

Agreed: Clause 8, as amended, passed.

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

- The Clerk:**
- Clause 9 Amendment of section 11 - hours for sale of alcoholic liquor
 - Clause 10 Amendment of section 12 - application for licences
 - Clause 11 Repeal of section 18 - death of a licensee
 - Clause 12 Repeal of section 29 - service of process on licensees
 - Clause 13 Amendment of section 33 - power to search premises
 - Clause 14 Repeal and substitution of section 34 - powers of Inspector

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 17 passed.

The Chairman: The question is that clause 17, as amended, stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 17, as amended, passed.

The Clerk: Clause 18 Amendment of the Schedule - Form 1 and Form 3.

The Chairman: The question is that clause 18 stands part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 18 passed.

The Clerk: Clause 19 Transitional.

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

AMENDMENT TO CLAUSE 19

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

Prior to articulating the amendment, the amendment as circulated contains a reference to the date 30 September 2018. I would like to amend that to 20 [sic] September 2020. Should I do that subsequent, or prior to reading the amendment? I would appreciate your guidance in respect of that matter.

The Chairman: You can do that now, Minister.

Hon. G. Wayne Panton: Thank you.

I move a motion in respect of this proposed amendment under the relevant Standing Orders, to change the reference to the date of 2018 to 2020 and the amendment as proposed would therefore extend it from the current provision in the Bill of 30 September, 2016 to 30 September 2020.

The Chairman: If there are no questions or comments . . .

Member for East End?

Mr. V. Arden McLean: Madam Chairman, I do not have that one, again; or I don't know where it has gone.

The Chairman: Do you have one dated 21 October 2015?

Mr. V. Arden McLean: Yes.

The Chairman: We're now on page 4.

Mr. V. Arden McLean: I heard the Minister say the 2020; I thought he said in his sponsoring of this Bill that he was going to change it to 2018. And in my debate I asked why 2018 because that's giving it two years more than . . . that would be giving it three years. Now he is saying five years. I need to ask the Minister—

The Chairman: Page 4.

Mr. V. Arden McLean: Madam Chairman, I have that, but this doesn't say 2018, the 20. This does not say 2020.

The Chairman: In his reply he intimated that they were going to move to five years. The amendment that was circulated said 2018 and on moving the 2018, he made an intervention that there was a Government position to move it to 2020 and that is where on that stage you were receiving the information. So what is on the floor now is 30 September 2020. The Honourable Minister can—

Mr. V. Arden McLean: But it wasn't written.

The Chairman: He just orally made the amendment.

Mr. V. Arden McLean: No wonder I couldn't find it. But I have this.

Madam Chairman, can the Minister explain why we are going to 2020?

The Chairman: Honourable Minister can you make the brevity of your reply?

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

The Chairman: Not your reply now, but what you made on the reply to the motion.

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

I assume the Member for East End was out of the Chamber at that time when I intimated that subsequent to discussing the point in the initial submission or contribution in respect of the Bill, a number of submissions were received that there are many Caymanians that have held licences for a considerable period of time and have made investments, both in these licences and in respect of properties, land that they have acquired with a view to subsequently operating businesses, developing the property and operating businesses from it. And the feeling was that this was somehow removing their ability to continue to do this because, or continue with these plans, and realise these aspirations and proposals that they have had,

because it could be that down the road there may be a change and the moratorium may be re-imposed after they have lost their licences because they were not able to make the arrangements and do the development and get everything organised in time. So, I indicated during my reply that five years was, in my mind, sort of a long stop date and one at the edge of what I thought would be appropriate, reasonable and justifiable to address the concerns that have been represented to Government.

The Chairman: Member for East End, you have a follow up?

Mr. V. Arden McLean: Madam Chairman, it is confusing because I do not understand how \$350 is going to prevent that—three hundred and fifty dollars for the trade and business licence.

The Chairman: Honourable Premier, do you wish to respond?

The Premier, Hon. Alden McLaughlin: Madam Chairman, it is not a money issue. The issue is that we have had a liquor licensing regime in place that over the last 20 years has been subject to all sorts of erratic . . . let me use some diplomatic words—erratic applications, where moratoriums are imposed and lifted for short periods of time then re-imposed. The objective of this part of the Bill is to do away with the informal marketing of liquor licences. Thus, going forward you will not be able to get a liquor licence unless you have a trade and business licence and you have a facility, a building from which you are going to operate. But there still remains a significant number of Caymanians who have obtained liquor licences that are not attached to any particular facility. They bought them, or they obtained them on the basis that they were going to develop a liquor licensed establishment down the road.

In many instances, the downturn in the economy following the recession in 2008, sort of put a damper on people's plans. The concern that has been expressed by at least three of these individuals is that the law will continue to provide for the ability to impose a moratorium. If they lose their licence as a result of this legislation and a moratorium is re-imposed, they would have been disadvantaged. The Government is determined to stop the trade in liquor licences, so the legislation that is proposed will prevent the transfer, disposal, or lease of a liquor licence by anyone. So, those who do have liquor licences now that are not attached to a going establishment will only have one possible use of that, and that is in the event that they do develop the proposed new facility, they will have a licence for up to five years, after which the ability to renew that licence will cease and they will have to fall under the new regime. So it is a compromise the Government is making, taking into consid-

eration the concerns that have been expressed to us by, in my case, at least three holders of these kinds of licences.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chairman, the Government will have its way, and that is the nature of this Parliament. Precisely my thoughts when I debated this Bill. Why are we continuing to keep this moratorium in place in order that Government will have something over it? We don't do it on supermarkets; we don't do it on construction companies; we don't do it on anything else. Why is it that we need a provision for a moratorium? Because no one would be disenfranchised then, those who have licence and have developed them at this stage, because that is the feeling that the Premier is saying that these people are expressing, that the possibility of Government going back and putting this moratorium in place and then they are disenfranchised. If we do not have the moratorium, and they don't get their business in order and the licence falls away, they can always go back and apply for it when they get their business licence when they pay their \$350. Government needs to keep their hands out of it and remove that provision, the moratorium.

But further . . . I mean, we are talking about, in the Premier's case, three people who have made representation to him. I wonder how long they have held the licence. I wonder if their licence was leased to someone else, or rented to someone, and they have been holding that licence paying that every year. That's more expensive than \$350. A thousand dollars they are paying; that's three years of it, each year.

Madam Chairman, let the chips fall where they may.

The Chairman: If there are no further comments, I put the question that the amendment stands part of the clause.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 19 passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 19, as amended, passed.

NEW CLAUSE 20

The Clerk: New Clause 20 Validation.

The Chairman: The clause is taken as being read a first time.

The question is that this clause be read a second time.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New clause 20 given a second reading.

The Chairman: Honourable Minister, you may so move.

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

I move under the relevant Standing Orders that clause 20 be inserted after clause 19 of the Bill which reads as follows:

“20(1) All acts carried out in good faith by the Board or by any person authorised by the Board in purported exercise of powers conferred under the former Law to grant retail category liquor licences for which the relevant licensed premises were moveable structures are validated and all such licences granted in good faith under the former Law are validated and taken to have been lawfully granted.

“(2) In this section, ‘former law’ means the Law in force immediately before the coming into force of section 6 of the Liquor Licensing (Amendment) Law, 2015.”

The Chairman: Member for East End, you have a follow up?

The question is that new clause 20, be added to the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: New clause 20 added to the Liquor Licensing (Amendment) Bill, 2015.

The Clerk: A Bill for a Law to amend the Liquor Licensing Law (2000 Revision) to modify the licensing procedure to enable the Liquor Licensing Board to grant new licences from the coming into force of that

provision and to put in place moratoria on the granting of new licences for such periods as the Cabinet may stipulate by order; to remove the requirement that licensed premises remain open for the duration of the specified hours; and for incidental and connected purposes.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: The Bills to be reported to the House.

House resumed at 5:35 pm

The Speaker: Please be seated.

The House is now resumed.

Moment of interruption

The Speaker: I recognise the Honourable Premier for the suspension of Standing Order 10(2).

SUSPENSION OF STANDING ORDER 10(2)

The Premier, Hon. Alden McLaughlin: I beg to move the suspension of Standing Order 10(2) to enable the House to continue proceedings beyond the hour of interruption.

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

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

REPORT ON BILLS

DANGEROUS SUBSTANCES HANDLING AND STORAGE (AMENDMENT) BILL, 2015

The Speaker: I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, I have to report that a Bill shortly entitled, The Dangerous Substances Handling and Storage (Amendment) Bill, 2015, was passed with amendments by a Committee of the whole House.

The Speaker: The Bill is duly reported and is set down for a third reading.

GAMBLING (AMENDMENT) BILL, 2015

The Speaker: I recognise the Minister of Financial Services.

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

I am to report that a Bill shortly entitled, The Gambling (Amendment) Bill, 2015, was considered by a Committee of the whole House and passed with amendments.

The Speaker: The Bill is duly reported and is set down for a third reading.

