



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT  
ELECTRONIC VERSION**

**2015/16 SESSION**

**26 November 2015**

*Sixth Sitting of the Fourth Meeting  
(Pages 917-956)*

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

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PRESENT WERE:

**SPEAKER**

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

**MINISTERS OF THE CABINET**

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

**EX OFFICIO MEMBERS OF THE CABINET**

Hon Stran Ashton Bodden	Temporary <i>Deputy Governor</i> , ex officio Member responsible for the Civil Service
Hon Jacqueline Wilson	Temporary 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. McKeeva Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
Mr Bernie A Bush, MLA	<i>Deputy Leader of the Opposition</i> , Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

**INDEPENDENT MEMBERS**

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

**OFFICIAL HANSARD REPORT**  
**FOURTH MEETING OF THE 2015-16 SESSION**  
**THURSDAY**  
**26 NOVEMBER 2015**  
**11:32 AM**  
*Sixth Sitting*

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

**The Speaker:** Good morning. I'll invite the Honourable Member for the District of East End to say prayers this morning.

### PRAYERS

**Mr. V. Arden McLean, Elected Member for East End:** 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 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

**OATH OF AFFIRMATION**  
*[Administered by the Clerk]*

**The Speaker:** I invite the Honourable Acting Deputy Governor to the Clerk's dais.  
Please stand.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** I, Stran Ashton Bodden, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to law.

**OATH OF DUE EXECUTION**  
*[Administered by the Clerk]*

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** I, Stran Ashton Bodden, do solemnly and sincerely affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth II, her heirs and successors, and the people of the Cayman Islands in the Office of Ex-Officio Member of the Legislative Assembly.

**The Speaker:** Honourable Deputy Governor, on behalf on this honourable House, I invite you to once again take your seat, and I trust that in the process of modernisation this will be one layer of bureaucracy that we can take out.

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

**The Speaker:** There are no apologies this morning. Suffice to say that it being Thanksgiving, albeit, American Thanksgiving, many of us in the Cayman Islands celebrate it, and we are almost at the end of our hurricane season so it would be remiss of me not to express my extreme gratitude for a safe passage for this hurricane season.

We have heard the old captain say that once we see the 'northers come in it is a pretty good indication that it is over. [Hurricane] Paloma disproved that theory, but none of the less I am confident today to say that we are close enough that we can publicly express to Almighty God for His help and guidance for bringing us through and I wish each Member, their families, staff, and all a very, very Happy Thanksgiving.

ing—including the Member for East End, who looks very surprised at my expressions.

*[Inaudible interjection]*

**The Speaker:** Not to engage in back and forth, but to the Member for East End and any and all who may have that fear, I would just wish to quote 1 Timothy, and it says: “Fear is from the Devil, but peace, love, and a sound mind come from the Lord.” I rest my case.

*[Inaudible interjection]*

**The Speaker:** The Honourable father of the House has asked to make some expressions at this time.  
Honourable Leader of the Opposition.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, it is very appropriate what you have said as the Speaker of this Legislature. And in the spirit of thanksgiving, and being the father of the House, I thought I would say this. I recently was watching a series on *National Geographic* TV programme on the first settlers in America and the first Thanksgiving. I have always been a history student and intrigued by how America was founded [and] what its settlers had to endure throughout their pioneering stages of development. America has so much to give Almighty God thanks for, and how could they do otherwise when we read and understand where they came from and what they endured and accomplished for themselves?

There were only the red Indians who were indigenous population. The Europeans running away from their places of birth, their home, because of the pressures, the persecution, the destruction of life, went and founded a nation. They found their strengths in existing together. They had to be united. Their offspring advanced America and pioneered what we see as America today. Still, with its vicissitudes, it is one of the greatest countries on this earth. They give God thanks today, this Thanksgiving Day, this 26<sup>th</sup> day of November 2015; and rightly so. For how can anyone knowing full well that there was, and still is today, a much more powerful being present in all they have accomplished down through the ages? How could they, or anyone else, be they North American or European, now doubt God or be atheist?

There are lessons in all of that for us as a developing country. America has been good to these Cayman Islands down through the years. We too have everything to be thankful for, thanking God this day, as we recognise what we have accomplished and how far we have come as a people. We too must know that there is a God. We were not born as apes or else we would still be born as apes instead as the humans God has made us. So, we are not atheists. We know there is a God. Some of our lessons as a people are, we believe in God. We must love our family and care

for them through all stages of our life. We must be thankful as a people for freedom and for whatever we have and have accomplished in our lives. We must be united. We must be disciplined and work hard at what we want to accomplish. We must be tolerant with each other. We must be tolerant with those who come and sojourn with us to help us build a better Cayman Islands. We must keep the peace. We must be the guardians of our faith and full craftsman of our faith. We have learned the lessons and yet we cannot be perfect, but we can be thankful this Thanksgiving Day, the 26<sup>th</sup> of November, in the year of our Lord, 2015.

The Bible tells us, “Oh, give thanks unto the Lord for he is good. It is he who has made us not we ourselves. His mercies endure forever.”

Madam Speaker, I personally have much to be thankful for, in spite of the problems and if I should say so myself, lesser mortals would have fallen. But this Sunday, 29<sup>th</sup> day of November, myself and Kerry, celebrate 40 years of a good married life together. And so, I say “Happy Thanksgiving” to you and your families, wherever they are.

Madam Speaker, for the last several weeks, and because I was asked about this, I say, I have been very disturbed and it is because I feel for my colleague, the First Elected Member for Bodden Town. Here, anyone in these Islands, or elsewhere, has a right to call for any Member to resign. As I said a while ago, at one point I had 135 signatures against me to resign, but I went on to win the election with a greater majority. It ought to be understood that the First Member for Bodden Town too, and all of us here, also have the same protection of human rights as well. The First Member for Bodden Town has his rights. People know that I am not anti-expat. I help everyone, whomever they are, wherever they come from—once it is something I can do—but I must be pro-Caymanian. It is what I believe in. That cannot be taken away from me, human rights or otherwise.

**The Speaker:** Honourable Leader of the Opposition, I am sure you are going to bring that into your expression of thanksgiving soon.

**Hon. W. McKeever Bush, Leader of the Opposition:** This is what it is all about Ma’am. I will get to it.

It is what I am elected to do. Madam Speaker, in giving thanks—and let no one be fooled today; there is anti-church sentiment that exists here in certain quarters. I took the licks so I know. Because I said that there are people here who are stealthily and insidiously against the church and what it stands for.

Madam Speaker, God knows I am not the best Christian, but when I fall—when I fall—and I do, he picks me up and sets me on solid ground. I have been asked if I stood up for the church. I always do, no matter which church—the big ones, as political as they can be; the small ones, as humble as they are.

Madam Speaker, on this Thanksgiving Day I am a believer in the Nicene Creed. I am proud to put it in the Hansard. It says:

*We believe in one God, the Father Almighty  
Maker of heaven and earth, and of all things visible  
and invisible:*

*And in one Lord Jesus Christ,  
the only-begotten Son of God, begotten of his Father  
before all worlds;*

*God of God, Light of Light, very God of very God;  
begotten, not made, being of one substance with the  
Father,*

*by Whom all things were made:*

*Who for us men and for our salvation came down from  
Heaven,*

*and was incarnate by the Holy Ghost of the Virgin  
Mary, and was made man:*

*And was crucified also for us under Pontius Pilate; he  
suffered and was buried:*

*And the third day he rose again according to the  
Scriptures:*

*And ascended into Heaven, and sitteth on the right  
hand of the Father:*

*And he shall come again, with glory, to judge both the  
quick and the dead:*

*Whose Kingdom shall have no end:*

*And we believe in the Holy Ghost the Lord, and Giver  
of Life,*

*Who proceedeth from the Father and the Son  
Who with the Father and the Son together is wor-  
shipped and glorified,*

*Who spake by the Prophets.*

*And we believe in One Holy, Universal Church,  
I acknowledge one Baptism for the remission of sins.*

*And I look for the Resurrection of the Dead:  
And the Life of the world to come.*

And so, in all giving thanks, Madam Speaker, I give thanks for the work of the church here and what they have meant to us over the years and how they have helped to steady us when we had no other hand to do so, but people we believed in and a faith that we acknowledge. We didn't have a university or great schools to lead us. We are thankful for what we have. I certainly am.

And so, Madam Speaker, I thought as senior Member, and in fact the father of this House, whether anyone else counts it as being worthy of Thanksgiving Day, I certainly believe so, and those who want to shake their heads or otherwise, let them be. It is a free country. They have their rights and, as I said earlier, I have mine.

**The Speaker:** Madam Clerk.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, sorry, but I—

**The Speaker:** Leader of the Opposition.

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

—I would lay on the Table, at least the written copy of what I had. I did make you aware I would be saying other things, but I certainly have a written copy of some of it. And for those, I do have the Nicene Creed. I know you go to church and you repeat it at times.

**The Speaker:** So ordered.

## PRESENTATION OF PETITIONS

**The Speaker:** None.

## PRESENTATION OF PAPERS AND OF REPORTS

### CAYMAN ISLANDS GOVERNMENT MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2015

**The Speaker:** I recognise the Honourable Minister responsible for Finance and Economic Development.

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

Madam Speaker, I beg to lay on the Table of this honourable House the audited Financial Statements for the Ministry of Finance and Economic Development for Financial Year Ending 30 June 2015.

**The Speaker:** So ordered.

Does the Honourable Minister wish to speak to this report?

**Hon. Marco S. Archer:** Yes, thank you, Madam Speaker; very briefly.

Madam Speaker, the audited financial statements show that the Ministry ended the year with total assets of \$21.9 million; total liabilities of \$8.1 million; and the net worth of \$13.8 million. Of the total assets of \$21.9 million, cash and cash equivalents were \$12.3 million at the end of the fiscal year, 30 June 2015. During the 2014/15 Fiscal Year, the Ministry earned \$20 million in revenue and incurred \$16.7 million in expenses. There was a resulting surplus of \$3.3 million for the year ended 30 June 2015. The Acting Auditor General has issued an "unqualified," or a clean audit opinion which states that the financial statements present fairly in all material respects the financial position of the Ministry as of the 30 June 2015, and its financial performance and cash flows for the year ending 30 June 2015 in accordance with the international public sector accounting standards.

Thank you, Madam Speaker.

**CAYMAN ISLANDS GOVERNMENT ANNUAL PLAN  
AND ESTIMATES 2015/16 FOR YEAR ENDING  
30 JUNE 2016**

**CAYMAN ISLANDS GOVERNMENT OWNERSHIP  
AGREEMENTS 2015/16 FOR YEAR ENDING  
30 JUNE 2016**

**CAYMAN ISLANDS GOVERNMENT PURCHASE  
AGREEMENTS 2015/16 FOR YEAR ENDING  
30 JUNE 2016**

**CAYMAN ISLANDS GOVERNMENT ANNUAL  
BUDGET STATEMENTS 2015/16 FOR YEAR  
ENDING 30 JUNE 2016**

**The Speaker:** Honourable Minister of Finance.

**Hon. Marco S. Archer:** Thank you, Madam Speaker.  
Madam Speaker, on behalf of the Govern-  
ment, I beg to lay on the Table of this honourable  
House the finalised 2015/16 Budget documents as  
just stated by the Clerk.

**The Speaker:** So ordered.  
Does the Honourable Minister wish to speak  
to these reports?

**Hon. Marco S. Archer:** Thank you, Madam Speaker.  
Madam Speaker, in accordance with section  
22 of the Public Management and Finance Law, it is  
required that a Government finalise its budget docu-  
ments which consists of the annual budget statement,  
the purchase agreements, the ownership agreement,  
and the annual planning estimates.

As you know, Madam Speaker, the initial  
budget documents with respect to the 2015/16 Fiscal  
Year, were tabled in this honourable House on the 15  
May 2015. Since then the budget documents have  
been updated to correct typographical errors and to  
provide enhanced information resulting from the Fi-  
nance Committee process. Furthermore, the budget  
documents have been signed by the relevant parties,  
including Honourable Ministers, chief officers, statuto-  
ry authorities and government companies, and non-  
governmental output suppliers. Madam Speaker, cop-  
ies of the finalised 2015/16 budget documents are  
available on the Ministry of Finance and Economic  
Development's website, which is [www.mof.gov.ky](http://www.mof.gov.ky).

Thank you, Madam Speaker.

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

**The Speaker:** I recognise the Honourable Premier.

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

**The Premier, Hon. Alden McLaughlin:** Madam  
Speaker, given the hour, I beg to move suspension of  
Standing Order 23(7) and (8) in order that question  
time may occur after the hour of eleven o'clock.

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

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

**AYES.**

**The Speaker:** The Ayes have it.

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

**The Speaker:** I recognise the Honourable Member for  
the District of East End.

**QUESTION 33: RESPONSE TO HUMAN RIGHTS  
COMMISSION REQUEST TO RECOGNISE SAME-  
SEX MARRIAGES**

*[Withdrawn]*

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

Madam Speaker, I beg to ask leave of this  
honourable House to allow Question 33, standing in  
my name, to be withdrawn, because, since the Gov-  
ernment is late in its response I got the answer from  
the general newspaper and the rules state that I can't  
ask anything that is public knowledge already.

**The Speaker:** I can put the motion, Member for East  
End, but obviously that rule is only invoked if the pub-  
lic knowledge comes to your attention or cognisance  
subsequent to the filing of your question.

**Mr. V. Arden McLean:** Madam Speaker—

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, it has been  
publicised and we see both letters, which is somewhat  
derogatory, but nevertheless we got the information  
that I was seeking.

**The Speaker:** The question is that Question 33—

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

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, certainly, I can understand what the Member has said and I think I agree with him, but I certainly would want a written answer—that I don't have from the Government.

*[Inaudible interjection]*

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, I understand that it is not my question, but I know that I am a Member of this House.

**The Speaker:** Honourable Leader of the Opposition, the question falls subsequent to the answer. Once the motion is put, Members then can vote in the negative or the positive to the withdrawal of the motion. If the motion fails, then the answer has no place in this House. If the motion passes, then we move on to the Member asking the question.

**Mr. V. Arden McLean:** Madam Speaker—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** I would like a copy of the answer if that is possible. I am not saying that you must distribute it.

**The Speaker:** That request would be a personal request to the Honourable Premier and would be solely in his discretion to supply what was the answer to an inquiry.

*[Inaudible interjection]*

**The Speaker:** Honourable Leader of the Opposition, I am just going as far as the Standing Orders allow me to go, and obviously, the Honourable Leader has said off microphone that he doesn't have a problem with that. It is a matter between both of you, sir, to get the answer.

The question is that Question No. 33, under Item 6, as it stands on today's Order Paper, be withdrawn.

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

**AYES.**

**The Speaker:** I believe the Ayes have it.

**Agreed: Question No. 33 withdrawn.**

#### **QUESTION 34: STATUS OF PRIVATE MEMBERS' MOTION 3/2015-2016**

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

**Hon. Anthony S. Eden, Deputy Speaker:** Thank you, Madam Speaker. This question is directed to the Honourable Premier.

Can the Honourable Minister say: What is the status of Private Members' Motion 3/2015-2016—entitled "Inequity in the Immigration Law" which passed the Cayman Islands Legislative Assembly on the 12<sup>th</sup> September 2014?

Thank you.

