



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT**

**2019/2020 SESSION**

**Monday**  
**27 July 2020**  
*(Pages 1-46)*

**Hon. Barbara E. Connolly, MLA, Deputy Speaker**

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PRESENT WERE:

**DEPUTY SPEAKER**

Hon. Barbara E. Connolly, MLA  
Deputy Speaker of the Cayman Islands Legislative Assembly

**MINISTERS OF THE CABINET**

Hon Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon Juliana Y O'Connor-Connolly JP, MLA	Minister of Education, Youth, Sports, Agriculture and Lands
Hon Dwayne S Seymour, JP, MLA	Minister of Health, Environment, Culture and Housing
Hon Roy M McTaggart, JP, MLA	Minister of Finance and Economic Development
Hon Joseph X Hew, JP, MLA	Minister of Commerce, Planning and Infrastructure
Hon Tara A Rivers, JP, MLA	Minister of Financial Services and Home Affairs

**EX OFFICIO MEMBERS OF THE CABINET**

Hon Franz I. Manderson	<i>Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon Samuel Bulgin, QC, JP.	<i>Attorney General</i> , ex officio Member responsible for Legal Affairs

**ELECTED MEMBERS**

**GOVERNMENT BACKBENCHERS**

Capt A Eugene Ebanks, JP, MLA	Elected Member for West Bay Central
Mr Austin O Harris, MLA	Elected Member for Prospect
Mr David C Wight, MLA	Elected Member for George Town West

**OPPOSITION MEMBERS**

Hon V Arden McLean, JP, MLA	<i>Leader of the Opposition</i> - Elected Member for East End
Mr Alva H Suckoo, MLA	<i>Deputy Leader of the Opposition</i> - Elected Member for Newlands
Mr Anthony S Eden, OBE, MLA	Elected Member for Savannah
Mr Christopher S Saunders, MLA	Elected Member for Bodden Town West
Mr Bernie A Bush, MLA	<i>Deputy Speaker</i> - Elected Member for West Bay North

**INDEPENDENT MEMBER**

Mr D Ezzard Miller, MLA	Elected Member for North Side
Mr Kenneth V Bryan, MLA	Elected Member for George Town Central

**OFFICIAL HANSARD REPORT**  
**SEVENTH MEETING 2019/20 SESSION**  
**MONDAY**  
**27 JULY 2020**  
**10:26 AM**  
*First Sitting*

*[Hon. Barbara E. Connolly, Deputy Speaker, presiding]*

**The Deputy Speaker:** Good morning.

I will call on Honourable Minister Hew to say prayers this morning.

**PRAYERS**

**Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure:** Let us pray.

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

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

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

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

**The Deputy Speaker:** Please be seated.

The House is now resumed.

**ADMINISTRATION OF OATHS  
OR AFFIRMATIONS**

**The Deputy Speaker:** None.

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

**The Deputy Speaker:** None.

**PRESENTATION OF PETITIONS**

**The Deputy Speaker:** None.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**GOVERNMENT MINUTE  
THE GOVERNMENT'S RESPONSE TO THE  
REPORTS OF THE STANDING PUBLIC  
ACCOUNTS COMMITTEE ON THE REPORTS OF  
THE AUDITOR GENERAL**

**The Deputy Speaker:** The Honourable Premier.

*[Pause]*

**The Premier, Hon. Alden McLaughlin, Minister of Employment, Border Control, Community Affairs, International Trade, Investment, Aviation and Maritime Affairs:** Thank you, Madam Speaker.

Madam Speaker, in accordance with section 77(7) of the Legislative Assembly Standing Orders (2006 Revision), I beg leave to Table the Government Minute on the Report of the Standing Public Accounts Committee on the Office of the Auditor General's report entitled: "Fighting Corruption in the Cayman Islands."

**The Deputy Speaker:** So ordered.

Does the Honourable Premier wish to speak thereto?

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

Madam Speaker, the Government Minute contains the responses and views of the Government, along with progress updates on the recommendations contained in the Report of the Public Accounts Committee, as well as the recommendations of the Auditor General's report.

I have said on many occasions that this Government is committed to transparency and accountability, and we expect the entire elected Government and the Public Service to share our commitment to eliminating corruption in the Cayman Islands. I believe this commitment is reflected in what has been achieved in this regard, some of which is captured in the Government Minute that I have just tabled.

I would like to take this opportunity to highlight some of the progress that the Government has made on the implementation of the various recommendations in the Public Accounts Committee's report.

Members of this Honourable House will be aware that The Standards in Public Life Law is now in force. On the 25<sup>th</sup> of February this year, His Excellency the Governor signed the Commencement Order for the Standards in Public Life Law, 2015 and the Standards in Public Life (Amendment) Law 2016, as well as the Standards in Public Life Regulations, 2020. The Standards in Public Life Commission, supported by the Commissions Secretariat, has been working to fully implement the provisions of these important legislative instruments.

The Office of the Deputy Governor has engaged with key stakeholder agencies regarding the Office of the Auditor General's recommendation that Government consider extending the list of designated authorities to whom whistle-blowers can turn, and has identified that there is no current restriction on where an individual can go to make a disclosure of improper conduct, and that a non-designated authority can ensure whistle-blower protections for an individual by arranging for the whistle-blower to make the disclosure to the Ombudsman. Notwithstanding, this protection currently exists, Madam Speaker, it is worth noting that the Office of the Ombudsman plans to undertake a wider review of the Whistle-Blower Protection Law commencing later this year and this recommendation from the Auditor General will be considered in more detail as part of that review.

With regards to the recommendation that a single owner of the Anti-Fraud Policy be identified, I can report that the Accountant General has been given that role and is responsible for ensuring that the Anti-Fraud Policy is updated on a regular basis and these updates are communicated to the Civil Service.

In January last year, pursuant to section 49(d) of the Public Authorities Law, Cabinet extended the Anti-Fraud Policy to the Statutory Authorities and Government Companies which did not already have their own fit-for-purpose anti-fraud policies. As a re-

sult, Madam Speaker, every Public Service agency is now required to have, and in fact should have, an anti-fraud policy in place.

As recommended by the Auditor General in her report, the Ministry of Finance and the Portfolio of the Civil Service have committed to ensuring that the anti-fraud training is completed by all civil servants, and that updated training is done on a regular basis. They are working towards a target of having all existing Civil Servants who have not yet completed the anti-fraud training to have done so by the 31<sup>st</sup> of December this year. The Portfolio of the Civil Service has also been working to incorporate the anti-fraud training as part of the mandatory new-hire orientation sessions, which is in keeping with a recommendation in the Public Accounts Committee report, and this will help to ensure that the civil servants are made aware of the Anti-Fraud Policy and its importance from the very start of their civil service tenure.

An important development in our governance framework, Madam Speaker, was the establishment of the Audit Risk and Assurance Committee (ARAC) under the Office of the Deputy Governor. This committee provides the Deputy Governor with independent and objective advice on the comprehensiveness, reliability, and integrity of assurances on governance, risk management, and control for the Cayman Islands Core Government. The ARAC started meeting in mid-2019 and has continued to meet on a quarterly basis through 2020.

Madam Speaker, a number of the recommendations in the PAC's report were for action by the Department of Planning. I am pleased to report that significant progress has been made there as well. The Department has adopted the Anti-Fraud Policy and all Department of Planning employees are required to complete and file Notice of Interest forms on an annual basis, with updates submitted as necessary, through the Ministry's electronic portal.

The members of the Central Planning Authority and the Development Control Board are required to file a Declaration of Interest annually, and these are available for public inspection through the Department of Planning's website.

The Director of Planning also ensures that any potential Board member conflicts with listed agenda items are declared at the start of each meeting of the Central Planning Authority (CPA) and the Development Control Board, and these declared conflicts are appropriately recorded in the minutes of the meeting.

In closing Madam Speaker, I want to thank my colleagues in this honourable House and the members of the public service for their efforts towards "Fighting Corruption in the Cayman Islands". It can sometimes be a difficult path, but there can be no doubt that it is simply the right thing to do. I am heartened by the commitment of everyone involved to make sure we stay the path and put the necessary

measures in place to ensure the people of the Cayman Islands can continue to have confidence in the integrity of the elected Government and the Public Service.

Thank you for the opportunity to table this Government Minute and to highlight some of the progress that this Government has made in this important area.

I invite the Members of this honourable House to review the Government Minute in detail.

*[Pause]*

**CAYMAN ISLANDS GOVERNMENT PLAN AND ESTIMATES SECOND SUPPLEMENTARY PLAN AND ESTIMATES FOR THE FINANCIAL YEAR: 1ST JANUARY TO 31ST DECEMBER 2018**

~AND~

**CAYMAN ISLANDS GOVERNMENT PLAN AND ESTIMATES FIRST SUPPLEMENTARY PLAN AND ESTIMATES FOR THE FINANCIAL YEAR: 1ST JANUARY TO 31ST DECEMBER 2019**

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

**Hon. Roy M. McTaggart, Minister of Finance and Economic Development:** Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House, the Second Supplementary Plan and Estimates for the Government of the Cayman Islands for the Financial Year ended 31<sup>st</sup> December 2018.

**The Deputy Speaker:** So ordered.

Does the Honourable Minister wish to speak thereto?