LIQUOR LICENSING (AMENDMENT) BILL, 2015

The Speaker: I recognise the Minister of Financial Services.

Hon. G. Wayne Panton: Thank you.

I am to report that a Bill shortly entitled, The Liquor Licensing (Amendment) Bill, 2015, was considered by a Committee of the whole House and passed with amendments.

The Speaker: The Bill is duly reported and is set down for a third reading.

THIRD READING

DANGEROUS SUBSTANCES HANDLING AND STORAGE (AMENDMENT) BILL, 2015

The Speaker: I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: I beg to move the Third Reading of a Bill shortly entitled, The Dangerous Substances Handling and Storage (Amendment) Bill, 2015.

The Speaker: The question is a Bill shortly entitled, The Dangerous Substances Handling and Storage

(Amendment) Bill, 2015, be given a third reading and passed.

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

Ayes.

The Speaker: The Ayes have it.

I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, simply for the record, can we have a division please?

The Speaker: Madam Clerk, please call a division.

The Clerk:

DIVISION NO. 10

Ayes: 15

Noes: 0

Hon. Alden McLaughlin
 Hon. D. Kurt Tibbetts
 Hon. Osbourne V Bodden
 Hon. G. Wayne Panton
 Hon. Marco S. Archer
 Hon. Tara A. Rivers
 Hon. Anthony S. Eden
 Mr. Winston C. Connolly
 Mr. Roy M. McTaggart
 Mr. Joseph X. Hew
 Mr. Alva H. Suckoo
 Hon. W. McKeeva Bush
 Mr. Bernie A. Bush
 Capt. A. Eugene Ebanks
 Mr. V. Arden McLean

Absent: 2

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

The Speaker: The results of the Division: 15 Ayes; 0 Noes, and 2 absent. The Bill is carried.

Agreed by majority on division: The Dangerous Substances Handling and Storage (Amendment) Bill, 2015, given a third reading and passed.

The Speaker: I propose taking a short suspension. I ask you to please come back in in 10 minutes. We have two more Government Motions to complete this afternoon.

Proceedings suspended at 5:40 pm

Proceedings resumed at 6:31 pm

The Speaker: Please be seated.
 Proceedings are resumed.

MOTIONS

GOVERNMENT MOTION NO. 6/2015-16— ADMINISTRATIVE INDEPENDENCE OF THE LEGISLATIVE ASSEMBLY

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

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. 6/2015-16 entitled Administrative Independence of the Legislative Assembly.

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 M. McLaughlin: Thank you, Madam Speaker.

The Motion:

WHEREAS section 59 of the Cayman Islands Constitution Order 2009 provides that there shall be a Legislative Assembly of the Cayman Islands;

AND WHEREAS responsibility for the administration of the Legislative Assembly has historically been vested in the Deputy Governor and his predecessor, the Chief Secretary;

AND WHEREAS it is of fundamental importance that the doctrine of separation of powers be not only recognised but also observed and that the Executive and Legislative branches of the Government are independent of each other;

AND WHEREAS it is now desired to make the Legislative Assembly independent of the Portfolio of the Civil Service;

AND WHEREAS it is now desired that responsibility for administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly;

BE IT THEREFORE RESOLVED THAT responsibility for administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly and that the necessary measures to effect this transfer of responsibility be taken expeditiously by the parties concerned.

The Speaker: The Motion has been moved.

Does the Honourable Premier wish to expound further on the Motion?

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

Madam Speaker, the Motion which I have just moved concerning the administrative autonomy of the Legislative Assembly, if approved, will place the responsibility of the Legislative Assembly where it should be, with the Honourable Speaker and the Clerk.

At present the administration of the Legislative Assembly is vested with the Deputy Governor. Prior to that, it was under the responsibility of the Chief Secretary. The result of the current arrangement is that direct administrative responsibility for this House is in the hands of a non-elected senior civil servant and, by extension, ultimately in the hands of the Governor who has responsibility for the civil service.

Madam Speaker, as you are well aware, until 1989 this House did not have a Speaker at all. Indeed, the Governor sat as the presiding officer in the House. But, Madam Speaker, as a country, we have matured and have progressed past that time, vastly improving our democracy. The acceptance of this Motion will help to enhance that democracy further.

Madam Speaker, we are very fortunate to have someone of high calibre serving as Deputy Governor. I have every confidence in him and in his abilities. But we know that the current Deputy Governor will not hold that post forever. We also know very well that we in this House do not get to choose who will follow him.

So Madam Speaker, this Motion in no way should be seen to reflect in any way on the confidence and respect that those of us in this legislature have for the Honourable Deputy Governor. Indeed, Madam Speaker, the Deputy Governor agrees with the objective of this Motion—we have discussed it several times and he has told me so.

The Deputy Governor understands well from whence we came. And he also knows the system well enough to appreciate what we need to aspire to.

Madam Speaker, it is accepted that there should be a clear separation between the executive or administrative branch of government and the legislative and the judicial branches. The executive branch is created and empowered to make policy and to administer the day-to-day functions of government. The legislative is designed to make laws while the judicial branch ensures that laws are duly followed and that the rights of individuals are protected. These three branches of government are equally important and have separate responsibilities. It is because of this that there is a need to ensure a clearer delineation of those responsibilities.

Leaving the judiciary to one side, as this separation has already been addressed in the Cayman Islands; today we seek to complete the exercise of separating the legislative and the executive branches by making the business of this honourable House entirely autonomous.

Madam Speaker, I would like to go through a bit of the history that has resulted in the Legislative Assembly that we know today.

Before 1832 local public affairs were administered by Justices of the Peace, which were appointed by the Governor of Jamaica. From their group they appointed what was known locally as a Governor for the Cayman Islands. With this we had the administering power create persons who had responsibility for administration of government and the creation of laws and who also sat as judges.

Our first true representative form of government was born on 5th December, 1831, when residents met at the Pedro St. James Great House and decided that representatives for the five different districts of Grand Cayman should be appointed to form local laws for better government. Elections were held on 10th December that year and then on 31st December the Legislative Assembly met for the first time in George Town. After 1832, elected representatives known as Vestrymen became part of the administrative body and the title of Governor was changed to Custos. The system then changed to one of an elected body also performing an administrative role and with the Custos serving as the head of both elected and administrative functions.

The Act for the Cayman Islands Government was enacted on 22nd June, 1863. This, Madam Speaker, would have been a British Act. It allowed for all British Acts or laws, which were valid in Jamaica, to be applied to the Cayman Islands. The Act also allowed the Governor of Jamaica to exercise authority over the Cayman Islands as if it were a part of Jamaica and vested the Supreme Court of Jamaica with the jurisdiction to hear any legal action that could not be tried in the Cayman Islands.

For Cayman, a significant milestone was that the Act also caused the full recognition of the local legislature and gave it greater internal independence to handle the islands' domestic affairs, including control over the collection, custody and expenditure of the legislative revenue; the establishment, maintenance, discipline and powers of the Police; the management, occupation, removal of public or common land; the abatement of nuisances; and the construction of works and public utility, to name a few.

In 1898 the title and job description of the Custos was changed to Commissioner.

On 1st September, 1937, a resolution was passed by the Assembly of Justices and Vestry to "appoint a Select Committee to consider and report on the Constitution of the Assembly." While no record was found of that committee's recommendations, the idea was clearly put in people's minds.

During the 1940's and 1950's, the gap between Jamaica and Caymanian political systems became apparent. In theory, the Jamaican legislature could pass laws applying to the Cayman Islands without consulting Caymanians. The Jamaican Cabinet of

ministers also had the right to government of these Islands without consulting anyone here. Only the Governor of Jamaica had the right to intercede on Cayman's behalf.

Madam Speaker, legislators in Cayman gradually became aware of the implications of these changes and the need to adjust to them. The first Jamaica general election in December 1944 resulted in a smashing victory for the Jamaican Labour Party under populist leader Alexander Bustamante. At that point, with the formation of the People's National Party, Jamaica was the most important member of the British West Indies Federation, the mechanism Britain favoured for her Caribbean colonies to gain independence.

From Cayman, Mr. Ernest Panton and Mr. Willie Farrington attended the first meeting in Jamaica as observers to discuss the proposed West Indies Federation, but made it clear that the Cayman Assembly would agree to join only if the Cayman Islands had direct representation in the Federation legislature; a position that was soundly rejected by the Standing Closer Association Committee, which in 1949 recommended that the Cayman Islands should continue as a dependency under the administration of the Governor-General of the Federation.

Madam Speaker, this solution was seen, for Cayman, as impractical and unacceptable in two further organisational meetings. The Federation was formally launched on 3rd January, 1958 with Cayman's position still undecided. But in the lead-up to the formation of the Federation, back home it was becoming clear that the balance of power of the government was, shall I say, Madam Speaker, unbalanced.