**The Speaker:** I recognise the Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, the answer: Very careful thought has been given to the Honourable Member's motion and I am pleased to say that a detailed proposal is being finalised and will be submitted within the next three weeks for consideration by Caucus. The proposal seeks to ensure that immigration legislation does not place non-Caymanian spouses in a less advantageous position than spouses of permanent residents with regard—

*[Inaudible interjections]*

**The Premier, Hon. Alden McLaughlin:** Sorry, Madam Speaker, Members are interrupting me.

**Mr. V. Arden McLean:** Madam Speaker, under procedural matters then, if I may.

**The Speaker:** Member for North Side *[sic]*. Sorry, East End. I'm having the same—

**Mr. V. Arden McLean:** Madam Speaker—

**The Speaker:** —difficulty looking at it. It seems to have been a bit of confusion. But go ahead.

**Mr. V. Arden McLean:** Yes. There is some confusion because you have ruled that if the motion that I move to withdraw the question was carried, then this answer would not be circulated. And I believe they are circulating the wrong one.

**The Speaker:** We should be circulating the answer to Question No. 34.

*[Pause]*

**The Speaker:** Honourable Premier, please proceed. Sorry for the interruption.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I will try again.

Very careful thought has been given to the Honourable Member's motion and I am pleased to say that a detailed proposal is being finalised and will be submitted within the next three weeks for consideration by Caucus. The proposal seeks to ensure that

immigration legislation does not place non-Caymanian spouses in a less advantageous position than spouses of permanent residents with regard to the requirements to apply for naturalisation as a British Overseas Territories citizen. My hope is that if the proposal is accepted, the required changes to immigration legislation will be tabled in this Honourable House for the next meeting in January, 2016.

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

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I recognise the Honourable Premier.

### BENEFICIAL OWNERSHIP

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I wish to make a Statement on the issue of beneficial ownership.

Members of this honourable House are aware of the Government's ongoing discussion with the United Kingdom with regard to the collection and sharing of beneficial ownership information.

While discussions on beneficial ownership information will not be on this year's official Ministerial Council agenda, following recent correspondence and telephone discussions with the UK Overseas Territories Minister, Mr. James Duddridge, I do expect to have discussions on this subject with the Foreign and Commonwealth Office while my team and I are in London next week.

Today, I wish to summarise for this honourable House, our financial services industry, and the public, the evolving shift in the UK's position on beneficial ownership. I also will reiterate our Government's position.

As quick background, in 2013 the United Kingdom chaired the G8 Summit, placing anti-corruption at the core of its agenda. At the time, their call for public, central registers of beneficial ownership information was, to a degree, matched by actions in the European Union as part of its 4<sup>th</sup> Anti Money-Laundering Directive. Immediately following the G8 Summit, Government clearly stated that we would continue to ensure that our jurisdiction met international standards, and that we would take further actions only when proposed standards were adopted internationally.

Stemming from that commitment to the UK, we conducted a public consultation on beneficial ownership and, in December 2014, we published the results in our Consultation Report on Maintenance of Legal and Beneficial Ownership Information. This report included two main points. First, we reiterated our commitment to international standards, and in particu-

lar we stated our support for the G20 High-Level Principles on Beneficial Ownership Transparency. Second, we outlined a number of areas in which possible enhancements of our regime could be undertaken.

However, the UK Government's stance on anti-corruption and ensuing initiatives has evolved since the 2013 G8 Summit. The public is aware that the Acting Overseas Territories Minister, the Right Honourable Grant Shapps, visited Cayman this past August, during which we were pleased to hear his support for our beneficial ownership regime. He said, and I quote: "There is more than one way to skin a cat." [UNVERIFIED QUOTE] This perspective is certainly in line with the Financial Action Task Force's recommendations, which allows multiple ways in which a jurisdiction may satisfy requirements regarding beneficial ownership information.

A further important shift in the United Kingdom's position came one month after Mr. Shapps's visit, with their acknowledgement that beneficial ownership information will NOT need to be available to the public. As a result of this important repositioning, consideration shifted to the standards by which the Cayman Islands, and indeed all Overseas Territories, maintains beneficial ownership information, and the protocols for information sharing between competent authorities.

To develop the enhancements outlined in our 2014 consultation report, the Ministry of Financial Services has formed joint public- and private- sector working groups to consider and recommend enhancements relating to the availability, accuracy and access to beneficial ownership information.

Madam Speaker, however, the UK's position has evolved yet again. Just this week, the United Kingdom Overseas Territories Minister James Duddridge has had telephone conversations with me as well as the Premiers of the British Virgin Islands and Bermuda on the issue of access to beneficial ownership information. He has told me that the United Kingdom is now seeking direct access by its law enforcement agencies to beneficial ownership information in the Cayman Islands and other Overseas Territories. I have advised him that this is not something to which the Cayman Islands can agree.

The information concerned does not belong to the Cayman Islands Government. It is property of the owners of the respective legal entities. Further, as far as we are aware, there is no country in the world that allows unrestricted access to beneficial ownership information by the law enforcement agencies of another country. And, Madam Speaker, I should make it clear that for these purposes; the United Kingdom is another country.

There are established mechanisms in place that allow requests for information to be made to the relevant authorities in Cayman by overseas law enforcement agencies, tax and regulatory authorities. The information collected and shared through these mechanisms is importantly, information which we

have cross checked and verified—we do not simply rely on an honour system. These mechanisms were approved by the United Kingdom and have been assessed to be in accordance with globally accepted standards. They are working well and our position is that they should continue to be the means by which the United Kingdom and other countries obtain information on beneficial ownership of legal entities in the Cayman Islands.

To do otherwise would place the Cayman Islands at a competitive disadvantage with other jurisdictions that do not permit unfettered access to beneficial ownership.

The Cayman Islands, as we have said time and time again, is fully committed to complying with international standards with respect to the provision of financial services and particularly as it relates to transparency and beneficial ownership information. We have demonstrated this full commitment in a number of meaningful ways, such as being an early adopter to the Convention on Mutual Tax Assistance and leaders in the implementation of US and UK FATCA, as recent examples. However, what we are not prepared to do is to adopt a scheme which our competitors (some of whom are G20 Member States) do not subscribe to, put ourselves at a competitive disadvantage and thereby cause our business to migrate to competitor jurisdictions. That will not serve our interest obviously, but ironically neither would it serve the interests of those who would have us do that: business would simply move to less well-regulated jurisdictions.

Madam Speaker, I want to be absolutely clear. Our position on beneficial ownership information remains the same:

1. We will not agree to a public register unless and until that becomes the global standard and all of our competitors also subscribe to that standard.
2. We will not agree to unfettered access to Cayman Islands beneficial ownership information by external law enforcement, tax or regulatory authorities. And for this purpose, again to be absolutely clear, the agencies of the United Kingdom are external law enforcement tax and regulatory authorities. Requests for such information must continue to meet established criteria and to be dealt with by the relevant Cayman Islands authorities established for that purpose and approved as being in accordance with global standards.

Madam Speaker, colleagues, the summation of the matter to date is this: Cayman's position on beneficial ownership information has not changed. We will uphold our commitments to globally acceptable standards.

This is the message I have already delivered to Minister Duddridge and which I intend to reiterate when we meet in London next week. Honourable col-

leagues, I am looking forward to the continued, united support of this Honourable House as we work assiduously to best position the Cayman Islands in relation to beneficial ownership.

Thank you, Madam Speaker.

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

### SHORT QUESTIONS

*[Standing Order 30(2)]*

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

Madam Speaker, I should like to exercise Standing Order 30(2).

**The Speaker:** You are permitted to ask brief questions, Honourable Leader of the Opposition. Please proceed.

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

Madam Speaker, I should like to ask the Premier that if the global standard is to subscribe to what the UK is saying, what does the Government envision will happen as to business and how this will be operated here.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I don't think there is much chance of that occurring. That is, that the countries around the world who do financial services business, who do have legal entities, are going to agree at this stage to establish any public registries. That is certainly the case with respect to some of our major competitors: Delaware in the United States; Hong Kong; Singapore; [and] the Bahamas. I have put this to Minister Duddridge very squarely. How do they expect that the Cayman Islands could agree to a scheme which doesn't incorporate all of our competitors? And what do they really expect to achieve? As I said in the statement, if you insist, if they deploy what they call the nuclear weapon of the Order in Council, if they do force the Cayman Islands down this particular road, and I can say if that is what they try, they are in for a major challenge because we are not going to accept it lying down.

Assuming they were to do that, they certainly can't force Delaware, Hong Kong, Singapore, Bahamas and a list of other competitor jurisdictions to do so. So what do they think is going to happen with respect to the entities in places like the Cayman Islands? I think we could expect a large number of them would migrate across to less well-regulated jurisdictions, jurisdictions with which the United Kingdom and other G20 countries may not necessarily have the same information exchange arrangements which are in place with respect to Cayman.

The issue is not about them not being able to have access to the information in appropriate circumstances. We have already indicated clearly that that is something we are happy to cooperate with and to comply with and we have agreed to the establishment of protocols, mechanisms, by which this information can be obtained by UK and other countries, but it has to come through the proper channels and mechanisms. We cannot have a situation where all and sundry can simply access what is otherwise private information. There must be a proper reason and a proper cause why the information is requested and it must go through the appropriate filter which has been previously approved by United Kingdom and indeed the G20 countries that are involved in this.

So, I don't think . . . rather longwinded response, but Madam Speaker, I don't think there is any real chance on the horizon that the whole world is going to move to public registers.

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I thank the Premier for that rather useful answer; however, it is not the whole world I'm worried about it, it is what the UK will do.

If the UK tries to enforce a public registry, as they said, what plan does the Government have if that is done?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, the UK is not at the moment insisting. And I said, *at the moment*, because this is evolving. It is not at the moment insisting on public registries. What they are insisting on now is direct access by their law enforcement agencies and tax and regulatory authorities so that they would have, essentially, a direct line into the centralized platform that we are proposing to be able to essentially "fish" and find out whatever information that they want.

Madam Speaker, with respect to what plan the Government has, I am not sure that that is something I want to publicly discuss at this stage. What I have done with Minister Duddridge and what I am doing by making a statement today, is simply drawing the line in the sand very publicly as to where the Cayman Islands Government stands with respect to this. What the Cayman Islands will do if we are pushed, is something that I am not, at this stage, prepared to discuss publicly.

**The Speaker:** Honourable Leader of the Opposition, I will allow two more questions.

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

I understand what the UK wants now according to what the Premier has said in his statement on

page 4, but that is perhaps as bad. What they want is a fishing expedition. And we know how good they are at that. And we know, Madam Speaker, that the Governor controls the Civil Service, the Governor controls the police, the Governor controls the Attorney General's office, the Governor controls (I believe) the Prosecution Office as well. And we know what . . . well, they say the Prosecution Office is independent. That's not what one email said in court. Anyhow, Madam Speaker, we know what they are all about with these fishing expeditions.

I don't expect—well, I thought that it would be something that the Premier could say to give this House some feeling of comfort that they have something at least, a plan, that they have a plan that they can't make public, but certainly in camera they could talk to Members of this House to satisfy us as to what perhaps a line that he would take, the Government would take in regards to the business. Madam Speaker, he doesn't have to ask whether the House would be in support. That's not in question. He would have every bit of support, as long as he doesn't capitulate sideways or any other how in this matter.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I didn't discern a question in there, but I've already said I'm not prepared to say anymore at this stage about what the Government will do in terms of responding if we are pressed. But what I will say and be prepared to do is to meet with Members of the House upon my return from the United Kingdom and if there are things which I need to discuss with them, which I, at that stage, might not feel comfortable doing it in a public way. I will give that undertaking. But at this stage I really don't want to get into any more speculation about what the Government will do in this instance or that instance, as the case may be.

**Hon. W. McKeever Bush, Leader of the Opposition:** Last question for me—

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I quite understand what the Premier is saying, that he is not making a public statement.

**The Speaker:** Honourable Leader of the Opposition, may I just have a moment, please?

I have been patiently observing some behaviour and mannerisms in the Gallery, and I think it has just about reached my limit. The uniformed officer indicated to the person concerned that he wishes to see him and he has by body language refused. I am just asking the Serjeant to assist the officer.

Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, as I was saying, I understand what the Premier is saying. He is not making a public statement. And the question is: Does he have a plan? That's basically what I am asking. And, certainly, if he is asking us to support him, then he ought to say what kind of plan he has, but not publicly. And I don't mind having a discourse with the Premier, as I said, if they go down the road. Because, Madam Speaker, he says we can't speculate. The fact is, we had better do some kind of speculation because they are shifting the goalpost, as he has just outlined. Every minute they have shifted the goalpost on him, as far as I'm concerned, on this matter. But I—

*[Inaudible interjection]*

**Hon. W. McKeeva Bush, Leader of the Opposition:** That doesn't surprise me about the shifting the goalpost because they will tell you one thing, don't put in writing, call you and tell you one thing, and then when you go there they come down on you like a ton of bricks and they want you to sign this and they want you to do the next thing. I know them too well. But let's see what will happen. And certainly, if we are expected, he would have my full support and I think all Members here as well, and the entire public I believe. What we would need to know though is what the plan is.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Aiden McLaughlin:** Madam Speaker, I don't know how many times I need to say this. The Government has a plan with respect to how we will deal with this issue if we are pressed. As I said, I am not prepared to talk about that at this stage. When I return from the UK, once we have determined where we are, I am more than happy (if it is something I can't say publicly) to meet with the Leader of the Opposition and other Members of the House to brief them. But I think it would be premature at this stage for me to go into what the Government will do if, when, but—as the case may be.

**The Speaker:** Honourable Member for East End.

**Mr. V. Arden McLean:** Madam Speaker, I just want to ask the Minister one question, but I also want to say that I believe that the Government can depend that I as an Independent Member of this honourable House will be in support of any resistance the Government puts up to what England wants to do with us, isolated with just us. If it is global, then we will all have to live with that. But I am not going to roll over and play dead either, and I support the Government in its efforts to try and ensure the country does not go down that track.

With regards to the business of what Government plans to do, certainly, we would like to know

that, but it is understood, the situation. And the Government needs to do what it has to do as long as the Premier and the Government follows what they have outlined here for us today.

Madam Speaker, my question to the Minister is: Can he tell us what the other Overseas Territories' position has been thus far on this matter? I know you won't be able to go into exact details, but, is it that others are objecting to it also, or what is the percentage of those who are objecting to it?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Aiden McLaughlin:** Yes, Madam Speaker, we were all unified on this particular issue. Obviously, Bermuda is in a better position because constitutionally the UK cannot legislate with them by order in council, but certainly the other Overseas Territories that have some financial services industries, British Virgin Islands, particularly, and to a lesser extent the Turks and Caicos Islands, we have been in discussions with all of them and we are all on the same page with respect to this issue.

**The Speaker:** Member for East End.

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

Madam Speaker, in support of the Government and the Premier, I just want to say to him that unification does not necessarily mean that if they break you out, they are not going to spoil the pot. And we know how your own fleet bites you the hardest if they get you out to one side. Whichever one they get out to one side, so my unconditional support in that area is *keep them together*.

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

#### **RESPONSE TO NEWS ARTICLE—BULK FUEL PRICES (REVISION 1 – NOV 26, 2015)**

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

Madam Speaker, my Ministry, in collaboration with the Portfolio of Legal Affairs, has just concluded several months of intense efforts to bring the Dangerous Substances Amendment Bill to this House. I want to take this opportunity once again to thank the Members of this House for allowing its swift passage for enactment into Law. Currently, the Law is with Her Excellency the Governor, waiting for her to assent to the law while the Petroleum Inspectorate as the enforcement arm is being kept quite busy to put the necessary systems in place to fully operationalise the Dangerous Substances (DS) Law once it has been gazetted. And this, Madam Speaker, is certainly, in our view, for the benefit of the people of the Cayman Islands.

For emphasis, I want to highlight that the amended Law is set out to ensure among other things, that the fuel sector as a key and essential sector, operates in a manner which demonstrates transparency, sustainability, efficiency and economic viability for the sector and the Cayman Islands as a whole. For decades, Madam Speaker, we have been exploring ways and means to work much closer with the sector up until this point, deliberately avoiding legal mechanisms to achieve this; however, these approaches proved to be futile, so a number of provisions in the amended Law seek to direct our relationship with the sector going forward.

