



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2015/16 SESSION

23 October 2015

*Seventh Sitting of the Third
Meeting*

(Pages 655-684)

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

PRESENT WERE:

SPEAKER

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

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>Premier</i> , Minister of Home Affairs, Health and Culture
Hon D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon G Wayne Panton, JP, MLA	Financial Services, Commerce and Environment
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
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

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

APOLOGIES

Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
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ABSENT

Mr Bernie A Bush, MLA	<i>Deputy Leader of the Opposition</i> , Third Elected Member for West Bay
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OFFICIAL HANSARD REPORT
THIRD MEETING OF THE 2015/16 SESSION
FRIDAY
23 OCTOBER 2015
10:54 AM
Seventh Sitting

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

The Speaker: Good morning. I invite the Honourable Deputy Governor to grace us with prayers today.

PRAYERS

The Deputy Governor, Hon. Franz I. Manderson: Good morning, Madam Speaker, thank you. Let us pray.

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

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

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

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

The Speaker: Please be seated.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Speaker: None.

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

APOLOGIES

The Speaker: We have received apologies from the Honourable Deputy Premier and apologies for late arrival for the Honourable Deputy Speaker.

PRESENTATION OF PETITIONS

The Speaker: None.

**PRESENTATION OF PAPERS AND OF
REPORTS**

The Speaker: None.

**QUESTIONS TO HONOURABLE
MINISTERS AND MEMBERS
OF THE CABINET**

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

**QUESTION 20: FORMER GOVERNMENT
ADMINISTRATION**

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

Madam Speaker, I beg to move question No. 20 standing in my name, which reads as follows: Can the Honourable Minister explain: (a) Why the former Government Administration Building is being torn down, and why it cannot be redeveloped for various uses by the Government which is still paying rent for various departments? (b) Whether it could be developed and used for the New Police Headquarters? And (c) What is the total area? Madam Speaker, it should have been: What is the total land area? And I have said it that to the Minister.

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

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

The answer to the question from the Honourable Leader of the Opposition is: The Glass House is a very inefficient building by modern day standards. And that is no fault of any design done at the time or anything; it is just that we are talking 45 years later, almost. And it would cost more to refurbish it to an acceptable standard than it would be to demolish it and provide equivalent space in a new purpose built facility.

Two studies have previously been carried out on the renovation of the Glass House. In March of 2006 the Government Office Accommodation Project team and independent quantity surveying consultant JEC, produced a joint report on the Glass House, specifically looking at the pros and cons of refurbishment versus demolition and replacing with new office space. In October 2009, the GOAP team and independent quantity surveying consultant BCQS produced a joint report on renovating the Glass House to become the Financial Centre of the Cayman Islands and the results highlighted the following issues:

- The Glass House has a very inefficient layout resulting in 28 per cent of the floor area being used for service areas and circulation. The norm for modern office space would be 15 per cent.
- The Glass House also has a number of code violations some of which would be difficult and expensive to fix. The worst of these is building egress with the elevators and both egress stairs being in the central core of the building. Two enclosed, external staircases would be required to correct this. Access would have to be provided through existing office area on each floor to each external stair. This would increase the floor area for service areas and circulation to an even higher level than the current 28 per cent.

Madam Speaker, although it is not written in the answer, the estimates are—and they are only estimates—that that could increase the non-usable space of the building to some 35 per cent.

- The Glass House has inadequate thermal resistance and inefficient mechanical and electrical systems resulting in very high running costs.

Again, Madam Speaker, just for Members' information, the new Government Administration building, square-footage wise, is approximately six times the size of the old Glass House. The last recorded running costs for electricity of the old Glass House was some \$55,000 a month and the new building,

which is six times the size, runs an average of \$85,000 a month.

A structural survey by independent firm Cayman Engineering Ltd. concluded that there would likely be a need for strengthening of some structural elements if the building were to be renovated. Due to the base condition of the building, even with major renovation, it would not be able to match the energy efficiency and seismic and hurricane resistance of newer structures, for example, the new Government Administration building.

Madam Speaker, again, just for Members' information when the 2006 report was done, that was what caused the size of the new Government Administration building to increase by close to the size of what the old Glass House was (when it comes to the square footage of usable office space) in an attempt at that time to accommodate the extra space that would be needed.

In the 2006 report, independent Quality Surveyor JEC estimated that the cost to renovate the Glass House would be \$9.6 million. They also estimated that it would be \$2.69 million cheaper (than the \$9.6 million) to provide the equivalent usable space in the new Government building, which is the new Government Administration building, than to renovate the Glass House.

It should be noted that JEC confirmed that whilst construction costs (this is recently now, Madam Speaker) have increased since the 2006 report, at present it would still be cheaper, by a similar order of magnitude by way of costs to provide space in a new office building, rather than to renovate the existing Glass House.

In the 2009 report, no cost comparison of renovation versus new building was done. However, the report provides two estimates for renovation which were both higher than the earlier JEC estimate. These were \$12.91 million for renovating the building with similar appearance to the new Government Administration building (that is, with what is called punched windows) and \$15.69 million for renovating the building with similar appearance to the existing Glass House.

And just for everybody's information these estimates included \$600,000 for rental and re-housing financial entities from the Glass House during construction and relocation costs, which were not included in JEC estimates.

(b) Whether it would be redeveloped and used for the new Police Headquarters?

Madam Speaker, in light of these findings—2006 and 2009—and the preliminary reports received from JEC (although I have commissioned for them to give a full report), it is not considered practical or value for money to renovate the Glass House for any other use.

Madam Speaker, again, in the Honourable Leader of the Opposition's question, he spoke about

what is the area, and while that is not in the answer, what we have done, Madam Speaker, is where the road . . . and I think people will understand this. Where the road used to go through alongside the police station going towards Radio Cayman and the Glass House, we are in the process of subdividing that off so that that becomes part of the property where the police station and the old licensing department lies. And, of course, the Radio Cayman area and the parking lot would not be changed in any way. So the actual area where the Glass House is . . . outside of what would be for the police station and what would be for Radio Cayman and the parking lot is approximately one acre of land.

SUPPLEMENTARIES

The Speaker: If there are no supplementaries.
I recognise the Member for North Side.

Mr. D. Ezzard Miller, Elected Member for North Side: Through you, Madam Speaker, to the Minister: Has the Government placed any value on the historical significance of the building, both to the Cayman Islands and the Caribbean? Because I believe it was the first all glass and aluminium building erected in the Caribbean when it was built.

The Speaker: Before you respond, Honourable Minister, I recognise the Honourable Premier for the suspension of 23(7) and (8) to allow Question time to continue beyond 11:00 am.

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

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

Madam Speaker, I beg to move suspension of Standing Order 23(7) and (8) in order that business of the House may continue or that Question time may continue beyond 11:00 am.

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

All those in favour please say Aye.

Ayes.

The Speaker: Those against No.

The Ayes have it.

Standing Order 23(7) and (8) is hereby suspended.

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

The Speaker: Honourable Minister for Planning?

Hon. D. Kurt Tibbetts: Madam Speaker, any attempt to prescribe a historic value to the Glass House would be subjective, meaning simply, it would depend on what an individual or an entity's own thoughts are. Now, I certainly am not making less of that than what it is and I can only say if Members feel very strongly about it, I am sure that the Premier and the Government would entertain thoughts that might wish to be expressed. What I have answered are facts simply based on costs and commercial value of the usage. So, while I hear what the Member is asking I really do not know how we could arrive at what would be called an objective valuation of historic value. But regardless of the historic value, it is simply a policy decision as to whether that historic value serves more of a purpose than anything else.

The Speaker: I recognise the Member for East End.

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

Madam Speaker, I do not know if the Minister will recall I was, if not the first one, one of the first to suggest we sell the police station a long time ago. But I am wondering since he said that. it would be a policy for the Government to decide on the historical value of the building, I am wondering if the Government ever considered selling both locations and making it that much more attractive to a potential investor? That is the Glass House and the police station.

The Speaker: Honourable Minister?

Hon. D. Kurt Tibbetts: Madam Speaker, we have given that consideration, but when we subdivide the portion that I am speaking of from the old . . . because I think it is three parcels total, but two parcels of land encompass where the police station is now, including the old licensing department. And when we take off where that road goes through and do the subdivision combination of that parcel, it is not two acres, but it is perhaps . . . I think it is at least an acre and three-quarters without the portion left for the Glass House. And that, Madam Speaker, in our search, is the largest parcel that could be redeveloped which is in the OPY area standalone, unless people were to acquire several adjoining parcels.

So, we thought that an acre and three-quarters is quite large enough for anybody to consider redeveloping the whole area. And just to add to what the Member for East End has said, I do remember your suggestion, Member for East End, and what you will know by now, I think, is that the plan is to build a new police station.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Right, exactly.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: I think I am finished, Madam Speaker.

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

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, notwithstanding the Minister's answer, I do not agree with anything they have said.
Madam Speaker—

Mr. V. Arden McLean: Well, that's nothing new.

Hon. W. McKeeva Bush, Leader of the Opposition: I'm putting it in the record one more time.

Madam Speaker, there are valuations done for historical purposes, if you value something, all over the world. And I would ask the question, but I want to preface it by saying that our country . . . we are losing everything. There are hardly any of the old buildings left and particularly so in George Town.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I feel, and I put on record that we should renovate it, use it for whatever space we can use it for and for things . . . it was going to be the Cayman Islands Financial Centre, it has a good vault, all those things. Really, I think the public well knows and well understands. They know my position. I believe that we should preserve it for whatever space we have, Madam Speaker. Take our time, fix it and clean it, whatever we have to do to preserve it. There was that period of time when it was important, Madam Speaker, for the country to have gotten that and to knock it down and then it goes from us forever. Dr. Roy's house is gone, nothing much left in George Town. The first old Glass House or Admin building burnt down and we knew that.

Anyway, Madam Speaker, what I would want to find out—two things—if the Minister can tell us and if he cannot, then I would like it in writing. How many entities of government are renting outside? I would think there are quite a few still. And that building, even if we had to build a building as was planned first, four, five stories high . . . five, six, seven stories high, right behind it adjoining to it, if it would work with plans for that, but I do not know, I would like to find out how many, Madam Speaker, departments, entities are not in the present Admin building.

And the question, Madam Speaker, is: Can the Member give us copies of the various reports that he has on that building—the two he talked about and any other one that he has, Madam Speaker? One was done during when we first entered that office in 2009 and I know I do not have that in any of my papers.

The Speaker: Honourable Minister responsible for Planning?

Hon. D. Kurt Tibbetts: Madam Speaker, I have absolutely no problem. I am confident that both reports that were done can be located and copies can be made available to Members.

The other supplementary that the Honourable Leader of the Opposition asked regarding how many entities outside, I do not know the answer to that off-hand. What I do know and I can advise the Member is that we now have the Government Administration building at some 86 per cent occupancy. So, the space that is left there now, which we continue to work along with the various leases, can only accommodate some small units, not the larger departments or anything like that, so the new building is pretty well working to the optimum efficiency with regard to the running costs and the lease savings on that.

So, just to advise, because I remember hearing the Member for East End speaking to the multi-story car park, the reason why we did not build a multi-story car park adjacent to the Government Administration building at the time when that was the original plan, Madam Speaker, just so Members will understand and remember, instead of the \$6 million which that was estimated to cost, we decided to purchase, I think it is a 4.34 acre plot which is directly behind Immigration which is now used as a car park for staff for the Government Administration building. And the idea was and still is, because that adjoins the Immigration Department which is on the main road (Elgin Avenue) is if and when new office accommodations are required by the Government, that can easily be used to build whatever size building that is required. And at that point in time you would then consider a multi-story car park to accommodate parking for both. That is just so that Members will know . . . and that is not today and that certainly will be for some future Government to be considering.

I will provide the answers that the Honourable Leader of the Opposition has asked for in writing.

The Speaker: Member for East End.

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

Madam Speaker, now that the Minister says that he does not know how much we are renting outside, but I wonder if he can tell us whether or not the Government is going to rent where CNB Branch was where the CIBC building is, the downstairs of that, because I see Public Works there now, it looks like they are doing some kind of work there.

The Speaker: Honourable Minister for Planning?

Hon. D. Kurt Tibbetts: Madam Speaker, I would have to investigate that because I do not know the answer

to that. I do not know anything that is happening there, but I will find out for the Member.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: I understand, but I do not know the answer to that.

The Speaker: Madam Clerk, next item of business.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I recognise the Honourable Premier.

NATIONAL SOLID WASTE MANAGEMENT STRATEGY

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

Madam Speaker, this morning I wish to table in this Honourable a draft of the National Solid Waste Management Strategy, which will go out for public consultation on Monday, 26 October 2015. The draft strategy contains future waste management options that will be considered to develop an integrated solid waste management system for the Cayman Islands.