One could say the conflict between the legislative and executive functions was officially recognised for the first time in 1954 in a famous tussle between Commissioner Andrew Gerrard and Mr. Ormond Panton. The first incident occurred when Commissioner Gerrard, who was the presiding officer of the Assembly, moved a motion involving his own salary or pension and offered to vacate the chair of the Assembly while it was debated. He proposed the Assistant Commissioner Desmond Watler should sit in his stead. Assemblyman Panton objected on the basis that just as the Commissioner had a conflict of interest, so too would Mr. Watler. The Standing Orders at the time said the Assembly could appoint a chairman from among themselves and Mr. Ormond [Panton] proposed Mr. Warren Connolly. Neither man backed down. So the Commissioner stormed out of the Town Hall, where the Legislature was being held, jumped into his car and drove off in a rage.

There were more encounters involving Mr. Panton that would lead to an eventual separation of powers.

Mr. Panton and his father operated a shop and had a truck used for deliveries. Back then you could license a truck quarterly, half-yearly or yearly.

Mr. Panton had licensed his for half a year and had forgotten to get it renewed. In all, some 14 people had failed to renew their licenses, including the Clerk of the Courts. The Commissioner ordered the clerk to write to the 14 offenders about the licenses issue. Mr. Panton recalled in his biography, *A Special Son*; that his letter said that he should go to the Commissioner's office and explain why he had wilfully failed to pay this tax. Mr. Ormond [Panton] refused and the situation escalated when he learned that the Commissioner—who was also head of customs and resident magistrate—was going to try him (Mr. Panton) himself after Mr. Panton had elected to be tried by two Caymanian Justices of the Peace.

On the day of the trial Mr. Panton made objections to the Commissioner trying the case since in his capacity as Collector General, he was the same person who instituted the proceedings. Mr. Panton, found guilty and ordered to pay £8, immediately announced his plans to appeal.

A Jamaican judge came to Cayman, heard the appeal and reduced the fine to £4, which Mr. Panton still refused to pay, saying "I can't be 50 per cent wrong and 50 per cent right. If I accept this, I am accepting some wrong and I am not wrong. First of all he had no business writing me that I had wilfully neglected to pay my taxes, and secondly, it was wrong for him to sit on the bench and try me when he had introduced the proceedings."

He tried to appeal the matter to the Appeal Court in Jamaica, but Government told him that cases tried in Petty Sessions Court (as they were called in those days) could be appealed only to the Grand Court and no further; the conviction would have to stand. To make a long story short, Mr. Panton wrote to the Lord Chief Justice in England. A law backing up Mr. Panton's right to appeal to the Jamaica court was unearthed in no other place than the British Museum. Mr. Panton won the appeal and his conviction was quashed.

In another instance, Mr. Panton spoke out against a decision made by Judge E. M. Robinson who was president of the Cayman Sports Club, to suspend from the club three young men who had been charged with the theft of liquor. Mr. Panton is quoted as saying in his biography, "I went to him and told him I didn't think that was the right thing to do because he was prejudging the case and that he should withdraw the letter. He told me he would think of it, but he did nothing."

A few days later, after Mr. Panton had closed his shop for the day, he wrote out three copies of the following message: "I Ormond Lauder Panton, like to think of Mr. A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z Robinson in terms of the old proverb I once read: **"When monkeys are prone to their antic passes, the higher they climb the more they expose their . . ."** I will say posterior because we are in Parliament, but we all know what rhymes with

"passes." He went out into the night and put one copy on Judge Robinson's door, the other on the notice board in front of the court house and the third on his shop window. About one o'clock the next day two armed police officers went to Mr. Panton's Cardinal Avenue store to arrest him. Judge Robinson vowed to try him on the spot on the three charges he faced: The uttering of words to a police officer which tended to deter him from his duty; the unlawful publication of words which tended to a breach of peace; and for the publication of words which tended to scandalise the Government by abusing the magistrate.

Mr. Panton protested Judge Robinsons' judging a case with which the judge was involved, to which Judge Robinson yelled "Shut up." Mr. Panton requested a two-week postponement, but received only one week. Eventually though, Judge Robinson's temper subsided; another magistrate heard the case and the charges dismissed.

Mr. Panton would later recall, "With that, I filed against Robinson on the grounds that he was out of order to try me and that the charges were made without reasonable cause."

Madam Speaker, I have gone into that bit of detail in order to describe the untenable situation of having a Commissioner act as collector, judge and jury; in other words, to point out the necessary separation of powers in Government, an issue which previous successive governments have attempted to address in this House.

Madam Speaker, on the slow march to democracy the Cayman Islands received its first written Constitution by a Royal Order-in-Council on 4th July, 1959; the first step in political advancement. That constitution, Madam Speaker, created our first Executive Council, and I say with some degree of pride, my late grandfather Alan McLaughlin was a member of that first Executive Council. Under it we were specifically exempted from the control of the Jamaican legislature and placed directly under the authority of the Governor of Jamaica. The Commissioner was re-titled Administrator but retained almost all the executive, legislative, and judicial powers held by the Commissioner. The Administrator was to be guided by the Governor of Jamaica and to keep him informed, corresponding directly with the Colonial Office in London, only with the Governor's authorisation.

The changes to the Legislature in the 1959 Constitution were much more radical. After 129 years, the unique body of Vestrymen and Justices was replaced by the Legislative Assembly and membership was reduced from 35 to 18; 12 elected, 3 nominated, and 3 official members. The Administrator functioned as both chairman and speaker and presided over an executive council consisting of two officials, one nominated and two elected members. Mr. Speaker, we should note that the balance of power remained firmly in the hands of the official members and the Administrator. The most significant change was probably that

all adult Caymanians were given the right to vote and stand for election, including women.

In 1961 voters in a referendum in Jamaica narrowly voted to withdraw from the Federation and that country became independent in 1962. The Federation's collapse and Jamaican independence left our proposed self-governing country a political orphan, or I should say a constitutional orphan. And, Madam Speaker, that is when political activity in the Cayman Islands heated up.

Mr. Ormond Panton, Mr. Warren Conolly and the National Democratic Party wanted internal self-government under the umbrella of Jamaica. The Christian Democratic Party also wanted self-government, but under Britain. In 1962 after a heated Assembly meeting, the following resolution was passed that it was the wish of the Cayman Islands:

"1. To continue their present association with Her Majesty's Government in the United Kingdom; 2. To negotiate with Her Majesty's Government in the United Kingdom for internal self-government, taking into account the wishes of the people of the Cayman Islands as to timing."

Madam Speaker, following that, one significant change was the adoption of the so-called membership system. It was not yet ministerial government, but it was one step closer.

The principle of the separation of powers—legislative, judicial and executive—was the centre of an important appeal case in Jamaica in 1967 in regards the Cayman Islands Public Service Co. Ltd. The Stipendiary Magistrate, acting as judge of the Grand Court, had made a judgment in favour of the Government. That judgment subsequently found held to be a conflict of interest because the magistrate was also the only member of the Executive Council with legal responsibilities. The outcome of that case resulted in the creation of the Office of the Attorney General in these Islands.

Madam Speaker, more changes were afoot. In 1971 an Order in Council changed the title of Administrator to that of Governor. Athelstan Charles Ethelwulf Long became Cayman's last Administrator and first Governor of the modern era.

The Cayman Islands made a significant advancement towards internal self-government through the Constitution of 1972. The elected term was extended from three to four years and the voting age was reduced from 21 to 18. The number of elected members remained at 12, but the appointed members were done away with, or I should say the nominated members were done away with. Three Official Members: the Financial Secretary, Chief Secretary and Attorney General were members of both the House and the Executive Council. And for the first time, elected members of the Executive Council were given portfolio responsibility for running the affairs of the country.

Madam Speaker, that was also the year that there was a shift in administrative responsibility from the Governor to senior civil servants.

Time moved on, Madam Speaker, and membership in the House increased to 15 from 12 when the Constitution was amended in 1992. And a year later, members of the Executive Council became known as Ministers and ExCo itself was renamed Cabinet in 2003.

A 1993 amendment to the Constitution provided for a referendum to be held on matters of national importance. Madam Speaker, the PPM Administration (2005-2009) considered a new Constitution a vital matter so the Legislative Assembly passed a Referendum (Constitutional Modernisation) Law that asked voters if they approved of the draft constitution that had been agreed on by a Cayman delegation and the United Kingdom Government in 2009.

Madam Speaker, as we all know, that referendum was approved in May 2009 in the General Election and the new Constitution took effect in November that year. As we also know, one of the immediate changes was the installation of Cayman's first Premier. Other new entities included: a National Security Council; Judicial and Legal Services Commission; and Advisory District Councils.

Madam Speaker, the new Constitution further diluted the responsibilities of the Governor. Under the present Constitution the Cabinet is no longer an advisory body to the Governor, but makes decisions with respect to every aspect of government except those matters for which the Governor has special responsibility under the Constitution, such as the Public Service, Defence, External Affairs and Internal Security.

The new Constitution also created some significant changes to the makeup of the Legislative Assembly. It removed the Financial Secretary from the House and Cabinet and created a Minister of Finance in his place. The Chief Secretary's position was subsumed by the Deputy Governor, who must be a Caymanian. The Attorney General and Deputy Governor continue to be Members of both the Legislative Assembly and Cabinet, but only in an advisory role and not as voting members.