To achieve Government's policy objectives, the Law requires the sector to have more meaningful dialogue with the Cayman Islands Government via the Petroleum Inspectorate and by extension, they will be providing bona fide information to allow us to validate and comprehensively assess the operation of the sector in terms of its profitability, efficiency, optimisation strategies, product quality, investment intensity (both historical and current), and other economic and compliance metrics which drive their short-term and long-term decisions.

Madam Speaker, with this new approach, we are not merely intent on collecting an invoice with a FOB [Free on Board] or CIF [Cost of Insurance and Freight] price, then add known cost elements to that figure, then guesstimate other cost elements such as overheads, variable costs, et cetera, which we do not know or have access to, then based on the retail price we see at the pump, use that to try to compute margins, profits, et cetera, and thereafter "trumpet" that either prices are too high or otherwise—No, Madam Speaker. Our plan is to apply structured business and analytical techniques to take our discussions with the sector to a higher level; that is, have a more professional and informed discussion. So, a careful review of the amended Dangerous Substances Law and more specifically to section 10 of that Law, in relation to fuel prices, will show that our approach is comprehensive. As a testimony to the impact the Law was intended to create and to achieve, within 48 hours of the approval of the Law in this Legislative Assembly, one of the major oil companies did a full page advertisement in the print and online media with information (even though we thought that it was somewhat vague) which neither us as Government nor the public would have otherwise seen or obtained.

As Minister, I have already had initial meetings with the oil companies on the high-level goals and objectives of the policy decisions we have recently taken, and for all purposes and intentions, I would say these meetings were very cordial. To ensure the implementation formalities which follow do not present any unnecessary burden to the companies, the Chief Petroleum Inspectorate [CPI] is now engaging with key stakeholders, primarily the importers and bulk distributors, on the way forward. We anticipate that within

the next two to three weeks, the Law would be fully enacted.

Switching focus slightly onto the topic of fuel price and fuel cost, Madam Speaker, let me highlight that Her Majesty's Customs currently obtains information from fuel importers and there is also the requirement under the Statistics Law for the Economics and Statistics Office [ESO] to be provided with aggregate information relating to value of imports. However, in the case of the Customs Law, duties are not assessed based on CIF value of the commodity, but based on unit quantity. Therefore, I would attempt to say that the only commercial information of significance on those invoices to Customs is, Madam Speaker, the quantity of imports. And so, my Ministry, including the Petroleum Inspectorate, was never before this in a position to scrutinise or review information such as acquisition costs and how these compared with prevailing openly traded prices.

Madam Speaker, before I go on, I was just informed that this Law has been assented to and was published yesterday by *Extraordinary Gazette*. So it is now fully operational.

Madam Speaker, we are not aware of any other requirements for fuel importers to provide to HM Customs or any other Government agencies other prices, such as wholesale price, CUC price, et cetera. So, in the absence of this, we cannot say with certainty that any of these agencies have as their remit, a mechanism to accurately and precisely determine margins, mark-ups or profits, as the case may be, relating to the fuel companies. Actually, we have a number of e-mail requests which attest to the fact that on a number of occasions, a few agencies have reached out to the Petroleum Inspectorate to obtain information which those agencies are empowered under the Law to collect, but they have encountered difficulties from the companies in one way or another to obtain same.

To corroborate what I said earlier, in 2010, we requested commercial invoices from Customs as part of our plan to perform some basic analysis on pricing structure to have a more in-depth knowledge of the pricing mechanism used by the companies, and within one week of the request, we received a response indicating the information was exempt from disclosure under Section 21 of the Freedom of Information Law. As puzzling as that was then, we respected the outcome and never appealed the decision. But there is a certain irony which we will discover in a few seconds about all of this. The confidentiality which was afforded, this information, Madam Speaker, under the Freedom of Information Law and otherwise, is guaranteed under the amended Dangerous Substances Law, meaning, while that information can now be had because of the of amended Dangerous Substances Law, the confidentiality aspect of the Freedom of Information Law is respected also, in that amended Law.

Under the Dangerous Substances Law, we will be receiving this information directly from all im-

porters and this information is just one part of the equation. The companies now have to provide us bills of lading, port of origin, certificate of quality, verification of freight charges, overhead costs, target margin, stock on hand, stock on order, and other relevant information to make very transparent for Cayman Islands Government, only at this time, their pricing strategy and price build-up. Further, this information will not be viewed in isolation as information on asset base, return on investment, capital investment pipeline, analysis of fuel profitability by type, terminal utilization, stock turnover, et cetera, are some of the key analyses which will be done under this revamped regime. Apart from this, fuel type and quality control will be much more closely monitored and regulated, importers will be required to be licensed, equipment will need to be certified before use, mandatory calibration for all meters, spill reporting and a number of other areas in the sector will now be subject to strict rules for the benefit of the sector and indeed the public at large.

Having said all of this, I want to point out a recent article in the media: In *Cayman News Service*, first of all, captioned “Customs knows bulk fuel pricing mark-up” dated November 6, 2015 and later carried in the *Cayman Compass* under the caption, “**Fuel pricing data not public, commissioner rules**” on November 10, 2015, indicating that the Information Commissioner’s Office was, and I quote: “**puzzled**” that government and lawmakers have indicated “**many times that this information is not available to them**”, purporting that the *claims of not having the said information* (i.e., fuel mark-up and cost information, et cetera) *appears inaccurate*. If the media accurately conveyed the sentiment of the Information Commissioner, these comments can be seen as an attempt at trivialising the conscious efforts and lengthy deliberation in bringing these amendments into Law, as if it may not have been necessary.

Madam Speaker, to me this is an affront and I cannot and will not allow such comments to go unchecked, or for that matter, unchallenged. A simple check with my Ministry would have better clarified for the Acting Information Commissioner, the entirety or context in which we made it abundantly clear that we do not get nor do we have this information, because in fact we don’t. It is a fallacy, possibly and disappointingly the assumption on which the Information Commissioner may have blundered, that once one agency is obtaining some bit of information for a specific purpose under their respective Law, the information is readily available *carte blanche* to all of Government. Secondly, as I outlined above, we made a deliberate and conscious effort to obtain the information which Customs collects, and it was denied, because the same Law that the Information Commissioner acts under, doesn’t give us access. With or without semantics, Madam Speaker, we do not get nor do we have the information we need to allow us to meaningfully monitor and oversee the sector. This then begs the

question, what puzzled the Information Commissioner? And indeed if something was puzzling to him, I am now puzzled as to why we were not approached, first and foremost, and asked to solve the puzzle.

Madam Speaker, my written notes are finished, but my advice to the Information Commissioner is to try to do his job and not attempt to do mine.

**The Speaker:** I also recognise the Honourable Minister of Financial Services to do a Statement, followed by the Honourable Minister responsible for Finance.

#### UPDATE ON EUROPEAN COMMISSION LIST

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

Madam Speaker, I wanted to provide an update to this honourable House on the issue of the European Commission List that was issued earlier this year. Honourable Ministers of this House will recall that in June, the European Commission (or the EC) issued its Comprehensive Action Plan for Fair and Efficient Corporate Taxation in the European Union, which included an annex titled “List of Third-country, Non-cooperative Tax Jurisdictions.”

Rather than developing their own methodology in order to compile their list, Madam Speaker, the EC instead cobbled together lists that were prepared independently by EU Member States—and it’s worth emphasising that the Member States did not necessarily prepare those lists for the purpose of identifying non-cooperative tax jurisdictions.

Nevertheless, the EC pressed forward with its misleading compilation. According to them, the arbitrary threshold for being included on their EC list was whether a country appeared on a total of 10 Member States’ lists. And, again, according to the EC, Cayman appeared on 11 such lists.

In response to the EC, on 29 June a joint letter signed by Cayman, Anguilla, British Virgin Islands, Montserrat and Turks and Caicos Islands was sent to the European Commissioner, Mr. Pierre Moscovici, expressing our concerns regarding the list. At the same time, Madam Speaker, I also sent letters to each of the Member States that listed Cayman on their national lists, reiterating the steps that Cayman has taken on tax transparency and seeking to secure our removal from such lists in an expeditious manner.

Our letters to the Member States put on record our serious concerns regarding the publication of the EC list. We said it was a regressive step in global efforts to improve international tax cooperation, in that it threatened to undermine G20 and OECD objectives. In particular, it depreciated the important work accomplished through the OECD’s Global Forum on Transparency and Exchange of Information for Tax Purposes, including the peer review assessments against the international transparency standard.

In our letters, we also reemphasised the significant steps Cayman has taken in respect of international tax cooperation, which have put our jurisdiction at the forefront of the G20 and OECD agendas and ahead of many other jurisdictions. By extension from the UK, Cayman is a party to the Multilateral Convention, and under that convention we are early adopters of the Common Reporting Standard, which is the global standard for the automatic exchange of information for tax purposes. We have committed to first exchanges in 2017 in common with almost all EU Member States. Cayman has 36 Tax Information Exchange Agreements as well. Because we have these robust mechanisms, Member States that continue to list Cayman as a non-cooperative jurisdiction for transparency and information exchange purposes are doing so inaccurately and unfairly. Unfortunately, they are placing us in a situation that is difficult for us to change, based on the fact that Cayman has opted for a consumption-based tax framework, rather than a direct tax regime. Consumption-based models are recognised as viable, stable regimes by many economists, and indeed the US operated on consumption tax until its needs to fund World War I forced it to adopt the coercive, direct tax approach.

So, Madam Speaker, to compile a list of non-cooperative jurisdictions, and include Cayman on this list even though the mechanism for evaluation is based on direct tax systems rather than consumption-based, is absolutely prejudicial and wrong. But Madam Speaker and colleagues, I said the situation is difficult to change; I didn't say it is impossible. Indeed, we have had good results in response to our advocacy against our inclusion in the Member States' lists. Because of our efforts, the Cayman Islands is now only listed by eight, not the original 11, Member States; and I remind you that the arbitrary threshold for inclusion on the EC list was 10. We therefore have written to the EC, seeking swift removal of Cayman from this list. For the public record, I wish to table my 8 October 2015 letter to Commissioner Moscovici, as well as his 30 October 2015 response.

**The Speaker:** So ordered.

**Hon. G. Wayne Panton:** Thank you, Madam Speaker. And with your permission, may I read those letters?

**The Speaker:** Please proceed.

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

I will firstly refer to my letter of 8 October 2015 to Commissioner Pierre Moscovici:

**“Dear Commissioner Moscovici:**

**“Further to the European Commission’s publication of a ‘list of third-country, non-cooperative tax jurisdictions’, I initiated correspondence in July with 10 EU Member States to**

**determine the criteria upon which the Cayman Islands was included in their national blacklists.**

**“Two of these responses indicate that the Member States have now removed the Cayman Islands from their national lists. As the Cayman Islands now falls below the threshold set by the Commission for inclusion on its pan-EU list, we expect the swift removal of our jurisdiction from the Commission’s list.**

**“Regarding the compilation of the EC’s list, it is disconcerting that the Commission— as noted in the Platform for Tax Good Governance’s 24 September 2015 discussion paper on External Strategy for Effective Taxation - availed itself of inaccurate information to determine the progress that has been made within the OECD global forum on transparency and exchange of information for tax purposes. Additionally, in the same discussion paper, comments from some Member States on the engagement generated by the pan-EU list, erroneously downplays the shift from a bilateral to a multi-lateral approach to the exchange of information.**

**“Furthermore, the platform should not mistake the ire generated by the pan-EU list as motivation among third countries to address good governance concerns. Much of it is indignation stemming from the fact that countries such as the Cayman Islands have diligently engaged on tax and transparency issues for a number of years with excellent ratings. We are often in the vanguard, and yet uninformed, grossly inaccurate, and unfair stereotypical views continue to prevail.**

**“As always, I welcome further dialogue with you on transparency matters with a view to clarifying Cayman’s regime and to better understand the European Commission’s position.”**

Madam Speaker, in response, I received an undated letter from Commissioner Pierre Moscovici.

**“Dear Minister:**

**“Thank you for your letter of 8 October 2015 regarding the pan-EU list of third countries listed by Member States for tax purposes. As you may now be aware, the Commission updated the online information on 12 October, to reflect revisions and corrections to Member States’ national lists. This update reflects the fact that the Cayman Islands are no longer listed by Estonia, Latvia, or Poland. However, they still feature on the national lists of Belgium, Bulgaria, Greece, Spain, Croatia, Italy, Lithuania, and Portugal. I would encourage you to continue to engage with these Member States to address the good governance concerns that they have. The college of Commissioners will reassess the pan-EU list in early 2016.**

I would disagree with your opinion that, in compiling the pan-EU list, the Commission ‘availed itself of inaccurate information to undermine progress’ in the OECD. First, the pan-EU list is a compilation of Member States’ national list

which they submitted and which we double-check with them before publication. Any subsequent errors mirrored the errors already present in the public national list. In fact, the pan-EU list has served an important role in incentivising Member States to re-examine their national lists and ensure that they are fully accurate and up-to-date. This ultimately gives more clarity and legal certainty to businesses and to our international partners. All amendments to Member States' national lists have been included in a recent online update.

“Second, under no circumstances would the Commission seek to undermine the work of the OECD on tax transparency. We have always been very strong supporters of this agenda and we have made clear reference to the international commitments of listed jurisdictions. However, as I explained in my letter to Premier [Mc]Laughlin in June, the EU's good governance criteria go beyond transparency and information exchange to also include fair tax competition. This may explain why some Member States still list the Cayman Islands.

“The Commission has had very constructive contacts with many of the listed jurisdictions since the pan-EU list was published, and we have seen real motivation to re-engage with the EU on tax good governance issues. Several Member States have reported similar positive experiences to us. I welcome your openness to discuss the Cayman Islands tax system with the Commission and Member States in order to clarify issues and address concerns that may still exist. My services and I are at your disposal for any assistance you may need in this regard.”

Certainly, Madam Speaker, I intend to take up his offer of assistance should it be required. And this letter basically clarifies that they will be revising this list early in the new-year.

Madam Speaker, our advocacy with the EC includes our representation at a meeting it held on 24 July, which was open to jurisdictions on its list. At this meeting the EC said it intended to update the list, in order to take account of Member States' lists as they existed at the end of June 2015. The EC also said it would ask Member States for not only updated, but relevant, information about the jurisdictions that appear on their individual lists.

Madam Speaker and colleagues, I remain committed, as I said, to engaging with the EC and the remaining eight Member States that continue to list Cayman. To this end, while attending the Joint Ministerial Council meeting next week with the Premier, I also have requested meetings with those Member States that currently still list us.

Further to that point, Madam Speaker, while overseas and, with the Foreign and Commonwealth Office's support, I hope to finally execute a Tax Information Exchange Agreement [TIEA] with Spain. Although we completed negotiations with Spain some

years ago, the signing of the TIEA was delayed because of bilateral issues between the UK and Spain, which now have been resolved.

Upon entry into force of that Tax Information Exchange Agreement, Cayman will be removed from Spain's list, further reducing our appearance on EU Member States' lists to a total of seven. And, of course, that is assuming that in the interim we aren't otherwise removed from some others.

Colleagues and, Madam Speaker, based on what I have said earlier, we should rightly have every expectation that the Cayman Islands will shortly be removed from this latest list. I only hope that historical experiences of shifting goalposts are not brought back into focus yet again. We will not accept that and we will continue to demand recognition for the efforts of the Cayman Islands to protect our good reputation as a cooperative jurisdiction which recognises its international obligations and engages and participates, Madam Speaker, at the highest level to ensure the stability of the global financial system.

I thank you, Madam Speaker, for allowing me the time and opportunity to give this important update to this honourable House.