**Hon. Roy M. McTaggart:** Thank you, Madam Speaker, very briefly.

Madam Speaker, in accordance with Standing Order 67(1), the Second Supplementary Plan and Estimates document that has just been Tabled, now stands referred to the Finance Committee.

As the Estimates will be considered in Finance Committee at the conclusion of the Second Reading of the associated Supplementary Appropriation Bill that is further down on the Order Paper, I wish only to make brief remarks with respect to the tabled document.

Madam Speaker, the second Supplementary Plan and Estimates document that has just been tabled, is structured in the following way: Section A of the document shows in respect of the specific appropriations being changed, the following information:

- the amount of the original approved appropriation for a particular budget item.

- the amount of the supplementary appropriation proposed for the particular budget item; and
- the revised appropriation amount for the particular budget item.

Section B of the document contains the proposed changes to the Appropriation Law for the Financial Year ended the 31<sup>st</sup> December 2018 and, that Law was approved by the Legislative Assembly in November 2017.

Section C of the document shows the financial statements for the financial year ended 31<sup>st</sup> December 2018.

Madam Speaker, Honourable Members should use the second Supplementary Plan and Estimates as a document that provides more information to each of the items in the Schedule to the Supplementary Appropriation Bill for the 2018 Financial Year and that Bill will appear further down on the Order Paper.

The Schedule contains items of supplementary appropriations with respect to the period for the 1<sup>st</sup> November 2018 to the 31<sup>st</sup> December 2018.

Thank you, Madam Speaker.

*[Pause]*

**Hon. Roy M. McTaggart:** Madam Speaker, I have a second document that needs to be tabled as well: The Supplementary Expenditure for the Supplementary Plan for 2019.

**The Deputy Speaker:** Honourable Minister of Finance, please proceed.

**Hon. Roy M. McTaggart:** Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House, the First Supplementary Plan and Estimates for the Government of the Cayman Islands for the Year ended 31<sup>st</sup> December 2019.

**The Deputy Speaker:** So ordered.

Does any other Member wish to speak?

*[pause]*

Honourable Minister of Finance, do you wish to speak thereto?

**Hon. Roy M. McTaggart:** Again, very briefly, Madam Speaker; I thank you.

In accordance with Standing Orders, this Supplementary Plan and Estimates document that has just been tabled, now stands referred to Finance Committee.

As the Estimates will be considered again in Finance Committee at the conclusion of the Second Reading of the associated Supplementary Appropria-

tion Bill, I wish to make brief remarks with respect to the tabled document.

Madam Speaker, similarly, with the document that I just tabled, the Supplementary Plan and Estimates for 2019 is structured in the following way: Section A of the document shows in respect of the specific appropriations being changed, the following information:

- the amount of the original approved Appropriation for a particular Budget item
- the amount of the Supplementary Appropriation proposed for the particular Budget item; and
- the revised Appropriation amount for the particular Budget item

Section B also contains the proposed changes to the Appropriation Law for the financial year 2019 and, that Law was approved in the Legislative Assembly in November 2017.

Section C of the document shows the unaudited financial statements for the financial year ended 31 December 2019.

Madam Speaker, Honourable Members should use this Supplementary Plan and Estimates as a document that provides more information to each of the items in the Schedule to the Supplementary Appropriation Bill for the 2019 financial year.

The Schedule contains items of Supplementary Appropriations with respect to the period for the 1<sup>st</sup> January to 31<sup>st</sup> December 2019

Thank you, Madam Speaker.

[Pause]

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

The Deputy Speaker: None.

### **STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET**

The Deputy Speaker: The Honourable Minister of Finance.

[Pause]

### **“EXCEPTIONAL CIRCUMSTANCE” TRANSACTIONS INCURRED DURING THE 2019 FINANCIAL YEAR FOR THE MINISTRY OF FINANCE AND ECONOMIC DEVELOPMENT**

**Hon. Roy M. McTaggart:** Thank you, Madam Speaker.

Madam Speaker, as required by Section 11(6) of the Public Management and Finance Law (2020 Revision) (PMFL), I rise this morning to make this statement to Members of this honourable House, with respect to the “exceptional circumstance” transactions that were approved by Cabinet for the Ministry of Finance and Economic Development during the 2019 financial year that ended on 31<sup>st</sup> December 2019. Such transactions were approved pursuant to section 11 (5) of the PMFL.

Madam Speaker, this statement provides details of the aforementioned transactions.

### **Transfer of Customs and Border Control to the Ministry of Employment and Border Control**

Madam Speaker, on the 1<sup>st</sup> February 2019, as this honourable House is aware, the Customs Department was transferred from the ambit of the Ministry of Finance and Economic Development to the Ministry of Employment and Border Control.

The administrative procedures for transferring a Department to another Ministry, includes the transfer of output groups and appropriation amounts which are related to the Department. In the case with the transfer of the Customs Department, the output groups and appropriation amounts that were transferred were equivalent to 11 months of appropriated funding as Customs was transferred on the 1<sup>st</sup> February 2019.

The amounts transferred from the Ministry of Finance’s 2019 appropriations include:

- \$273,665 from FED 1 - Policy Advice and Ministerial Services
- \$165,747 from FED 2 - Governance and Administrative Services
- \$1,422,518 from FED 3 - Collection of Coercive Revenue
- \$7,095,211 from FED 6 - Processing of Passengers and Inspection of Aircraft, Vessels and Cargo; and
- \$2,377,445 from FED 7 - Identification and Investigation of Customs Offences

### **Unspent Funds used for other Capital Projects and Programmes and for the Cost of the 2018 Post-retirement Health Care Accounting Valuations**

Madam Speaker, it is common during each financial year that the Government undertakes an exercise to re-prioritise and assess the progress of its capital projects and programmes, and identify savings within the budget which can be reallocated to other areas of expenditure where there is a shortfall in funding.

During the 2019 Financial Year, the Ministry of Finance assessed its own capital projects and found that it was not going to utilise all of the funding that was approved for the implementation of the retail management system at the Cayman Islands Postal Services.

Instead of allowing the unspent funds to lapse at the end of the 2019 financial year, the Ministry of Finance was able to offer-up \$249,000 in unspent funds from EI 70 - Ministry of Finance and Economic Development.

Madam Speaker, the transfer of the unspent funds is evidenced by the reduction to EI 70 - Ministry of Finance and Economic Development by \$249,000.

The Government's Accounting Standards, the International Public Sector Accounting Standards (IP-SAS) requires the Government to disclose in its financial statements the value of employees' post-retirement healthcare and pension benefits.

The cost for the post-retirement healthcare and pension valuations, which are normally sourced by the Public Service Pensions Board, was not included in the Ministry's initial 2019 Budget.

Instead of seeking supplementary funding, the Ministry of Finance used \$80,000 in unspent funds in EI 70 - Equity Investment in the Ministry of Finance, to pay for the unbudgeted cost of the valuations.

This is evidenced by an increase of \$80,000 to FED 5 – Financial Reporting and Management Services – the appropriation where the cost of the valuations were paid.

Madam Speaker, the \$169,000 balance of unspent funds in EI 70 – Equity investment in the Ministry of Finance, was used to help other agencies in government to support their capital projects and programmes that required additional funding.

The net position is that there is no overall increase in expenditure arising from the aforementioned matters.

### **Increase in Health Insurance Premiums**

Madam Speaker, for a number of years, the Government has underpaid the actuarial premium rates for Civil Servants, Civil Servant Pensioners, Seafarers and Veterans. This practice of "Premium Discounting" has contributed to a number of issues for the Cayman Islands National Insurance Company (CINICO) including large operational losses and CINICO falling below the Prescribed Capital Requirement as mandated by the Insurance (Capital and Solvency) (Class A Insurers) Regulations, 2012 of CIMA.

Commencing in 2019, the Government committed to start paying the full actuarial premium rates for Civil Servants, Civil Servant Pensioners, Seafarers and Veterans, which cost the Government an additional \$14.4 million in 2019. This \$14.4 million is made-up of an initial \$5.6 million that was approved by the Legislative Assembly and placed in the Approp-

riation Law for the 2019 financial year; and a further \$8.8 million was approved by Finance Committee in 2019.

Madam Speaker, the \$14.4 million was placed centrally within the Ministry of Finance's OE 118 - Increase in Health Insurance Premiums for Civil Servants appropriation and then the Supplementary Appropriation Bill for the 2019 financial year which the House will consider during this Meeting of the Legislative Assembly, reallocates this total \$14.4 million across all the various output groups in Ministries, Portfolios, and Offices.

The Supplementary Appropriation Bill for the 2019 Financial Year reflects a 2019 in-year change to OE 118 of a negative \$5.6 million, reflecting the fact that although \$8.8 million was added to OE 118 in April 2019, \$14.4 million is to be removed from OE 118 and re-allocated to output groups across Ministries, Portfolios and Offices. Thus, the negative \$5.6 million in-year movement on OE 118 and its positive \$5.6 million appropriation amount at the 1<sup>st</sup> January 2019 means that its net balance at the end of 31<sup>st</sup> December 2019 was zero.