The 2009 Constitution also permitted the addition of members to the Legislative Assembly, a provision that this House exercised on Monday just past.

Madam Speaker, this Government, which I have the honour and privilege to lead, believes it is of fundamental importance that the doctrine of separation of powers be not only recognised, but also observed and that the Executive and Legislative branches of Government must be independent of each other.

Indeed, when those of us in this House agreed in November 2006 to make the Legislative Assembly an autonomous body, we were seeking to take the Cayman Parliament another step higher in the functioning of these Islands as a constitutional democracy.

Madam Speaker, I said in this House on 6th November, 2006, in my contribution to that Motion, the debate on that Motion, which was recorded in the Hansard on page 388, “**The administrative autonomy of the Legislative Assembly, I believe, is critically important to the continued evolution of the democratic system, which we have.**” And, Madam Speaker, these years hence I am even more firmly of that view.

Madam Speaker, unfortunately the Government of which I was a part, lost the next election before we could complete the work that was begun in that regard, but today with this Motion our plan is to complete what we started in 2006.

Madam Speaker, I told this honourable House earlier this year that I planned to look at transferring responsibility for the management of the Legislature from the Office of the Deputy Governor to the Speaker of the House. This Motion fulfils mine and my Government’s obligation to this Legislative Assembly, and to the Country.

From the outset, Madam Speaker, this administration has striven for good governance and so far, I believe we are succeeding. This Motion today is just another way we are seeking to live up to that commitment. And once again, Madam Speaker, we are demonstrating that this is a Government that gets things done and a Government, Madam Speaker, that is prepared to live by the promises we have made.

With the passage of this Motion, work will begin to transfer responsibility for the administration of the Legislative Assembly from the Deputy Governor to the Speaker and management to the Clerk of the Legislative Assembly. Once completed, the long journey to separation of powers in the Cayman Islands championed by national heroes, such as, the late Mr. Ormond Lauder Panton will finally have been achieved. Madam Speaker, I knew him well. I believe he would have been proud.

Thank you, Madam Speaker.

The Speaker: I recognise the Member for East End.

Mr. V. Arden McLean: Madam Speaker, first of all, I rise to support this Motion, but my good friend, the Member for North Side also asked me to move a Motion to amend this Motion. And so I would pray your indulgence to so move.

The Speaker: Please proceed.

Do you have a seconder once you move it?

He has to move it first and then I will call on the seconder.

AMENDMENT TO GOVERNMENT MOTION NO. 6/2015-16—ADMINISTRATIVE INDEPENDENCE OF THE LEGISLATIVE ASSEMBLY

Mr. V. Arden McLean: Madam Speaker, in accordance with provisions of Standing Order 25(1), the Elected Member for North Side has given me permission, or asked me to seek leave to move the following amendment to the Government Motion No. 6/2015-16 as follows:

To amend the RESOLVE section as follows: by deleting the words “be taken expeditiously” and substituting the words “be completed by 30th June 2016.”

The Speaker: Is there a seconder?

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, I beg to second the Motion.

The Speaker: The Motion has been duly moved and seconded.

I recognise the Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker, and I will not be long.

It is just that we both believe—the Member for North Side and I—that if we do not have deadlines, nothing happens. A similar motion was done here in 2006, we are hence 2015, and nothing got done. Likewise, with the next motion that is coming up, the same thing happened. And it is time now that we put our backs to the wheel and get the job done and that is the reason we would like to see the 30th June, 2016 be the completion date—on or before.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak to the proposed Amendment?

Does any other Member wish to speak?

I recognise the Honourable Premier.

The Premier, Hon. Alden M. McLaughlin: Madam Speaker, I had a word with the Honourable Deputy Governor about the practicalities in getting it done within that timeframe and he is comfortable that it is achievable, so the Government is prepared to accede to the Motion to Amend in those terms.

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 recognise the Honourable Member for the district of East End.

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

I thank the Government for accepting this Amendment to their Motion.

The Speaker: The question is that the Motion filed, Motion 6/2015-16 be amended by deleting the words “be taken expeditiously” and substituting the words “be completed by the 30th June, 2016.”

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

Ayes.

The Speaker: The Ayes have it. The Amendment to the Motion has carried.

Agreed: Amendment to Government Motion No. 6/2015-16—Administrative Independence of the Legislative Assembly passed.

GOVERNMENT MOTION NO. 6/2015-2016, AS AMENDED, ADMINISTRATIVE INDEPENDENCE OF THE LEGISLATIVE ASSEMBLY

The Speaker: We will now be debating the amended Motion.

I recognise the Member for East End.

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

Madam Speaker, as I said, I rise to support this Motion that the Government has brought and subsequently amended by a Motion just brought by myself.

Madam Speaker, I do not propose to stand here for very long because I support this. I believe it would be remiss of me if I did not read into the Hansard of this House the presentation that I did to the 35th Conference of the Caribbean, Americas and Atlantic Region in Port of Spain, Trinidad, during July 23 to 31, 2010, on this very subject.

I also, Madam Speaker, participated in a presentation with the late right Honourable David Thompson in Africa in 2003, I believe it was. But I believe that the one I did in Trinidad is relevant to the Cayman context and I believe that will form the basis for my contribution, which is entitled “Parliament as an Autonomous Body—Separation from the Executive Branch of the Government” and it was submitted by myself and the Member for North Side.

Madam Speaker, I—

[Inaudible interjection]

Mr. V. Arden McLean: At the time? In 2010, yes, it was Mr. Miller, yes.

Madam Speaker, I should read it all. I say that because it starts off with a presentation.

Madam Speaker, we said: “The submission of this topic was for the purpose of furtherance of discussion on the much debated subject of the autonomy of Parliament within the Commonwealth and to gain insight from those of us who have travelled this sometimes tumultuous journey to ensure elected members

are better equipped to serve their constituencies more efficiently.

“The Paper outlines the historical perspective of the Cayman Islands experience and its challenges to reforms that have been proposed over time and offers some proposals that might be considered for implementation.

“We know there continues to be challenges in various parliaments. We, therefore, hope that this effort will help each of us to finally bring all of those challenges to the forefront and eventually achieve the goal of separation of Parliament from the Executive.

“Historical context: Prior to 1993 when the then Cayman Islands Government appointed the first Speaker of the Legislature, the presiding officer was the Governor, and prior to him the Administrator, both of whom presided over Cabinet, which was then called “Executive Council.” This was an arrangement that existed for more than 30 years. There should be no surprise about the Executive control over the Cayman Island’s Parliament’s budget. While the Parliament’s budget has been approved by the House, it has been made on the recommendation of the Executive Government. As a result of the previous practice of total Executive responsibility for administrative and financial matters, there has been reluctance in recent times to relinquish such authority.

“Over the years there have been numerous discussions with successive governments to address this anomaly. Attempts to make the Legislature autonomous can be traced back decades through documentation, with the most recent being June 2004, when Speaker Pierson wrote the then Governor, and I quote: ‘In my message to the Legislative Assembly on Wednesday 9 June, 2004, I stated inter alia that it was my view that the Legislative branch of Government should be made an autonomous body of Government operationally, similar to the other two branches of Government, that is the Executive and Judicial branches, answering directly to His Excellency the Governor.’ [UNVERIFIED QUOTE]

“On July 6th in response to the Governor’s request for further clarification, Speaker Pierson explained: ‘You have requested further clarity as to what I had in mind on the question of parliamentary administrative autonomy. In basic terms I am concerned about the lack of separation of powers relative to the Executive and Legislative branches of Government. I feel that such separation should be clearly defined and established with an administrative structure along similar lines to the Judiciary with the Speaker as the head of the Legislative branch, in the same way that the Chief Justice is head of the judicial branch. The present system, whereby the Legislative branch answers directly to the Executive branch through the Chief Secretary is, in my respectful opinion, inconsistent with the true principles of the separation of powers.’ [UNVERIFIED QUOTE]

“Again, in 2005, the new Speaker Moyle continued the initiative to separate the Legislature from the Executive branch of Government. While the CPA Headquarters welcomed the initiative and through Andrew Imlach offered assistance, we again witnessed another delayed response by the Executive to assist. Not until 2006 was there an attempt to carry out the wishes of the majority of Members of Parliament when the then Chief Secretary successfully piloted a Motion entitled ‘Administrative Autonomy of the Legislative Assembly’ with the final resolve being ‘THAT the Legislative Assembly gives its approval for the Legislative Assembly to be made into an administratively autonomous department and be administered by a Management Commission comprising of Members of the Government and the Opposition, and further that the Commission be chaired by the Honourable Speaker.’

“To date there has been very little progress made to give effect to that resolution.

“Speaker Lawrence, the current presiding officer, has also expressed concerns about her lack of involvement in the administration of Parliament. There is no doubt that the majority of Members are in favour of the independence of Parliament.