*[Inaudible interjection]*

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

**Proceedings suspended at 1:02 pm**

**Proceedings resumed at 3:21 pm**

**The Speaker:** Please be seated.

Proceedings are resumed.

I recognise the Honourable Premier to make a statement.

### **SAME-SEX MARRIAGES**

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

Madam Speaker, I rise to make a statement in relation to the much publicised matter of the same-sex marriages, and in particular, an application to the Immigration Work Permit Board concerning Dr. Leonardo Raznovich.

On 19 November, 2015, the Chairman of the Cayman Islands Human Rights Commission wrote to me regarding the Private Member's Motion relating to the definition of a 'marriage' that was debated in the Legislative Assembly on 13 August 2015. The Chairman took issue with various statements attributed to certain Members of the Legislative Assembly, statements which in his view were not just false but which could, he alleged, even if not actually calculated to incite hatred, would likely do so. The Chairman also expressed his disappointment that none of the Members present at that time spoke out against those

statements. He also opined that had those statements been made outside parliamentary privilege they could have constituted a criminal offence contrary to, among other things, section 88B of the Penal Code (2013 Revision).

Mr. Austin-Smith, the Chairman of the Human Rights Commission, went on to point out that the European Court of Human Rights recently ruled that same-sex couples in stable relationships are entitled to have those relationships legally recognised. In his view, the statements made in the Legislative Assembly demonstrated, **“not only a total absence of compassion, but also a complete failure to appreciate that, within the jurisdiction of that court, the time when individuals could be persecuted on the basis of their sexual orientation has now long passed.”** The Human Rights Commission recommended that the Government introduce legislation to recognise same-sex unions, and outlaw discrimination on the basis of sexual orientation. The Commission also asked the Government to issue a statement condemning the statements made in the Legislative Assembly and confirming its commitment to uphold the principles of non-discrimination enshrined in section 16 of the Constitution.

Madam Speaker, I replied to the Chairman of the Human Rights Commission on 21 October 2015, having also met with him on 22 September. In my letter I pointed out that the Government, even if it was minded to, currently has no mandate to alter the status quo and, therefore, it is not in a position to consider any request to formally recognise same-sex unions in the Cayman Islands. I also acknowledged, however, that the Government has a general duty to ensure that the rights of all those who live and traverse these Islands are respected and facilitated where possible. In view of this, I stated in my letter that the Government is prepared to consider the possibility of adjusting the immigration framework to allow persons in same-sex unions to be able to cohabit in the Islands even though they may not be able immediately to enjoy the full spectrum of rights that may be enjoyed in jurisdictions where such relationships are recognised in legislation. I also expressed my view, and having taken advice, that this approach, if it were approved by Government, would be consistent with what is called the “gradual maturation” approach alluded to by the European Court of Human Rights in the case of [Oliari \[and others\] v. Italy](#), whilst at the same time balancing the very sensitive moral and ethical concerns that have been engaged by the ongoing debate and for which there is no consensus for change.

The Chairman of the Human Rights Commission wrote to me again on 16 November 2015 disagreeing with the legal advice I had been given regarding the European Court of Human Rights case of *Oliari*. Mr. Austin-Smith stated that the “gradual maturation” approach to which I had referred, was, in fact, an argument put forward by the Italian Government in that case which had been specifically rejected by the

Court. He also referred to the list of legal protections that the Italian government offered to same-sex couples which it had referred to in the case, none of which, he noted, existed in the Cayman Islands. In his estimation, given the total absence of any of those rights, the Court would also rule against the Cayman Government if a case were brought today.

The second point that Mr. Austin-Smith disagreed with was my statement that the Government has no mandate to change the current position even if it were minded to. He pointed out that the Government has full power to pass laws for the peace order and good government of the Islands, which, he said, includes complying with our obligations under international law. In his view, the Government does not have to seek a referendum every time it wishes to pass a law and this issue is, again, in his view, no different from any other, save that the need for legislation is so clear and immediate. Mr. Austin-Smith doubted that there was no mandate for change and pointed to the support that exists in the community, particularly from young Caymanians, for fellow Caymanians and residents who are the victims of discrimination because of their sexual orientation.

Mr. Austin-Smith also pointed out that one of the core functions of Government is to demonstrate leadership by doing the right thing, and in this regard he invited me to state that my Government (and I am quoting now): “will not be a party to the continued victimisation of members of our community for no reason other than their sexual orientation.” In concluding his letter, Mr. Austin-Smith noted that there had been no Government commitment to the Commission’s recommendation that legislation be introduced to recognise same-sex marriage and to outlaw discrimination on the basis of sexual orientation. With respect to the Commission’s request that the Government make a statement condemning the statements made in the Legislative Assembly by a Member of the Government, he expressed the hope that I might agree with him and state publicly that those statements were, and I quote: “deeply unpleasant abuse, likely to incite hatred and worthy of condemnation.”

Separately, the Ministry of Foreign Affairs and Worship in Argentina made representation to the British Ambassador in Buenos Aires regarding the discrimination of one of its nationals, Dr. Leonardo Raznovich. The Minister referred to the decision to deny him the right to reside in the Cayman Islands as a spouse. The Minister also noted that the Cayman Islands Government had refused to recognise not only the legal marriage of Dr. Raznovich to Mr. James Reeve under Argentine law but also their civil union that had been performed in Germany. Given that the Cayman Islands are an Overseas Territory of the United Kingdom, the Ambassador was requested to take this up with the Government of the Islands with a view to finding a way where this Argentine national can receive immigration permission to remain.

Madam Speaker, although it is not referred to in the written statement, I should also advise this House, for the sake of completeness, that a letter has also been received from a British MP [Member of Parliament] regarding this situation. Madam Speaker, I thought that letter was attached, but it is not. But I will ensure that Members of the House do have that as well, but because I have read the letter, I can communicate that the letter is from an MP, Helen Grant who is the MP for the constituency in the UK, in which Dr. Raznovich and Mr. James Reeve reside when they are in the UK. She has written complaining on their behalf about the situation with respect to his immigration status, for presently, Dr. Raznovich is on a visitor's . . . I forget what the correct term is, but essentially a visitor's permit to remain in Cayman.

Madam Speaker, given the heavy criticism that the Government continues to receive in respect to the non-recognition of same-sex marriage, and at the same time recognising the very strongly held views that the status quo regarding this issue should remain, and that the Government has no mandate to recognise same-sex marriages, I believe that we must, in keeping with the commitment I have already made, seek to identify a way in which persons such as Dr. Raznovich can be granted a legal right to reside in the Islands without affording legal recognition to same-sex unions.

Madam Speaker, I will, therefore, be instructing my Ministry to take this forward as a matter of urgency with respect to possible amendments to the Immigration Regulations regarding the issue of who can qualify as dependents in appropriate circumstances.

Madam Speaker, there is no doubt in my mind at all that this is a train that is not going to stop coming. It has long left the station. But I do believe, and I do hope, that if we are able to make suitable amendments to our Immigration Regulations to accommodate persons who fall into the category of Dr. Raznovich, that we may avert, at least for the time being, the pressure to formally recognise same-sex unions, and also avoid the possibility of being forced to do so by a UK Order in Council or the like.

So, Madam Speaker, I thought it was important that I should bring this to the attention of the House. As I said, I regret that I do not have the letter from the British MP, but I will ensure that it is circulated to Members. The other letters have been made public by the Human Rights Commission, but for the sake of completeness, I will lay all of them on the Table of the House and undertake to do so with the letter from the British MP, Helen Grant. Thank you, Madam Speaker.

*[Copies of letters laid on the Table of the House]*

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

## SHORT QUESTIONS

*[Standing Order 30(2)]*

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I should like to exercise Standing Order 30(2).

**The Speaker:** You may ask brief questions, Honourable Leader of the Opposition.

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

Can the Premier say whether there has been discussion or correspondence from or with the FCO or UK Government otherwise on the matter? In other words, have they weighed in on the matter in any shape of form?

**The Speaker:** Honourable Premier?

**The Premier, Hon. Alden McLaughlin:** Not with me, Madam Speaker. Not with the elected Government.

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, thank you. I did not say whether with the elected Government. In his knowledge, does he know whether they have weighed in or not? He did mention an Order in Council, as if somebody said something. But, my question is not whether it went to the elected Members, but has there been any correspondence from or with the FCO or UK Government otherwise on the matter, be it with elected Members or with the Governor?

**The Speaker:** Honourable Premier?

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

I am not aware of any correspondence, but I am aware that there have been discussions, as you would expect, between Her Excellency the Governor and the Foreign and Commonwealth Office with respect to this matter. And Members of this House might recall that when the Honourable Grant Shapps who was acting as Minister for the Overseas Territories was here in September (I think), the question was asked of him. He said at that time what the UK's position was, but he also went on to say that as far as he was concerned, this was a matter for the territory.

The Governor has been asked, and the Governor has, again, simply reiterated what the UK's position is with respect to this matter, that the UK does recognise same-sex unions.

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, can the Premier say why he mentioned the possibility of an Order in Council?

**The Speaker:** Honourable Premier?

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, because it is a possibility. And I will explain why. And this is not the UK telling me this; this is my analysis and advice from the Attorney General as well.

Dr. Raznovich has filed suit in the Grand Court alleging that his, or claiming, I should say, that his right against discrimination is being breached by the Immigration legislation in the Cayman Islands.

**The Speaker:** Honourable Premier, is this a live matter before the Grand Court?

**The Premier, Hon. Alden McLaughlin:** As far as I am aware. I am not going to go into the case because I do not know the facts. I am just saying that is what he has done. That is a matter of public record.

Were the court to find in his favour, what it would have to do is to find or make a declaration that the legislation we have is incompatible with the Constitution. It would then become a matter for this House to decide whether or not we bring the legislation in conformity with the Constitution. Were we not to do that, the matter would ultimately be appealed to the European Court on Human Rights who would make whatever finding they made. And if that were to occur, the UK would, no doubt, be required to act to ensure that their territory was in conformity with the European Convention on Human Rights and its local Bill of Rights. So, it is by that process of analysis that I came to the view which I just indicated that, ultimately, it is something that the UK could legislate for us by way of Order in Council.

**The Speaker:** Honourable Leader of the Opposition, I will allow two more short questions.

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

Maybe the Premier can indicate that when he says that the legislation does not conform to the Constitution, does he mean that the legislation does not conform to the Bill of Rights in the Constitution?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I am not saying it does or does not; I am saying that if the court were to find in Dr. Raznovich's favour, what it would do is make a declaration of incompatibility, that the Immigration legislation as it currently stands is incompatible with the Constitution in that it permits discrimination against persons in Dr. Raznovich's circumstance—if the Leader follows me.

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** I thank the Premier, Madam Speaker.

Last question: So, it is the Immigration Law that you are referring to that does not conform to the Bill of Rights in the Constitution?

**The Premier, Hon. Alden McLaughlin:** I am not saying it does not. I am saying that is the basis on which this suit is being brought.

**Hon. W. McKeeva Bush, Leader of the Opposition:** That's what they are saying?

**The Premier, Hon. Alden McLaughlin:** Yes. And to be specific, it is the Regulations which govern dependents, as opposed to the substantive Law.

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

**Mr. Bernie A. Bush, Third Elected Member for West Bay:** Madam Speaker, through you to the Premier.

Has any thought been given to doing a referendum that we can let these people know, that regardless of what they say, their country is backing us on what we believe in?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Certainly, we have not, as a caucus, considered that option. But, quite frankly, I do not need a referendum myself to know what the view of the majority of local people in this country feel about this issue. I have that very clearly.

**The Speaker:** I recognise the Third Elected Member for West Bay, followed by the Member for East End.

**Mr. Bernie A. Bush:** Through you, Madam Speaker, to the Premier— Would you not agree that the UK would then see what the country feels instead of maybe them saying that it is just a bunch of old people behind times saying this; that they would see the feeling of the whole country? Would that not be of some assistance?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Well, assuming we would get enough people to turn out and vote for the referendum would say something, that is not a course which the Government is contemplating at this time. We have set out quite clearly that we do not have a mandate for the recognition of same-sex unions, and it is not something that we are going to do.

*[Inaudible interjection]*

**The Speaker:** Member for East End.

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

I wonder if the Premier can tell us under what international obligation we are looking at recognising same-sex union.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, he said we are going to look at recognising the dependent in same-sex union in the Immigration Law. That is what I am talking about. Are we under any international obligation to recognise dependents of same-sex union?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, recognition is the wrong word. It confuses the issue.

The Government has determined it has no mandate and it will not proceed to recognise same-sex unions. As I said, this claim is being brought on the basis of our own Bill of Rights and the provision against discrimination with respect to a whole range of things. So, what the Government is contemplating is enlarging (if I may use that) the category of persons who can be considered by the board or the chief immigration office as dependents. So, it is not a question of recognising anything, and it would not be limited to persons in Dr. Raznovich's situation and it would not be limited only to persons who are on work permits applying to the board or the Chief Immigration Officer to have a dependent added.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** I heard they have been here for four years. I wonder if the eighth is going to soon come, so they roll over then.

Madam Speaker, I wonder if the Premier can tell us by virtue of . . . he said "recognition" is the wrong word. But that is recognising them as a dependent in the Immigration Law. Whatever that word is, by doing that, would that extend to all other civil freedoms or requirements, like insurance and this and that?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** No, Madam Speaker, this is precisely what we are trying to avoid. As I said—

*[Inaudible interjection]*

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeever Bush, Leader of the Opposition:** Madam Speaker, I am not going to press this because I understand the pressure that the Premier is under, but the statement says that he would seek to "identify a way in which persons . . . can be granted a legal right to reside in the Islands without affording legal recognition to same-sex unions."

So, I want to see if I am correct in my understanding, or my assumption, that he is saying he does not want to come out and support same-sex union because he has no support for that, and in fact we in the House do not want it, however, this person in question is a partner to a same-sex union. I know he said he is trying to find a way, and I know that the English language can be twisted and mean many things when it does not say it. However, I want to find out what he means by that, because that person, if it is not recognition, the person is a partner to a same-sex marriage.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Yes, Madam Speaker, the Leader of the Opposition is absolutely right. But at the moment, the category of persons who can be considered a dependent is actually set out in the Regulations. It was amended some time ago to allow for parents to be dependents. That is relatively recent. And when I say recent [I mean] a few years ago, not last month. But it used to be simply a spouse, as we understand spouse to be, that is, a person in a lawful union [with] the other sex as a dependent, or children. What is being considered is broadening the discretion that a board has, or that the Chief Immigration Officer has, with respect to who may be considered a dependent in appropriate circumstances. So not limited to persons in Dr. Raznovich's situation where he is a spouse—I don't even know how to say these words in that context—but a spouse in a same-sex union that has occurred in another jurisdiction and is recognised in yet another jurisdiction.

For instance, Madam Speaker, the way that we are contemplating this, it would be possible for the board, in appropriate circumstances, to recognise as a dependent a partner of somebody on a work permit, or a Caymanian, who are not married, as a dependent if the board or the chief immigration officer was satisfied that this was that kind of relationship, of which there are many. There are people who are not married, but they live together, not necessarily someone in a same-sex relationship, but just persons in a relationship of some kind, cohabiting (that's the word I'm searching for), persons who co-habit regardless of which gender they are, regardless of whether it is a same-sex relationship or not.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** So that is what is being contemplated in terms of adjusting the

Immigration Regulations. All that we have decided as a Government is to explore this possibility. We have not actually reached that point yet. But it is an emotive issue, it is in many ways a worrying issue for this country and what the Government and I myself, who has responsibility for Immigration, are seeking to avoid is being forced down the road where we are actually required to formally and legislatively recognise same-sex unions at this time. We have no mandate to do that, we do not believe the majority of people in this country want that done. So, we are trying to find a way to accommodate the particular situation that has raised this issue without crossing that line.