Madam Speaker, the re-allocation of the \$14.4 million of additional health insurance premiums in 2019 is evidenced by a series of increases to the various output groups across ministries, portfolios and offices which are shown on pages 21 to 33 in the 2019 Supplementary Appropriation Bill that the House will consider at this Meeting.

The increased health insurance cost which was re-allocated to the Ministry of Finance is demonstrated by an increase to:

- FED 1 - Policy Advice and Ministerial Services by \$34,130
- FED 2 - Governance and Administrative Services by \$2,672
- FED 3 - Collection of Coercive Revenue by \$48,082
- FED 4 - Preparation and Publication of Statistical Reports by \$23,960
- FED 5 - Financial Reporting and Management Services by \$74,735
- FED 6 - Processing of Passengers and Inspection of Aircrafts, Vessels and Cargos by \$193,791
- FED 7 - Identification and Investigation of Customs Offences by \$40,431
- FED 9 - Administration and Processing of Applications by \$6,288
- FED 10 - National Mail Service by \$131,541
- FED 11 - Monitoring and Reporting on the Economy by \$4,554; and
- CIN 1 - Health Insurance for Seamen and Veterans for Primary and Secondary Health Care by \$1,319,130.

Madam Speaker, the aforementioned exceptional circumstance transactions which were approved by the Cabinet for the Ministry of Finance and Economic Development during the 2019 financial year did not cause any non-compliance with the Principles of Responsible Financial Management.

Thank you, Madam Speaker.

**The Deputy Speaker:** I have given leave to the Honourable Deputy Governor to make a statement.  
The Honourable Deputy Governor.

**“EXCEPTIONAL CIRCUMSTANCES”  
TRANSACTIONS THAT WERE INCURRED BY  
THE PORTFOLIO OF THE CIVIL SERVICE  
DURING THE 2019 FINANCIAL PERIOD**

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

Madam Speaker, as required by Section 11(6) of the Public Management and Finance Law (2018 Revision) (PMF), I make this statement to Members of this Honourable House with respect to the “exceptional circumstances” transactions that were approved by the Cabinet for the Portfolio of the Civil Service during 2019, covering the period 1<sup>st</sup> January to 31<sup>st</sup> December 2019. Such transactions were approved pursuant to Section 11 (5) of the PMFL.

Madam Speaker, this statement provides details of the aforementioned transactions.

**\$1,320,000 to CIV 13 – Maintenance of the Electoral Register for People-Initiated Referendum Processes**

Madam Speaker, this honourable House will be aware that the organisers of the Cruise Port Referendum movement presented the Supervisor of Elections and the Head of the Governor’s Office a petition which purported to contain a total number of signatures exceeding 5,289, or more than 25 per cent of the registered electors, pursuant to Section (70) (2) (a) of the Cayman Islands Constitutional Order (2009).

The Elections Office began the verification process, inclusive of walk-ins at the Elections Office, verification at various locations such as supermarkets, and in-person verifications at homes and other venues. The Elections Office accelerated the mobilisation of the personnel needed to perform the verification process with an aim of completing the same by mid-August 2019.

Work progressed with early preparation of referendum training materials and logistical plans in the event that a referendum progressed.

As 2019 was a non-election year, the 2019 Elections Office budget of \$407,821 represented a fraction of the sum needed to host an election or referendum. By comparison, the 2017 General Election was delivered within an approved budget of \$1.98 mil-

lion. The cost associated with conducting a national poll totals some \$1.2 million, inclusive of increased promotion of voter registration, voter education, security, training, equipment, transportation, real estate, personnel and materials.

Madam Speaker, in the absence of an existing appropriation adequate to cover costs relating to a people-initiated referendum process, a supplementary appropriation was required to allow the Elections Office to carry out its constitutional responsibilities and duties.

In the event that a referendum was triggered, the polling exercise would have required some 500 persons be deployed in polling activities while being supported by logistics and the RCIPS for security.

Madam Speaker, having outlined those details, the Elections Office sought approval for an appropriation for the following:

- Costs associated with the Cruise Port Petition signature verification process, and prep work for a referendum, which was projected to total some KYD \$220,000; and
- Projected costs of KYD \$1.1 million associated with national polling for a referendum, inclusive of postal ballots, mobile voting and general polling on referendum day, contingent on the outcome of the verification process.

Madam Speaker, note that without the additional funding, the Elections Office would not have been able to meet its constitutional obligations, opening the Office and opening the Cayman Islands Government to potential legal action for breach of law.

**\$1,350,000 to CIN 2 – Health Insurance for Civil Service Pensioners**

Madam Speaker, the Portfolio of the Civil Service carries the appropriations for Executive Expenditure related to CIN 2 – Health Insurance for Pensioners.

The Portfolio of the civil service carries the appropriation for executive expenditure related to CIN 2 – Health Insurance for Pensioner. The 2019 budget for CIN 2 was \$22.5 million; and the actual cost for 2019 totalled \$27.4 million signifying a budget shortfall of \$4.9 million.

I will now outline for this honourable House some general numbers to demonstrate the impact of the premium increases during the 2018/2019 budget cycle:

- There was a net increase of 31, or 1 per cent of the total insured.
- Those persons over the age of 60 increased by 3 per cent to 57.
- As at December 2019, the total insured was 2,243.

- During the stated period, the highest monthly premium being charged was \$1,288. Compare this to just prior to the 2018/19 Budget when there was a total insured of 2,212 and the highest premium was \$958. Madam Speaker, this means that the highest premium increased by 34 per cent or \$330 per month during that period of time.
- The monthly invoices paid by PoCS for CIN 2 previously averaged \$1.7 million per month but, in 2019, increased to an average of \$2.27 million per month.

In previous years, PoCS was allocated additional supplementary funding for the increases in the health insurance premiums for CIN 2. This was done via a centralised reallocation managed by the Ministry of Finance. However, the reallocated amount of \$3.57 million provided in the 2019 iteration was insufficient to cover the total increase of the premiums related to CIN 2. As a result, the PoCS had to seek an additional \$1.35 million to cover the remaining shortfall.

Madam Speaker, the aforementioned exceptional circumstance transactions which were approved by the Cabinet for the Portfolio of the Civil Service during the 2019 financial period did not cause any non-compliance with the Principles of Responsible Financial Management.

Thank you, Madam Speaker.

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

### Short Questions Standing Order 30(2)

**Hon. V. Arden McLean, Leader of the Opposition, Elected Member for East End:** Thank you, Madam Speaker.

Madam Speaker, in accordance with Standing Order 30(2) I would ask your indulgence to ask the Deputy Governor a few short questions.

**The Deputy Speaker:** Please proceed, Honourable Leader of the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Madam Speaker.

Madam Speaker, I guess I am asking for some clarification. Is the Health Insurance for civil service pensioners carried by CINICO in all instances?

**Hon. Franz I. Manderson, Deputy Governor:** Madam Speaker, could the Member please repeat the question? I'm sorry, I didn't hear it.

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

**Hon. V. Arden McLean, Leader of the Opposition:** I am sorry about that, Madam Speaker.

I am wondering if civil service pensioners' insurance is carried by CINICO in all instances.

**The Deputy Speaker:** The Honourable Deputy Governor.

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

Yes, Madam Speaker, to the best of my knowledge, all of the persons I just spoke about, the civil service pensioners are covered by CINICO.

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

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Madam Speaker.

I expect that he knows the next question.

Has this three per cent increase in cost comes as a result of some of the statutory authorities having people retired and now transferring them to CINICO?

**The Deputy Speaker:** The Honourable Deputy Governor.

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

Madam Speaker, there was a number of factors that caused the increase, which I stated in the statement.

I am not following what the Member is saying. The people I am talking about here are retired pensioners; persons who are retired and receiving their pension from the government, so they would have been employed by the government or the wider public service.

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

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Madam Speaker.

Madam Speaker, if he says "the wider public service", does that include SAGC and other entities as well? I understand us to have distinguished the difference between core-government and the other entities; statutory authorities and whatnot.

[Pause]

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, maybe I am not explaining myself well enough. We had occasioned here recently, to hear from some statutory authorities that said, once their people retire, they then have to go and seek insurance from CINICO or someone else because prior to retiring, many years ago, the statutory authorities

moved their staff from under government insurance over to private insurance. So, I am wondering if some of these are those who migrated over into CINICO.

**The Deputy Speaker:** The Honourable Deputy Governor.

**Hon. Franz I. Manderson, Deputy Governor:** Madam Speaker, I just want to thank the FS for giving me some additional clarification as well.

That could be the case, but that's a very small number. The main driver for these increases is because in previous years, we were not paying the actuarial numbers or true costs of the premium and that is now what we are doing. We are paying the exact cost put to us by CINICO.

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

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Madam Speaker.

Madam Speaker, I need to really ask the Deputy Governor this: In the transition of government bodies into statutory authorities, companies and entities, there has always been that provision that they should be no worse off, putting those laws that governs them. The advent of so many staff members—and I can speak of one in particular, Cayman Airways—we were told that they have no insurance once they retire. What are we going to do about that?

**The Deputy Speaker:** The Honourable Deputy Governor.

**Hon. Franz I. Manderson, Deputy Governor:** Yes, Madam Speaker.

Madam Speaker, this issue has begun to really rise its head for the last couple of months. It is important that the statutory authorities make provisions for health care for their employees

It is really not fair for persons to be working for the public service and then when they retire, they say, *Well, okay, civil service you now need to start paying my health insurance premiums.* You were not employed, by central government.