The purpose of the Strategy is to provide key policies and objectives for the future management of solid waste and the delivery of an Integrated Solid Waste Management System within the Cayman Islands. It also identifies important steps and actions that will be taken to deliver the system and in so doing, address the current unsatisfactory landfill situation. These actions will be targeted to improve the sustainability of all waste management practices, make increased use of waste as a resource, and ensure the protection of the environment and amenity of the Islands.

This draft strategy has been based on the agreed National Solid Waste Management Policy, which set forth our vision, values, strategic direction and objectives to suitably manage solid waste in the Cayman Islands for now and generations to come. The final Policy was published in August this year following a period of public consultation.

In developing the draft Strategy, options for change and improvement in the way that waste is managed on the Islands have been appraised.

These options cover a variety of areas ranging from recycling depots to the treatment of the residual waste that remains after recycling. These collectively contribute to the enhanced sustainability of waste management practices; waste reduction; increased reuse and recycling; the recovery of energy from residual waste; substantially reduced dependence on increasingly expensive and unsustainable

landfills; protection of the environment; self-sufficiency as far as this is pragmatically deliverable; and the principle that the polluter pays.

The options analysis has also helped in the development of a reference project, which includes waste management options that have been assessed as having the most potential for fulfilling the policy direction and which are likely to be successful within the Cayman context—including an affordable and achievable solution that is right for the country.

In summary, the reference project comprises:

- Waste reduction measures, including public education and waste reduction;
- Re-use and refurbishment of bulky waste;
- Community recycling depots and recycling facilities;
- Transfer and bulking facilities on each Island;
- Composting of yard and garden waste;
- The potential introduction of curbside recyclable collections; and
- The treatment of residual waste in a waste recovery plant.

Madam Speaker, as I mentioned, this Strategy will go for public consultation on Monday until the end of November. Open house sessions are planned by the Ministry of Health for the week of 16 November to meet with members of the public and get their feedback and comments, after which the Strategy will be finalised.

The next phase after that calls for the development of the Outline Business Case, which guides final decisions for the creation and successful implementation of the Integrated Solid Waste Management System for the country.

Madam Speaker with the tabling of this draft Strategy we continue to make progress toward a real solution to the country's waste management challenges. We are following the required process, but yes, Madam Speaker, we are making progress. As I have said before, the process may appear slow, but it is sure. This, Madam Speaker, the tabling of the draft strategy, is an important milestone.

So, Madam Speaker, while it has taken us a while to get to the point we are today, we are finally here. I am equally confident that the progress will continue steady and sure and that we will provide the country with a waste management system that is second-to-none, which will serve our needs far into the future.

Madam Speaker, as I keep saying, reaching this benchmark and the tabling of this draft strategy is even further evidence that this is a progressive Government that gets things done.

With these few words, Madam Speaker, I commend this draft National Solid Waste Management Strategy to the House and look forward to receiving comments and suggestions from Honourable

Members, our people and residents during the consultation period.

Madam Speaker, I beg to lay on the Table of this honourable House the National Solid Waste Management Strategy for the Cayman Islands Consultation Grant.

The Speaker: So ordered.

[Laid Draft of the National Solid Waste Management Strategy on the Table of the Legislative Assembly]

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

SHORT QUESTIONS *[Standing Order 20(2)]*

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, under Standing Order 30(2) I should like to ask the Premier a question on this.

The Speaker: Please proceed.

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

Madam Speaker, can the Premier say if there has been a decision as to where a landfill will take place, if any?

The Speaker: Honourable Premier?

The Premier, Hon. Alden M. McLaughlin: Madam Speaker, we have said from the beginning, and indeed from before we took office, that we believe that the site of the landfill should remain where it is now.

The Speaker: Honourable Leader of the Opposition?

Hon. W. McKeeva Bush, Leader of the Opposition: So, Madam Speaker, what the Government envisages and what he will be discussing with the public, is that these various matters—waste reduction, reuse—all these different things will happen, but the landfill will stay where it is, that will be worked on, remediated, whatever, that these will be done there. Is that what the Premier is saying?

The Speaker: Honourable Premier.

The Premier, Hon. Alden M. McLaughlin: Madam Speaker, we have not closed the possibility that aspects of the overall waste management strategy would not be sited on remote property. What we are determined to do is to keep the landfill facility where it is now. The battles involved in re-siting it somewhere else . . . I think the Leader of the Opposition is well aware of what is called the NIMBY syndrome—

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

The Premier, Hon. Alden M. McLaughlin: The battles are just going to be so long and so hard that we doubt that we would get through (assuming that is what we wanted) in a decade with what needs to be done urgently in terms of the landfill.

So the plan, although we still are at the draft consultation stage, the thought, I should say objective on our part, is to remediate the landfill as far as that is possible, reduce the amount of waste that is put in landfills, extend the life of the current location for as long as we can, explore the possibility of perhaps acquiring more property in the immediate area, and as far as possible keep the various waste management measures on that property as far as that is possible. But perhaps composting, recycling, some of the other less (shall I say less objectionable as far as the public is concerned) activities, might be located on remote properties. But we are not there yet in terms of final decisions about that.

The Speaker: Madam Clerk.

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/2015-16— NATIONAL ROADS AUTHORITY AGREEMENT WITH DART REALTY CAYMAN LTD.

The Speaker: Honourable Leader of the Opposition.

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

Madam Speaker, I beg to move Private Members' Motion No. 8, standing in my name, which reads as follows:

WHEREAS the second amendment to the NRA Agreement with Dart Realty Cayman Ltd. was executed on the 25th July, 2012;

AND WHEREAS it contains clause 21 which refers to Educational and Community purposes land in West Bay;

AND WHEREAS it requires Government and Dart Realty Cayman Ltd to agree to the location of the 20 acres in West Bay in order for Dart Realty Cayman Ltd to transfer it to Government for nil consideration;

AND WHEREAS the District of West Bay is in dire need of cemetery space to bury their loved ones;

BE IT THEREFORE RESOLVED that Government consider moving expeditiously to negotiate with Dart Realty Cayman Ltd for Government to take ownership of the property,

AND BE IT THEREFORE FURTHER RESOLVED that once Government has taken ownership of the Property, that some of it be used for the development of a new cemetery for the District of West Bay as was the intention when the agreement was signed.

The Speaker: Is there a seconder?

Capt. A. Eugene Ebanks: Madam Speaker, I beg to second the Motion.

The Speaker: The Motion has been duly moved and is now open for debate.

Does the Honourable Leader of the Opposition wish to speak thereto?

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, the matter of cemetery space has been one that is well known to most of us in the House, particularly those of us who have been in Cabinet and those of us that live in the community. The cemetery space is nearly nil.

Madam Speaker, we have been talking about this for some time and trying to get space to decide on. We have had public meetings on it, and about space, a suitable area of the community knowing the nuances that exist and those that have been pointed out to us over generations, what has taken place and why, and we have tried to find space. And certainly, as the Motion says, when the NRA Agreement with Dart Cayman Realty Ltd. was being discussed, it was something that we put forward to them: *Look, we need some property, you have plenty of property, albeit it is swampy, but it can be used as we know, we would like to have some land to be able to be used for community purposes.* And we came up with that 20 acres and agreed on that. I do not think that is finalised . . . it was finalised then but, of course, the Government is working I think, making further considerations from their points of view on the matter.

Madam Speaker, some time ago I did bring a Motion and the Member for East End was the Minister that took it on board and he made it possible that we

can build a vault on our own property. And that can happen now, but it seems other options are not available—mausoleums, whether huge ones standing above ground, whether we bury . . . stand up . . . stacking it is called. I was going to explain that, but whether they have like two persons in one vault, one on top of the other. I have seen that in the States of course. And none of those have been available as yet. Even to cremation, we still have to take the body overseas for that to happen. So we have none of those facilities.

The space in the West Bay main cemetery . . . and Madam Speaker, all my life we have been talking about these and some people still ask me where that is. So I would like to give names to things and I can soon come up with some names to give so that people know, probably, hopefully, 10, 15, 30 years from now, long after we are gone, that is the cemetery we are talking about. But the main cemetery is the one we enter when we enter the main district of West Bay because the West Bay district starts from the Villas of the Galleon, of course, but the cemetery opposite the Fire Station in West Bay, that is the main cemetery. And then, we have the Northwest Point cemetery and the Boatswain Bay Cemetery, but particularly the main cemetery and the Northwest Point Cemetery—space is nil. There is land in Boatswain Bay available for the Government to purchase if the need arises in Boatswain Bay, because Boatswain Bay still has quite a bit of space I believe for burial purposes at that cemetery.

Madam Speaker, West Bay is a growing community, and we have never kicked against other persons from outside the district being buried there. Madam Speaker, that has taken up quite a bit of space because people from outside of West Bay made a preference to be buried in West Bay, even though they did not live there, and so that has to be looked at as well.

We are a growing community and the need is there. As representatives we believe there has to be a new area developed that is planned for the future and I believe, Madam Speaker, that we can utilise that area, an area not far from where the new road comes out on Batabano Road and not anywhere between that which would be sort of, I guess, northeast of the Church of Christ on Batabano Road. It would have to be developed, as I said, but my thought process was that once the Government made a determination on this deal with the Darts, that they could get the Dart family or companies to develop it. Well, you would have to sit down and discuss with them that a lake could be built, developed there, which the fill from that would be used to fill whatever amount the Government decided with us would be utilised of that 20 acre property.

I say these things, Madam Speaker, knowing full well that, you know, negotiations are that and not all the time as easy as you say you can get it done, when I say negotiating, because there is always /

want and you want and I have got to give and you have got to give. But I do believe, Madam Speaker, it is possible and whatever anyone feels about how they do things, how things are done, when the Darts do something it seems to be well accepted afterwards in the community, their various projects. I believe that that could be negotiated with them and that we would get a very decent burial ground, a new cemetery, for our community.

I hope the Government can take this on board, as I said, Madam Speaker, seeing what it is.

The Speaker: Does any other Member wish to speak?

I recognise the Honourable Minister responsible for Infrastructure.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, I have had words with the Honourable Leader of the Opposition regarding this Motion, words not meaning arguments, but we have talked about this. So, before I go into my explanation of what the Government is doing and what the Government intends to do, I just want to clarify before going any further that the way the Motion is worded makes it difficult for the Government to accept the Motion as it is worded. But as I explained to the Honourable Leader of the Opposition, it is not that the Government is not in sync with what he hopes to achieve for his district.

So, let me explain a few things. As he said in his presentation, Madam Speaker, the affair has had some changes with regard to the NRA Agreement second, third, or fourth, whatever the amendments are or will end up being. And the Premier is leading those negotiations, they have not been finalised yet and there is room for discussion about what the Leader of the Opposition has said. But let me just go into some of the specific details with regard to cemetery space and those kinds of matters.

And just to explain, Madam Speaker, the resolved sections of the Motion speak to Government moving expeditiously to negotiate with Dart for Government to take ownership of the property and that relates to the 20 acres. And be it therefore resolved that once Government has taken ownership that some of it be used for the development of a new cemetery. So the difficulty is that if this were to become a reality and if it is practical, I am saying it may not be 20 acres; that is all I am saying. However, let us not have to argue about the actual wording of the Motion; let us speak to the spirit that is intended.

There is a 2014 report on cemetery space throughout the Islands and what is available, what projected needs are over the next 25 years. Some of those reports may even give estimates for further down line, and speaking specifically to the West Bay district, the Honourable Leader of the Opposition is correct. The West Bay cemetery as we know it, which

is the one going in to West Bay by the 25 mph zone sign by the Fire Station, is completely filled—*completely filled*—I think it has five spaces left, but those five spaces are already purchased although nobody is actually buried there. But people have purchased those spaces already, so, for all purposes and intentions that space is filled.

There was some . . . there was a move or a thought for some property which is on the opposite side of the road going in by the Fire Station, but when it was looked at that specific location not only was that property inadequate space-wise for any medium term planning, but also it is a highly residential area and there was some thought that because the space was so limited and the numbers that you would get from it and to allow for any parking or anything like that . . . because already there are difficulties with parking space for whenever the main West Bay cemetery is used, (although it will not be long before there will not be any need for that because it will be totally filled) and I think—not think—I know, Madam Speaker, that previous governments were out on the search for suitable land space for cemetery space in West Bay.

Northwest Point, the Member is also correct, that is just about filled. There is space at the Boatswain Bay Cemetery, but there is also a parcel of land adjoining the Boatswain Bay Cemetery which the Government is looking at. We have talked to the family that owns that parcel and for future needs it may well be in the country's best interests if Government could acquire that, especially if we can get that property to pay for it over a period of time, knowing that the need in that specific area is not dire right now, but if somebody else buys it then and develops it, then that is it, you will not have that space. So we are looking at that.