It is a difficult area to navigate. I thank the Leader of the Opposition for recognising that the Government is under pressure with respect to this matter and we are trying to find a way.

**The Speaker:** Member for East End, did you have a follow up?

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

I too recognise the difficulty, the Premier is struggling right there now, and I sympathise with him. But, Madam Speaker, certainly, this morning the Premier stood up here and called upon us for support in beneficial ownership because he understands the damage it can do to our country, our financial industry, and in the interests of our people and our socio-economic status, our economic status.

I wonder if the Premier believes that this issue, from the emotive side, is as important as this beneficial ownership that he (to the people, that is, Madam Speaker) has stood his ground and continues to stand his ground on and has plans if (a) happens he is going to (b). And if the goalpost shuts down here he is going to put the ball in closer to the goalpost from the penalty spot and try to score a goal. I wonder if he can tell us if this is as important as that, and will he make the same stand against England whether they try to put it in or not, and ask for the support of the other 17 Members of this honourable House.

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, absolutely. That is why, even though the Member withdrew his question, I asked for your indulgence so that I could turn the answer into a statement because I believe this information is so critically important to Members of this House and to the entire country, that I wanted to make it very transparent what is transpiring, the pressure the Government is under, and what the Government is seeking to do to avert the distinct possibility of being forced down the road of recognising same-sex unions at this stage. So, the measures that we are contemplating are with a view to avoiding that eventuality, that we do not get forced

to do something that we know, or we believe, will be against the mores of this Christian nation.

There are those who claim it is not, but as was referred to by the Deputy Speaker and First Elected Member for Bodden Town, yesterday (I think it was), the realities are that our Constitution recognises that this is a country that has been founded and continues on the basis of Christian principles. And while we know it is now a multicultural—*as-multicultural-as-anyplace-in-the-world*—country, there are some fundamentals on which this nation has been built that we have constitutionally enshrined, and I believe those of us in this House still believe firmly in.

Will that change over time? I have no doubt. The pressures will continue. But we are trying as a Government to accommodate basic human rights and the right against discrimination, and to balance that imperative which we will be required to do against what we believe the majority of people in this country believe and stand for, and that is what we are seeking to do.

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

**Hon. Anthony S. Eden:** I think he wanted a follow-up.

**The Speaker:** Member for East End.

**Mr. V. Arden McLean:** Yes, Madam Speaker, just quickly.

I wonder if the Premier would say, in his opinion, what he is about to do with . . . and the word “recognising” keeps coming up, but I am going to continue saying that in the Immigration Law, a spouse of that orientation . . . going in that direction, does the Premier believe that that would not start pushing the door to a slippery slope? Is that not the beginning of going in the direction that all those of a different persuasion want this country to go in and influence the decision of England, the probability of doing through Council if we start down that slope through the Immigration Law?

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, what is being contemplated is not the recognition of the individual as a spouse; but that (as I struggle to try to explain) persons who cohabit together regardless of what their sexual orientation may be in appropriate circumstances that the board and the chief immigration officer have the discretion to allow that person to be recognised as a dependent.

Now, Madam Speaker, I think it is important that we understand some realities. We have a Bill of Rights which, aside from the Common Law and the European Convention on Human Rights, we have our own Bill of Rights which requires us not to discriminate against persons based on just about everything, including sexual orientation, although that expressed

term is not contained in the Constitution. The provision we have, which is lifted from the European Convention on Human Rights, has been interpreted to include sexual orientation as one of the basis on which you may not discriminate against persons.

So, at the risk of doing what I ought not to do, which is to give my opinion, my legal opinion, my view is that there will be, if this matter is pursued to its conclusion, there will be a finding of incompatibility of the Immigration Law and Regulations with the Constitution. There will be a finding by the Grand Court of that. And then the question becomes what we as a legislature do about that finding. And, as I said, assuming we were not to make the changes at that stage, the matter will be escalated. It will not happen next week, or next month, but it is a train that never stops coming. What we are trying to do is prevent that escalation by making what we believe are amendments to the regulations which will address this particular issue and that hopefully the matter will then recede, at least for the time being.

**The Speaker:** I recognise the Honourable Deputy Speaker.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker. I have a couple of questions and probably a statement.

It is a very, very sad day for these Islands, Madam Speaker. I had a feeling and generally knew the possibility of this coming. I am not convinced, Madam Speaker, of the urgency. I really am not.

**Mr. V. Arden McLean:** I'm not either.

**Hon. Anthony S. Eden:** Am I being told that efforts of that wonderful negotiating team that went to the meetings here and one in the UK to deal with our Constitution put all that nice sounding stuff in there, specifically in section 14 of the Bill of Rights which indicates and defines marriage? Not so good, Madam Speaker.

In regard to the trial he is talking about that occurred in the European Court, someone shared this with me yesterday. "The European Court made a determination in respect to an Italian case that had passed through Italian courts. It could not jump over many layers of due process and have any direct application here. We should also remember (and this is fair down the line) that about half your jurisdictions of the European Union do not have same-sex marriage. And most of them never will." [UNVERIFIED QUOTE]

Madam Speaker, all I have to say is because a handful of very loud and whatever people you want to talk about, are putting this pressure on. I do not hear anything from the external side (and as Premier, he would naturally hear more). This is sad, Madam Speaker. Talk about a train wreck! If we continue to condone what these external forces are putting on us.

I say let this thing have its run through the court system. Let us not pre-judge what is going to

happen. Let us get the support of our people. As the Member for East End talked about comparative to what the Premier will travel to London and spoke to us about this morning about other legislation, to me there is no difference in this and the wide, long, eternal-ranging effect. We cannot continue to give into every whim and fancy of people who cross our shores, Madam Speaker. We cannot.

I have seen too many times in the past when we have jumped the gun; it seems to me we did not need to do that. This is done by my Government, but I do not support the urgency of this.

I will reserve my actions as I see.

**The Speaker:** I recognise the Honourable Minister of Finance to make his statement at this time.

### **GOVERNMENT'S FINANCIAL AND PERFORMANCE REPORTING AND THE ADVERSE AUDIT OPINION RECEIVED ON THE 2013/14 ENTIRE PUBLIC SECTOR CONSOLIDATED FINANCIAL STATEMENTS**

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

Madam Speaker, I rise to make a Statement on Government's financial and performance reporting and the adverse audit opinion received on the 2013/14 Entire Public Sector [EPS], Consolidated Financial Statements.

Madam Speaker, with respect to the financial and performance reporting, on 5<sup>th</sup> November 2015, the Acting Auditor General released two audit reports, dated 25<sup>th</sup> September 2015, on the Financial and Performance Reporting of: (1) Ministries, Portfolios and Offices; and (2) of Statutory Authorities and Government Companies for the years ended 30 June 2013 and 2014. I shall refer to these collectively as Public Sector Entities.

For the financial year ended 30 June 2014, the Auditor General reported that of the 42 Public Sector Entities which existed, 23 received unqualified or "clean" audit opinions; and 14 received qualified opinions.

Hence, Madam Speaker, of the 37 Public Sector Entities whose audits have been completed, none received an adverse opinion from the Auditor General.

The audits of the following five Public Sector Entities are still ongoing. So, 37 have been completed and five are still ongoing. Those that are ongoing include:

- the Ministry of Education, Employment and Gender Affairs;
- the Ministry of Health, Sports, Youth and Culture;
- Cayman Islands Airports Authority;
- the Cayman Islands National Insurance Company; and
- the Tourism Attractions Board.

For the financial year ended 30<sup>th</sup> June 2015, the Acting Auditor General provided an update on the status of the 2014/15 audits and reported that as of 24 November 2015, of the 42 Public Sector Entities whose audits have been completed, 19 received unqualified or “clean” opinions; and five received qualified opinions.

Again, an adverse opinion has not been issued with respect to any of the 2014/15 audits completed as at 24 November 2015.

The 2014/15 audits for 18 Public Sector Entities have not been completed as at 24 November 2015. So, 18 remain to be completed.

Madam Speaker, as you know, an “unqualified” (or clean) audit opinion is issued when the information contained in the financial statements can be relied upon because it represents fairly the financial position and performance of an entity.

A “qualified” opinion means that a portion of the financial statements cannot be relied upon, but the rest of the statements can be relied upon by the reader.

The Acting Auditor General reports that the Public Sector Entities continue to make improvement in the quality and timeliness of annual financial reporting. The financial statements of Public Sector Entities continue to show a greater degree of reliability and credibility and improvements have been made on accounting practices, supporting information, and the presentation of information.

Madam Speaker, the Ministry of Finance will continue to provide the guidance and support to individual Public Sector Entities to ensure further improvement of the quality of the financial statements.

Turning now, to the adverse audit opinion on the 2013/14 Entire Public Sector consolidated financial statements: Madam Speaker, the EPS consolidated financial statements are prepared by the Ministry of Finance. The consolidation exercise involves taking all of the financial statements of the 42 Government Public Sector Entities, consolidating the financial information and eliminating inter-agency transactions and balances.

The robustness of the consolidated financial statements for the Entire Public Sector is dependent upon the quality of information contained in the financial statements of individual Public Sector Entities.

If an individual Public Sector Entity is a significant entity within the Entire Public Sector and that entity receives a Disclaimer of Opinion or an adverse opinion from the Auditor General, then the consolidated financial statements of the Entire Public Sector will likely receive a Disclaimer of Opinion or adverse opinion from the Auditor General.

Madam Speaker, whilst 37 of the 42 Public Sector Entities have received “unqualified” (or clean) and “qualified” audit opinions on their 2013/14 financial statements, the Auditor General has issued an adverse opinion on the 2013/14 Entire Public Sector consolidated financial statements. Madam Speaker,

this requires an explanation because the public will not readily understand how an adverse opinion is issued on the Entire Public Sector consolidated financial statements when 37 of the 42 Public Sector Entities have received either an unqualified or qualified audit opinions.

The reasons for the adverse opinions are not due to audit issues occurring in the underlying financial statements of the Public Sector Entities. Instead, the adverse opinion is due to the accounting treatment and decisions of “macro” issues that impact the Entire Public Sector consolidated financial statements and not the underlying financial statements of individual Public Sector Entities.

The “macro” issues that have led to an adverse opinion on the 2013/14 EPS consolidated financial statements include:

- material omissions;
- property plant and equipment valuation and completeness;
- erroneous opening and closing balances;
- revenue and related receivables completeness; and
- consolidation integrity issues.

Madam Speaker, I will speak to each of these in turn.

With respect to material omissions, Madam Speaker, the Audit Office identified that both post-retirement benefits (health care and pension) and the accounting for the Public Service Pensions Board were not fully included in the Entire Public Sector consolidated financial statements.

The post-retirement health care liabilities, of approximately \$1.2 billion, were not included on the face of the primary statements in the 2013/14 EPS consolidated financial statements, but are referenced as disclosures in Notes to the financial statements.

It was a policy decision of the Government to disclose details of the post-retirement health care liabilities and expenses in the Notes of the financial statements. This approach is similar to the accounting practices in countries such as the United States of America and Canada.

Such disclosure in the Notes to the financial statements is effectively adopting a modified version of International Public Sector Accounting Standards 25, or IPSAS 25.

The Ministry of Finance intends to present a Bill to amend the Public Management and Finance Law in the Legislative Assembly in 2016 in order to permit the use of a modified version of IPSAS 25.

Madam Speaker, with respect to pension obligation liabilities, these have been stated on the face of the Government’s Balance Sheet for many years and further details relating thereto are provided in the Notes to the financial statements.

Madam Speaker, the Government is also exploring options to reduce the pension and post-retirement health care obligations such as: increasing

the retirement age of civil servants from 60 to 65 years; introducing health insurance premium co-pay for civil servants; and reducing the current C\$5.0 million “cap” on the maximum lifetime medical benefits for civil servants. In the private sector for the sake of comparison, for the supplemental benefit plans, the maximum lifetime medical benefits “cap” averages C\$2.5 million. The latter two points of co-pay and lifetime medical benefits are significant and any change thereto will require time for education and discussion with the Civil Service and time for persons to adjust their spending patterns. Consequently, it is expected that any such change will not occur until 2018 and not for political expedience as speculated by some media outlets. Madam Speaker, if anyone knows of an approach that is more viable, more palatable and less inflammatory or financially damaging to middle- and low-income civil servants, I am inviting them to make it known to all of us.

Madam Speaker, with respect to the Public Service Pensions Board, appointments to the Board are determined by statute, which the Government can amend and because of this degree of influence by Government, IPSAS would dictate that the board’s assets, liabilities, revenues and expenses be included in the Entire Public Sector consolidated financial statements.

However, any assets, liabilities, revenues and expenses of the board are comingled with those of the three Public Sector Pensions Plans [the Plans]. The assets of the Plans are for the direct benefit of current and retired civil and public servants, including Members of the Legislative Assembly. The Ministry of Finance is of the opinion that the assets of the Plans should not be included in the EPS consolidated financial statements because the money in those Plans belongs to civil servants and retirees; the Cayman Islands Government via the Public Service Pensions Board only manages those funds. The treatment and decision to exclude such matters from the EPS consolidated financial statements is a very conservative and prudent approach that has been adopted.

The Audit Office disagrees with this treatment and is of the view that the Plans’ assets, liabilities and activities ought to be combined with those of Public Sector Entities. This disagreement is one of the factors that has led to an adverse audit opinion being issued because the value of the assets in the Plans are significant, approximately \$0.5 billion. The Ministry of Finance, therefore, is of the view that its prudent approach has, ironically, contributed to an adverse opinion by the Auditor General’s Office.

Madam Speaker, the Government intends to review the Public Service Pensions Law with the view of segregating the assets of the Public Service Pensions Board and those of the three plans just mentioned and mandating separate reporting for each.

With respect to property, plant and equipment valuation and completeness, IPSAS requires that consistent accounting policies are applied across all

entities in the Entire Public Sector. However, not all of Government’s assets are reported at their revalued amounts, and most statutory authorities and Government companies have yet to complete a revaluation of their fixed assets. Public Sector Entities with significant fixed assets, report such assets at cost as opposed to their revalued amounts.

The Ministry of Finance will ensure that fixed asset revaluations are conducted on a five-year cycle similar to that of central Government in order to ensure consistency of accounting policies across the EPS.

Additionally, the Audit Office is doubtful with respect to the completeness of both the inventory and value of the road network, which is currently valued at approximately \$1.1 billion. The Ministry of Finance has already engaged the National Roads Authority (NRA) to compile a complete roads inventory for valuation. Madam Speaker, it is envisaged that the roads inventory list will be completed by early 2016.

Turning now to erroneous opening and closing balances, Madam Speaker, currently, the audit reports of Public Sector Entities are often completed after the 31<sup>st</sup> October each year which is the October statutory deadline for the submission of the EPS consolidated financial statements. The EPS consolidated financial statements therefore are unable to reflect any material audit adjustments of these entities upon first submission to the Audit Office. An element of the improvement to public sector financial reporting has to be the completion of audit reports for Public Sector Entities by, or before, their statutory deadline of 31<sup>st</sup> of October each year.

#### **Moment of interruption—4:30 pm**

**The Speaker:** Honourable Minister of Finance, we have reached hour of interruption.

I recognise the Honourable Premier for the suspension of Standing Order 10(2).

#### **SUSPENSION OF STANDING ORDER 10(2)**

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

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption and until we complete the business of this Meeting.

**The Speaker:** The question is that Standing Order 10(2) be suspended to allow the business of the House to continue beyond the hour of interruption until the conclusion of the business as it appears on the Order Paper today.

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

**AYES.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Honourable Minister responsible for Finance, please continue with your statement.

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

Madam Speaker, as I was saying, an element of the improvement to public sector financial reporting has to be the completion of audit reports for the Public Sector Entities by or before their statutory deadline dates. It is envisaged that the Audit Office will complete all of its audits within the legislated two-month time frame for entity audits (that is, by the 31<sup>st</sup> of October each year), and any audit adjustments will then be reflected in the Entire Public Sector consolidated financial statements.