So, it is basically incumbent on those statutory authorities to start to accrue for the health services liability for their staff when they retire. That is something for the individual statutory authorities to look into. It is something that we can have a wider conversation with, in terms of something being done under the Public Authorities Law, and we are happy to have that conversation. But, for right now, Madam Speaker, I think it is really a responsibility for those statutory authorities and government owned companies to look to making provisions for their employees, the same way that the central government has for theirs.

**The Deputy Speaker:** I have given leave to the Honourable Attorney General to make a statement.

The Honourable Attorney General.

**“EXCEPTIONAL CIRCUMSTANCE”  
TRANSACTION INCURRED DURING THE 2018  
AND 2019 FINANCIAL YEARS FOR JUDICIAL  
ADMINISTRATION**

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

Madam Speaker, I apologise for the late notice for this statement.

Madam Speaker, pursuant to section 11(6) of the Public Management and Finance Law, 2018 Revision, I wish to make a statement to Members of this honourable House regarding exceptional circumstances which were approved by Cabinet for the Portfolio of Legal Affairs during the 2018/2019 Financial years that ended on the 31<sup>st</sup> December 2018 and the 31<sup>st</sup> December 2019 respectively.

Madam Speaker, the exceptional circumstances require making changes to the 2018 and 2019 appropriations which I will briefly explain.

There are several factors, Madam Speaker, impacting the Judicial Administration 2018 executive budget, thus requiring the need to seek supplemental funds for appropriations OE1 – Personal Emoluments for the Judiciary, OE4 - Judiciary Expenses and OE 65 – Court of Appeal Expenses. These factors include:

1. Appointment of New Judge - Due to the increased demand of the Financial Services Division (FSD), There was a need for one of our permanent FSD judges to be on Island full time. The Governor agreed to the terms of a sitting FSD judge's contract to enable him to relocate to the Cayman Islands and to be employed on a salaried and pensionable basis. The additional funding required would impact both the 2018 and 2019 financial years.
2. Enhancement of employment benefits available to Magistrates - Enactment of the Judge's Emoluments and Allowances Law, (2018 Revision) and The Judge's Emoluments and Allowances (Amendment, Order 2018). This Law retroactively altered the salary and benefits of Magistrates from January 2016. Although some monies had been included in the budget to manage these costs, additional funds was required as the final agreement on the terms of the benefits were not finalised until 2018. The additional funding required would impact both the 2018 and 2019 financial years.
3. Additional Permanent Magistrates - The increased sitting of Acting Magistrates to almost a full time basis, justified the need to introduce two additional permanent magistrate posts. At

- the beginning of 2018, there were three full-time magistrates and four acting magistrates. With the creation of two additional permanent magistrate posts, the acting magistrates complement will reduce from four to two. The conversion of these two posts would impact the 2018 and 2019 budgets of Judicial Administration.
4. Court of Appeal uplift - Due to the disparity of emoluments between Court of Appeal Judges and Grand Court Acting Judges, Her Excellency the Governor, Helen Kilpatrick agreed to equalise remunerations and benefits of the Court of Appeal Judges. Her Excellency signed amendment to the employment agreements of all Court of Appeal Judges on the 6<sup>th</sup> February 2018. Madam Speaker, this required an uplift to their daily rate to be on par with that of the Acting Judges and also to ensure that the cost of living adjustment that they are entitled to under the law is carried out at the same time as that of the Grand Court Judges to ensure there was no further disparity between the rates. The uplift would require additional funding in both 2018 and 2019 financial years.
  5. Court of Appeal increased Sitting - Due to the increased number of appeals, there was a demand for additional Court of Appeal sittings. One additional Court of Appeal sitting was needed in 2018 and two additional sittings planned on 2019, thus requiring additional funding.
  6. Actual higher than budget - The actual cost of living adjustments payable to judges and magistrates was higher than budgeted, thus impacting the 2018 and 2019 budgets. Also, the demand for services for visiting/acting judges was higher in 2018 than originally budgeted.
  7. The additional funding required in 2018 totalled \$1,517,265. Internal savings of \$750,000 were identified within Judicial Administrations 2018 appropriations. Further savings of \$767,265 were identified within the Portfolio of Legal affairs and reallocated to cover the full anticipated cost. The following changes were approved by Cabinet via section 11(5):
    - a. Increased appropriations:
      - i. OE 1 – Personal emoluments for the judiciary in the amount of \$502,796
      - ii. OE 4 – Judiciary expenses in the amount of \$473,437
      - iii. OE 65 – Court of Appeal expenses in the amount of \$541,032

**Total appropriation increase - \$1,517,265**
    - b. Decrease appropriations:
      - i. JAD 1 - Administrative support to the judiciary \$(112,500)
      - ii. JAD 2 – Support for the Court Proceedings \$(337,500)
      - iii. EA 145 – Court House \$(300,000)
      - iv. LGA 1 - Legal advice and representation in civil matters - \$(400,000)
      - v. LGA 7 – Review and modernisation of Laws - \$(150,000)
      - vi. LGA 4 – Drafting of legislation and regulations - \$(130,000)
      - vii. LGA 3 – Law teaching and Publications \$(87,265)

**Total appropriation decrease \$(1,517,265)**
- The 2019 additional funding required for the aforementioned items was approved by the Finance Committee during the April 2019 sitting of the Legislative Assembly via section 12. The increases to appropriations are as follows:
- OE 1 – Personal emoluments for the Judiciary in the amount of \$847,052
  - OE 65 – Court of Appeal expenses in the amount of \$688,014
  - In 2019, additional funding was also requested and approved in Finance Committee in April 2019 via section 12 to cover the operational costs such as: utilities and janitorial for the then, recently purchased Old Scotia Building, the increase in appropriation was through JAD 2 – Support for Court proceedings, \$372,000
- Also, in 2019, Cabinet approved the reallocation of funding held with the Ministry of Finance and Economic Development to each of the Ministries, Portfolios and Offices for the increase in health insurance premiums for civil servants. The Ministry of Finance centrally budgeted for the increase, and once increased, premium rate was determined, and transferred the funding accordingly.
- As a result, the following appropriation increased:
- JAD 1 – Administrative support for the Judiciary, \$16,909
  - JAD 2 – Support for court proceedings for \$51,268
  - JAD 3 – Collection of revenue, \$6,283
  - JAD 4 – Financial management of court funds \$3,102; and
  - OE 1 – Personal emoluments for the Judiciary \$27,258
- In conclusion, Madam Speaker, the above exceptional circumstance which were approved by the

Cabinet for Judicial Administration during the 2018/2019 financial years, along with the overall effect on the Government's compliance with the Principles of Responsible Financial Management, can be found in the 2018/2019 Supplementary Plan and Estimates Tabled in this honourable House.

I thank you, Madam Speaker.

## PERSONAL EXPLANATIONS

**The Deputy Speaker:** None.

## OBITUARY AND OTHER CEREMONIAL SPEECHES

**The Deputy Speaker:** None.

## RAISING OF MATTERS OF PRIVILEGES

**The Deputy Speaker:** None.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READINGS

##### DOMESTIC PARTNERSHIP BILL, 2020

**The Clerk:** The Domestic Partnership Bill, 2020.

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

##### SUPPLEMENTARY APPROPRIATION (JANUARY 2018 TO DECEMBER 2018) BILL, 2020

**The Clerk:** Supplementary Appropriation (January 2018 to December 2018) Bill, 2020.

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

##### SUPPLEMENTARY APPROPRIATION (JANUARY 2019 TO DECEMBER 2019) BILL, 2020

**The Clerk:** Supplementary Appropriation (January 2019 to December 2019) Bill, 2020.

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

## SECOND READINGS

### DOMESTIC PARTNERSHIP BILL, 2020

**The Clerk:** The Domestic Partnership Bill, 2020.

**The Deputy Speaker:** The Honourable Premier.

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

Madam Speaker, I beg to move the Second Reading of a Bill for a Law to provide for the Domestic Partnership and for incidental and connected purposes.

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

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

Madam Speaker, the Bill before the House this morning is one that, I think all of us would have to agree, addresses the most contentious issue that I certainly have known since I arrived in this House almost 20 years ago. So, Madam Speaker, it is with a great deal of deliberation, thought and prayer that we have arrived at this point and that I discharge the solemn obligation of moving the Domestic Partnership Bill, 2020 and introducing it to this House.

To say the Bill is contentious is an understatement, but it is a very important Bill.

There are those in the public who support it as it has been published; there are those who support it but say it does not go far enough; there are even those opposed to it because it does not go far enough in their view. And then there are those who oppose it outright for varied reasons, including religious grounds, and because of that we can expect heated and spirited debate inside and outside of these Chambers, for and against the Bill.

Madam Speaker, I would urge us all, as we speak our mind and our conscience, to remember always the importance of compassion and tolerance and to understand that however strongly our views may be held, others are entitled to theirs as well. Also, Madam Speaker, it is other people—other parents, children; others' children's parents—who we are speaking about. My point, Madam Speaker, is that we are all God's creatures and regardless of how strong we feel about an issue like this, we ought to remember that.