“Parliamentary Autonomy: Why autonomy? The doctrine of separation of powers, that is legislative, executive and judicial separation, has been long established as one of the primary and essential features of a modern democracy and, in particular, the Westminster style that has been adopted and entrenched in countries as the preferred and promoted form of government. Another feature of Westminster style democracy is the supremacy of Parliament as the representative and voice of the people in the administration of the country through fair and frequent elections. This doctrine of parliamentary supremacy indicates that the Executive is subordinate to Parliament and while the Executive is allowed to govern, it is Parliament that authorises its actions. Parliament is not the servant of the Executive, but it is more the controller and enabler of the Executive.

“There are many countries in our Commonwealth that have clearly established in their constitutions as a fundamental principle, the separation of Parliament from the Executive, for example, Australia and Canada. A report by the Association of Secretary Generals of Parliaments in 1998 defines autonomy in this context as ‘on the one hand non-dependence and non-subordination of Assemblies in relation to the Executive, and, on the other hand, the possibility of the Assembly freeing itself at least partially from the rules of ordinary law so as to follow instead its own regulations.’

“It notes that in almost all states, the principle of the autonomy of Parliament is formally recognised in the constitutional context, dealing with the separation of powers. And it concludes that the general trend is to make this principle increasingly effective in practice.

“However, there seems to be significant resistance from the Executive branch of Government whenever the issue of autonomy and/or independence is raised by parliamentarians. This resistance from the Executive comes from the elected Ministers as well as the senior Civil Servants, who often exert their control in subtle ways through the back doors of financial control and recruitment of staff. This struggle over parliamentary independence is so old that it is credited by historians and academics with the adoption in 1689 of Article 9 of the English Bill of Rights, which provides that ‘The freedom of speech and debates or proceedings in Parliament ought not to be questioned in any court or place outside of Parliament.’

“Autonomy from the Executive is essential if Parliament is to perform its roles in oversight of the Executive, law making, authorisation or enabling of the Executive and financial control in an efficient and effective way that both strengthens democracy and the power of the people through their elected representatives. However, one has to ensure that there is a balance between cooperation and oversight. Sheer obstructionism rarely serves the public that Parliament represents and this can lead to erosion of democracy. The old adage, *Opposition must have its say, but Government must have its way* holds true.

“Lack of resources or staff should never be an excuse to not promote and foster parliamentary autonomy. It is becoming widely accepted that whatever the levels of resources, Parliament should be independent of the Executive in the way they organise themselves, including control of their own timetable. Therefore, the accepted challenge of Parliament is to achieve a more robust organisation of independence or autonomy.

“Dangers of Executive control over Parliament: The real need for parliamentary autonomy is the more likely danger that in any period when there is undue Executive dominance, whether through lack of parliamentary capacity or an unwillingness of parliamentarians to exercise the power it has through constitutional authority. This can, again, lead to an erosion of democracy. In situations where the Executive has control and the authority over Parliament, the roles of Parliament and, therefore, the effectiveness of the peoples’ elected representatives can also be reduced and curtailed. These roles include public discussions of bills before they become laws and expenditures before they are authorised. This is often truncated by the Executive using its majority to suspend the Standing Orders to facilitate quick passage without debate and public input that could often improve the law and, therefore, its effectiveness and efficiency.

“The Parliament that is not independent from the Executive and falls under the control of the Executive may not be able to or, at the very least, be limited in its ability to ensure that procedures for the preliminary examination of issues and proposed legislation

are followed. These procedures mostly include rules that ensure that there is public exposure of issues and papers that allow consultation on major issues with the stakeholders.

"In the Cayman context, Standing Orders require bills to be published 21 days before debate in Parliament and additional rules prohibit three readings of bills in one sitting. However, in the current Parliament, where the Premier sits as Leader of Government Business, Chairman of the Business Committee, and Chair of Finance Committee, suspension of these Standing Orders to fast track Government business is the rule rather than the exception. This assertion of power by the Executive is leading to a serious erosion of the democracy and the roles of the Opposition, Independent, and Backbench Members of the Government.

"The other danger to democracy in small parliaments where the Executive exerts authority over the Parliament is the ability of the Executive to dictate the scheduling of meetings and control the Order Paper, which sets out what business is authorised by the Speaker, such as questions and motions from non-Government Members. Other subtle but effective moves by the Executive include working beyond the normal time prescribed in the Standing Orders on short notice to deprive Members and the press of the opportunity to fully debate and report on controversial issues.

"Requirements for Parliamentary autonomy: In addition to proper rules of procedure and practice the basic requirements for an effective and efficient independent Parliament are:

1. Control of its finances;
2. Control of its resources, in particular its human capital;
3. Organisation of its own business; and
4. Comprehensive library and information services.

"The preferred methodology for the creation of an autonomous Parliament is proper and effective enabling legislation which establishes the administrative structure for its operation. There are several good examples in the Commonwealth that can be referenced, for example, the United Kingdom, Canada, Australia, and Barbados.

"Control of finances: And independent Parliament must have control over its budgetary process and its budget should not be subject to review, rejection or other interventions by the Executive. The budget for Parliament should be prepared by the committee established through the enabling legislation and should provide proper funding to allow Parliament to put in place the resources that are necessary for its effective and efficient operation. The Honourable David Hawker MP, Speaker of the House of Representatives, Parliament of Australia, in 2006 expressed it in this way: 'Greater financial autonomy, together with

enhanced management and scrutiny, is a desirable reform of Australia's parliamentary administration; there is no more important power than control over its resources.'

"The current Cayman situation in relation to finances gives total financial control to the Executive to such extremes that the Clerk is required to request a purchase order from the Executive to purchase supplies for Members of Parliament. This kind of financial control clearly establishes total control of Parliament by the Executive that is easily transferred to control of business and other activities of Parliament. A Parliament that is financially hamstrung by the Executive cannot adequately scrutinise or hold fully accountable the actions of its masters, the Executive. For instance, an Executive that withhold funds without cause, and thereby limits the funding available for an effective, independent committee system, or for adequate research, effectively avoids Parliament scrutiny and control.

"There are examples in our Commonwealth of countries with similar construction of frameworks and democratic parliamentary traditions that have found solutions that balance the need for parliamentary financial independence with sound and responsible budgeting processes. These solutions provide for a body of parliamentarians from across the political spectrum that is responsible for developing the parliament's budget and to review and administer it with Executive input and independent audit and it works well. Parliaments with these systems include: the United Kingdom, which has the House of Commons Commission; Unicameral New Zealand, which has the Parliamentary Service Commission; and Canada, which has the Board of Internal Economics in its House of Commons.

"Control of its resources—in particular its human capital: Second only to control of its finances is the ability for an independent Parliament to have control of its human resources. Therefore, the legislation must provide the presiding officer with the ability to recruit, train, and retain sufficient expert staff to provide impartial support to Members across Parliament's total range of work. This includes the support necessary for effective Standing Committees of Parliament as well as the formal Sessions or meetings of Parliament and, in some instances, the support to committees are even more important. Enabling legislation should allow for the recruitment process to be outside the restrictions of the normal public and civil service recruitment methods and allow for the development of a model of professional parliamentary service with its own organisational and career structure.

"The greatest danger to parliamentary autonomy is under-resourcing. Where parliaments lack the ability to provide their own independent resources and, therefore, are subject to deficient resources the balance of power with the Executive is negatively influenced. Parliament's oversight work is less rigorous

and Members become dependent upon the expertise of government staff whose first allegiance is to the Executive. If Parliament is consequently seen to be less relevant by the people or its role is not understood, this could lead to a reduced capacity by Parliament to claim additional resources, particularly in times of economic downturn or restricted national budgets. This will absolutely lead to an erosion of parliamentary democracy.

"In addition to staff, an independent Parliament must have the ability to provide other resources, such as adequate office space for the staff and the committees to work, as well as allow Members to access the resources of Parliament to deal with constituents' issues.

"Organisation of its own business: Equally relevant to a Parliament's autonomy is control of its own business, both in terms of content or type of business and the time allocated to deal with such business while ensuring a balance between the different parliamentary groups. In our traditional Westminster model, business is typically dealt with through informal arrangement between the Leader of the House, who is usually a Cabinet Minister, and Opposition Leaders and their Whips. This informal arrangement is now increasingly being replaced by a business committee normally chaired by the presiding officer and having representation from all political groups.

"Enabling legislation and the rules of procedures, such as Standing Orders, must allow an independent Parliament to control its own business, both in terms of what goes on the Order Paper and when it is placed there. Within the legislation the business committee that is normally provided for in the Standing Orders needs to be placed under the chairmanship of the Speaker. Business should be listed in the order in which it is received and approved by the presiding officer and not at the behest of the Leader of Government. The business committee should never be given nor allowed to assume the authority not to place business, either in the form of motions or questions, on the Order Paper. The presiding officer, with the approval of the business committee, should establish the yearly timetable for Parliament and require the Executive to comply with such timetable, providing that national emergencies or the meeting of international obligations can be done in special sessions summoned for those purposes.