Now, Madam Speaker, I want to be a little bit careful but I do understand. I know how it is with what I may call sub-districts within districts and I know that there are some people or, perhaps, several people who, when they come from a specific area do not want to be buried in another area, even if it is within the same boundaries of the district itself and that is not peculiar just to West Bay. In fact, Madam Speaker, I know you know just as good because it is certainly not peculiar just to Cayman Brac, but Cayman Brac is included as Spot Bay—I don't want to go down to Point to be buried. I am just saying.

So, understanding all of those nuances and coming back to the point that the Honourable Leader of the Opposition is making with his Motion, because we are not . . . or were not, still are not . . . because we are not 100 per cent sure of how that property is and how easily it could be reclaimed and the uses of it and what it would cost to do so, what we have done, Madam Speaker, is we have commissioned some tests—bores—in the general area where Dart had offered the land to see exactly what kind of estimates we could develop which are reasonable estimates we

could develop as to taking a certain area of that land and actually developing it for cemetery space.

Madam Speaker, if that proves to be practical, then I am confident the Government will be happy to move in that direction.

What I can say to your good self, Madam Speaker, and other Members, especially the Honourable Leader of the Opposition, is that the way the negotiations are poised now with the Premier wishing to conclude very shortly (although we all wished to conclude shortly a long time ago) but the way they are poised now, just so that the Leader of the Opposition will know, there is nothing that would prevent us being able to acquire a portion of that land. So we have not lost that option. All I want to say to the Leader of the Opposition with regard to his Motion is to allow us the time to make the comparisons by way of doing these test bores and being able to gather the correct information to make sure that it is a practical exercise.

I certainly am happy because the Minister in Cabinet who is from West Bay, Minister Rivers, is also very keen on bringing resolution to the matter and she too has been discussing the matter with us to see what the best answer is. So I am happy, once we know what we know, to sit with the Member and his other colleagues from the district and go through it and come to an amicable solution to ensure that we get the best end result. But we have to make sure that from a fiscal standpoint that it is doable and practical.

I hope that satisfies the Leader of the Opposition with his Motion, Madam Speaker, and I hope that my explanations have made the points which I want to make and I hope that he understands that we want to bring about the best results for his district also. In fact, the entire country, Madam Speaker, because just as a matter of interest, in East End, for instance, there was a parcel adjoining the East End cemetery which we are now in the process of acquiring, again, for future use, so that we do not run into difficulties, even though in some parts of East End we have had difficulty locating any other parcels for future use, but we keep hacking away at it as we go along and so, too, we will with the spirit of the Motion that the Leader of the Opposition has brought.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

Does any other Member wish to speak?

Final call—does any other Member wish to speak?

If not, I will call on the Honourable Leader of the Opposition to exercise his right of reply.

Hon. W. McKeever Bush, Leader of the Opposition: Madam Speaker, I want to thank the Minister for his various thought processes on where we go from here. He did not specifically say, but I guess he is not accepting the Motion.

[Inaudible interjection]

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

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: What is it . . . in the Motion? But Madam Speaker, listen, I am past that on this point on the weekend. If there is something in here that they could not agree with . . . whether it was 20 or whatever, then—

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition: Out of an abundance of caution, if it is not 20 acres, then a specific number as the Government will negotiate. And I hereby ask that we change it to that, Madam Speaker; simple words—“as the Government will negotiate.” We asked for 20, that is what is in the agreement, but we agreed with them on the 20, but as the Minister said, it might very well not be 20, it could be 10 or it might be maybe more.

[Inaudible interjection]

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

So, if the Government will agree and we are nearly on all fours with what all that the Minister has said, I think both of us are right there. But I don't think that I can accept . . . once the Government accepts that we can do this, that I cannot change this Motion to read otherwise as you look at the last WHEREAS, mind you, that is not the RESOLVE, the RESOLVE is only that Government consider moving expeditiously to negotiate with Dart to take ownership of the property, but the Motion, the WHEREAS clause leading to the resolution says “20.” But that is not what we are voting on. We are voting on the two resolve—

[Inaudible interjection]

Hon. W. McKeever Bush, Leader of the Opposition:—resolve, but you speak to 20, but if you went and moved it up to 30 then I do not see the problem with that, Madam Speaker, because he would not be outside of what the Motion is saying.

However, Madam Speaker, I do not want to fight with Kurt Tibbetts today. I want to get the Motion passed. So let me amend that by saying that, Madam Speaker—“an area as would be negotiated with Government.”

The Speaker: Member, can you perhaps just take two minutes to formulate the oral Motion as to where you want to do it so that it could . . . for the record, if you

need just two minutes to put your mind together with the Minister?

[Pause]

The Speaker: The House will be suspended for five minutes.

Proceedings suspended at 11:55 am

Proceedings resumed at 12:17 pm

The Speaker: Please be seated.

I recognise the Honourable Leader of the Opposition.

**AMENDMENT TO PRIVATE MEMBER'S MOTION
NO. 8/2015-2016**

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

In a spirit of co-operation, we decided that we would amend the Motion with the Minister's agreement. I don't know that I am required to read the entire Motion, or to read the resolve section that is affected.

The Speaker: Just move the amendment to the resolve section that's affected, because you are actually amending that section. And then I will ask for a seconder and put the question on the amendment.

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

The new resolve section to the Motion would be:

"BE IT THEREFORE RESOLVED that Government consider moving expeditiously to negotiate with Dart Realty Cayman Ltd for Government, once it is practical to use such property as a cemetery, to acquire the property necessary for community purposes;"

The Speaker: Is there a seconder to the amendment?

Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay: Madam Speaker, I beg to second the Motion.

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

Hon. W. McKeeva Bush, Leader of the Opposition: No, Madam Speaker, it is self-explanatory. As I said in a spirit of cooperation, hopefully this can drive the initiative forward and get something that is satisfactory to the Government for them to be able to sit down with us and work out an agreement for what we want done in the community. I think all of us, including the Minister of Education, are in agreement with that.

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, does the mover wish to say anything further?

Hon. W. McKeeva Bush, Leader of the Opposition: No, Madam Speaker. I think all of us are in agreement that this just needs to be done. We have other things to do. Points have been made, everything has been understood. We have to move forward.

Thank you, Madam Speaker.

The Speaker: The question is that Private Member's Motion No. 8, of 2015/16 be amended by removing the first resolve and substituting it with the following: "BE IT THEREFORE RESOLVED that Government consider moving expeditiously to negotiate with Dart Realty Cayman Ltd for Government, once it is practical to use such property as a cemetery, to acquire the property necessary for community purposes;"

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

Ayes.

The Speaker: The Ayes have it.

Agreed. Amendment to Private Member's Motion No. 8/2015-2016 - National Roads Authority Agreement with Dart Realty Cayman Ltd. passed.

The Speaker: I recognise the Leader of the Opposition for his reply on the now amended Motion.

**AMENDED PRIVATE MEMBER'S MOTION NO.
8/2015-2016—NATIONAL ROADS AUTHORITY
AGREEMENT WITH DART REALTY CAYMAN LTD.**

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, I don't think I have anything to say, just in case people don't understand, anybody watching these proceedings does not understand what we have agreed on is that the Minister has moved to test the area. He is right that that needs to be done. So, what we are doing is making an agreement so that can happen and then Government moves forward and as quick as they can to get an agreement that suits Government and suits us. Basically, that is what is being done.

The Speaker: The question is: BE IT THEREFORE RESOLVED—

Just out of an abundance of caution, although from body language people have indicated they did not wish to speak on the amended Motion, let me just put the tedious:

Does any other Member wish to speak? Does any other Member wish to speak? Does any other Member wish to speak?

I recognise the Minister of Education.

Hon. Tara A. Rivers, Minister of Education, Employment and Gender Affairs: Just briefly to say what has already been said. Obviously, this is a concern for both sides of the aisle with respect to being, obviously, a representative of West Bay, I too share the concerns as the Leader of the Opposition with respect to finding a resolution to this issue regarding cemeteries. And I just want to publicly thank the Minister of Planning for all that he has been doing behind the scenes because as he has recognised in his contribution, it is certainly a conversation that I have had with him on a number of occasions about finding this resolution. So I just want to thank him in that regard.

The Speaker: I have to ask it again: Does any other Member wish to speak? Does any other Member wish to speak?

Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, since I got a second bite at it, I want to thank the Minister of Education. I don't know all that she's done but obviously the Government is in agreement so that is good enough by me.

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 once again have to recognise the Honourable Leader of the Opposition if he wishes to reply on the amended Motion.

Hon. W. McKeeva Bush, Leader of the Opposition: Thank you, Madam Speaker, no.

The Speaker: The question is: BE IT THEREFORE RESOLVED that Government consider moving expeditiously to negotiate with Dart Realty Cayman Ltd for Government, once it is practical to use such property as a cemetery, to acquire the property necessary for community purposes;

AND BE IT THEREFORE FURTHER RESOLVED that once Government has taken ownership of the Property, that some of it be used for the development of a new cemetery for the District of West Bay as was the intention when the agreement was signed.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 8/2015- 2016 - National Roads Authority Agreement with Dart Realty Cayman Ltd passed, as amended.

The Speaker: Is this an appropriate time for the luncheon break, or would you like to do another motion?

[Inaudible interjections]

The Speaker: Madam Clerk, let's continue.

**PRIVATE MEMBER'S MOTION
NO. 9/2015-2016—AMENDMENT TO THE TRAFFIC
LAW AND REGULATIONS**

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

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

Madam Speaker, I beg to move Motion No. 9/2015-2016 entitled Amendment of the Traffic Law and Regulations.

The Speaker: Is there a seconder?

Honourable Member for North Side.

Mr. D. Ezzard Miller, Member for North Side: Yes, Madam Speaker, I beg to second the Motion.

The Speaker: The Motion has been duly moved and is now open for debate.

Honourable Member for East End.

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

Madam Speaker, this Motion reads as follows: "WHEREAS School Zones were established by The Traffic Law 2011;

AND WHEREAS the speed limit of 15 MPH is the prescribed speed within School Zones when amber lights are illuminated and flashing;

AND WHEREAS number 30 of Schedule 2 of the Traffic Ticket Regulation, 2012 prescribes a penalty of only CI\$200 dollars for failing to comply with signals or directions by a police officer or traffic warden in a school zone;

AND WHEREAS we have witnessed or heard of near misses between vehicular and pedestrian traffic on numerous occasions when amber lights are flashing;

AND WHEREAS there appears to be a lack of respect for the safety of our children by motorists when amber lights are flashing in a School Zone;

BE IT THEREFORE RESOLVED THAT the Government considers amending The Traffic Law, 2011, and The Traffic Regulations, 2012, and The Traffic Ticket Regulations, 2012, to allow for more

severe penalties to include a mandatory one year suspension of driver's license for speeds exceeding 5 MPH over the prescribed 15 MPH within a School Zone when amber lights are flashing."

Madam Speaker, I was inspired to bring this Motion because of the many times I have driven through the school zones and witnessed motorists overtaking me when I am doing 15 MPH.

Madam Speaker, as a minister between 2005 and 2009, a part of what I was doing was trying to bring a revised traffic law to the country. Unfortunately, Madam Speaker, I did not get to complete it. I should say that your good-self, having succeeded me in that position, continued to work on the Traffic Law and brought to this honourable House a new Traffic Law in 2011.

During the period of 2005 to 2009, one of the things I did was to get the NRA to put those amber lights up. Madam Speaker, it was not that we did not know they were not legitimised by virtue of it being in the Traffic Law. Our intent during that period, because we did not get the law, was to try to get people to slow down during those periods when schools are out and our children are most vulnerable. Madam Speaker, people dismissed them, ignored them during all of that period. But then, when your good-self piloted the new Traffic Law, they were legitimised. It was enshrined in the Law. Madam Speaker, to my disgust and many of us in here, motorists continue to ignore those signs.

Madam Speaker, I have driven through many of the school zones, particularly, here in Grand Cayman. The Savannah Primary School, the people really have a propensity to speed in that zone; primarily because there are two lanes. They overtake you and they could not care less whether it is friend, foe or child on the side of the road. That school, Madam Speaker, and the Red Bay School, I believe, are the two most dangerous areas in this country for our children, because they both have two lanes.

I have had, on occasions, a reason to go along Walkers Road as well. And the Seventh Day Adventist Academy right alongside the Seventh Day Adventist Mission, nobody even knows that there are lights flashing, Madam Speaker.