Madam Speaker, let me now describe what the Bill seeks to do. In broad terms, the Bill contemplates two persons entering into a domestic partnership which is registered by a Registrar of Domestic Partnership. Those registering must be 18 years or older, or if between 16 and 18 years old they must have the requisite consent of parents, guardians or the courts, in the same way that consent is necessary

for people of the opposite sex proposed to marry under the age of 18; neither person can, at the time of registration, be married or in a recognised domestic partnership; and of course, they cannot be related.

In short, the Bill, if it becomes Law, will permit two adults to enter into a formal, legal partnership with defined rights recognised by the State. It will be termed a Domestic Partnership. It is not a marriage.

That is what this Bill is about, Madam Speaker, but before I get into the details I need to just say a few things about what this Bill is not about.

First, this is not a Bill about the legality or morality of homosexuality. The issue of the legality of homosexuality in these Islands has been settled for almost 20 years now, as required under the United Kingdom's Caribbean Territories (Criminal Law) Order, 2000, that is an Order in Council made by Her Majesty in Privy Council, which took effect on the 1<sup>st</sup> January, 2001. That Act, passed in the UK by Order in Council, decriminalised homosexuality in these Islands and all the Overseas Territories and confirmed that homosexual acts carried out in private shall not be an offence provided that the parties consent thereto. So, regardless of our views on homosexuality, that has been the position in our Islands for almost 20 years. Homosexuality is not a criminal offence.

Despite that, Madam Speaker, when issues such as the one now before us are raised, often what we hear are thunderous speeches railing against homosexuality. Madam Speaker, I do not for a moment doubt the sincerity of the views held by many in these Islands on this subject, Madam Speaker. However, I do question the relevance of such views when it comes to the matter before us today and the issues contained in this Bill.

There is a very important principle at stake here today, but the rights and wrongs of particular lifestyles is not it. Rather, as I will explain, the principle at stake today and with this Bill is whether this Honourable Legislative Assembly of the Cayman Islands is willing to uphold the rule of law.

In my view, for lawmakers, principles do not come much more important than that and I hope Members will focus their minds on it as we deliberate here today.

The late President of the United States, John F. Kennedy, in his message to the American people in 1962 on discrimination is one that is appropriate for this House to consider on this occasion. The late President noted that while citizens are free to disagree with the law they are not free to disobey it.

Secondly, this is not a Bill about marriage, specifically, marriage between same sex couples. We have sought in bringing this Bill to ensure that we maintain what our law says about marriage and also the views of many in our church communities. But, we have also acknowledged the need to abide by the law and to provide protections for same-sex couples that the law and the Courts have demanded of us.

Madam Speaker, I was heartened to receive a letter on July 16<sup>th</sup> from the Cayman Ministers' Association where they recognised the efforts that we have gone through to protect the rights of people on both sides of the debate.

Madam Speaker, the letter, with your permission, I will read:

***"Dear Hon. Premier***

***"Greetings!***

***"I write on behalf of the Cayman Ministers Association, regarding the Domestic Partnership Bill. We do appreciate the cordiality and consideration that both, yourself and the Attorney General, have always afforded us. We also sincerely appreciate your sensitivity to the concerns of the Church and the wider community regarding same-sex relationships.***

***"You did express however, the need to address the lingering matter of same-sex unions, especially in the light of the ruling of the Court of Appeal. We as a Cayman Ministers Association (CMA) Executive are further appreciative of the manner in which you sought to protect heterosexual marriage, according to our Constitution, and also to protect marriage officers and churches from any obligation regarding domestic partnerships.***

***"We do wish to submit very humbly and respectfully a Formal Position Letter, which we would like you to consider in your decision making. This, we also would be making available to the other Members of the Legislative Assembly. Attached also are comments from The Rt. Hon. Dame Joan Sawyer, former President of the Court of Appeal and Chief Justice of the Bahamas.***

***"We know that this is a very difficult matter and may God grant you wisdom in your decision making.***

***"Yours Very Truly***

***"Torrance Bobb***

***"Chairman, Cayman Ministers Association"***

Madam Speaker, with your permission, I would like to lay a copy of this Letter on the Table of this honourable House.

**The Deputy Speaker:** So allowed, Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, I will make available a copy of this letter and attachments to all Members of this honourable House, although I believe many of them may have received it themselves.

The letter from the CMA speaks well to their recognition of our efforts to keep marriage and domestic partnerships separate. So Madam Speaker, I say again that this Bill is not about marriage. This

point is important, Madam Speaker, and I will say more about that shortly. But, before doing so, I need to remind the House of the background to this Bill.

The particular path that has brought us here is a complaint by Ms. Chantelle Day, a Caymanian Attorney, and Ms. Vickie Bodden Bush; a complaint that has been considered by the highest court in our land.

What the Courts—both the Grand Court and the Court of Appeal—have determined lies behind that complaint is the failure over many years of this honourable House to provide a solution that safeguards the rights of some members of our society. It is that failure we are being charged to rectify here today.

In April 2018, Ms. Day and Ms. Bodden Bush wrote to the General Registry requesting a licence to enter into marriage in the Cayman Islands. The application was properly refused given the clear requirements of our Marriage Law, which stipulates in section 2, that marriage is the union between a man and a woman as husband and wife.

Therefore, Madam Speaker, as a matter of law, the General Registry could not properly, and did not, issue a license to them to get married.

That was the Law then in August 2018 and that is the Law today, in July 2020. Madam Speaker, more importantly, that will remain the law, even if this Bill is passed by this House. This Bill does not seek to change or supersede the existing Marriage Law.

Madam Speaker, having properly met with a refusal by the General Registry, Ms. Day and Ms. Bodden Bush applied to the Grand Court for a number of reliefs because, they argued, the refusal of their application to be married infringed rights guaranteed to them under our Constitution. In particular:

- their right to private and family life under section 9(1) of the Bill of Rights in the Constitution
- their right to freedom of conscience under section 10(1)
- their right to marry and found a family under section 14(1); and
- their right not to be discriminated against under section 16(1) of our Bill of Rights.

To correct what they viewed as a wrong they sought a declaration from the Courts that the Marriage Law should be read and construed with such modifications, adaptations, and qualification as may be necessary to bring it into conformity with the Constitution. They had applied for a marriage licence so inevitably, their legal proceedings were focused on marriage. However, Madam Speaker, of particular significance to this debate today is their claim that while they were entitled to marry, they sought as a minimum, a declaration that provision should be made for them to enter into a “civil partnership”.

Madam Speaker, Honourable Members would recall that the matter was heard by the Grand Court,

and the Honourable Chief Justice delivered his ruling in March 2019.

The Grand Court ruled that the Bill of Rights in the Constitution did give Ms. Day and Ms. Bodden Bush the right to marry and by way of remedy, the Chief Justice ordered that section 2 of the Marriage Law be amended to read as follows: “*Marriage means the union between two people as one another’s spouse*”.

Madam Speaker, the Chief Justice also modified section 27 of the Marriage Law to bring it into conformity with the amendment he ordered to section 2. Section 27 is the section that deals with marriage declaration. In other words, the Chief Justice, in seeking to provide Ms. Day and Ms. Bodden Bush with a remedy, legalised same-sex marriage in the Cayman Islands. That remained the law until the Court of Appeal judgment although the provision was stayed while the appeal was being pursued. So, Madam Speaker, this country has had same-sex marriage legalised here at that point. I say that because we may, if we fail to pass this Bill, arrive back there very swiftly.

Madam Speaker, Members will recall that my Government then instructed the Honourable Attorney General to appeal the ruling of the Grand Court. At stake in the appeal was not just the substantive issue of same-sex marriage but the principle that this House, not the Chief Justice, should write the Laws of the Cayman Islands. And so, if a law is determined by the Courts to contravene the Constitution, then it should be for this House to have the opportunity to fix it. Therefore, Madam Speaker, on that basis we pursued an appeal.

On the 7<sup>th</sup> November, 2019, the Court of Appeal delivered its ruling. I am sure that we were all relieved that the Court of Appeal disagreed with the Chief Justice as it relates to the right to enter into same-sex marriage in the Cayman Islands.

The Court affirmed that under the current legal framework, marriage is only permissible between persons of the opposite sex. The amendments to the Marriage Law that the Chief Justice had sought to impose were struck down.

On the face of it, this was a success for the Government of the Cayman Islands. The Court had granted our appeal agreeing with our interpretation of the law and striking down the Chief Justice’s attempt to change the legislation without reference to this honourable House.

However, having delivered a favourable verdict on our appeal, the Court of Appeal went on to issue a declaration in absolutely unequivocal terms as it relates to the legal obligations of the Cayman Islands to put into law a framework to protect certain constitutional rights relating to private and family life under section 9 of the Bill of Rights in the Constitution.

Section 9, Madam Speaker, requires that Government shall respect every person’s private and

family life, his or her home and his or her correspondence. In other words, Madam Speaker, whilst Ms. Day and Ms. Bodden Bush do not have a legal right to marry in the Cayman Islands, the Court confirmed that they do have a right to private and family life and as such, the right to a legal framework that is not marriage but one that provides similar legal recognition and security.