With respect to revenue and related receivables completeness, Madam Speaker, the Audit Office reported that there is no system in place to ensure that the Government is collecting and reporting all revenues and related receivables.

The Ministry of Finance intends to conduct a review of Government revenue items to determine which items can be assessed for completeness. Going forward, revenue completeness should then be assessed by respective agencies at the end of each quarterly report to Cabinet.

With respect to consolidation integrity issues, Madam Speaker, the Auditor General found that there was no formal reconciliation of inter-agency transactions and balances between Public Sector Entities. The Ministry of Finance currently makes judgments and elimination entries for thousands of inter-agency transactions. This approach is not robust enough to ensure that all inter-agency transactions are fully eliminated. It is agreed that Public Sector Entities should confirm and agree inter-agency transactions and balances amongst themselves. Implications of not doing so could be that receivables, payables, revenues and expenses are overstated or understated in the financial statements.

Going forward, Public Sector Entities will now be required to confirm and agree inter-agency charges. Transactions that are not substantiated will be written off. The Audit Office will undoubtedly find that in auditing the 2014/15 financial year, disagreements of inter-agency transactions are substantially reduced. This is another example of progress being made.

The Ministry of Finance will also implement the inter-agency module, known as Advanced Global Inter-company System (AGIS), in the Government's financial reporting system by 30<sup>th</sup> June 2016.

The use of AGIS will reduce inter-agency transaction mismatches as these transactions will require agreement by both counterparties prior to recognition in their respective ledgers.

Madam Speaker, it is also intended that the Law will be amended further in 2016 to strengthen the

powers of the Ministry of Finance in order to enforce compliance with the Law and Financial Regulations, to hold chief officers accountable and prescribe sanctions which are proposed with the objective of achieving an improved quality of information and timeliness of reporting, particularly as it relates to the consolidation of the Entire Public Sector consolidated financial statements.

It is intended that finance functions will be centralised within the Ministry of Finance to improve compliance with the law and consistency in the application of Generally Accepted Accounting Principles, commonly referred to as GAAP. Currently, each Ministry, portfolio and office has its own separate chief financial officer and finance function. Suffice it to say, the Audit Office has said what it thinks of the decentralised approach every time they have issued an opinion on the Government's financial and performance reporting, or disclaimer of opinion, Madam Speaker, because I think that is what it has been since the year 2004 when the Law was introduced. So every time that they issue a disclaimer of opinion, in effect, what they are saying is that this approach isn't working.

The Ministry of Finance will produce a Public Finance Manual which is in accordance with best practices and GAAP. The manual will be disseminated to all Public Sector Entities and will serve to improve the consistency in the application of GAAP. It is expected that the manual will be completed 30<sup>th</sup> April 2016.

In conclusion, Madam Speaker, the Ministry of Finance, with the support of the Government, is taking steps to address the matters that have led to an adverse audit opinion being issued with respect to the 2013/14 Entire Public Sector consolidated financial statements.

It should be noted that the adverse opinion on the 2013/14 EPS consolidated financial statements is the first audit opinion that has been issued on the EPS since the Law was introduced in 2004. Prior to the 2013/14 EPS consolidated financial statements, such earlier years were given a disclaimer of opinion by the Auditor General's Office, which meant that it was not possible to reach an opinion on the consolidated financial statements for the years prior to 2013/14.

An adverse opinion is not the opinion the Government desires to receive. However, the Government sees this as a significant attestation that its financial performance has improved and evidence exists to substantiate this improvement. The Government intends to use this opportunity to address the issues that caused the issuance of an adverse opinion, and aims to achieve greater accountability and transparency.

Addressing the qualification factors will be done via further changes proposed to the Law in 2016 and, by administrative means such as the Ministry of Finance providing enhanced guidance in required ar-

eas, and restarting meetings with chief financial officers on a monthly basis.

I trust, Madam Speaker, that having outlined the reasons for an adverse audit opinion being issued, it is realised that public sector accounting treatments in the Cayman Islands are not significantly different from those adopted in more advanced economies, such as the US and Canada.

It is also important to note that these audit issues are policy-related factors whilst the underlying individual accounting agencies that make-up central Government, increasingly are receiving unqualified or clean audit opinions—signifying a material improvement in their financial evidence and retention of records.

Madam Speaker, the following illustrates that significant improvement has been achieved with respect to the audit opinions issued on the 2014/15 financial statements, as of 24 November 2015:

- eight agencies received an unqualified (or clean) audit opinion;
- two agencies received a qualified audit opinion; and
- six agency audits are still ongoing.

Madam Speaker, I would just like to list those agencies that I mentioned. Of the eight agencies that received the unqualified (or clean) audit opinion, those include the Ministry of Finance (and these were tabled today); the Ministry of Home Affairs; Ministry of Financial Services; Portfolio of Legal Affairs; Director of Public Prosecution; the Audit Office; Complaints Commissioner; and the Information Commissioner.

For the two agencies that received qualified opinions for the 2014/15 statements, those include the Ministry of District Administration and Judicial Administration. Those that are ongoing include the Ministry of Community Affairs; Ministry of Planning; Ministry of Education; Ministry of Health; Portfolio of the Civil Service; and the Cabinet Office.

So, Madam Speaker, the factors leading to an adverse opinion on the 2013/14 consolidated financial statements will be addressed effectively and decisively.

Thank you, Madam Speaker.

**The Speaker:** I recognise the Honourable Minister responsible for Financial Services for the final Government Statement today.

#### **GOVERNMENT GUARANTEE GIVEN UNDER SECTION 17 OF THE DEVELOPMENT BANK LAW (2004 REVISION)**

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

Madam Speaker, in accordance with section 17(2) of the Development Bank Law (2004 Revision) a statement of the guarantee which was proposed to be issued by the Government in favour of FirstCaribbean

International Bank, Cayman Limited, in respect of the obligations of the Cayman Islands Development Bank to FirstCaribbean International Bank, under a loan agreement which was executed and dated the 26<sup>th</sup> June 2015, was previously tabled in this honourable House.

Following the tabling of the statement of the proposed guarantee, and the subsequent execution of the same, in accordance with section 17(3) of the Development Bank Law, I now wish to confirm to this honourable House that the said guarantee was in fact executed in behalf of the Cayman Islands Government and dated the 30<sup>th</sup> August 2015. I now seek with your permission, Madam Speaker, to table a copy of the executed version of this guarantee in order to comply with the statutory requirement under section 17(3) of the Development Bank Law (2004 Revision).

**The Speaker:** So ordered.

**Hon. G. Wayne Panton:** Thank you very much Madam Speaker.

### **PERSONAL EXPLANATIONS**

**The Speaker:** I recognise the Fifth Elected Member for the District of George Town.

#### **HANDOUTS TO VOTERS—VOTE BUYING**

**Mr. Winston C. Connolly, Jr., Fifth Elected Member for George Town:** Thank you, Madam Speaker.

In my debate on Government Motion No. 8/2015-2016—Order to Effect Recommendations of the Electoral Boundary Commission on the 19 October 2015, I stated I supported the motion but had fears of the possibility of (a) garrison politics and (b) vote buying, given the size of the electoral boundaries.

I spoke on the needs for checks and balances on the system of election we are about to embark upon. I also spoke to the fact that during the last election, during the campaign, I witnessed first-hand that money was being handed out—so much so that I reported it to the election observers. I also spoke about the people who came to me offering to be my agents in the elections. As long as I gave them money to distribute, they said that they could guarantee me certain areas in George Town. I refused to do it and still got here, Madam Speaker, with not that many votes less than the four members ahead of me—as a first-time candidate with no base or party support; better than some, including incumbents.

I raised my concerns about elections being bought and said we should not fool ourselves into thinking otherwise and saying that there would be people who would try to buy their way into a seat. I expressed that the checks and balances that I saw as necessary were to outlaw political handouts and set in place term limits.

I spoke about the generous social security system in the country which, at some \$50-plus million, is a large amount per capita based on the number of Caymanians in this country. This should be sufficient and should not have to be topped-up daily by some politicians—as is the norm. I suggested that we needed to make that system more robust and transparent and utilise it for the persons who need it most.

Madam Speaker, I suggested three consecutive terms term limits where people took a break after 12 years in office but could come back after a one-term break.

It was said in the wrap-up to the motion that at least in the district of George Town, you do not buy any elections . . . you may influence a few votes here and there . . . but you do not buy elections.

We were told that what wins elections is when people believe that you are a good representative or that you will be a good representative. We were also told that no amount of pleading on our behalf is going to convince people who we turned our backs to that we did not assist, no matter how many bills we pass, how many motions we bring here, unless they believe it has impacted them.

I'm uncertain what that meant because I thought that was our role, to pass laws to better our people—to impact them positively. It is not to perform daily charity and hand out cash for electricity bills, mortgages, food, school fees, et cetera. If we did to everyone that came, we would only be able to scratch the surface. We have to, in this role, be the statesmen and stateswomen we were elected to be and make laws and policies and enforce those laws and policies. The charitable organisations in Cayman, of which I am a member of several and continue to support both with time and monetary contributions, are better equipped and impartial when it comes to giving out charity to the needy in this country.

We have created a system of patronage Madam Speaker, each and every one of us. Because I refuse to go that route, I am labelled as insensitive, uncaring. I will not bend my principles in any role as important as this.

Anyone! Anyone attacking my character and my history of charity I will confront head on. I know what it is to need and to get assistance. I've never forgotten where I came from and that my fellowman sometimes needs a little help. I have practiced my charitable beliefs since I was a young boy, quietly and mostly behind the scenes, but also through my involvement in charitable clubs. I have given back, almost constantly since I was nine years old. Charity is something which was always practiced in my house and imparted on us three boys by Christian parents who gave even when they didn't have it to give to someone who was worse off.

In this role, however much we hurt for something, personal handouts is not what our role is meant to be, not what we were elected to do, although it has become what we are expected to do. It's to help the

pensioners who can't afford their monthly bills by making the pension system better. It's getting people more skills and education so they can demand higher wages and fully participate in this economy. It's making good deals and decisions so people aren't crippled by monthly expenses and its embracing change and things like renewable energy and LNG [Liquefied Natural Gas] to bring down the cost of living. It's to ensure that the immigration laws are enforced and that people here get equality of opportunity. It's moving the dump from the capital and making it something other than a political football. It's about taking risks and unpopular decisions, even if they are the right decisions—even if they cost us our seats. It is NOT to pay for mortgages and give money without obligations. If we were not in politics, would many of those giving daily still do so? Would they encourage people to come to their homes and offices or on the street and give handouts? Then why is it an expectation when you get into politics or are campaigning for politics?

History shows us how some of that money is spent. Imagine if it was impartial and not “king making” for a few, how better off the others would be. Politicians, no matter how seasoned, should not be the ones deciding on who gets the people's money. That can easily move from one “C” word to another. But what we have in the Cayman Islands is a system which is so entrenched that anyone who would challenge it is attacked.

I will never apologise for my beliefs or be made to feel I am less compassionate than any person in this country. This system was created by those same experienced politicians, who no doubt learned it from other experienced politicians—sometimes it takes someone who hasn't been entrenched in a system to point out and lead change. That is why we need new leadership from time to time. Yes, experience is good, but it can be a double-edged sword.

Madam Speaker, I am a proud Caymanian, someone who has always refused to compromise my culture, my history, my dialect for anyone. We stand on the shoulders of iron men who did not compromise their birthrights. Who said anyone could come here, but not at the expense of our people. If some of those experienced politicians had stood together and by those principles, imagine where our people could be now! Oh, for the days when Caymanians rose with the tide, became wealthy and prosperous like anyone else coming here. It has to be in tandem.

I have a vision and a hope for my people—that they are given the opportunity to truly and fully participate in all the wealth created in this country and that they can stand proudly on their own feet and never need to come to a politician for cash. That they stand shoulder to shoulder—not below any other capable person in this country. That they are given education and skills and the knowledge of how the world works so that they can fully appreciate and access the opportunities made available in this country. That is our role. That should be our legacy.

We impact lives here in this role—by passing good laws and ensuring they are carried out. We need to leave the daily charity on top of what we have already voted on in our annual budget, to those who will give it out on a needs basis and not on a subjective basis, or perhaps district councils made up of churches and philanthropists.

Why do we give in our constituencies only? Don't other ones need cash and charity too? Or are those MLAs supposed to give to their own? What if they don't or can't? Do we go in and take up the slack? That is the problem with this system that is practiced. If it's selective, then you know that people are getting left out—good people who need it as well.

It has to be that we concentrate our efforts in making the best safety net that we can and that those who truly need it can come forward and be assessed and assisted. If everyone can circumvent the system, or if the system is slow, or doesn't work—fix it! Don't say the system is lousy, so here's \$50. Fix it! That's what we are here for. Fix it so that when we go to a bar, you don't have to cringe at how many people expect us to buy them a drink, but that they would be offering to buy us one because they have decent paying jobs and work to be able to do so.

I have been accused of not understanding the “meaning of compassion,” that as a new politician I haven't learned how to discern genuine need from someone who is playing the system. That in spite of personal means, I don't personally help. I refuse to sit here, Madam Speaker, and have someone define me to the Caymanian public. Just like I refuse to accept the status quo that this is the way we do it, this is the way it is done, and this is the way it works. I came here for my people and my record will show I've advocated for my people. When I am done, I want to go back to my family and provide for them and to be there for my children. I have often said I will not be here long, but that while I am here I will seek to make a difference and to make change.

We have a system, yes, but that doesn't make it all right—no matter how much we try to convince ourselves. We all get into politics wanting to help people. It certainly wasn't the money, but like any first-world place, we have to build and rely on systems. If our systems aren't doing the job, then tweak them. We have several hundred charitable organisations in Cayman, support them. Let them do their job and let us concentrate on governance, policy and laws. By all means practice charity, but give it to those most equipped to carry it out in an unbiased manner.

It was also said that my term limits proposal challenged the democratic rights of the people. That with this size country and the need for people of stature and a certain calibre as representatives in order to deal with complex issues, that I should not be so keen as to turf out of contention experienced representatives to replace them with green brand new representatives. It was also said that, surely, the job of an elected representative cannot be the only job in the

world where less experience is better than more experience and that anyone who believes that you can come in here because they have been successful in another field, and automatically that makes you a good representative, is someone who is not in touch with reality.

These comments were directed at me and that's fine, Madam Speaker, but I will answer them now. If the experienced politicians, in my opinion, who have no term limits had not made huge mistakes which cost the country financially and reputationally and threatened the very fabric of our socioeconomic well-being, do you really think that I would have felt compelled to give up my family's security and privacy to come here to help correct the problem? I did not want to be a politician at this stage of my life, but I felt I had no choice but to come forward when my country needed me. There are others who feel the same way now I am sure.

Experience sometimes just allows you to be smart enough to do the things to keep your job, not do the job. There's also good experience and bad experience. How much money has to be wasted before new ones feel compelled to enter public life, if only to stop the bleeding and go back to their families and personal life after? Not every politician wants to be in politics for life. In fact, the entire American political system was designed for just what I am preaching. Get in! Do the job! And get out!

As much as we think we have the answers and tell ourselves in the next administration we will get so much more done, we need to get in, with a sense of urgency and a plan, work together instead of the constant bickering, then let someone else, another citizen representative, take up the mantle. Who are we to say we alone have a licence on calibre and intelligence? What I do know is that there are more intelligent persons out there who would step up to the plate if it didn't cost them so much in terms of privacy, and negative publicity, et cetera. Sometimes true democracy is the people for the people. It's the systems that should be bigger than any politician and it's the systems that will ensure that no one politician can sink a nation. If we had one common goal and one common vision, we could be so much farther down the road and any government in play would just be driving the car until the next stop and handing it on to another driver.