Along the three schools higher up on Walkers Road, that is, High School, Prep School and the Catholic School, were it not for parents picking up their children and the buses in and out on that road, I dare say we would have had numerous children run over there by now, because there are many children who walk the sidewalks. They go to Burger King before their parents pick them up or the likes or they are crossing the road or something of that nature. Madam Speaker, in essence, our people have no respect for our children and their safety.

The school zone in Bodden Town is short but it is a sweet drive for them to drive through fast too. And the other problem with the one in Bodden Town is

that it does not go down on Anton Bodden Drive. And that is posing a problem as well, wherein the kids are out on the football field kicking ball and if the ball goes over the fence, they run straight across the road to collect it.

The school in East End is the same thing. Madam Speaker, I slow down and they overtake. And then on the road perpendicular to Seaview Road there are no signs on that either. I have requested those, to date, no dice.

Now, Madam Speaker, we get to North Side. If you think we do not have a race track by Clifton Hunter High School, all one needs to do is to go there. Madam Speaker, I am not exaggerating when I tell you they are doing 50 odd miles per hour there. Because the school is situated in a 50 MPH zone and we have implemented, instituted the 15 MPH zone and they still think it is a 50 MPH zone. Madam Speaker, in the evenings when those buses are leaving that institution, God forbid! Madam Speaker, it is the most disgusting thing anyone would want to see. That is when our children are most vulnerable. They are on the buses. And I do not know yet how those buses get out of that gate loaded with our children. I don't know yet how there has not been a catastrophic incident there.

Madam Speaker, in North Side Primary School, because it has a fence around it, they just whisk right through. Madam Speaker, the fact that the school has a fence does not take away from the children coming outside because the school is no longer responsible for them after the school shuts down. Well, they still are in essence because they are on the compound. But the children take that opportunity, maybe crossing the road to go and get grapes or go out on the beach or something of that nature. Or some of them walk home in North Side, just like East End and Bodden Town. And I dare say, most school children walk home. That is when our children are most vulnerable.

Now, I know, Madam Speaker, we provide public transport, and parents provide private transportation as well. But with some of the schools, the proximity to the homes of these children makes it easier for them to walk and they will get home a bit earlier. But we are allowing ourselves to disrespect our children.

Now, Madam Speaker, I am not prepared to say that this is a particular group, category, or otherwise, of people that do this, because I have seen them from all walks of life. I see them on motorbikes, I see them in Mercedes, in BMWs, dump trucks loaded with fill, which brings a new problem, because when those vehicles are loaded it takes five or six times the distance to stop, compared when they are empty. Madam Speaker, I have seen women, men, teenagers. I've seen them going through the school zones on these motorbikes with the tyres up doing wheelies when the amber lights are on. Madam Speaker, I blow

at some of these people driving by, by me, and they give me the finger.

I must tell you though, Madam Speaker, there were a couple of times that I followed the people but I stop doing that now because I recognised what can happen; not to them but to me. I followed a gentleman one time up to Northward. Drove in behind him in his yard and this was the last time I did it, because he had some very colourful language to address me with. So, before I responded I told him that the day I am around and he hurts a child, he is not going to get home without me addressing him.

Madam Speaker, every country considers their children one of their greatest assets. They certainly are the future of this country. Those who are driving fast and have no respect for their safety or wellbeing, have already, in most instances, lived more than half of their lives. So, we know what they are. We know they will never become anything better, but the children we do not know. If we do not protect our children we are going to have problems.

The Savannah crossing has had an accident, an actual accident where two teenagers were hit there some time ago.

Madam Speaker, my plea to the Government is to implement severe penalties. We have to understand that there is a provision for drunk driving and the first offence of drunk driving attracts a penalty of suspension of one's licence for one year, minimum. On the second offence it could go two or three years. Now, Madam Speaker, in many instances . . . in all instances; I have not heard of anyone being prosecuted for being drunk in a school zone. It has been most times at night that people drink and encroach on that section of the Law. Now, Madam Speaker, I guess it is okay for us to penalise someone, an adult of 17 years or more for driving whilst drunk because of the dangers they pose to another road user and themselves, but more so, the dangers they pose to themselves, especially if they do not have insurance on the vehicle. Or, Madam Speaker, that is extended to even having possession of the keys and you are parked someplace and you may lose your licence for one year. Now, if we can do that, then, I am of the view that we can suspend people's licence that is abusing the privilege of our children being free to play, make mistakes.

We already made all of ours, Madam Speaker, so why can't we give them the opportunity to make their mistakes? Not encouraging them, but certainly, if a child kicks a ball over that fence—because that's the time, Madam Speaker, when the lights are flashing, when they are outside—and that child makes a mistake, we need to give them that opportunity to make that mistake. Yes, every one of us, Madam Speaker, teach them to look to the right, then to the left and then to the right. We teach them that. Do we really think that those children are not as prone as we are to forgetting? More so, especially if they are amongst

their peers, where one is running to get the ball and the other one is trying to get it before they get there.

But importantly too, in many of these zones the helpers of the family go and pick the kids up and walk to go and pick the children up, especially those who live in close proximity. Madam Speaker, even adults holding the hands of those children are so fearful. Madam Speaker, I have seen such near misses in those school zones where the helper, two children, one in each hand, are on the crosswalk and were it not for that helper's quick thinking of standing on the middle line for the car to go on either side of her and the two children—*were it not for that quick thinking*—we would have had three, two children and an adult flat on the ground. That is how close it was.

Madam Speaker, now I must tell you that I was parked a few couple of hundred feet away and by the time I got into the car to take chase, I was so frightened I did not remember to take the licence plate number. And by the time I got into my car I really lost them, Madam Speaker. They did good down through Red Bay and that area there because you know then there are the two lanes at Spotts Newlands, and I really got held up behind a couple of vehicles. O-o-o-h, how I wished for a helicopter then! But you know I called 911 but it was too late. I could not get them. But, Madam Speaker, such are the experiences that I have had.

Madam Speaker, like I said, there is no particular category of people that I can ever think of that it is limited to. They are all doing it. Everybody is doing it. And when you are driving the 15 MPH, not only in the two lanes, I am talking about in the three lanes, like Savannah School, Red Bay and North Side, even in East End proper and Bodden proper, they still overtake.

Madam Speaker, it even extends to the school buses. Do you think they have any respect for those?

One gentleman asked me recently, *Why does the school bus have to turn across the lane?* I said, *To stop you from killing our children.* That is how disrespectful . . . because he was saying that they were in front of him and they turned cross way and that he could not get by. I said that is why it was done, to stop people like you. That is why they do it.

Madam Speaker, we are leaving our children's safety in the hands of those who really don't care about their safety.

Now, Madam Speaker, I'm getting to the police though, you know, because therein lies our biggest problem.

Madam Speaker, I amended the Traffic Law to make provision for Traffic Wardens but then you came along and extended those wardens into the school zones. Now, Madam Speaker, I believe it was an oversight because I do not think you would have ever legislated a piece, or sponsored, promoted a piece of legislation where you would have left out or

only put penalties that could only be applied if the motorist does not comply with the direction of a police officer or a warden. It had to be an oversight. But that is what our Traffic Law says, and I will go through that in a little bit, Madam Speaker.

But, Madam Speaker, I must tell you, and I think I should say now that there is an exception in our police force. There is one little fellow named Lazarus. Is that his name?

An Hon. Member: Yeah, yeah.

Mr. V. Arden McLean: Well he is just about the height of Lazarus too. Anyway, a little Indian looking origin man who is constantly in our school zones. But, Madam Speaker, here is the quandary he gets into: He stands on the side of the road, parked with his lights on and they are overtaking on the lane further from him. And, especially if he is slowing somebody down in the lane closest, in the middle lane they are overtaking that and the poor guy is caught here in the traffic now and can't do anything about it. So, we are in catch-22, Madam Speaker, wherein even some police officers being there, cannot control—

Thank you, Madam Speaker. What are you saying? It was Zacharias that was short? Okay. Not Lazarus. Okay. Thank you very much. You would know, Madam Speaker. And I thank you for correcting me there.

Madam Speaker, as I was saying, even with one policeman on the scene, we are not getting the desired result for the safety of our children. The Commissioner has a responsibility and all the rank and file has the responsibility to protect our children. And I am hereby calling on the Commissioner of Police to ensure that at those specified times when those lights are flashing—illuminated and flashing, which indicates that you must drive at 15 MPH at that time—that more police officers are in those zones.

Madam Speaker, it is unlike other places in the world (if I may reference America) where kids need wardens to stop traffic in the school zones. Madam Speaker, if we were doing 15 MPH we would not need the wardens, we could use the police officers. And I believe that we could do better with a couple more Lazaruses (if that is the way to say it). Now, Madam Speaker, it may be that because of his height they are looking over his head. I don't know. But they certainly do not have any respect for the young man and he is working himself to death and sometimes I feel sorry. I want to go out there and stand up alongside him to help him but I am not authorised to do that. Madam Speaker, we need more police officers on site.

We have community officers, we have police officers stationed. Somehow the Governor who has responsibility for that, because the Premier can't give directions on operations, but certainly, the Governor can—

[Inaudible interjection]

Mr. V. Arden McLean: What's the word? —facilitate. I am sure the Governor can facilitate that one. That's the new buzz word "facilitate" as opposed to "negotiate". Madam Speaker, I call now on the Governor to facilitate the Commissioner of Police, deploying more police officers into our school zones.

I call too on NRA [National Roads Authority] under the right Honourable Minister for Works and Roads to install additional lights on the road around our schools, and possibly, Madam Speaker, put some of the warning stripes down there. And most importantly, Madam Speaker, if the Government accepts this, whatever they do, because I suspect they are not going to accept it and then they will put something else in place, which is typically what I have experienced in here. Whatever they do, [they need to] put additional signs leading up to the school zones, visible signs, because we have one or two a little ways up but it is not good enough. We don't want any excuse to take their licence away. If it's me, then, I must pay the price, because the problem in this country continues to be like enforcement, for instance, on those motorbikes without licence.

Somebody told me the other day that some police instructed them saying, *Oh well, you know, there's not much we can do. What you have to do is to ride it off the road because there is no place here for you to vent your frustrations out and you know, just don't, we nah ga do too much.* Listen to me, the Law says you can't do it. The police are creatures of statute. They do not make policy or laws.

The Speaker: Honourable Member for East End, it is now one o'clock. Is it an appropriate time to take the lunch break or will you finish in the next 60 seconds?

Mr. V. Arden McLean: Madam Speaker, it is an appropriate time. I will go through the Law when we come back. Thank you.

The Speaker: We will now suspend until 2.30.

Proceedings suspended at 1.00 pm

Proceedings resumed at 3.13 pm

**PRIVATE MEMBER'S MOTION
NO. 9/2015-2016—AMENDMENT TO THE TRAFFIC
LAW AND REGULATIONS**

[Continuation of debate thereon]

The Speaker: Please be seated.

Proceedings are resumed.

I recognise the Honourable Member for the district of East End with one hour and 30 minutes remaining for your contribution.

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

Madam Speaker, when we took the luncheon break I promised that I would explain why in the resolve I was asking the Government to amend the different aspects of traffic control under the Law and the Regulations and the Ticket Regulations when I returned. But before doing so, Madam Speaker, one of the schools I omitted was that of Truth for Youth which is right on the main Walkers Road as well. And that school too has its difficulties because it has the associated Church right across the road, and many times the children are taking across there and there is little or no respect paid to them crossing the road. Just to emphasise that these are the different scenarios within our school zones.

Madam Speaker, one of the things that I think this Government needs to consider also is, in amending this Traffic Law we need to start talking about using cameras for ticketing people. For years we have talked about it and about possibly increasing or re-deploying the cameras that we currently have, in upgrading them to allow for ticketing by camera. And I believe that it would be appropriate to have recording on those during the times that those lights are illuminated and flashing in school zones, and ticket on that basis.

So, Madam Speaker, in the resolve I spoke to the Traffic Law, the Traffic Regulations and the Traffic Ticket Regulations. Madam Speaker, I said in the "Whereas" that school zones were established by the Traffic Law, 2011. And, Madam Speaker, I also believe that some of the lights we have [displayed] are not covered under this Traffic Law.

Section 120 (1) of the Law states: "**The Governor in Cabinet may by Notice published in the Gazette, designate part of a road as a school zone.**" Notice, Madam Speaker, it says "Governor in Cabinet" still and this is 2011 and our new Constitution went into place in 2009).

Subsection (2): "**Regulations may prescribe – (a) the traffic signs, signals, road markings or lights which shall be required to demarcate the school zone at each of its entrances and exits; and (b) the speed limit and other conditions which shall apply in a school zone.**"

Subsection (3) is the one we have to pay attention to, and I would ask the Government to pay particular attention to this. Subsection (3) reads: "**In this section "school" includes an institution that provides – (a) tertiary education; (b) career and technical education; or (c) education to prepare for the award of a degree, qualification or certification.**"

Now, Madam Speaker, it has to be that it was an omission not to include primary school and . . . what is the buzz word for pre-school?