Madam Speaker, the declaration was not only unequivocal, it was robust and scathing. Members of this House should be in absolutely no doubt of this. I have asked that copies of the judgment be circulated to Members but I will read the exact language employed by the Court. Again with your leave, Madam Speaker, I wish to lay a copy on the Table of this Honourable House.

**The Deputy Speaker:** So allowed, Honourable Premier.

[Pause]

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, the judgment is being passed out now, so I will wait a moment.

[Pause]

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, the following excerpt is from page 36 of the Court of Appeal's judgment and I am quoting directly.

**"As we said in paragraph 6 above, the Appellants . . ." (the appellants being the Cayman Islands Government and the Legislative Assembly) ". . . have finally accepted that section 9(1) of the Bill of Rights (BoR) requires the Legislative Assembly to provide the Respondents with legal status functionally equivalent to marriage. Its failure to comply with its obligations under the law in that regard is woeful. That it had such an obligation has been apparent for several years. As the Chief Justice set out in detail, the Respondents, in broad terms, offered to compromise the present litigation on appropriate undertakings from the Appellants to establish an institution of civil partnership. Even now, when during the course of argument, the court sought information as to what the Appellants intended to do, we were merely told they were awaiting the outcome of the litigation. It is difficult to avoid the conclusion that the Legislative Assembly has been doing all it can to avoid facing up to its legal obligations. In the meantime, Ms Day and Ms Bush (and their child) suffer in the many ways the Chief Justice set out.**

**"In our judgment, a declaration in the following form is appropriate:**

***"In recognition of the longstanding and continuing failure of the Legislative Assembly of***

***the Cayman Islands to comply with its legal obligations under section 9 of the Bill of Rights***

***"And in recognition of the Legislative Assembly's longstanding and continuing violation of Article 8 of the European Convention on Human Rights,***

***"IT IS DECLARED THAT:***

***"Chantelle Day and Vickie Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage."***

***"It is not appropriate to require undertakings from the Attorney General, as is urged upon us by the Respondents. Moreover, proper fulfilment of its legal duty by the Legislative Assembly should provide the protection sought.***

***"A final observation***

***"We feel driven to make this final observation.***

***"This court is an arm of government. Any constitutional settlement requires the executive and the legislature to obey the law and to respect decisions of the court. It would be wholly unacceptable for this declaration to be ignored. Whether or not there is an appeal to the Privy Council in respect of same-sex marriage, there can be no justification for further delay or prevarication.***

***"Moreover, in the absence of expeditious action by the Legislative Assembly, we would expect the United Kingdom Government, to recognise its legal responsibility and take action to bring this unsatisfactory state of affairs to an end."***

Madam Speaker, I said earlier, that the principle at stake today is whether this House will uphold the rule of law. The Court of Appeal has challenged us clearly and directly to do so.

As the Court describes, it would be wholly unacceptable for this House to ignore the Court's declaration and to refuse to act.

Madam Speaker, how can Members of this honourable House ask the Courts to implement and enforce the laws we pass in this Legislative Assembly if we ourselves refuse to be bound by the decisions of our Court of Appeal? Indeed, how can we expect the people of these Islands to be bound by the law if we as lawmakers refuse to do so? If we claim some moral right to ignore a very clear instruction from the Courts, what is to stop every other participant in legal proceedings in these Islands from doing the same?

Madam Speaker, I have spent almost 20 years in this House. I have been proud to be a Member. I have been proud to uphold the law and to observe the sacred oath that I swear—each of us

swears—when taking office after each election. Madam Speaker, before taking up our seat in this honourable House, each of us is required to speak the Oath of Allegiance. Indeed, we cannot act as Members of this House without doing so.

Let me remind members of that Oath: **“I swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, according to law. So help me God.”**

I will simply observe that the Constitution allows the words, “So help me God” to be omitted by Members who wish to affirm. But I also note that the words “according to law” may not be omitted. That is the core of the Oath we take, “According to law.” That is how we must act as Members of this House; according to law.

Madam Speaker, increasingly, I am seeing and hearing calls for a People Initiated Referendum on this matter, or from some in this House and outside of it for a general referendum at the next election so that the public can decide on this issue. Madam Speaker this is not a policy decision. This is a matter of Law and indeed a Constitutional matter. To repeat again, our Courts are requiring that the Legislative Assembly provide the protections that they have identified. They are requiring that this Legislative Assembly cease the continuing breach of both Article 8 of the European Convention on Human Rights and Section 9 of the Bill of Rights of the Cayman Islands Constitution. Compliance with these provisions is not a matter of choice for this House or for this Government. Rectifying these issues is a matter of complying with the law as articulated by the Court of Appeal.

A People Initiated Referendum does not apply to Constitutional matters and a general referendum, as allowed by section 69 of the Constitution, is also not suitable to decide this matter. It has been decided by the Courts, as I have just said, that this Legislative Assembly is in long standing and flagrant breach of Article 8 of the European Convention on Human Rights and section 9 of our own Bill of Rights.

Some have argued that we can, and indeed should, continue to prevaricate. Why, some ask, are we rushing ahead with legislation when the matter is on appeal to the Privy Council? To answer that, Madam Speaker, I can do no more than repeat the words from the court of appeal.

**“This court is an arm of government. Any constitutional settlement requires the executive and the legislature to obey the law and to respect decisions of the court. It would be wholly unacceptable for this declaration to be ignored. Whether or not there is an appeal to the Privy Council in respect of same-sex marriage, there can be no justification for further delay or prevarication.”** That is why the Government must proceed as we’re doing today.

Honourable Members should recall that the Court of Appeal was almost incredulous that despite having conceded the legal principle, the Government—my Government, the Government which I lead—had no plan or timetable for legislation to enact domestic partnerships. We do not have to wonder then, what view the Privy Council will take if months later we go before them, as is the plan in February next year and still have no plans to resolve this impasse.

Moreover, I ask that Honourable Members also recall that the appeal to be heard by the Privy Council is not about domestic partnerships or civil unions; it is about same-sex marriage. What is being appealed by the appellants there is the decision of the Court of Appeal, which found in favour of the Government and the Legislative Assembly position that our Constitution does not require same-sex marriages. Madam Speaker, Members must also recall that it has already been established and affirmed by the Court that some form of domestic partnership, civil union or civil partnerships, rather than same-sex marriage, is necessary to safeguard the rights of individuals, such as, Miss Day and Miss Bodden-Bush. That fact, Madam Speaker, will not change. It will not.

So, if we fail to act, then the Privy Council will, I am certain, act in our stead and implement same-sex marriage because there will be no other means of ensuring that persons in same-sex relationships are protected as are required by both Article 8 of the European Convention on Human Rights and Section 9 of our Bill of Rights. The issue before them is solely that: whether or not same-sex marriage is required under our Constitution. If we do not have a domestic partnership law in place, then same-sex marriage will not be a difficult decision for them to make. And, we in this House would have only ourselves to blame, Madam Speaker. And many of those public voices now against this Bill, despite whatever they say now, will hold us to account if same sex-marriage is introduced because we—this Legislative Assembly—failed to act.

Madam Speaker, this is our moment of truth, this is our test of real leadership. We can act and have a hand in making our own destiny, or we can fail to act and dither and allow others to do as they see best.

Madam Speaker, the circumstances over recent months with our response to the COVID-19 Pandemic have caused a delay in bringing this forward, but as the Court made its expectations clear, we should delay no further. We must act and we must act now.

There is also, in my view, added risk in delay. Notwithstanding any appeal to the Privy Council, the Court made itself very clear that the protections sought by Ms Day and Ms Bodden-Bush must be put in place. Again, I quote:

**“Moreover, in the absence of expeditious action by the Legislative Assembly, we would expect the United Kingdom’s Government, to recog-**

**nize its legal responsibility and take action to bring this unsatisfactory state of affairs to an end.”**

I can tell you, Madam Speaker, from the horse's mouth that that stated expectation certainly caught the attention of the UK Government.

Some have argued that we should hold out against this change and let the United Kingdom impose it upon us. They seem to believe that in taking what they regard as a principled stand, it is better for us to refuse to accept the change and have it forced upon us.

Madam Speaker, I contend that that approach is not one of moral principle and that it will not result in leading us into further delay. Rather it would, in my view, equate to moral neglect to not seize the moment and act when we should. If we do not act then this House is abdicating its responsibilities. But just suppose we do take such a course and delay. There must be an added risk that if the United Kingdom Government were the ones to push a change, they would decide to impose same-sex marriage on these Islands rather than domestic partnerships. It would not take very much to simply reinstate the ruling of the Chief Justice. He has even drafted the new provision for the Marriage Law for them. And many of those public voices now against this Bill, despite whatever they say now, will hold us to account if same-sex marriage is introduced because we failed to act.

There is, I think, a view that to accept domestic partnerships would be the thin edge of the wedge and that same-sex marriage would be bound to follow. The experience in the UK and elsewhere in the world may indicate that there is some substance to that argument.

However, same-sex marriage has come about in those jurisdictions because legislators in the UK and elsewhere have voted for it. It was not imposed on them by the courts. I strongly believe that if we put in place these arrangements for domestic partnerships now that gives us the greatest chance of keeping future decisions about same-sex marriage in the hands of future Caymanian legislators.