I agree that like in any profession you learn on the job. You can learn anything over time, then, you have to apply that learning for the benefit of Cayman and Caymanians.

I am not naïve or inexperienced enough to not have grasped the “business of politics.” But what I do know is the business that I came into was broken and in need of change. Not incremental change but system wide change.

Change is good. In my mind, 12 years is sufficient time to learn the “business” and make change. If in the real world where I come from, someone who

was in charge took more than four years to make real strides, they would move from experienced to unemployed. When I was on boards of multi-billion dollar funds, people wanted fresh minds, diversity and people who weren't afraid of change and could adapt quickly to situational change. There is a role and will always be for experienced politicians, but not if they are happy with the status quo and think that answers only come from time spent and not from other means, and that people can't come in and make good contributions and meaningful contributions from day one.

I do not have the support of others in my proposals for term limits and outlawing handouts, Madam Speaker. So this is the forum that I wanted to present them to, this Honourable House. And this is okay. But I would like it recorded that I brought them to this Honourable House and sought to have them put in place as checks and balances to a system that could get out of control. I hope that I am wrong and that history will laugh at me and my inexperience, but Madam Speaker, what if I am right and we didn't put proper checks and balances in place?

Madam Speaker, with your indulgence, please allow me to also address today's *Compass* editorial which stated that my introduction of my motion was "meant to divide and offend (if not incite)—and that I made a distinction between multi-generation Caymanians and new Caymanians." I categorically refute this opinion and challenge anyone to prove otherwise. Madam Speaker, when I have to apologise in my country, in this role, for pointing out loopholes in our laws that have been unanimously accepted by my peers, I will cease to be a Caymanian and a politician. The editor misses the sentiment and the point.

If businesses are allowed to come to Cayman and not have to consider any Caymanians when setting up a business here for ownership or higher level roles, we will continue to have a situation where Caymanians are unintentionally left out of the most lucrative roles in our society. He also misses the statements of inclusion where I said anyone was welcome here and that I wished everyone success, but it could not be to the detriment of Caymanians. I also made the distinction that you cannot ignore the laws until you become Caymanian and then seek to enforce them. I am speaking for all my constituents who come to me, including those in the professional categories, Madam Speaker, who see and feel this. I have achieved a lot in this society, but nothing was handed to me and I worked as hard as anyone to get where I was, and I won't apologise for that either.

The editorial went on to say that I was "a beneficiary—not a victim—of Cayman's largess." I am very grateful for the opportunities presented to me in Cayman. It is exactly from that experience and opportunities I have been afforded that I recognise loopholes in our laws and wish for others to achieve the same or greater success. It is why I will continue to fight for equality of opportunity and to end Caymanians being overlooked because of the oversight or

loopholes in our laws. If these positions are closed off and continue to be closed off for a large number of Caymanian professionals, and I stay quiet in this role, I should pack it up and go home, Madam Speaker. Why would I not want the best for every capable Caymanian?

Mr. Editor, you have your opinion and I have mine. My viewpoint will always be inclusive, but it will be pro-Caymanian in every respect. I promised to be pro-anything which was good for Caymanians and good for Cayman and I will continue to do so, whether that meets your affirmation or not.

Thank you, Madam Speaker.

**The Speaker:** Madam Clerk.

## OBITUARY AND OTHER CEREMONIAL SPEECHES

**The Speaker:** None.

## RAISING OF MATTERS OF PRIVILEGES

**The Speaker:** None.

I recognise the Honourable Premier.

## LETTER FROM MEMBER OF PARLIAMENT—UK

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, thank you.

Further to my undertaking which I gave to this House a short while ago, I now have the letter that I referred to from the UK, Member of Parliament, Helen Grant, with respect to Mr. James Reeve and Mr. Leonardo Raznovich. I propose to read the letter and then lay it on the Table for the House.

**The Speaker:** Please proceed, Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** The letter, Madam Speaker, is to the Right Honourable Philip Hammond, Member of Parliament and the Foreign and Commonwealth Office. It is from Helen Grant, MP. She writes [on] the 10<sup>th</sup> of November, 2015.

**"Dear Philip:**

**"Mr. James Reeve and Mr. Leonardo Raznovich, 4 Widehurst Cottages, Marden, Kent, TN129LL**

**"My constituents, James and Leo, are married and own a property in my constituency but currently reside in the Cayman Islands where the Constitution does not recognise same-sex marriage. Leo's employment contract has recently expired. A few months prior to this, James applied to transfer Leo to his work visa as a spouse. This was rejected on the basis that their relationship of over 16 years is not recognised. This means that**



“public entity” and substituting the following: “civil service entity” means a ministry, portfolio, the Cabinet Office, Office of the Director of Public Prosecutions, the Office of the Complaints Commissioner, the Office of the Information Commissioner, the Audit Office and the Legislative Assembly.”

By inserting the following definitions in their appropriate alphabetical sequence: “ministry” means the whole of the division of government administration for the actions of which a Minister is accountable to the Legislative Assembly and includes a departmental section or unit which forms part thereof, but does not include a statutory authority or government company; and “portfolio” means the whole of a division of government administration for the actions of which an Official Member is accountable to the Legislative Assembly, and includes a departmental section or unit which forms part thereof, but does not include a statutory authority or government company; and includes the Governor’s office and the judicial administration.

In the definition of “protected disclosure” by deleting the words “a listed person” and by substituting the words “designated authority.”

**The Chairman:** The amendment has been moved.

Does the Honourable Member wish to speak to the amendment?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

**The Chairman:** Please proceed.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chair, Clause 2 is amended to replace “means” with “includes” to allow the definition of “employee” and “employer” to sufficiently widely interpret to apply to appointees and boards, for example.

Deleting the definition of “public entity” with “civil service entity” to reflect that the Deputy Governor is head of the Civil Service and the powers contained within the Public Service Management Law apply mainly to the core Civil Service, as opposed to statutory authorities and Government companies.

Inserting the definition of “ministry” and “portfolio” makes it clear that it refers both to the umbrella ministry/portfolio and all of the underlying core Government agencies which form a part of the same.

The definition of “protected disclosure” has been amended to delete “a listed person,” the authorised recipient of protected disclosures is the designated authority. Inserting clause 2A, which clarifies for the avoidance of doubt—

*[Inaudible interjection]*

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Sorry. That’s all, Madam Chairman.

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

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 2 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 2 passed.**

**The Clerk:** Clause 3                      Application of the Law.

**The Chairman:** There is also a proposed amendment to clause 3.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

### AMENDMENT TO CLAUSE 3

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chair, that the Bill be amended by inserting after clause 2 the following clause:

“Application of Law to statutory authorities and government companies

“2A. For the avoidance of doubt, this Law applies to statutory authorities and to government companies.”

**The Chairman:** One minute please.

*[Crosstalk]*

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Apologies, Madam Chairman.

In reference to clause 3, the Bill be amended in clause 3 by deleting sub-clause (2) and substituting the following: “A disclosure of information is not a protected disclosure if it is established beyond a reasonable doubt that the employee making the disclosure committed the offence of stealing in order to obtain such information.”

**The Chairman:** The amendment has been moved. Does the Member wish to speak to this amendment?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** No, Madam Chairman.

**The Chairman:** Does any other Member wish to speak to the [proposed] amendment?

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 3 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 3 passed.**

**The Clerk:**

Clause 4	Public Interest requirement
Clause 5	Promotion of ethical practices and dissemination of information

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 4 and 5 passed.**

**The Clerk:** Clause 6                      The designated Authority.

**The Chairman:** There is an amendment to clause 6 that is proposed.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

**AMENDMENT TO CLAUSE 6**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chair, that the Bill be amended in clause 6(3)(d) by deleting the words “under paragraph (c) or (d)” and by substituting the words “under paragraph (b) or (c)”.

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

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

It is simply that the amendment is to correct typographical errors in the referencing to preceding subsections.

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

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 6 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 6 passed.**

**The Clerk:**

Clause 7	Oversight of the designated authority by the Governor
Clause 8	Annual report
Clause 9	Designated authority restricted from providing information
Clause 10	Disclosure to the designated authority
Clause 11	Disclosure to attorney-at-law

**The Chairman:** I put the question that clauses 7, 8, 9, 10, 11 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 7 through 11 passed.**

**The Clerk:** Clause 12                      Procedures for making disclosures.

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

**AMENDMENT TO CLAUSE 12**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended in clause 12(2) by deleting the words "in subsection (2)" and by substituting the words "subsection (1)."

**The Chairman:** The amendment has been moved. Does the Honourable Member wish to speak to it?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

Madam Chairman, this is simply a typographical error that is being corrected.

**The Chairman:** Does any other Member wish to speak to it?

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 12 passed.**

**The Chairman:** I put the question that clause 12 as amended stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 12 passed.**

**The Clerk:**

Clause 13	Employees immunity from civil and criminal proceedings
Clause 14	Application of this Part
Clause 15	Protection from defamation action
Clause 16	Liability for own conduct
Clause 17	Detrimental action in reprisal for protected disclosure

**The Chairman:** I put the question that clauses 13, 14, 15, 16, and 17 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 13 through 17 passed.**

**The Clerk:** Clause 18

Offence of taking detrimental action

**The Chairman:** There is a proposed amendment to clause 18, Honourable Member.

**AMENDMENT TO CLAUSE 18**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

Madam Chair, that the Bill be amended in clause 18(2)(b) by deleting the word "the" where it appears for the third time and by substituting the word "that."

**The Chairman:** The amendment has been moved. Does the Honourable Member wish to speak to this amendment?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

This amending clause is to make it clear that the person in question is the employer or persons working on behalf of the employer.

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

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 18 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 18 passed.**

**The Clerk:**

Clause 19	Unfair dismissal of employee
Clause 20	Order for re-instatement
Clause 21	Damages for detrimental action
Clause 22	Vicarious liability of employer
Clause 23	Injunction or order
Clause 24	Application for injunction or order

**The Chairman:** The question is that clauses 19 through 24 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 19 through 24 passed.**

**The Clerk:** Clause 25                      Complaints to the  
Director of Labour.

**The Chairman:** There is a proposed amendment to clause 25 Honourable Member.

#### **AMENDMENT TO CLAUSE 25**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended in clause 25 as follows: in sub-clause (1), by inserting at the beginning the words "Subject to subsections (1A) and (3)";

By inserting after sub-clause (1), the following sub-clause: "(1A) An employee shall, prior to filing a complaint under subsection (1), apply to the designated authority to determine whether a disclosure is protected and shall only be entitled to file a complaint under subsection (1) if the designated authority determines that the disclosure is a protected disclosure.";

By inserting after sub-clause (2) the following sub-clause: "(3) For the purposes of this section and sections 26 and 27 "employee" means a person whose employment is regulated by the Labour Law (2011 Revision)."

**The Chairman:** Does the Member wish to speak to these?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

Amending clause 25 is to require a private sector employee first verify with the designated authority that the disclosure is protected prior to seeking an alternate remedy through a labour tribunal.

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

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 25 passed.**

**The Chairman:** I now put the question that clause 25, as amended, stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 25 passed.**

**The Clerk:**

Clause 26                      Remedies for detrimental  
action.

**The Chairman:** There is a proposed amendment, Honourable Member, to clause 26.

#### **AMENDMENT TO CLAUSE 26**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended in clause 26 by deleting the words "to take all necessary measures to" and by substituting the words "to take one or more of the following measures to."

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

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

**The Chairman:** Please proceed.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Amending clause 26 is to clarify that one or more measures may be taken by the Tribunal where it has determined that an employee has suffered as a result of a detrimental action.

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

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 26 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 26 passed.**

**The Clerk:**

Clause 27 Report to the police by a tribunal against person who made reprisal.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 27 passed.**

**The Clerk:**

Clause 28 Transfer of employee.

**The Chairman:** There is a proposed amendment, Honourable Member.

#### **AMENDMENT TO CLAUSE 28**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended by repealing clause 28 and substituting the following: "28. (1) Nothing in this Law shall abrogate the rights and remedies of an employee of a civil service entity under the Public Service Management Law (2013 Revision).

"(2) The designated authority on behalf of an employee of a civil service entity who has made a protected disclosure and which employee believes, on reasonable grounds, that detrimental action will be, is being or has been taken against him in contravention of section 18, may make a request to the Deputy Governor for a transfer of employment in accordance with this section.

"(3) Subject to subsection (3), the Deputy Governor may transfer an employee of a civil service entity who has made a protected disclosure to duties within another civil service entity or a different area of the same civil service entity on terms and conditions of employment that are no less favourable overall.

"(4) An employee may only be transferred under subsection (3) if (a) the employee requests or consents to the transfer; (b) the Deputy Governor has reasonable grounds to suspect that detrimental action will be, is being or has been taken against the employee in contravention of section 18; and (c) the Deputy Governor considers that the transfer of the employee will avoid, reduce or eliminate the risk of detrimental action being taken against the employee.

"(5) Prior to transferring an employee under this section, the Deputy Governor shall consult with

the Chief Officer of the civil service entity to which it is proposed to transfer the employee.

"(6) The transfer of an employee under subsection (2) may be permanent or for a fixed term.

"(7) The transfer of an employee under subsection (2) does not constitute a resignation or termination of employment and the post-transfer service is to be regarded as continuous with the pre-transfer service."

**The Chairman:** The amendment has been moved. Does the Honourable Member wish to speak to it?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** One minute, Madam Chairman.

**The Chairman:** Certainly.

*[Pause]*

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chairman, just one minor change under (4)(b). There should be an "and" after the semicolon.

And I would just speak briefly to the amendment that repealing and replacing clause 28 to allow public servants an alternate remedy by going via the designated authority to request the Deputy Governor to transfer such employee.

**The Chairman:** Thank you.

Does any other Member wish to speak to the proposed amendment?

If not, I will put the question that the amendments stand part of the clause.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 28 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 28 passed.**

**The Clerk:**

Clause 29 Duty to receive disclosures and carry out investigations into disclosures.

**The Chairman:** I put the question that clause 29 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agree: Clause 29 passed.**

**The Clerk:**

Clause 30 Right to refuse; duty to refer.

**The Chairman:** There is a proposed amendment to clause 30, Honourable Member.

#### AMENDMENT TO CLAUSE 30

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended in clause 30 by deleting sub-clause (3) and by substituting the following: "(3) Where the designated authority refuses to carry out an investigation, the designated authority shall forthwith notify the employee in writing of the refusal and provide reasons for the refusal in such notice or in writing within fifteen days of the refusal."

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

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

Amending clause 30 by deleting sub-clause (3) and by substituting the language, which states, where the designated authority refuses to carry out an investigation, the designated authority shall notify the employee in writing of the refusal and provide reasons within fifteen days of the refusal.

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

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

I beg your pardon. I recognise the Member for East End.

**Mr. V. Arden McLean:** Madam Chairman, I believe that this amendment came as a result of my concerns about that section, and I would like to think that that is what it was, but it may not have been, but anyway, I had my own concerns about that section in that I spoke about there is nothing definitive on that person who is making the disclosure to tell that person exactly how things are progressing. I thought that we would have put in a definitive time frame to get back to have this done. Now, I know the pitfalls with that because an investigation may take much longer. Or it may take

a very short period of time, but certainly we don't know when it was refused, so we can't say that the 15 days was in keeping with the date of the refusal.

I know regulations have to come with this and I am wondering if the Deputy Governor can assure us that something definitive will be put in there. My thoughts were that the Bill calls for the date of the disclosure within 24 hours that it must be written, the disclosure. And it requires for it to be dated and the likes and what have you, so I thought we would use that date. And it could be that it can go in regulations for a specified period of time or at least get back to the person as to what the status is on that because we know how this society works; it is small and we will discourage people from doing it. We get some anxieties being played about the place as well. That was my concern and it remains my concern.