"In the current Cayman context the business committee under the chair of the Premier has often refused to place business approved by the Speaker, such as questions and motions, on the Order Paper to be dealt with in Parliament, because the Government does not wish to deal with such matters. This clearly demonstrates the need to establish Parliament in the Cayman Islands as independent from the Executive.

"Comprehensive library and information services: An independent Parliament must have the resources to provide a comprehensive library for its staff

and Members from which to do research on matters coming before the Parliament. This resource in today's technological age need not be the traditional library of hard copy books, but can easily be enhanced with internet and intranet ability together with access for staff and Members.

"In conclusion, there are compelling reasons to establish Parliament as an independent body in order to enable it to complete its more-noble calling of being a watchdog over the Executive arm of Government as well as promoting and maintaining democracy. We submit that the modernisation of Caribbean parliaments cannot be complete without autonomy from the Executive." [ALL QUOTES UNVERIFIED]

We then went on to say we would be most interested to hear of the experiences of colleagues in these matters.

The Speaker: Member, can the Chair get a copy of that at your convenience please?

Mr. V. Arden McLean: Madam Speaker, I know that was long-winded and I believe you were in Trinidad . . . were you in Trinidad at that time?

[Inaudible interjection]

Mr. V. Arden McLean: Yes, it was Trinidad in 2010. They had just had their election the week before that, I believe, so it was a post-election—

[Inaudible interjection]

Mr. V. Arden McLean: —post-election seminar and CPA, and it was the Regional Conference and they asked for subjects so I wanted to deal with that one.

Madam Speaker, I know it is long-winded and it is somewhat technical quoting different areas throughout the Commonwealth and the like. So, it may seem a little bit off the beaten track, but Madam Speaker, many are afraid of the separation of powers. Many do not want to relinquish that authority over Parliament because it is a thing to have control over Parliament and decide what has where and what have you. Thankfully, the Premier has said that this Deputy Governor and Governor are prepared to release it. Obviously, the Premier is prepared to release some of the executive authority that he has over Parliament.

Madam Speaker, there will always be some degree of authority over all the sides of the separation of powers because it is always the Executive who has to approve the budget. That is true for the Judiciary as well. But the less of that we can get the better. I believe that Parliament's budgets must be reviewed properly under the leadership of the Speaker and they should not be inquired into because we are all the Members of Parliament and these are things that the membership should be able to come to the House committee and request things they see are necessary

to enable the membership to get the job done here in Parliament. And that is how it should be and that should be passed on to a committee managed by, chaired by, the Speaker to look at the reasonableness of it and then submit it to the Executive for the financial resources to get that in place for the Members' services.

Staff: The House of Assembly in Barbados is a classic example. Mr. Brancker who was Clerk, he died in office at 86 . . . 85, 86—so there is no civil service control over that retirement age. Mr. Brancker, five years or thereabouts before he died, was sitting in the Clerk's seat and he could rattle off every Standing Order in the English speaking Caribbean because of the knowledge base that he had.

[Inaudible interjection]

Mr. V. Arden McLean: They had succession planned . . . there is a new one there now.

Madam Speaker, I say all that to say we must not be afraid, we must never, ever, be afraid of this separation. And I say that to the staff. I think the staff here—and I am not saying this because I have not had any discussion with them, but I encourage them to be receptive to this. We have a Deputy Clerk here now that the Civil Service retired and she has more knowledge than many of us put together in here. What are we going to do? Just let her out the door? We cannot afford to do that. Parliament must be separated so that we can conduct our own business. Everybody else can conduct their own business and their own staff. This is the House of the people and it is the peoples' money that we use to ensure we give them the services.

As a matter of fact, Madam Speaker, one of the things that this Legislature needs to do is to get more land behind us so we can build staff quarters.

Madam Speaker, it is important that this Parliament has a library. It is of utmost importance that we have a library. There has never been an election that we did not get new Members in here and there are no resources for them to turn to—nothing! They have got to depend on me who has been here 12 years to tell them this and part of this is like that; conventions and the likes, they must learn from me, and then pass it on to the next one coming behind. But we need a library, it is of utmost importance. Not one of the Members here engaged in a debate and preparing their debate can walk around the side and go to the library and have the resources to quickly look up something. We cannot get our job done. It has been stifled by the Executive. Now the Members of Parliament must provide it for themselves.

Madam Speaker, I am Deputy Chair of the House Committee and we meet and we meet and we meet and we meet again and that is it . . . that is it. We cannot get anything done because we have no autonomy—absolutely nothing we can get done. In the

meantime the Executive does what it pleases, does exactly what it pleases, and surprise, surprise, they are not in charge. They are enabled by Parliament, contrary to your belief, and that is why we have to keep the balance of power in here [and] not in the Glass House. The balance of power does not lie there, it lies here, and that is why the Backbench supporters and the Opposition must be in a position to control you. That is the balance of power. That is where it is. That is how you are enabled by Parliament, not the reverse.

Madam Speaker, I could go on and go on but I want to thank the Premier for bringing it and to say that I support it and I look forward to it. It cannot get any worse. And I must say, Madam Speaker, I cannot say that it is bad because it is under the current Deputy Governor. I cannot say that. It has always been like this, that the Executive say *oh, we don't need that down there now, we don't do that now, or we can use that money elsewhere*. Parliament must have them be the controllers here and we must utilise the resources, financial and otherwise, to ensure this Parliament has all the resources it needs to enable the representatives to serve their constituencies and this country. And the only way to do that, Madam Speaker, is to make us sit right here in the middle of George Town independent of anyone else.

Thank you very much, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Deputy Governor.

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

I rise to support this Motion, Madam Speaker. As the Premier stated, we have discussed this on a number of occasions—the Premier and I—and he will confirm that from day one I have been in support of this Motion.

Madam Speaker, the Premier and the Member for East End have gone over in detail about the importance of the separation of powers and I will not rehash that. But just to say, in terms of how I view the separation of powers, is that it refers to an idea that the major institutions of Government should be functionally independent and that no individual should have powers that span these offices. And I think it is quite clear, Madam Speaker, that myself as Deputy Governor, head of the Civil Service, part of the Executive, and then having the appropriation of this House made to myself and having administrative authority over the Parliament, that I actually spanned both institutions of Government—the Executive and our Parliament [the Legislature].

Madam Speaker, I do not believe that that is good governance, that there should be independence, and we in the civil service will not hold up the process to move this Motion forward.

Madam Speaker, to give an example of how this actually works already, we have other independent bodies—the Auditor General, the Complaints Commissioner—who have oversight over the civil service. And Madam Speaker, I am not in any way responsible for those agencies.

So, Madam Speaker, why then would I have responsibility for the supreme oversight body, this Parliament? It just does not sit well in terms of good governance.

So, Madam Speaker, I am delighted to be part of this initiative. I think this will enhance the supremacy of our Parliament, it will promote good governance, and it will ensure that the administration of this House rests with you as Speaker and to not be part of the Executive.

With those few words, Madam Speaker, I just want to give my support to the Motion.

Thank you.

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

Hon. Osbourne V. Bodden, Minister of Community Affairs, Youth and Sports: Thank you, Madam Speaker, and I know the hour is late so I will try to be brief, but I feel it necessary to say a few words from my perspective on this. And I am glad that the Deputy Governor went before me because it is obvious—I was going to thank him for his support—that he has said here now to all and sundry that he supports this and he sees it the way I see it. Why should he be put in that, as it were, awkward position with a supposedly autonomous body and for him to be in charge of it? It just does not seem to make sense.

We know that we have the three bodies—the Executive, the Judicial, and Legislature—and we always hear of their independence and we see it in the case of the Judicial, but then when it comes to the Parliament we somehow do not see that same level of autonomy. We have a Speaker who is recognised as the second highest position in the land—the Chief Justice, the Speaker—and yet the Speaker is under the administrative arm of the Executive. And I know from being here the last time when I was elected and at that time working more as a Backbencher, therefore I had a lot more involvement with staff and standing committees. And I know the frustrations that were encountered as the Member for East End said, who is a member of the Standing House Committee, as well as I was PAC Chairman and we had oftentimes much frustration because we sat and we had meetings but we could really get nothing done because at the end of the day, although we were all cognisant of the fact that budget plays a major role, we were not able to articulate what we need from a position of strength in that we were left then at the whims and fancy of the administrative arm.

And this is no disrespect, it is just the way that it has evolved, and it is good to know that we are here now looking at the revision of Standing Orders which is very, very well behind. I know the Member for North Side wishes he was here today because when that Motion passes, hopefully, shortly after this, I know that is one that he has a great passion for. So does the Member from East End and many of us, the Leader of the Opposition and others who know the importance of the revision of Standing Orders because it all has to work together. We cannot go for independence of the Legislative Assembly and true independence and have the Standing Orders as we have them now.

Madam Speaker, resources will have to be put behind this. It will have to be given the proper recognition, not just in name, but certainly in the support thereof. So I am praying that that will not be an issue going forward.