Let me just say this, Madam Speaker, as the father of two 20 plus year olds—28 and 25—I can tell you, as I am sure most of you know, the next generation of legislators will legislate for same-sex marriage. They have a very different outlook than our generation and the one that has gone before us. So, let us leave it for them to decide. Let us not, in our dotage, sit back and be the subject of their criticism by saying *they were not bold enough to do what they were elected to do. They let the United Kingdom legislate for them and that is why we, who are the new legislators, have as little power as we do and why the UK still continues to control the narrative and decision-making on key policy issues.*

The issue about whether same-sex marriage should be part of our legislation should properly be left

for the future and the future legislators who follow us. Let us not pre-empt their ability to make that decision by our failure to introduce the Domestic Partnership Law.

As I have said, the issue for us is whether this honourable House will indeed uphold the Law; whether we will put in place the legislation necessary to safeguard the rights of a section of our population who do not have those rights protected now. The Courts could not have been clearer about their expectations of the steps that this House needs to take.

There is one further risk I would like to highlight and that is a political risk of inaction. This Government, with the support of the Opposition, has invested considerable effort in negotiating a range of Constitutional amendments with the UK Government. I have said before in this House that I believe these changes represent a step forward in our relationship based on the UK's view that democratic institutions and governance arrangements are maturing in Cayman and that as such it is appropriate to give us more control over our own affairs.

If we now refuse to act when obligated to do so by the Courts, we would be demonstrating not political maturity but adolescent irresponsibility. It would be hard in such circumstances to make the case to the UK that they should press ahead with the Constitutional changes we have fought for and which were supported on all sides of this House.

To be clear, Madam Speaker, no one on the UK side has yet threatened us with withdrawal of the proposed changes. There is no *quid pro quo* at play here. I am just realistic enough to recognise the risk and the consequent damage both to our much-improved relationship with the UK and to our wider international credibility.

It follows, Madam Speaker that in the circumstances the Government has an obligation to give effect to the pronouncement of the court. The rule of law requires the Government to do so. Indeed, both leading Counsel from London who argued the case for us are quite firm in their advice that we should do so before the matter is dealt with at the Privy Council. It is for that reason that I am asking all Members of this Assembly to support this Bill.

However, in so doing, I have assured those in my Cabinet and on the Government benches that they can vote their conscience with regard to this Bill, or not vote as they see fit. And I understand that the Leader of the Opposition has also told those on his team to do the same.

**Hon. V. Arden McLean, Leader of the Opposition:**  
Who told you that? Who told you that? Me?

[Laughter]

**The Premier, Hon. Alden McLaughlin:** It seems that may not be the case, Madam Speaker, and I may have been misinformed—

**Hon. V. Arden McLean, Leader of the Opposition:** Watch your speech writers, they're telling you lies.

**The Premier, Hon. Alden McLaughlin:**—but that's a matter for him, Madam Speaker.

I have a good sense as to who on my side supports the Bill and based on what they have said to me, or said publicly, I believe that I have a good sense as to who on the benches opposite will also support the Bill. Of course, they may have changed their mind since last we spoke and I will certainly see once I take my seat—

*[Inaudible interjection and laughter]*

**The Premier, Hon. Alden McLaughlin:**—but, Madam Speaker, I must commend one-member opposite, especially for his understanding that what is before us comes down to us doing our duty according to the Law; but also it will provide protection to the Marriage Law, as well as providing legal protections to individuals like Miss Day and Miss Bodden-Bush. I speak of the Member for North Side. In his public statements he showed a clear understanding of what is at stake. In an interview to the Compass in November 2019, he said, **“My fear has always been if we don't do what we want to do, the United Kingdom will do what we don't want to do, and that is tamper with our Marriage Law”**.

Madam Speaker, this summarises the position very well. I commend Mr. Miller for it. I commend him also for the strength of his conviction when he said in the same interview that if he would lose the election because of his support for civil unions, such as offered by the Domestic Partnership Bill, then so be it. He went on to say, **“That's my position and it is a considered position that is not a flippant position.”**

Again, whilst I wait to see how the Member for North Side debates and votes on the Bill, I certainly commend him for his publicly stated position.

Madam Speaker, my good friend, the Member for George Town Central is one I shall refer to as a renowned fence sitter.

*[Inaudible interjection and laughter]*

**The Premier, Hon. Alden McLaughlin:** I say this somewhat tongue-in-cheek, Madam Speaker, but on this matter the Member has certainly had his feet on one side of the fence or the other from time to time. But his statements to me personally and in the media do give the impression that he supports the Bill.

Madam Speaker, Cayman News Service in an article on 21<sup>st</sup> July, 2020, noted that the Domestic Partnership Bill will Likely get the support from the two

independent Members, Ezzard Miller and Kenneth Bryan, who have both said publicly that **“it is better for Cayman to draft its own legislation to deal with this controversial issue than have it imposed”** on us by the UK. Again, I completely agree with this sentiment and congratulate the Member for George Town Central for taking that position.

*[Inaudible interjection]*

**The Premier, Hon. Alden McLaughlin:** I will see, Madam Speaker, during the debate which side of the fence my colleague for George Town Central will be on when he rises to debate.

Madam Speaker, I am hoping that my debate here has successfully outlined the reasons why this House should vote in favour of, and to pass this Bill into Law. I hope too that I have sufficiently outlined the risks if we do not.

Having asked Members for that support, I will just outline the main provisions within the Bill, Madam Speaker, which reflects substantially, the arrangements which obtain in Bermuda following their Domestic Partnership Act 2018.

Madam Speaker, as usual, clause 1 deals with the short title and commencement.

Clause 2 contains a number of relevant interpretations; including that of domestic partnership, which means, a domestic partnership formalised and registered in accordance with this Law.

Clause 3 is of particular significance in that it contains an overview of the eligibility to enter into a domestic partnership. In particular, it stipulates that two persons over the age of 18 years may enter into such partnerships. However, it also provides that persons 16 years or older but not yet 18, may also enter into such a partnership provided there is parental consent or consent from a legal guardian or the court.

The clause also stipulates that if persons are already married or involved in a domestic partnership of an overseas formal relationship, they would not be able to enter into a domestic partnership in Cayman. Similarly, Madam Speaker, neither of the persons participating should be in the prohibited degrees of domestic partnership, that is, must not be related as siblings, child, parents, et cetera; the same prohibitions that obtain for marriage.

Madam Speaker, clauses 7, 8 and 9 together deal with the issue of notice and issuance of licenses for domestic partnerships.

In essence, Madam Speaker, if there are no legal barriers or caveats then the Registrar is required to issue the requisite licence once the required notice period has been met. There is also provision for a special licence to be issued by the Deputy Governor.

Part 4, Madam Speaker, which covers clauses 14 and 15 speak to the formalisation of a domestic partnership. It provides that once, either the Registrar or a domestic partnership officer is satisfied that all

the necessary legal pre-conditions have been fulfilled, they may formalise the relationship. The formalisation will take place in the presence of two or more witnesses.

It should be noted that it also contains provision for what is called partnership in “extremis”, that is a type of “death bed” partnership where, in the opinion of a medical practitioner, at least one of the parties is in a dying state but is still able to comprehend the effect of entering into a domestic partnership.

Madam Speaker, a feature of the Bill is the ability for a person who has any lawful grounds to object by way of a caveat to the issuing of the licence for the domestic partnership. Once an objection is lodged, it has to be recorded by the Registrar and eventually transmitted to a Judge of the Grand Court for an administrative decision as to its merits. If the caveat is upheld the partnership cannot go ahead.

Madam Speaker, part 6 of the Bill covers issues such as when a domestic partnership may be said to be void or voidable, including instances where there is lack of legal capacity by one of the parties to the relationship.

Madam Speaker, also of significance is part 7 of the Bill dealing with the formal registration of a domestic partnership. Clause 21 in particular contemplates that the Registrar General shall maintain a Register of all Civil Partnerships, including all notices given, and all the domestic partnerships entered into under the law.

Clauses 25 to 27 cover matters dealing with the appointment by the Deputy Governor of domestic partnership officers and for the list of those officers to be published by the Registrar General.

Madam Speaker, it is worth emphasising that according to clause 29, a person who is a marriage officer is not permitted to formalise domestic partnerships unless that person is also expressly appointed as a domestic partnership officer. Of equal significance, Madam Speaker, is the fact that a marriage officer cannot be forced to use any place of worship under his or her control to formalise a domestic partnership, hence Madam Speaker the reason for the caption protection of marriage officers at part 10 of the Bill.

Madam Speaker, like the issue of the ability to permit gambling on Cayman Registered Vessels in international waters, the issue of the ability to formalise domestic partnership has also been mooted for some time.

You may recall, Madam Speaker, that the gambling issue has been resolved with an amendment to the Gambling Law (1996 Revision) in 2016.

Part 11 of this Bill seeks to address the granting of licence by the Honourable Deputy Governor to the master of a Cayman registered ship to be a domestic partnership officer and thereby facilitating formalising of Domestic Partnerships aboard such ships on the high seas.

Madam Speaker, in part 12 of the Bill are provisions that will, among other things, allow for the recognition in the Cayman Islands of certain overseas relationships to be treated as domestic partnerships. These, Madam Speaker, are relationships that are either specified in the Bill or having met certain other general conditions and that are registered in the relevant overseas countries. For these, Madam Speaker, I would ask Members to refer to schedule 2 of the Bill where both the countries and the description of the relationships are listed.