Hon. Tara A. Rivers: Early childhood care.

Mr. V. Arden McLean: Early childhood care and primary school and secondary school, because it is not covered here. It is not covered under section 120 of the Law.

So, Madam Speaker, I believe, in essence, if it is challenged it may very well be . . . I don't know. Maybe the lawyers will tell me that it is covered, like some department head who told me that secondary would be covered under tertiary. Madam Speaker, in essence, he was right because it was pre-school, primary and then secondary. You see? So, maybe he was right. I'm being facetious, Madam Speaker.

So, maybe we need to amend that to include early childhood education which would cover the pre-schools, right?

Hon. Tara A. Rivers: Yes.

Mr. V. Arden McLean: Primary and secondary. Or do it so that it is any institution that teaches because it is only where Cabinet would authorise the signs to go and it would be a catch-all.

So, Madam Speaker, we then look at the regulations in section 10 of the regulations where it speaks to school zones, it reads: "**10(1) School crossing wardens shall wear a high-visibility retro-reflective outer garment, vest, shirt or rainwear.**"

Subsection (2): "**The traffic signs, signals, road markings, lights or other means of demarcating the school zone at each of its entrances and exits shall be contained in the Road Code prescribed by the Traffic Control Regulations, 2012.**"

Subsection (3): "**The speed limit for school zones is 15 miles per hour when – (a) amber lights are flashing; or (b) road markings or signs are posted.**"

Now, Madam Speaker, we talk about entrances and exits. So, that is at the extreme where those lights are and the signs, as they stand now. But I spoke earlier about inviting the Government to put up signs leading up to the entrances and exits. So, maybe that can be placed into the regulations as well. That is why I said we need to amend all of those so that we can get it right. And that is why I was bringing that to the attention of the Government.

Now, Madam Speaker, when it comes to the ticket regulations, [in Schedule 2, Ticket Offences and Fines] number 30 of The Traffic Ticket Regulations, 2012, speaks to "failing to comply with signals or directions given by a police officer or school-crossing traffic warden" (section 68 and 93(1) (q) of the Law) that applies, and there is only a ticket offence of a fine of \$200.

Madam Speaker, what is important here is that it can only be applied on the failings to comply with a direction given by the police officer or a warden. Since we do not have any wardens in the current situation, it would be police officers. So, the police officer, like the young man whom I spoke to earlier who

spends a lot of time at the Savannah school zone, if someone is going through doing 50 MPH, the only way that \$200 can apply is if he gives them direction to slow down and they do not, or to stop and they do not.

Now, Madam Speaker, I recognise that other places in the Law require that if you are exceeding a speed limit, there is a fine, I believe, for every \$10 per mile over the speed limit. But, Madam Speaker, that, in many instances, will be overridden by that school zone fine.

So, Madam Speaker, I do not want to prolong this. I think I have said enough for the Government to consider my Motion and let it do as they see fit. I thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Fourth Elected Member for Bodden Town.

**PROPOSED AMENDMENT TO
PRIVATE MEMBER'S MOTION NO. 9/2015-2016—
AMENDMENT TO THE TRAFFIC LAW AND REGU-
LATIONS**

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

Madam Speaker, I am just rising to ask to move an amendment to this Motion. There is just one word in the entire Motion that makes it difficult for the Government to accept it, simply because it involves including a mandatory one year suspension of a drivers licence for speeds exceeding 5 MPH over the prescribed 15 MPH within a school zone. Madam Speaker, the Government would love to support this Motion but we can't accept a motion that will tie the Government's hands, or the hands of the judges I should say (so to speak), with a mandatory sentence. So, I would like to move a motion to remove the word "mandatory" within the resolve section and if that is acceptable the Government can then go ahead and support this Motion.

The Speaker: Is there a seconder?

Mr. Joseph X. Hew, Sixth Elected Member for George Town: Madam Speaker, I rise to second the amendment to the Motion.

The Speaker: The amendment has been duly moved. Does the Mover wish to speak any further to it?

Mr. Alva H. Suckoo, Jr.: No, thank you, Madam Speaker. We will just continue to debate the amended Motion once approved.

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

Member wish to speak to the proposed amendment? [pause] Does any other Member wish to speak to the proposed amendment?

Member for East End.

Mr. V. Arden McLean: Madam Speaker, I am wondering if 1) you have allowed the suspension of the two day notice for this Motion, but more importantly, I am wondering if the Government has now changed and the back side is really the Government, because there are seven sitting on the back. So, I assume that since the Executive is made up of seven Members, I am wondering if the back side of that side has now become the Government. Because, a backbencher is saying that the *Government can't accept it*. A backbench support has no authority in the Government! Absolutely none! And within these Hallowed Halls, as I understand it, a Member of the Government must respond to the Motion!

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, I understand that any Member of this House can move any Motion, but not on behalf of the Government!

[Inaudible interjection]

Mr. V. Arden McLean: A-h-h, you see, all the rules are thrown out of the window but when the other government was here there was a problem with it.

Madam Speaker, we shall see what happens and let everybody else decide. I have the last lick.

The Speaker: Was that your contribution to the amendment, Member?

Mr. V. Arden McLean: That's all.

The Speaker: Okay.

Is there any other Member wishing to contribute to the amendment? [pause] Does any other Member wish to speak to the amendment?

[Inaudible interjections]

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

If not, does the Mover wish to speak further to the amendment?

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Speaker.

I just briefly want to say that I moved this amendment because we have had a discussion as we always do in caucus and we tend to agree these things before we come to this honourable House. So, I am not really just speaking on behalf of the Executive,

I am speaking on behalf of the entire Government when I say that. And that is—

[Inaudible interjections]

Mr. Alva H. Suckoo, Jr.: With that said, Madam Speaker, I have nothing further to add.

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT the Government considers amending The Traffic Law, 2011, and The Traffic Regulations, 2012, and The Traffic Ticket Regulations, 2012, to allow for more severe penalties to include a one year suspension of driver's license for speeds exceeding 5 MPH over the prescribed 15 MPH within a School Zone when amber lights are flashing. This will replace the existing resolve with the deletion of the word "mandatory".

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Amendment to PMM No. 9/2015-2016 passed.

The Speaker: We will now resume the debate contribution and will be debating the amended Motion.

**PRIVATE MEMBER'S MOTION NO. 9/2015-2016,
AS AMENDED—AMENDMENT TO THE TRAFFIC
LAW AND REGULATIONS**

[Continuation of debate thereon to PMM No. 9/2015-2016, as amended]

The Speaker: Does any other Member wish to speak to the amended Motion? [pause] Does any other Member wish to speak to the amended Motion? [pause] Final call —

I recognise the Honourable Minister for Planning.

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

Madam Speaker, anyone can decide to say whatever they wish to say in this House regarding procedures and all like that. But let me just say this because the subject matter is mine. And I am now answering on behalf of the Government.

Mr. V. Arden McLean: Wow! Two spokesmen for um!

Hon. D. Kurt Tibbetts: Madam Speaker, I listened carefully to the honourable Member for East End with his Motion. And there are several points which have

been brought out in his contribution, which are very valid points that I have made notes of, and which I am going to be asking (to ensure I forget nothing) for copies of the Hansards to be sent to my office immediately so that I can pass them on to the relevant personnel to be looking into it.

Madam Speaker, so as not to attract the ire of the Leader of the Opposition, I will not say "as we speak".

[Inaudible interjection]

Hon. D. Kurt Tibbetts: What I will say is that for some time now, in fact, for a longer time than I wish it would have been, there has been an ad hoc committee that was created, which includes the police, the NRA, the Department of Vehicle and Drivers Licensing and a representative from the Ministry. That committee has been reviewing and taking recommendations with regards to speed limits and various other traffic matters, bearing in mind, two main factors: 1) safety of the users of the road (i.e. pedestrians, cyclists or motorists); and 2) to try to be as seamless as possible with the rules of the road to ensure as smooth a traffic flow as possible while maintaining the necessary level of safety.

Madam Speaker, one of the issues that they have discussed and which has been a part of the recommendations that are going to Legal Drafting within another week from now, is the same issue of school zones and speed limits within the school zones and the penalties which are prescribed. What they have recommended, or what they have in the recommendations thus far, prior to this Motion, is that section 30 of the Traffic Ticket Regulations of the Schedule, would call for some amendments, but also a part of section 93 of the Law itself. But the net end result in this specific area would be that anyone caught going twice the speed of the school zone (which in all cases on the island are 15 MPH) would lose their licence for up to six months.

Madam Speaker, since seeing the Motion, I have said to staff in the Ministry that we need to re-look at the recommendations and that before they conclude what they are going to be proposing to Legal Drafting through Cabinet for the necessary amendments they are recommending, to let us await the Motion and see what recommendations come out of the Motion which they may not have addressed or thought of or talked about, and quickly add anything that we can agree on, so that we would not have to take two bites at it. And that is the approach that is being taken.

Madam Speaker, the areas that have been identified by the Member, I quite readily take on board. I recently had a discussion with the Managing Director of the NRA and I know that he has materials for . . . I don't want to give the wrong impression to say several locations ordered, but I know he has specific materials ordered for some locations. But we did

talk about having an overall look at it to see what was required. So, what will come out of this Motion, which I am certain the Government will support, is a look at all of the possible locations that may require more signage, more lighting. And I wholeheartedly agree with the Member for East End, that we should not just drive up and all of a sudden see these lights, there should be warning signs prior reaching (meaning on approach) so that drivers will have ample time to realise where they are approaching and be able to slow down to the speed that that specific area calls for. I totally agree with that.

Madam Speaker, I also totally agree with the Member's position that he has put forward, about people not paying attention to these school zones and that something needs to be done. I totally agree with him.

Madam Speaker, the recommendations that we also intend to make, and I do intend to speak either directly to the Commissioner of Police or through the Chief Officer in the Premier's Ministry, to seek commitment from the police to actually show a much greater presence in these specific areas where the schools are during the specific times of opening and closing when these lights are flashing and when there is most traffic in an out of the schools.

The point that the Member for East End brought up about that section of the Law, I think it was the section which was defining what types of schools should have the signage and from all that I can see (I think it is section 120), he is quite right when I was looking while he was speaking, that primary schools are not included and should be included in that definition. So, we will certainly look at all of those points to see exactly what we need to do and take on board all of the valid points.

Where this small amendment comes in, Madam Speaker—and I just want to explain the Government's position. Where the Member, in his Motion, suggested a mandatory sentence of losing one's licence for one year if one were convicted of going 5 MPH or more within the school zone (that is for all purposes and intention, 20 MPH or more within the 15 MPH zone), the difficulty that we have with it being worded like that, Madam Speaker, is that once that becomes a statute and it is a law, it then gives a judge or a magistrate absolutely no discretion in any scenario to not pass that sentence onto the person, and that person would definitely lose their licence for one year. Even, Madam Speaker, if there are valid and mitigating circumstances which would cause the judge to wish not to impose a sentence as severe as that.

Madam Speaker, I was racking my brain to try to remember the specific case and for the love of me I can't remember the specific case. But I just want to draw a parallel. I remember years ago when there was a cry from the citizens of this country about illegal firearms. And there was an increase imposed in the sentence of conviction of possession of illegal fire-

arms and it was 10 years mandatory. It was increased but it was mandatory. And I remember specifically that there was at least one case, if not two, where there were mitigating circumstances and the judge was at pains because he did not wish to invoke such a sentence but he had absolutely no latitude, no leeway, no discretion, and so the sentence had to be imposed. It was after that and discovery of that, Madam Speaker, that the Legislative Assembly amended. Not that the sentence could not be imposed to its maximum, but amended it in such a way that it gave the judge the discretion, depending on the mitigating circumstances, to be able to give a lesser sentence than the maximum.

Therefore, Madam Speaker, it is for such reason that we seek to not have the sentence to be mandatory, but we are quite happy to look at changing what was originally recommended that is up to six months, to up to a year, because I understand the Member's point. Many of the examples that have been used and many of the examples that all of us have seen, have seen various types of vehicles whose drivers simply don't care and because there is not that much policing going on in those areas, they pay little or no attention and they just move on down the line and it is only God's mercy why something much more serious has not happened in one of those areas on a given day.

So, the point the Member makes is a well-made point, a very valid point. And I just would hope that he would appreciate the rationale why we would wish to amend the Motion, simply to take out the word "mandatory", but in absolute agreement with all that he has said, I certainly give the undertaking on behalf of the Government to take the Motion on board and to give the necessary instructions to make whatever amendments are required, and get those regulations through which have to go to Cabinet, as quickly as possible, and any amendments to the Traffic Law itself, as quickly as is possible.

Thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise the Member for North Side.

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

Madam Speaker, I rise to offer my support to what is now a Government Motion, having been amended and we are now speaking to the Government Motion.

Madam Speaker, I want to endorse the comments of the Member for East End in terms of his concerns about these school zones. Anyone who travels on a regular basis through these school zones have to be aware of what the Member for East End is talking about. I know I have witnessed it repeatedly.

Madam Speaker, I have had an occasion where a police car is in front of me in a school zone. I

am driving behind a police car, right there in Savannah, and four or five cars overtake me and the police car and the police car does nothing. The people go on their merry way.

The school zone at Frank Sound for Clifton Hunter High School in the evening time when the buses are leaving, it has to be within the resources of the police, at least occasionally, if no more than once every six months, to have some police presence for that 15 to 20 minutes that it takes for those 18 or 20 bus loads of children to come out onto Frank Sound Road.

Some of these trucks loaded with material—and, Madam Speaker, we know they can't stop on no dime—coming out of Frank Sound doing 45 to 50 MPH and if a bus pulls out expecting them to obey the flashing lights and they don't, it is going to be a serious problem.

Madam Speaker, the Minister mentioned this ad hoc committee. I think it is the Traffic Advisory Committee or something like that that they call themselves?

Hon. D. Kurt Tibbetts: Kind of.

Mr. D. Ezzard Miller: Madam Speaker, this is another example of the civil service taking an awfully long time to get things done. The Member for East End and I met with this committee well over a year ago about adjustment to the speed limits in the resort area in East End. And about two months ago the Member for East End and I had audience with the management of the Reef and one of their biggest concerns was the fact that that is still a 50 mile zone. And people exceed the 50 miles. And people are always crossing the street going to Fosters at the shopping centre on the other side of the road.

In addition to that, the shoulders on the areas there are very poorly maintained by NRA with bush overgrowth. I think it probably gets trimmed about once every four or five months. And that is understandable because of the amount of work that they have to do to trim stuff. And a lot of people are on the road jogging and walking in these areas. So, I took the time, Madam Speaker, to call the NRA to ask for an audience with this committee to find out where these reductions are on these speed limits were, which we had agreed to well over a year ago. I said to them that the Member for East End and I would have liked to come to the next meeting. They said, *Oh well, we don't have any meetings planned. We don't have a committee that meets like that.* I asked who was the chairman and was told that that they did not have a chairman.

Madam Speaker, when the Ministers and other people ask these committees to do certain things, they need to get themselves organised properly, they need to get the work done and they need to get the

answers back to the Ministers so they can get the work done.

Hon. D. Kurt Tibbetts: Couldn't agree with you more.

Mr. D. Ezzard Miller: We get the blame. The people in East End and North Side feel that us as two representatives are doing nothing.

I have a problem as the Minister is fully aware. Well over a year ago when we started the redesign for safety purposes of the Rum Point, Sand Point Water Key Road junction, part of that clearly included painting of yellow lines on the side of the road so that people cannot park there on Saturdays and Sundays and prevent fire trucks, ambulance or anybody else if necessary, getting to the homes of people on Sand Point. They are still waiting on that committee to decide so that they can paint these yellow lines. And, in the meantime, we, the elected people whom the people have elected to represent them, did our part. We made the representation, got the agreement but nothing is happening.

[Inaudible interjection]

Mr. D. Ezzard Miller: Yes.

Madam Speaker, my only concern about giving the discretion to the judges is that some people will get the maximum fine but it is going to be those people who do it on a regular basis that will pay the minimum and keep walking. And it is going to be our people; our Caymanians who are going to lose their licences et cetera and some of the others are going to get away.

I understand the Government's concern about it being mandatory and leaving no discretion, but my experiences, particularly with the Marine Conservation Law is that there are only a couple of people. And all of those dive masters and others who go out there at night-time with their scuba gear to get their stuff and those who have been licensed to cull lion fish illegally because their work permit does not include them doing commercial fishing, they go out and get Lion Fish. And those people who are licensed and trying to get a business, every time they go to a restaurant some dive master has gone an hour before and sold them 50 pounds of fish but their work permit does not cover it. But the Government is licensing them to cull Lion Fish and sell it to restaurants.

Hon. D. Kurt Tibbetts: Nobody wants to stay late. That's all I can tell you.

[Inaudible interjection]

Hon. D. Kurt Tibbetts: I understand.

Mr. D. Ezzard Miller: And that is the problem I have with giving discretion to all of these people.

So, Madam Speaker, the bottom line is that we need to do something about these school zones and it need to be done urgently. And the Minister has my empathy, even sympathy, in trying to get these things done and he is not getting the kind of action. Because any of these you ask now if they are doing something about it, they are going to say yes. And I can tell you that the meeting me and the Member for East End attended with that committee, there's not many other committees that I had a meeting with that was so ill-structured, so non-functional. I do not believe anyone was taking notes about what we were saying to them. Well, they do that all the time because they do not pay us any mind anyhow. We are not the Government.

Somehow along the way, Madam Speaker, the elected people need to have the support of these civil servants in these positions and they need to take seriously when we bring motions like this and ask for something to be done, and it should not take a year to get it done. In this case, it is years!

Hon. W. McKeeva Bush, Leader of the Opposition: I agree with you.

Mr. D. Ezzard Miller: And I am hoping that the Deputy Governor is listening because he needs to do something about it.

So, Madam Speaker, I hope that at least by the opening of school for the January to April term, we have these regulations in place and that we can rest with some comfort that our children stand a better chance of getting protection.

Hon. D. Kurt Tibbetts: All the signage and everything too.

Mr. D. Ezzard Miller: Yes, I agree.
Thank you.

The Speaker: Does any other Member wish to speak to the amended Motion?

I recognise the Honourable Leader of the Opposition.

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, we want to support the Motion before us. Madam Speaker, in my district I do not see a lot; very few. And I can't say in the last year—not saying it does not happen—the last time that I have seen anybody not paying attention to the crosswalks or trying to cross the buses while the buses are taking on or letting off children. But in my time we have noticed it. But what I do notice is a huge amount of people who are in such a rush that there is no . . . let me just amend it to say road courtesy that we know and are used to is fast disappearing. There is such a hurry to go where, I don't know. But it is fast disappearing. I mean there could be an emergency and the cars will

just keep coming, coming, coming. I don't know if there are any education programmes for road safety but there ought to be one, and for road courtesy. Mind you, people who are learning will probably be the ones who will get to do something like that.

In the little roundabouts, Madam Speaker, I see the one on West Bay Road going on by the Galleria, going onto the Bypass, coming off of it or going down to West Bay road, where they see the sign there, Madam Speaker, that says "give way". It is not saying that you must just fly through because you are coming up next. It says "give way" so when you reach that mark or that spot, you are supposed to look and see who reached there first. Use common sense! And I have seen that in other places as well.

Years ago, Madam Speaker, when we started to get a lot of traffic and I came into this House, the West Bay four-way stop was constant with accidents. So, I brought a motion asking for traffic lights. The government of the day rejected that motion saying that we should look at. And I remember Donovan Ebanks and it could have been Mr. —what is the name of the Jamaican Man?

Mr. D. Ezzard Miller: Mr. Wint.

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

Mr. D. Ezzard Miller: Yes.

Hon. W. McKeeva Bush, Leader of the Opposition: —talking to me about it and saying, *Do you think you want traffic lights because it takes away from the little uniqueness of your district?*

Mr. D. Ezzard Miller: Island feeling.

[Inaudible interjection and laughter]

Hon. W. McKeeva Bush, Leader of the Opposition: So, Mr. Wint and Donovan Ebanks said, *Let's try the four-way stop, properly demarcated.* Well, Madam Speaker, it was only then that we had accidents. But as the years went by what I did noticed was that people pay attention to that four-way stop.

The same thing happened up there by the hospital. The first car accident I got into was the day I lost my licence and somebody picked me up but they had to go to the hospital first and they did not stop at that hospital four-way stop and, Madam Speaker, they went flying through and that was it. I was up against the windscreen but I did not get any damage. But it was new and I had lost my licence that very day. But I was not driving, of course, it was somebody else. They were giving me a lift. And I have noticed that, but again, over the years people have—

The Premier, Hon. Alden McLaughlin: What did you lose your licence for?

Hon. W. McKeeva Bush, Leader of the Opposition: From then they were at me.

[Laughter]

Hon. W. McKeeva Bush, Leader of the Opposition: Over the years people got used to it and so it works. As far as I am concerned it works very well. I mean, I have not gone there at any time that people are not paying attention to who get there first goes on, and the same thing in West Bay at the one four-way stop that we have there in central West Bay right next to my MLA office.

Mr. D. Ezzard Miller: Don't forget the malfunction done with the airport [SOUNDS LIKE].

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, but that was a mess!

Hon. D. Kurt Tibbetts: Who fixed it?

Mr. D. Ezzard Miller: Arden fixed it.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, the road-man from East End straightened it out. I think he did. Right?

Hon. D. Kurt Tibbetts: Yep.

Hon. W. McKeeva Bush, Leader of the Opposition: Up until then it was a real—

Mr. D. Ezzard Miller: Malfunction.

Hon. W. McKeeva Bush, Leader of the Opposition:—serious malfunction, alright.

Madam Speaker, people need to pay attention and they ought to understand . . . our people have to understand that our roads are not made for speed! This is not an American highway or anywhere else—Germany where they drive 150 MPH.

Hon. D. Kurt Tibbetts: From the autobahn.

Hon. W. McKeeva Bush, Leader of the Opposition: Autobahn? When I was in Dubai the driver was saying to me, and he was driving a—

The Premier, Hon. Alden McLaughlin: It wasn't Afghanistan?

Hon. W. McKeeva Bush, Leader of the Opposition: No, I never went there. You can believe that.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: We were going from one city to the next and he said, *I bet you did not see that I was driving 110 MPH.* Hardly felt it. But, of course, they have eight lanes and the lanes are huge. And he was driving 100, 110 MPH and I thought he was driving 40. It was a big car, of course.

Here in Cayman we do not have that luxury. We have gotten better roads over the years. Yes, we have, thank God. And thank God we are still improving on them.

Mr. V. Arden McLean: Not anymore.

Hon. W. McKeeva Bush, Leader of the Opposition: Well, they just did Smith Road. I don't know, but—

An Hon. Member: It's not finished yet.

Mr. D. Ezzard Miller: You mean they are doing.

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

Mr. D. Ezzard Miller: You mean, they are doing.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes, they're still doing . . . well, improvements we hope. But we do still have that kind of highway where people . . . why in the world would anybody want to drive 60 MPH, even 40 [MPH], I find on our highway . . . now that they have two lanes, even on West Bay Road, you are still awful close.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: That's what they are? Well, I know about the Minister now. Don't think that he could not drive fast.

[Laughter]

Hon. W. McKeeva Bush, Leader of the Opposition: He took me from George Town to West Bay one time. I didn't know I had left George Town when I got to West Bay.

[Laughter]

The Premier, Hon. Alden McLaughlin: All two of them used to drive Corvettes then too.

Hon. W. McKeeva Bush, Leader of the Opposition: Yes. He had one Camaro there that so help me God it was like—

Hon. D. Kurt Tibbetts: Trans Am man.

Hon. W. McKeeva Bush, Leader of the Opposition: Trans Am. Yes, they could drive fast. And even back then there was a leeway because the traffic was not plenty. But today look at the traffic we have. And, Madam Speaker, I am going to say something here. That is a serious issue that we have to look at in this country; the amount of vehicles that we have. And everybody and cat and dog cannot have a car that comes into this country. Mark you we would have to institute a better form of public transportation. But I am telling you, Madam Speaker, that we as a country cannot continue importing the vehicles that we are. We are going to have to do something about it. I don't know whether it will be this Government or the next government, but that is an issue that we have to [address].

Through this medium, I want to say to people, Listen, there is no reason whatsoever that you have to be flying. Sometimes you see children with their half body hanging out. You see, the other thing is—and mark you now, this is the younger generation—you see them driving with their foot up on the dashboard. How in the world they can handle the wheel—mind you, I guess that is a tall person—handle the wheel, foot on the dashboard and they are nearly lying down in the seat?

[Laughter]

Hon. W. McKeeva Bush, Leader of the Opposition: I mean it is absolutely ridiculous, reckless, and while we laugh at it, it is a serious thing.

An Hon. Member: That's right.

Hon. D. Kurt Tibbetts: Dangerous.

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

Mr. D. Ezzard Miller: And the police cross them and do nothing.

Hon. W. McKeeva Bush, Leader of the Opposition: Hush 'bout them. You heard what I said about them yesterday. They have to find a different mindset.