**The Chairman:** Honourable Member, we appreciate your filling in and it is quite admirable, I might add. So, you have, obviously, the discretion to take note and consider, or if you are in a position to answer, feel free to do so at this time.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chairman, we will take note and consider, thank you.

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

**Mr. V. Arden McLean:** Madam Chairman, taking note doesn't give me an assurance, I can tell you that. Taking note will . . . anyway, if such is the case, then I guess . . . just leave it alone, Madam Chairman, we will . . . there are a number of other concerns I had as well, but obviously since the Acting Deputy Governor is, like you said, "acting" and I think he has been thus far, I hope doing . . . it looks like he is trying to do his best and he is new here, so we need to take that into consideration. But, at least he is going to bring it to the Deputy Governor's attention. If that is all I can hope for, then that's fine.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 30 passed.**

**The Chairman:** I now put the question that clause 30, as amended, stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 30 passed.**

**The Clerk:** Clause 31 Provisions for non-disclosures in employment agreement void.

**The Chairman:** I put the question that clause 31 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agree: Clause 31 passed.**

**The Clerk:** Clause 32 Obligation of secrecy and confidentiality.

**The Chairman:** There is a proposed amendment to clause 32, Honourable Member.

#### **AMENDMENT TO CLAUSE 32**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended in clause 32 by deleting the words "The designated authority" and by substituting the words "Every person."

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

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

Amending clause 32 is amended to create an obligation of confidentiality for every person receiving, investigating, or otherwise dealing with a disclosure under the Law.

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

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 32 passed.**

**The Chairman:** I now put the question that clause 32, as amended, stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 32 passed.**

**The Clerk:** Clause 33 Further offences and penalties.

**The Chairman:** I put the question that clause 33 stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agree: Clause 33 passed.**

**The Clerk:** Clause 34 Obstruction and contempt.

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

#### **AMENDMENT TO CLAUSE 34**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended in clause 34(1) by deleting the word "Commissioner" and by substituting the words "designated authority."

**The Chairman:** The amendment has been moved. Does the Honourable Member wish to expand on it?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

This is simply again another typographical error that needed to be corrected.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 34 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 34 passed.**

**The Clerk:** Clause 35                      Immunity of designated authority.

**The Chairman:** There is a proposed amendment to clause 35, Honourable Member.

#### **AMENDMENT TO CLAUSE 35**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended by deleting clause 35 and its marginal note and by substituting the following: "Immunity of designated authority, et cetera. 35. The designated authority, or, if the designated authority is a civil service entity, any member or public officer of the designated authority, any other public officer acting pursuant to this Law and any member of a labour tribunal shall not be liable in damages for anything done or omitted in the discharge or purported discharge of their respective functions under this Law unless it is shown that the act or omission was in bad faith."

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

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** No, Madam Chairman.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 35 passed.**

**The Chairman:** I now put the question that clause 35, as amended, stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 35 passed.**

**The Clerk:** Clause 36                      Indemnity of members and officers of the designated authority.

**The Chairman:** There is a proposed amendment to clause 36, Honourable Member.

#### **AMENDMENT TO CLAUSE 36**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended by deleting clause 36 and its marginal note and by substituting the following "Indemnity of designated authority, et cetera. 36. The Government shall indemnify "(a) the designated authority; or (b) if the designated authority is a civil service entity, any member and public officer of that civil service entity; (c) any other public officer acting pursuant to this Law; and (d) any member of a labour tribunal, against all claims, damages, costs, charges or expenses incurred by the designated authority, a member of the designated authority or of a labour tribunal, a public officer of the designated authority, or any other public officer acting pursuant to this Law in the discharge or purported discharge of their respective functions under this Law, but such indemnity shall not apply to any claims, damages, costs, charges or expenses caused by the bad faith of the designated authority, the member or the public officer."

**The Chairman:** Does the mover wish to speak further to proposed amendment?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chairman, this new clause 36 is simply to bring in the indemnity for the designated authority and other public officers acting pursuant to the Law.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 36 passed.**

**The Chairman:** I now put the question that clause 36, as amended, stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 36 passed.**

**The Clerk:** Clause 37                      Regulations.

**The Chairman:** I put the question that clause 37 stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 37 passed.**

**The Clerk:** Clause 38            Obligations to report under any other Law.

**The Chairman:** Honourable Member, there is a proposed amendment to clause 38.

**AMENDMENT TO CLAUSE 38—  
NEW CLAUSE 38A**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended by inserting after clause 38 the following New Clause 38 A: [marginal note] "Freedom of Information Law not applicable—38A. The Freedom of Information Law, 2007 does not apply to any matter arising under this Law."

**The Chairman:** Does the mover wish to speak further to this clause?

*[No audible reply]*

**The Chairman:** If not, I put the question that the new clause be read a second time.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause read a second time.**

**The Chairman:** I now put the question that the new clause 38[A] be added to the Bill and the subsequent clauses be numbered appropriately.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: New clause 38A added to the Bill and subsequent clauses numbered appropriately.**

**The Clerk:**

Clause 39            Review of law by legislative committee

Clause 40            Law binds the Crown

**The Chairman:** I put the question that clauses 39 and 40 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 39 and 40 passed.**

**The Clerk:** Schedule 1            Information to be supplied in disclosure.

**The Chairman:** I put the question that Schedule 1 stands part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Schedule 1 passed.**

**The Clerk:** Schedule 2            Procedure of the designated authority.

**The Chairman:** There is an amendment to Schedule 2.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

**The Chairman:** Please proceed.

**AMENDMENT TO SCHEDULE 2**

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Chair, it is proposed that Schedule 2 of the Bill be amended as follows: by deleting the header "Procedure of the designate authority" and by substituting therefor the header "Procedure and powers of the designated authority"; and by deleting paragraph 4(2) and substituting the following subparagraph— (I will just point out, Madam Chairman, there is a change to this amendment from what you would have. I will point that out to you).

**The Chairman:** Okay.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** "(2) Where, after conducting an investigation under this Law, the designated authority has determined that the employee has suffered detriment, the designated authority may make recommendations to the employer or, to the Deputy Governor in the case of an employee of a civil service entity" [and here are the amendments]: "and such recommendations may

include directions to take one or more of the following necessary measures to— (a) permit the employee to return to his duties; (b) reinstate the employee or pay compensation to the employee in lieu of reinstatement if, in the designated authority's opinion, the relationship of trust between the parties cannot be restored; (c) pay to the employee compensation in an amount not greater than the amount that, in the designated authority's opinion, is equivalent to the damage that the employee has suffered by reason of the reprisal; (d) rescind any measure or action, including any disciplinary action, and pay compensation to the employee in an amount not greater than the amount that, in the designated authority's opinion, is equivalent to any financial or other penalty imposed on the employee; (e) pay to the employee an amount equal to any expenses and any other financial losses incurred by the employee as a direct result of the reprisal; or (f) compensate the employee, by an amount of not more than ten thousand dollars, for any pain and suffering that the employee incurred.";

By inserting after paragraph 4(2) the following subparagraphs: "(3) Where the designated authority has made a recommendation under subsection (2) and with any time specified or a reasonable time thereafter, the designated authority is of the opinion that no adequate action has been taken to remedy the matter, the designated authority shall submit to the Governor a special report on the case where the matter involves a civil service entity and, in all cases, advise the employer of the employee's further remedies under this Law. (4) The designated authority shall not, in any report under subsection (3), comment adversely on any person unless he has given that person an opportunity to be heard either orally or in writing."

**The Chairman:** The question is that the proposed amendment to insert the words after entity: "such recommendation may include [directions] to take one or more of the following measures to-." Was that your amendment?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** —"and such recommendation may include directions to take one or more of the following necessary measures to-."

**The Chairman:** The amendment has been moved with insertion to clause 4(2) and insertion of subparagraphs (3) and (4) after clause (4)(2). Does the mover wish to speak further to the amendment?

*[No audible reply]*

**The Chairman:** If not, I put the question that the amendment stands part of the clause.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to clause 4 in Schedule 2 passed.**

**The Chairman:** I put the question that the amendment stands part of Schedule 2

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Amendment to Schedule 2 passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Schedule 2 passed.**

**The Chairman:** Honourable Member, we will now revert to the new clause, on page 1, under clause 2, New Clause 2A, so if you could move that at this time.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended by inserting after clause 2—

**The Chairman:** One minute, Stran, it's not your fault. Sorry.

I will call on the Clerk to read her normal listing.

#### **AMENDMENT TO CLAUSE 2— NEW CLAUSE 2A**

**The Clerk:** New clause 2A      Application of Law to statutory authorities and government companies.

**The Chairman:** You may now proceed, Honourable Member, to read the New Clause.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Thank you, Madam Chairman.

That the Bill be amended by inserting after clause 2 the following New Clause: [marginal note] "Application of Law to statutory authorities and government companies—2A. For the avoidance of doubt, this Law applies to statutory authorities and to government companies."

**The Chairman:** The question is now, that the clause be read a second time.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause read a second time.**

**The Chairman:** The question is that clause 2A be added to the Bill and that the subsequent clauses be numbered accordingly.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clause 2A added to the Bill and subsequent clauses numbered accordingly.**

**The Chairman:** Honourable Member, can you then proceed to move the next item?

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Yes, Madam Chairman.

That the Bill be amended by deleting the words “public entity” wherever they appear in the Bill, and by substituting the words “civil service entity.”

*[Pause]*

**The Chairman:** The question is that the Bill be amended by deleting the words “public entity” wherever they appear in the Bill, and by substituting the words “civil service entity.”

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Words “public entity” wherever they appear in the Bill be substituted with the words “civil service entity”.**

**The Clerk:** A Bill for a Law to encourage and facilitate the making of employees of specified disclosures of improper conduct in the public interest and to protect employees who make specified disclosures from being subjected to detrimental action; to regulate the receiving, investigating or otherwise dealing with disclosures of improper conduct; and for incidental and connected purposes.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

**The Chairman:** Honourable Member, the Chair wishes to commend you for your first attempt. I think it was commendable.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Thank you, Madam Chairman.

**The Chairman:** I wish to thank all Members also for their understanding in this regard.

#### **ENDANGERED SPECIES (TRADE AND TRANSPORT) (AMENDMENT) BILL, 2015**

**The Clerk:** The Endangered Species (Trade and Transport) (Amendment) Bill, 2015.

Clause 1 Short title

Clause 2 Amendment of section 3 of the Endangered Species (Trade and Transport) Law, 2004 (Law 14 of 2004)- interpretation

Clause 3 Amendment of section 6 of the Endangered Species (Trade and Transport) Law, 2004 (Law 14 of 2004)- permits and certificates required

**The Chairman:** The question is that clauses 1, 2, and 3 stand part of the Bill.

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Clauses 1 through 3 passed.**

**The Clerk:** A Bill for a law to amend the Endangered Species (Trade and Transport) Law, 2004 to make the provisions consistent with the Convention on International Trade and Endangered Species of Wild Fauna and Flora (CITES); and for incidental and connected purposes.

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Title passed.**

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

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

**AYES.**

**The Chairman:** The Ayes have it.

**Agreed: Bills to be reported to the House.**

**House resumed at 6:04 pm**

## **REPORT ON BILLS**

**The Speaker:** Please be seated.

### **WHISTLEBLOWER PROTECTION BILL, 2015**

**The Speaker:** I recognise the Honourable Acting Deputy Governor.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Speaker, I have to report that a Bill entitled the Whistleblower Protection Bill, 2015 was considered by a Committee of the whole House and passed with amendments.

**The Speaker:** The Bill has been duly reported and is now set down for its third reading.

### **ENDANGERED SPECIES (TRADE AND TRANSPORT) (AMENDMENT) BILL, 2015**

**The Speaker:** The Bill has been duly reported and is now set down for its third reading.

Sorry, it is getting late in the hour. Madam Clerk, could you please repeat that.

### **ENDANGERED SPECIES (TRADE AND TRANSPORT) (AMENDMENT) BILL, 2015**

**The Speaker:** I recognise the Honourable Member responsible for Environment.

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

Madam Speaker, I am to report that a Bill entitled the Endangered Species (Trade and Transport) (Amendment) Bill, 2015 was considered by a Committee of the whole House and passed without amendment.

**The Speaker:** The Bill has been duly reported and is set down for its third reading.

## **BILLS**

### **THIRD READINGS**

#### **WHISTLEBLOWER PROTECTION BILL, 2015**

**The Speaker:** I recognise the Honourable Acting Deputy Governor.

**Hon. Stran Ashton Bodden, Acting Deputy Governor:** Madam Speaker, I beg to move the Third Reading of a Bill entitled the Whistleblower Protection Bill, 2015.

**The Speaker:** The question is that a Bill shortly entitled the Whistleblower Protection Bill, 2015 be given a third reading and passed.

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

**AYES.**

**The Speaker:** The Ayes have it.

**Agreed: The Whistleblower Protection Bill, 2015 given a third reading and passed.**

#### **ENDANGERED SPECIES (TRADE AND TRANSPORT) (AMENDMENT) BILL, 2015**

**The Speaker:** Honourable Member for Environment.

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

Madam Speaker, I beg to move that a Bill shortly entitled the Endangered Species (Trade and Transport) (Amendment) Bill, 2015 be given a third reading and passed.

**The Speaker:** The question is that a Bill shortly entitled the Endangered Species (Trade and Transport) (Amendment) Bill, 2015 be given a third reading and passed.

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

**AYES.**

**The Speaker:** The Ayes have it.

**Agreed: The Endangered Species (Trade and Transport) (Amendment) Bill, 2015 given a third reading and passed.**

**The Speaker:** I will ask for the motion for the adjournment.

Honourable Premier.

## ADJOURNMENT

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

We have come to the end of this Meeting. It is not proposed that there will be any more meetings until after the Christmas season and the New Year. I know in the past it has been customary for Members to send Christmas greetings and so forth to their constituents, I do not know what Members are inclined to do, it is a bit early for that, I would have thought. But I simply want to say, particularly to those who are celebrating Thanksgiving, Happy Thanksgiving Day, and to note that Cayman's Thanksgiving Day is Sunday, December 6, and that is growing, Madam Speaker, in acceptance and celebration. So, I urge all of us here to give support to the ceremonies and occasions that are planned for that particular day.

So, with those few words, Madam Speaker, I move the adjournment of this honourable House sine die.

**The Speaker:** Before I put the question, I recognise the Honourable First Elected Member for Bodden Town.

**Hon. Anthony S. Eden:** Thank you, Madam Speaker.

Earlier, I should have taken the opportunity, but I have been contemplating in regard to the completeness of the discussion by the Premier on same-sex marriage, and I will take this opportunity to say to this House and my constituents, that, I will no longer sit as a part of the People's Progressive Movement backbench. At the next Meeting I will sit on the other side of the floor. Thank you.

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

**The Speaker:** Honourable Leader of the Opposition.

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, it is early in the month, but since the House is not going to be in session and we are accustomed to putting on record our Christmas greetings to our people as the Premier indicated, I hope I will be allowed to extend that—

**The Speaker:** [Off microphone - INAUDIBLE]

**Hon. W. McKeeva Bush, Leader of the Opposition:** Madam Speaker, I am going to be about five hours!

[Laughter and inaudible interjections]

**Hon. W. McKeeva Bush, Leader of the Opposition:** Yes, Madam Speaker, I am never tongue in cheek, but at least at this point I will keep it very brief.

[Inaudible interjection]

**The Speaker:** Can the House just take a short two minutes, and Members could stay in their seats?

[Pause]

**The Speaker:** Please be seated.

I put the question that this honourable House be adjourned sine die.

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

**AYES.**

**The Speaker:** The Ayes have it.

**At 6:11 pm the House stood adjourned sine die.**