But as I said, I remember as Chairman of the PAC one of the main frustrations and to be quite honest, it totally stymied what the PAC was able to achieve at that time because you had no one to turn to for support, you had no one to give administrative services to the group and, as a result, we then had what we just heard about the other day when we were talking about the motion in relation to the PAC, we heard that we have to depend then on the Auditor General's Office that has given you the report in the first place, for them to, in turn, turn around and write your report. I mean that is just . . . that just does not make any sense. And when they could not help, you had no one to do it because the members are too busy to do that. And they sometimes do not have the resources in the way of referral to be able to manage all of that.

So, Madam Speaker, the independence of this Parliament and the Members that make this up is crucial to the system. We understand that the three bodies, as I said, there is a certain interaction and involvement and that is something . . . you cannot have the independence to the point where they exist in isolation, we understand that. But true autonomy of this Chamber . . . and I have not spoken to anyone about this this time around, but I am sure, Madam Speaker, yourself, you will welcome it because you will then be able to work, deal with your resources, your staff and everything as you rightly should. Right now you are here, you are supposedly, you know, the Parliament, the Legislative Assembly where Members, Ministers, everybody comes and we are this great power making body, but at the same time we do not even have control of our own destiny as it were. And that has to be changed. It has to be that we recognise and give true autonomy.

As the Premier and the Member for East End both, I think, laid down a wonderful foundation. The Member for East End with the presentation that he did on the merits of this, and certainly the Premier on his historical perspective—it gave a good foundation real-

ly for us to understand the importance of where we need to be.

So, I am praying that the timeframe that has been set is a manageable one and we will be able to achieve this next year.

I want to thank all the Members who have spoken and given great perspective. I want to thank you for the job that I know you will do in charge of this body when it becomes truly autonomous. And one thing I want to say before I sit, Madam Speaker, is that I am sure that our dear friend is smiling down on us right now, the former Speaker, Edna Moyle, fought for this and I remember her . . . I can see her coming around that corner on her broadside down in the back there sometimes *Ah, this place, this place, I can't get nothing* . . . and I mean she was so frustrated because she saw the need, as the Member for East End alluded to, she saw the need for that independence and she fought for that and she fought for that and I know she would be happy the day that that comes to fruition and realisation sets in.

So, I just want to say I am happy to be a part of it and, you know, let us hope that as we continue . . . this session of the House we have seen a number of things, hopefully for the advancement of this country, and this is yet another step in that direction. So, I thank you and I hope that we will not be here too much longer, but thanks for allowing me this time.

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

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, the official Opposition is in full support of the resolution before us. And, Madam Speaker, I speak for my other two colleagues who, to save time, will not speak on this matter.

Madam Speaker, we have talked about this for a long time, even when we first got our independent Speaker. And I believe every government since then has in some way talked about it and we did not get through with it because the fact is . . . and we better say this, Madam Speaker, that there were elements all around us that did not help us to get that independence of this House that we said we wanted.

Madam Speaker, we have long time believed in the separation of powers. Madam Speaker, I recall our efforts and thank God, Madam Speaker, I do not need to read a history book to know what went around here because I experienced it.

Madam Speaker, we have long time believed in the separation of powers and I recall our efforts in the late-80's, when I entered here in the mid-80's and the early 90's to get our own independent Speakers. Madam Speaker, we lost the vote two times—the 29th May, 1989, was such when I and Mr. Roy Bodden, then a member from Bodden Town, put forward a motion that was rejected. I should say before that though, I believe it was me and the Member for North Side in

the early 80's, between 1984 and 1989. I will have to check back, but I believe we had also put a motion forward which was rejected.

Madam Speaker, on the 29th May 1989 it was myself and Mr. Roy Bodden who put forward a motion that was rejected. But the third time on September the 5th September, 1990, myself and Mr. John Jefferson, Jr. put forward that motion and that motion carried because at all times Mr. Truman Bodden objected and his supporters, whoever there was in the Assembly at that time, did not care to move it forward. But that day, that fateful day, the 5th September, not on the first vote but on the voice vote on the Division—7 against 5—5th September, 1990, the motion carried. Governor Scott, the then Governor, did not know what hit him. He could not believe we had made such a democratic move and if you had struck him in a striker you would not have gotten a drop of blood out of him!

[Laughter]

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

He did not believe that we could have moved a motion to remove him. He, at the time, Madam Speaker, was the Governor, he was the President of the Assembly, and he was President of the Executive Council. Now we are talking about separation of powers, well, you can believe we did not have any then. But alongside the long time adhered to principle laid down by the Magna Carta of separation of powers was the high-handedness, to say the least, of the then Governor Scott. It was not one antic that he did not carry on with and, Madam Speaker, I have sometimes felt the trepidation because I see the machinations and I have experienced the machinations in Government and in Opposition. While I was Government and while I have been Opposition I have experienced those machinations where you cannot get things you think you are going to get done. But during that time in this Legislative Assembly I walked in here with trepidation, sometimes not knowing whether I was going to be given an opportunity to speak because he did curtail us at times. So much so, Madam Speaker, that I developed a motion about my rights being abridged by the Chair and I carry that motion in my bag until today because of Scott, how he operated. There was not one thing that he did not do in this House to stop us. You went to him to talk about your business as a private Member and which you thought was supposed to be confidential, the Government jumped on it before you could even get it typed.

[Inaudible interjection]

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

Of course not, of course not. I'm going say it though.

So, Madam Speaker, when we talk about the separation of powers, that is what I found most derogatory, most heartrending for me, tearing me apart as a

democrat, I believe I am, and one who have brought more motions, I believe, than any Member in the House, but we can check it. But the fact that you came to the presiding officer with your motions, with your private business, you are going to make a move, and there you have the Government . . . the Executive Council at the time, chop your head off before you could even get out of your seat—through him. As I said I have never felt that kind of trepidation only but a few times, but during that period of time it was no joke, Madam Speaker, because every time that that Governor could not steal away from his wife in the night, he came here and took it out on McKeeva Bush.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: That is the God's truth. I said that before. That is in the Hansard. I do not ring any backing bells; that is a fact.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: But Madam Speaker, he never thought that we—the seven of us Backbenchers—could get together and stand firm on a matter that we believed was of paramount importance to this country to have an independent presiding officer in the Chair. He did not think so, but we carried the day. The Backbench Members could no longer tolerate the insults. We get up here to talk about a motion and he banned us from Government House. So we made the change provided for in the Constitution.

We got our own Speaker, the first Madam Speaker being now our only living National Hero the Honourable Sybil Ione McLaughlin, MBE, who also, Madam Speaker, was the longest serving Clerk of an Assembly in the Commonwealth. She served extremely well because she had tremendous knowledge, first as the Clerk in this Assembly and not only the longest serving Clerk in this Assembly, but the longest serving, I think, female or longest serving Clerk of Assemblies in the Commonwealth, but she served well. And we have had several Clerks; I think it is now three since that time. And we have had five Speakers, I think, including you, Madam Speaker—

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition:—five Speakers, and I believe, Madam Speaker, yourself serving twice or at least so far in this capacity . . . you have served twice now since we started in 1990.

So, Madam Speaker, this Legislature has come a long way in more ways than one because in 30 years and people will say *no, that's too long*, no, and they will tell you I have been here too long too,

but it is a short period of time when you consider history. And while we have much to desire and want done, we have come a long way. When we started here, Madam Speaker, we would come and you had one little piece of paper as an agenda because the Civil Service ran the Assembly. Yet, Madam Speaker, and . . . I guess it is getting late in the night but we did have six Speakers because we had . . . Ms. Sybil, we had the late Edna Moyle, we had Mr. Linford Pierson, we had the late Capt. Mabry, we had Ms. Mary Lawrence, and yourself serving—so it is six Speakers serving that time.

As I said, Madam Speaker, we have come a long way. We have developed our Parliament slowly, but I certainly have appreciated because of where we come from we did not have anything, and, as I said, we had one sheet of paper or two. We did not have prayers, and on the Business Committee we said, *Look, we need to have daily prayers* and they said, *What are you going to have prayers for? You don't need that, you have that once for the parliamentary annual session when you have the Throne Speech the Governor comes, and that is the only time you need to pray.* We said, *No, we are following the Westminster form of government and we are going to do that.*

Of course, we had good examples when we looked at how Gordon House is run. Say whatever you like, but certainly the various clerks at Gordon House have given us good advice over the years—Clerks and Speakers—over the years. And so we gained a lot from them on how to develop and improve things here, Madam Speaker. We know we only had one little place called the Common Room. One room we called the Signing Room. And now we added on, we have improved, and so, Madam Speaker, while there are things left to be done, we have come a long way.

Madam Speaker, I was just asked if I was there when they had the feathers, and you know what, Madam Speaker? I would have kept them on until now to remind all Caymanians of the pressure that we are under, because we take them out and we believe that we have gotten somewhere and the whole truth is it is worse—more colonisation than ever. So I would have left them with their feathers.

Madam Speaker, Members who spoke and the Premier have given good background for the development of the 1800's of our Assembly and the work that is being done by Members and by staff.