Mr. D. Ezzard Miller: You have to say it all over again because I did not hear it yesterday.

Hon. W. McKeeva Bush, Leader of the Opposition: Because, Madam Speaker, I see children and the cars flying . . . mark you at the times that I have seen it, the roads are pretty well empty. But you do not know when something is going to happen. And I have said to anybody driving me, *Listen, you do not know when it is going to happen. So, drive at a speed that if something happens, you can control the car.* That's the key. And I say to the public of this country that we

have to pay better attention and be able to have better road courtesy, one and all. We can't drive with the neck so stiff that we do not see that that person is there. I mean, I have seen it and it is like we live in such a huge country that we do not know who it is. Plenty times they know who it is. We see their face, we see them in the supermarkets, we see them in Church, we see them all about and they still like you are the man in the moon and they come from Jupiter, and they are just not paying attention to the road courtesy that is due to everybody on that road; cyclists and vehicle drivers.

There is no reason for people not to stop, Madam Speaker, when they get to those roundabouts that they have to give way. It says "GIVE WAY"! It's not saying you must fly! And every time I see that I say, My God, you mean to tell me that people do not understand what this means? You mean to tell me that people have that "don't care attitude" and that is what we are building in this country? Because mind you, you know in other countries you hear them talking about road rage, all sorts of things happen.

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: It happens. But we do not need to cultivate that here. We do not need anybody doing that, no matter where they come from because that is where they do it. Sorry, please observe what we are used to here in this Island. Sometimes I have seen parents making children run ahead of them and the next thing they know the child is on the road. There is not a place anymore that there are no vehicles. I see some riding bicycles now and so help me God they are flying too.

[Inaudible interjections]

Hon. W. McKeeva Bush, Leader of the Opposition: So, Madam Speaker, I want to say that the Member for East End in his observations is correct. This is not talk to hear ourselves talk. These things are happening and it is a danger to one and all. And the truth is that the Traffic Department—do we have one now?

[Inaudible interjection]

Hon. W. McKeeva Bush, Leader of the Opposition: No. But we need something to be able to do better on the highway.

In town we see police walking up and down giving tickets and so on. But what happens on the highway?

One time they came running out of nowhere. They had to be watching where I was to find out. They thought I was driving. It was after 12, I believe. So, they thought that I was driving and that car had not stopped. That car had not stopped, Madam Speaker,

when that police jumped out of that car, and the car was still moving . . . running—DUI, DUI.

DUI?

The fellow who works with me rolled down the window and when he looked in he said, *Wha ya say sah?* And the man was frightened.

And the next one said, *Ask for his papers, ask for his papers, quickly.*

I said, *I need your badge and your name.* He would not give it to me. He was supposed to but he wouldn't

O-o-o-h, Madam Speaker, I do know that kisses go by favours. I do know that they can target you if they want to. But they ought to pay attention to the things that the Members who moved this Motion were complaining about, because those things are happening on a daily basis. They are happening.

So, certainly, I am appreciative that something is being asked to be done about it. We support that, Madam Speaker.

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

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

I was not here earlier because of having to attend to a medical situation with a family member, in regards to the Motion, but I want to say a big thank you to the Member for East End and the seconder from North Side, on bringing this Motion. And I am pleased to know that the Government is accepting it.

I understand and see that there was concern about the one year mandatory. What I would suggest is that if they take out the one year mandatory, that they put it up to two years. Because you see, Madam Speaker, the day that one of these children get hit or get killed, which is a matter of time if we do not do something about it, and like the Member for North Side has said . . . I pass through Savannah probably just as much or more than anyone else, and it is totally amazing to me, Madam Speaker. They pass me doing the 15, 16, 17 MPH and it is like you are standing still. And I have also seen the police coming from front or back and they had to pass these vehicles going the speed that they are, and not one blessed thing is done, Madam Speaker.

Mr. D. Ezzard Miller: That represents work boy.

Hon. Anthony S. Eden: It is said. It is frightening.

Mr. D. Ezzard Miller: Get out of that air conditioned car—

Hon. Anthony S. Eden: But I am hoping and know that the Minister of PLAHI will deal with this expeditiously, because we have been at this from the time Jesus was on Riviera Beach, talking about dealing

with these speed zones. There is no reason in this world that we cannot do something and get this sorted out once and for all. I have never heard in the past, more excuses in my life.

The Leader of the Opposition was talking about the difficulties of "give way". Give way? You have to come up by Hirst Road in Bodden Town where there are stop signs and they come out there like . . . they never stop! And right now I have complained and will complain again to the police.

You all may remember in Finance Committee, there is a stop sign there and right now you can't even see it coming out of Newlands Road or Hirst Road or wherever. You cannot see it! I don't know why we are waiting for these accidents and it is going to be tragic when it happens. And like we all talk about—what is happening with traffic? I am sick of complaining about it in Finance Committee.

Why did we do away with that? We could balance the Finance Minister's budget if we were to establish a proper traffic department and give out these tickets.

Not because my family members go to Clifton Hunter and Savannah School, and Bodden Town School, which is a bit off the road, not as quite exposed as the ones in Savannah and North Side, but I am glad this has come and give it my full support.

The Speaker: Does any other Member wish to speak?

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

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

Madam Speaker, as the Honourable Minister with responsibility for this subject area has already spoken on behalf of the Government, I just rise to give my support as Minister of Education. And, obviously, we are talking specifically as it relates to speeding and appropriate traffic management in the school zones. So, firstly, I would like to thank the Member for East End for bringing this Motion, and, of course, the Member for North Side for seconding it, and to say that I wholeheartedly support the concerns expressed in the Motion as it relates to road safety and security of our children.

Madam Speaker, by amending the Traffic legislation in this manner, as the amended Motion does, as a government we will now take concrete steps to demonstrate that we are putting the interest of our children first. I don't care where you are going or for what purpose you are going, when you are driving on our roads it is never acceptable to rush past a school zone at dangerous speeds when a school is in session or when the amber lights are flashing.

Madam Speaker, some may try to argue, *Well, you know what about an emergency? Or what about if there is a matter of life and death of a passenger being driven in the case of somebody being*

rushed to the hospital? That may be an excuse or an explanation. But, Madam Speaker, in my view, it is a matter of life and death, because it is the matter of life and death of that child or those children, who, God forbid, may be struck by the offending driver speeding past that school zone at that time.

Madam Speaker, we live in a society where instant responses are expected, you know, due to the advent of emails and BlackBerrys and Smartphones and the like. People's patience seems to have dwindled exponentially as a result of the rise of these types of technology. And similarly, people seem to have become less tolerant. We are less patient when it comes to traversing our roads. And I am sure every person in this room, Madam Speaker, has had some experience where they themselves experience the frustration of being stuck in traffic or stuck behind somebody who they may deem as driving too slow. We always seem to be in a hurry to get someplace in today's world. But there can be no excuse for speeding in school zones. There can be no excuse for putting the road safety and security of our children at risk in such a fashion, Madam Speaker. These slower speeds in the school zones are necessary and they are required for a reason.

Madam Speaker, you know many of us, many people on the road drive big cars, SUVs high off the ground and often times it is hard to see small children whose centre of gravity may be close to the ground. So, there is a reason why we need to slow down when these lights are flashing. There is a reason why we need to almost be crawling in these regions. Because, Madam Speaker, sometimes really, we may miss seeing a child because of the way our cars are positioned in relation to that child on not being on eye level.

Madam Speaker, just last night I saw on the news in Toronto, Canada, two young children were struck at an intersection of their school; a block away from home, right at the intersection of their school, and the youngest, the four year old was killed. The community was devastated.

Madam Speaker, I am sure we have examples. I know we have examples; it is just that none are coming to my mind right now, of similar situations here in our own community.

An Hon. Member: Right there in Savannah.

Hon. Tara A. Rivers: Right there in Savannah, exactly—thank you—the most recent situation.

Mr. V. Arden McLean: We need to catch them on dangerous driving and careless driving and then we take their licence.

Hon. Tara A. Rivers: But, Madam Speaker, again, I just want to thank the Member for highlighting the concerns also, as it relates to road safety of our youngest students, our earliest learners; those of the

early childhood care and education centres, which the legislation may have to be revised to ensure that we take into consideration their needs as well. And, as we heard, I am sure the Minister and the Ministry responsible for the subject matter will look at these discrepancies, if any, in the Law, and the regulations and make proper provisions for all of our children as they try to get to and from, if they have to use the roads as pedestrians to do so.

Madam Speaker, just to say that all early childhood care and education centres are required to be registered by the Education Council, so the Ministry of Education will be able to facilitate any information as needed, as it relates to the location of these centres to ensure that this information is provided to the sources that would need it when it comes to making the relevant changes as may be deemed necessary.

So, Madam Speaker, with that I just want to say that I happy to support the Motion as amended. I am happy to see that as a government we are going to take concrete steps to put in legislation in such a way that we are putting the interest of the road safety of our children first, no matter what the excuse is that may come with respect to motorists having to drive fast. There is no excuse to put our children lives at risk in this manner. Thank you, Madam Speaker.

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

If not, I will call on the honourable Member for the district of East End for his reply.

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

I have been accused of being an overnight lawyer—

An Hon. Member: A what?

Mr. V. Arden McLean: Overnight lawyer. They say I wake up the next morning and I am a lawyer.

—by many of those in here who supposedly went to school to do law. Madam Speaker, call me what you may. The one thing I do is come to this Parliament prepared. When I am bringing something I do my research. I want unna to remember that. And, Madam Speaker, I am not saying that I have any ultra-authority on the English language but I can read and can put two and two together.

So, Madam Speaker, here we are, bringing a motion to ask the GOVERNMENT to consider. The Government in this Parliament happens to be made up entirely of the Executive, one appointed by the majority of the majority in this Parliament, and the other six appointed by that person. That's the Government. The rest is the balance of power on behalf of the people.

Here we are, any Member can bring a motion, and any Member can propose to amend it. But it is unheard of that we get a Member who is not a part of that Executive that I just outlined, getting up saying that they are acting on behalf of the Government. Which Government? So, Madam Speaker, that is two governments in one term—half a term.

I will point out the third Government since day, not in two years, since day, shortly.

Madam Speaker, that second Government, my warning to them is to be careful of those wolves in sheep clothing. All they are doing is using you to protect their own careers. You are gone. Trust me! I warn you all, do not allow anyone to dictate your political career in here, and that is precisely what you are doing.

[Inaudible interjection]

Mr. V. Arden McLean: You should have spoken to it. That is what you should have done.

The Premier, Hon. Alden McLaughlin: Trying to tell me what to do?

Mr. V. Arden McLean: Well, you don't tell me what to do.

The Premier, Hon. Alden McLaughlin: I'm not talking to you.

Mr. V. Arden McLean: Madam Speaker, that is the problem in here! The Government must respond to my Motion. The Government did not amend my Motion. They instructed others to do it on their behalf. They hide from their responsibilities.

The Speaker: Member, are you making a procedural point or are you debating your response?

The Premier, Hon. Alden McLaughlin: Just rowing.

Mr. V. Arden McLean: Madam Speaker, this is my response. I am speaking—

The Speaker: I just want to ensure whether you were soliciting a response from the Chair because it seems as if you are going a long line of procedural objections, so I just wanted to be clear.

Mr. V. Arden McLean: No, Madam Speaker. I am just giving them a little piece of their own medicine, that's all. No, I am not questioning or soliciting anything, Madam Speaker.

Madam Speaker, the Government must stop hiding and allowing others to do their job for them on this floor! That is not the job of a Backbench. And unna had better start learning about it because not in here is where you are going to get punished. You are

going to get punished at the polls, because all of us are going to be out there too. You are not out there walking alone. I am going to be there too with the help of God and a couple of policemen. I am coming to look for you in your constituency and tell them what you have done in here!

The Premier, Hon. Alden McLaughlin: Madam Speaker, this is completely irrelevant to the debate. He—

Mr. V. Arden McLean: Talk about irrelevance of him getting up here on behalf of the Government.

The Premier, Hon. Alden McLaughlin: [INAUDIBLE]

Mr. V. Arden McLean: They can say what they want to say but they can't say it on behalf of the Government.

The Premier, Hon. Alden McLaughlin: Of course they can.

Mr. V. Arden McLean: Oh?

The Premier, Hon. Alden McLaughlin: [INAUDIBLE]

Mr. V. Arden McLean: Yeah, yeah, they're on the right side after you directing them out there and forcing—

The Speaker: Members, please direct your comments through the [Chair]. There is ample time for campaigning. There are some 18 plus months.

Mr. V. Arden McLean: But, Madam Speaker, you think I am going to sit here and take abuse?

The Speaker: I said it in its plurality, Member.

Mr. V. Arden McLean: Madam Speaker, I dare not challenge you, the Chair. But he is not going to do that to me and get away. Understand that.

Madam Speaker, the Government using their second government has amended this, and the Government's reason is that they do not want to tie the hands of the judge.

[Inaudible interjection]

Mr. V. Arden McLean: Now, Madam Speaker, I challenge the Government on this thing about mandatory, that they do not like the word. What that indicates to me is, *Don't worry about it, let's not take away their licence, let's be easy on them until somebody gets killed and then we can take their licence away.* Because that is what the Traffic Law says, Madam Speaker. Someone who hits a child in a school zone

is either going to be charged with careless or dangerous driving.

The Traffic Law under “Dangerous or reckless driving” says in section 76: “**A person who drives a vehicle or animal on a road dangerously or recklessly, or at a speed or in a manner or in a condition which is dangerous to the public** (that would be the children you know.), **having regard to all the circumstances of the case, including the nature, condition and use of the road or place and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road or place, commits an offence and is liable-**” (amongst other things). Subsection (b): “**upon conviction on indictment, to a fine of three thousand dollars or to imprisonment for a term of two years, or to both, and in addition – (i) shall—shall—“without an order by a court, automatically be disqualified for two years or such longer period as the court may order . . .”**”

Let us take a look at causing death by careless driving or inconsiderate driving.

Section 79(1): “**A person who drives a vehicle or animal on the road without care and attention, or without reasonable consideration for other persons, and by so doing causes the death of another person commits an offence.**”

Another person would be the children, Madam Speaker. Just for those, since I am an overnight lawyer, I learnt it last night.

Subsection (3) “**An offence under subsection (1) is triable only on indictment and upon conviction the offender is liable to a fine of ten thousand dollars or to imprisonment for a term of seven years or, to both, and, in addition – (a) shall, without an order by a court, automatically be disqualified from holding or obtaining a driver’s licence for at least three years, the period of disqualification to run from the expiration of a sentence of imprisonment as the court may order; . . .”**”

Now, Madam Speaker, I want to know the difference between “mandatory” and “shall” since all of the lawyers are on that side. That’s what I want to know!

We are prepared to allow our children to get killed before we disqualify somebody’s licence mandatorily. That’s when we catch them and then they *shall* lose their licence.

Hon. W. McKeever Bush, Leader of the Opposition: After death?

Mr. V. Arden McLean: Of course. That’s what it says. I didn’t say so.

An Hon. Member: The law.

Mr. V. Arden McLean: That’s the law, as I read it. Maybe they can get up on the point of clarification and tell me that is not so, Madam Speaker, and I will give way.

[There’s] one, two, three, four, five, six (*counting*) lawyers sitting out there now. Not one on this side. Not even the Serjeant over on this side is a lawyer.

[Inaudible interjection]

Mr. V. Arden McLean: You hear the Premier again. He is always on my case. Only him know anything. That’s how it works. He said the six of them could not convince me of what is right. That is the problem. I know the difference between right and wrong. You don’t!

Madam Speaker, they are proposing that two times the speed, you lose your licence for six months. That is what the Minister said, as I recall. And they have a committee reviewing it . . . traffic they say?

Mr. D. Ezzard Miller: I think they called it the—

Mr. V. Arden McLean: Traffic Advisory Committee—

Mr. D. Ezzard Miller: Something like that is what they told me and you but no committee exists—

Mr. V. Arden McLean: —that Mr. Miller spoke of earlier.

Madam Speaker, a traffic advisory committee that we met in April last year?

Mr. D. Ezzard Miller: April 2014.

Mr. V. Arden McLean: And haven’t put up the speed limit signs yet that we agreed on? A year and a half?

Madam Speaker, I am very concerned about . . . you see, the Government seems to think that if they amend our motions we will not get credit for it. Why are we doing that? Does it matter who gets credit for it?

[Inaudible interjection]

Mr. V. Arden McLean: So, you can accept it. Oh, it must be under your condition. I know that is how you are—dictatorial.

[Inaudible interjection]

Mr. V. Arden McLean: You want it your way; only your way, Mr. Minister of Financial Services.

Hon. W. McKeever Bush, Leader of the Opposition: All them [INAUDIBLE] up against you.

Mr. V. Arden McLean: Every one of them up against me. But you know what? The desert has been my abode for a very long time, me alone. No one else ventures out into that. I can fight.

Hon. W. McKeeva Bush, Leader of the Opposition: You mean the Minister of Financial Services came into that discussion too?

Mr. V. Arden McLean: Yeah.

Madam Speaker, all I can say to the Minister of Works and traffic is—and I did not say that in a derogatory manner, he has responsibility for that section of it—that you are in here protecting judges, judges are not above reproach. You hear what I tell you? We have witnessed that many times and the Fourth Elected Member for Bodden Town should take note of that; and the Sixth Elected Member for George Town too. Take note of that. We have been around here long enough to hear of those stories where they come out on Sunday morning and let go everybody.

Hon. W. McKeeva Bush, Leader of the Opposition: Let go everybody?

Hon. Anthony S. Eden: Say what?

Mr. V. Arden McLean: Have trial on Sunday mornings. You've heard of it; don't bother to say you didn't. And we have seen the disparity in the application—

The Speaker: Member for East End, may I have a moment please? By virtue of Standing Order 35(7) if you wish to speak about the conduct of the judiciary, you have to do so with a substantive motion. You cannot introduce it into an ancillary motion. So please refrain from that temptation.

Mr. V. Arden McLean: Madam Speaker, I was only talking about what was supposed to be judges that are gone. I ain't talking about the ones now.

The Speaker: I'm grateful for the clarification but I did not hear the condition that was spurned [SOUNDS LIKE] adjective before judges. So, if you are going to refer to them as non-current, please do so, otherwise, please keep within that Standing Order.

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

Madam Speaker, I will bow to your direction. But we have known of . . . I have been here long enough to hear of former judges and we see the disparity in their sentencing. The same case, two different people, and a similar case, two different people; some get a slap on the hand and the others go to Northward for life. Not for life but for extended sentences. So, don't think they are not above reproach. They are human beings, Mr. AG.

I know that even preachers are human beings. And we see them encroaching on a lot of different things in this world. So, do not put it pass them.

Madam Speaker, my fear is that if we do not put something in place to deter some of this behaviour with something severe that is known, Madam Speaker, this is going to eventually, in my view, turn into a situation where some of our kids are going to get seriously hurt and worst, killed, when they should be protected by this Government and all governments, and then parents may very well take the law into their own hands. I wonder what the Government is going to say to them—*Oh, we didn't think it was necessary at that time?* It will be too late. I don't know who is going to console those parents.

Madam Speaker, I hear the Minister of Education got up here and emphatically say there must be no excuse. None! She emphasised no excuse for driving fast in a 15 MPH zone. None!

[Inaudible interjection]

Mr. V. Arden McLean: That's the third government.

Mr. D. Ezzard Miller: That's the Coalition side of it.

Mr. V. Arden McLean: That's the third government in one day.

Hon. W. McKeeva Bush, Leader of the Opposition: It's Friday evening, past 4.30.

Mr. V. Arden McLean: Can you imagine if the Fifth Elected Member for George Town and the Second Elected Member for George Town gets up? We would have five governments.

[Laughter]

Mr. V. Arden McLean: Because they are independent. They are of independent minds.

Madam Speaker, I agree with the Minister of Education. There must be no excuse. But we are talking about one year and then we are going to soften that down and say, *Oh you do this and you do that.* Do it one time and done. I agree with my good friend from . . . oh yes, we have four governments because he got up and said two years.

[Laughter]

Mr. V. Arden McLean: So, I agree with him. I am not going to disagree with my good friend from Bodden Town. He operates based on principles. You may call him over to the right but it is principle.

Madam Speaker, the Minister of Education spoke of seeing an incident in Canada last night on the television or of it being reported where a four year old child was killed on a road crossing, I believe she

said. Is that what we are waiting on? What did she say? I believe she said something about the whole community was devastated; something like that was what she said. Madam Speaker, that is what we are heading for and we must not take it likely and play politics with it. We must not do that. It is time we stop these people.

Point of Order

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

The Speaker: Yes, Fourth Elected Member for Bodden Town.

Mr. Alva H. Suckoo, Jr.: I just want to find out if the Member is implying that in amending this Motion in a format that the entire Government could accept, that I am in some way encouraging people to kill children, because that is the message I seem to be getting over here.

Hon. W. McKeeva Bush, Leader of the Opposition: No, he never said that.

Mr. Alva H. Suckoo, Jr.: So, I would like that to be clarified for the record, Madam Speaker.

The Speaker: Member for East End, the Member for—

Mr. V. Arden McLean: If he wants that clarified, he had better clarify that himself.

The Speaker: Member for East End, the Member for Bodden Town is seeking further clarification on your imputations, if any.

Mr. V. Arden McLean: Madam Speaker, I said what I said. If he was not listening and somebody else prodded him there, tell him to get them to explain it. I already said what I had to say. We need to do something about this. We must stop playing politics with this just to get credit! And if he wants to vote, then vote.

[Inaudible interjections]

The Speaker: Member, do you want to see the Hansard to read over what he said to satisfy yourself.

Mr. Alva H. Suckoo, Jr.: Madam Speaker, I have heard about three references, to my recollection, of this resulting in children being killed. And I am sorry but it seems to me that I am now being blamed or targeted for amending this Motion so that we could accept it and do something about the situation. And I really do not want the record to go down without me

having defending myself here today. I am in no way, shape, or form, advocating speeding or people running over children. I am simply trying to amend the Motion so that we can do something about the problem.

Now, that I have said that into the record, Madam Speaker, I am satisfied.

The Speaker: Member for East End, please continue.

Mr. V. Arden McLean: Madam Speaker, I thank you but it is getting late and everybody wants to get on to the next motion and go home and the likes.

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

[Laughter]

Mr. V. Arden McLean: Or go someplace, because we have had a long week and a half; late at nights. But, of course, you know it is not going to end up like that. We will probably be here until late again, which is fine. I will stay.

Madam Speaker, I hope by the Government now amending it, that they will do something, because if they play politics, I am not going to play it and I am going to bring back the Motion again in the appropriate time. It is absolutely necessary that we do something with this matter.

You know, I have served a long time in here, Madam Speaker. Sometimes I wonder if it is not too long. And I have seen people and been in here with people on that side and this side. When we are on this side we do what we think is in the best interest of the country, the same way we do on the other side. But when we are on this side, those on that side become a little -ancy when this side does something. And then, they call this side miserable and disruptive and the likes. But you know what? The same actions become theirs when they are on this side. Same actions!

The UDP had one government. They may have been splintered on the inside by about five or six out there.

Madam Speaker, I thank you.

Hon. W. McKeeva Bush, Leader of the Opposition: What you said? They were splintered on the inside?

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT the Government considers amending The Traffic Law, 2011, and The Traffic Regulations, 2012, and The Traffic Ticket Regulations, 2012, to allow for more severe penalties to include a one year suspension of driver's license for speeds exceeding 5 MPH over the prescribed 15 MPH within a School Zone when amber lights are flashing.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 9/2015-2016 passed.

**PRIVATE MEMBER'S MOTION NO. 10/2015-16—
BEHAVIOUR IN THE AUDIT OFFICE**

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

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, while someone is outside catching the Fourth Elected Member for West Bay, I move that this Motion be carried to another Order Paper in the next Meeting. I am not prepared to deal with it at this point— at the next sitting. My seconder is . . .

The Speaker: Is there a seconder?

Mr. D. Ezzard Miller: Madam Speaker, I second the motion to defer.

The Speaker: The question is that Private Member's Motion 10/2015-16 be carried over until the next Meeting.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion 10/2015-16 be carried over until the next Meeting of the Legislative Assembly.

The Speaker: I recognise the Honourable Premier.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker. I wanted to deal with that Motion if it was to be moved by the Honourable Leader of the Opposition this meeting because the Honourable Deputy Governor will be away next week and he wanted to be here. But that having been deferred, Madam Speaker, I move the adjournment—

Hon. W. McKeeva Bush, Leader of the Opposition: Madam Speaker, not until next week; next *Meeting*. Yes. So even if he were here next week, I was not prepared to deal with it at that time.

The Premier, Hon. Alden McLaughlin: Thank you.

Madam Speaker, just to be clear, my point was that if it was to have been dealt with, rather than deferred, I wanted it to be dealt with today while the Deputy Governor was here.

Thank you, Madam Speaker.

With that, I move the adjournment of this honourable House until 10:00 am, Monday.

The Speaker: The question is that this honourable House be adjourned until 10:00 am, Monday.

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

Ayes.

The Speaker: The Ayes have it.

At 4:52 pm the House stood adjourned until 10:00 am, Monday, 26 October 2015.

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