Madam Speaker, when we came here the Executive Council told us, *You can't be on this committee; it has to be Executive Council.* They were Executive Council, they were everything! Now they did good work but the fact is they knew what it took to control and that is what they did. CPA—they were President, they were Chairman, everything. I will never forget it.

So, I am happy that we have gotten to the point where we have now set a timetable, Madam

Speaker, and we would believe that in the next eight months the Government and the Clerk and the Speaker would be able to get through the loops to make the Assembly an independent Assembly. I have one query, Madam Speaker. The Speaker is not a civil servant in any shape or form, the Speaker is an elected person, and that is something that I have fought for because they never wanted the Speaker from the inside of the Parliament. That has been so strongly kicked against, but I said we must have that provision in the Constitution, that you can take a Member and make that person a Speaker or you can have an independent person from outside and always the Deputy must be an elected person.

The question that I have is: Will we really be independent? How are they going to operate the Parliament if the Clerk is hired and still a civil servant and still guided by the Deputy Governor who is in charge of the Civil Service? So that has to be worked out because in other parliaments where they have the system of the Speaker running the Assembly, it is the Speaker and there is some kind of commission, I believe, in a lot of instances where that commission hires the staff for the Parliament.

Now, the one thing I sometimes loath is to call ourselves Parliament because we are not, we are really a representative body, we are a Legislature or Assembly or whatever you want to call it, but we are not a parliament and you will not get to be a parliament until you are an independent state. That is when we will become a parliament. But we say Parliament. Some people, in fact, schoolchildren have asked me that, my granddaughter asked me that once, whether we are a parliament because we are, and I had to explain to her that no, we become a parliament when you become an independent state.

So, we have come a long way, we have far to go. There are many things that need to be done here—the expansion—and we cannot get it all at one time, but more space for the staff to work and more comfort and more facilities for Members. One of the biggest things that I have found as a Member is that I have no one to do research, when all of the progressive countries everywhere . . . and no matter how much we tried that, we could not get it. But the staff or somebody that you can call on to do research from the parliament, or the other way you can do it is from your constituency, you get the facilities to be able to do it from your constituency. But you know it takes money to do that and we do not know that we will have money to do that. But we certainly need to because the issues are not small, whether you are in Government or whether you are in Opposition, they are huge. And in Government we have civil servants, in the Opposition, no matter who it is, we do not, and so you end up doing everything yourself. You have got a bill that is brought and it already has 50, 60 clauses and then you come and you have got 15, 20 amendments to it and you have to go through that

walk through it and try to through. And so, there are many issues, Madam Speaker, that I think affect us that we need to look at. I mean, as I said we cannot do it. We do not have the library that we had we know that the hurricane destroyed a lot of the books, we have lost a lot of the old Hansards that we had that we could go back to for research—we do not have any of that now. So we can look, and I do hope, whether I am here or whoever is here, God willing, that we would soon get a proper library and research staff here, but I would also pull for it from the constituency levels so that you have them at your disposal.

Madam Speaker, this is a good move. The only thing, as I said, that I see is the true independence of the Parliament and they have time to go through that and I suspect that is why they want to take time is to be able to examine all the parameters, all the things that are needed, whether the Clerk will remain a civil servant or whether you will have a body where they control staffing and all the other things that are needed to make it a true independent body.

So, Madam Speaker, I thank you and I thank the Government for reaching this far.

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 recognise the Honourable Premier.

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

Madam Speaker, I want to thank all Members for their contributions. I think they have all helped to elucidate this issue and to highlight the concerns that Members have and have had for many, many years. There are some very ambitious proposals, particularly some of those put forward in the Paper that the Member for East End and the Member for North Side delivered at the Trinidad Conference in 2006, I think, he said—

[Inaudible interjection]

The Premier, Hon. Alden M. McLaughlin: —2010. And I do not know that we will, at this stage, seek to move that far. I think my experience in government has taught me that if you try to get from here to perfect in one move, you usually wind up with nothing, as we have done for the last nine years. But I do believe that we should look at the models in other Commonwealth countries and, particularly, the smaller ones that are successful like Barbados and that we should have bespoke legislation that deals with the Legislative Assembly because the Legislative Assembly is a constitutional creature and to set it up in a similar way as we have done with the Judicial administration.

So what I see as the way forward is for us, as I say, to start that exercise of examining, comparing what is done in other places and start developing the

instructions that we need to give to legislative drafting to create a bill for this House to consider and approve regarding the structure, financing, resourcing of the Parliament.

So we are keen. I know I am keen that this occurs. Madam Speaker, the older I get and the longer I have been around, the more I understand that we do not have as much time as we think. I am presently honoured and privileged to be the Premier. There are 19 months to run in this Administration, whether I am around at all, let alone around in this capacity next time around is a matter for God and the people. There are no guarantees, not even the guarantee that I will wake up tomorrow morning. I am very conscious of these things. And so what I can do I am seeking to do while I am in the position to do so.

The modernisation of our constitutional electoral and parliamentary framework has been something that I have always been keenly interested in. I have had the privilege of being involved significantly in the constitutional reform process which took nine years. Yesterday we succeeded in the first stage of the electoral reform in passing the Motion adopting one person/one vote and single member electoral districts and all things being well, we should have that legislation—that is the amending legislation to the Elections Law—ready by March. And this matter that we have just debated and I hope and expect that the House would approve this Motion for Administrative Autonomy of the Legislative Assembly, is another part of that overall package that I think is so critical to moving Cayman into the modern era of parliamentary democracy. And at the risk of incurring your ire, Madam Speaker, the Government Motion which remains on the Order Paper and which I am going to defer until tomorrow, relating to review and creation of new Standing Orders, is what I believe is the final element of that overall parliamentary, electoral, constitutional modernisation package and—

[Inaudible interjection]

The Premier, Hon. Alden M. McLaughlin: —I have dealt with that. And if we get there, Madam Speaker, during this term while I am Premier, I would feel, Madam Speaker, that I have achieved a large part of my ambition for this country when it comes to parliamentary democracy, a modern advanced constitution, and a good electoral system.

I thank God, Madam Speaker, and the Government I have for believing in what we are trying to do and allowing me to press ahead with this aspect of governance, while at the same time doing everything we can on all the other important fronts which we are trying to deal with—getting the economy back on track, dealing with employment issues, having resolved in large part the issue of Government finances—a whole range of issues. But I did not want this aspect of our agenda to be left behind and I am really

thankful that we have made the progress that we have had over the course of this meeting and, God willing, and all going well tomorrow, we should be able to wrap up the final element, which is the review and revision and hopefully reform of the Standing Orders.

So Madam Speaker, I thank again all Members of this House for their able contributions and for the wholehearted support of what I believe is another critically important motion as we seek to modernise the constitutional and parliamentary framework of these beautiful Cayman Islands.

Thank you, Madam Speaker.

The Speaker: The question is, BE IT THEREFORE RESOLVED THAT responsibility for administration of the Legislative Assembly be assigned to the Honourable Speaker and managed by the Clerk of the Legislative Assembly and that the necessary measures to effect this transfer of responsibility be completed by the 30th day of June, 2016, by the parties concerned.

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

Ayes.

The Speaker: The Ayes have it.

Hon. W. McKeeva Bush, Leader of the Opposition: Can we have a Division?

The Speaker: Madam Clerk, please call a Division.

DIVISION NO. 11

Ayes: 15

Hon. Alden McLaughlin
 Hon. D. Kurt Tibbetts
 Hon. Osbourne V. Bodden
 Hon. G. Wayne Panton
 Hon. Marco S. Archer
 Hon. Tara A. Rivers
 Hon. Anthony S. Eden
 Mr. Winston C. Connolly
 Mr. Roy M. McTaggart
 Mr. Joseph X. Hew
 Mr. Alva H. Suckoo
 Hon. W. McKeeva Bush
 Mr. Bernie A. Bush
 Capt. A. Eugene Ebanks
 Mr. V. Arden McLean

Noes: 0

Absent: 2

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

The Speaker: The results of the Division are as follows: 15 Ayes; 2 absentees.

The Motion is carried.

Agreed by majority on division: Government Motion No. 6/2015-16—Administrative Independence of the Legislative Assembly passed as amended.

The Speaker: I recognise the Honourable Premier.

ADJOURNMENT

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

Madam Speaker, I thank all Members of the House for their patience and their willingness to stay late. I certainly had no intention of us remaining here until 8:30 pm, but some Members had more fulsome contributions than I expected and I thank them.

I thank—

[Inaudible interjection]

The Premier, Hon. Alden M. McLaughlin: —I thank them—

[Inaudible interjection]

The Premier, Hon. Alden M. McLaughlin: —I thank them, Madam Speaker, even those that cannot appreciate a compliment, I thank them.

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

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

All those in favour please say Aye.

Ayes.

The Speaker: Those against No.

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

At 8:31 pm the House stood adjourned until 10:00 am, Thursday, 22 October 2015.

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