Another feature of the Bill is found in part 13, which stipulates that in instances of breakdown and dissolution of a domestic partnership, the provisions in the Matrimonial Causes Law and the Maintenance Law would apply to their court proceedings.

Then, Madam Speaker, there is part 14 of the Bill, which creates certain offences to do with domestic partnership, for example, a person who, not being a Registrar or a domestic partnership officer, purports to formalise a domestic partnership.

There is provision in clause 45 for the publishing of annual reports of summary of domestic partnerships registered during each year.

Then, Madam Speaker, there is part 16 of the Bill, which allows for references from other Laws to be also applied to domestic partnership. For details of this, Members can see column in clause 46 for the list.

Part 17, Madam Speaker, seeks to, among other things, clarify the position as it relates to marriage, but also goes on to provide that certain overseas same-sex marriages, may be recognised if entered into before this Bill becomes law.

Also, Madam Speaker, there will be a slight Committee Stage amendment to, among other things, provide that thereafter, such marriages can only be recognised and treated in Cayman as a domestic partnerships in certain circumstances.

So, Madam Speaker that is a general outline of some of the main provisions of the Bill. It is not an exhaustive summary, given the length of the Bill. Additionally, Madam Speaker, I shall advise Honourable Members that if this Bill becomes Law, there will be a number of other Bills following to effect certain consequential changes to other Laws in order to give full effect to the declaration of the Court of Appeal as it relates to “functional equivalency to marriage.”

These, Madam Speaker, include Laws such as the Penal Code Law, Mental Health Law, Immigration Law, National Pensions Law, Adoption Law, Succession Law, Wills Law and some others.

In closing, Madam Speaker, I would like to take this opportunity to thank the Attorney General and his staff for the work they have done to produce this Bill. It is a necessarily complex piece of legislation given the requirements laid down by the Court and the need to ensure we can demonstrate that the resulting legislation reflects the needs to safeguard the Consti-

tutional rights of those who were not previously offered such protections.

Madam Speaker, in asking Members to vote to pass this Bill, I am asking them to uphold the rule of law and the principle of respect for the decisions of our Courts. I know this is a difficult decision for some, including some of my colleagues on the Government benches. However, there is no place for us as lawmakers to hide; either we accept the rule of law and make the changes we are bound by our Oaths of Allegiance to make or we do not. There is no middle ground. The idea that we might simply sit on our hands while either the Privy Council or the United Kingdom Government solve this for us is at best, to abdicate responsibility and at worst, to fail in the most fundamental tasks of government; to uphold the law and to safeguard the rights of our people.

Madam Speaker, this is now a question of political leadership. Are we, as lawmakers, going to face up to our responsibilities or abdicate them and leave it up to the Privy Council or United Kingdom Government to discharge the sacred function that we swore an oath to do?

Are we prepared to bear the burden of leadership as we were elected to do, or shall we leave it to the United Kingdom, either by virtue of their judges in the Privy Council or as a result of the extension of an Order in Council for these Islands, to make the decision which each of us in here campaigned that we were able and competent to do? That is the question which each of us must ask ourselves. There is a reason why it is called the burden of leadership; it is often heavy to bear. We shall see, Madam Speaker, whether we are capable of bearing that burden or whether it shall cause us to bow and pass that responsibility to another country and another people to discharge.

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

I call on the Honourable Leader of the Opposition.

**Hon. V. Arden McLean, Elected Member for East End, Leader of the Opposition:** Madam Speaker, thank you.

It appears to me that the Premier has some very good speech writers, but that's not to take anything away from him or his ability to speak off the cuff either.

Madam Speaker, the Premier is right. I got elected before him but he and I were sworn in on the same day and he was sworn-in, in front of me, so he thinks he has won the day with time. I will never forget it; mine was at 11 o'clock on November 8<sup>th</sup>, 2000 and his was the next morning on the 9<sup>th</sup>. And when we were sworn in on the 15<sup>th</sup> November, because George Town was a little bigger, he was sworn in before me; so both of us have been around here the same time.

Madam Speaker, on December 8<sup>th</sup> 1941 the then President of the United States of America, Franklin Roosevelt, while addressing both political arms of that country seeking a declaration of war, he started his address with the following famous words: "**Yesterday, December 7, 1941,—a date that will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.**"

Madam Speaker, I believe while our country has not come under any war attack, we can safely say that today is a date that will long be remembered by generations to come; be it in favour or against the acts of this Government and rightly so.

Madam Speaker, let me now set the record straight for the Premier, his Government and the general public: My contribution to the Domestic Partnership Bill will generally reflect my personal views and in some instances, not necessarily the views of the Members of this Opposition. This matter is of such social and moral values to all that they will express their own position thereon. As this country knows, and has come to appreciate, they are very capable of freely expressing themselves.

Madam Speaker, like the Premier, I cannot recall one instance, in the nearly 20 years since I have been a representative within this august body, that here has been a more divisive bill promulgated by a government to come to these hallowed Halls. The Premier calls it contentious, but that is an understatement, like he said earlier. I think that despite the Premier's position that rule of law is what this is about; it might be that the Government should withdraw this Bill and allow this country time to come together and have a chance to be consulted and be informed on the matters that the Government is trying to achieve.

Madam Speaker, that, I know will come with an opposition thereto, by saying his has been a matter long outstanding, therefore it has been ventilated within our community. I am here to say that I do not think that is true. Let me briefly touch on some of what has caused such division in our society.

Madam Speaker, the Government gazetted this Bill on June 26 and announced that they were seeking public input in parallel with the gazetted Bill for 30 days. Now, Madam Speaker, the Constitution requires the Government to gazette bills 21 days in advance of them being presented to this honourable House. As a matter of fact, the new proposed changes to the Constitution will increase that to 28 days and I will touch on the changes to the Constitution a little bit further on in my debate.

Madam Speaker, I am sure the Member for West Bay Central, the two Members for Cayman Brac, the Premier, my good friend for Savannah and I, will know that this is the first time in 20 years that I have seen that done. I have never seen a consultation period during a gazettal period. Never!

It is customary, not only in this country but all countries where there is so-called 'democracy', that when a government is proposing legislation or reform, they circulate a 'White Paper' for a period of time prior to the introduction of the legislature, parliament, whatever you wish to call it. This was not the case.

In England a White Paper sometimes can last 6 months to a year. I have seen them here last more than two years. And Madam Speaker, when I say 'White Paper' I should have brought the one that England put out for the Overseas Territories in 2015. That was a White Paper. It might have been done in colour, but it is called a White Paper. That is what it is called, a White Paper. I have never seen this done before.

Madam Speaker, the Government's action, in this case, indicates to me that they had no intention of seeking consultation or input, accepting input, and changing the intended course of action.

Indeed, Madam Speaker, if the Government's intentions were genuine, they would not have gazetted the Bill with the consultation period.

Madam Speaker, to the best of my knowledge, only a few Members of the Government made any attempt to consult the people and take input. If they had, despite the Premier's lengthy delivery about rule of law, we would not be here today. We would not.

Madam Speaker, I understand the rule of law too. Maybe not as proficiently so as the Attorney General, the Premier, the Minister of Education and the Minister of Financial Services, but the one good thing that the Attorney General will tell you about me, is that I read and I understand; that I know. But, Madam Speaker, with the rule of law leadership also comes with the concerns that your citizens have.

Madam Speaker, when the Port project was something that this Government was convinced was in the best interest of the people,—and this was leadership—they had to convince the people that this was what they needed. When they needed the support, they spent the people's money to promote an ill-conceived project without batting an eye, but when something as divisive and contentious . . . The Premier has said, the Port project may have become contentious and I agree with that, but it was a particular cause by a particular set of people who set out to make sure the Government was not going astray. Yet, as sensitive as this matter is, we are here today with a Bill that is contentious and divisive, and that was only made known to the public on the 26<sup>th</sup> June. My view is, that is trying to rail road through legislative reform.

Now, I don't know why that was done. All I can say is that, that Caucus over there, this is in their arena, not mine. If a price has to be paid for this, it rests right over there, not here, for circumventing—maybe deliberately so, I don't know—what is a reasonable process in this country, a process that in itself has moral obligations on us to notify our people; that in itself. Don't we want to hear from them? Does this

Government think that the people of this country are stupid?

I keep telling people, that if you think the intelligence of this country is concentrated in here, go out by the Waterfront; go out by the Waterfront. They know more about running this country than the 19 of us put together do. They know what they want. They know exactly what they want, but more importantly, what they need. But, Madam Speaker, I say to this Government, I warn this Government that they should pay more attention to the silent majority. The Premier knows that. I don't know how many others out there know that; they too are speaking despite the silence. The Premier knows that the one thing we can depend on is that Caymanians speak loud and clear when they feel they are being trampled upon and when they feel they are being disrespected.

Madam Speaker, I have nothing against the Government bringing a Bill here to pass into law, but the people must be consulted man. I know there are times when we have to make decisions and I have been on that side of the road myself, but something that touches every one of this nature, we have to at least try to consult with them, as many as possible.

Madam Speaker, we, the Opposition, despite the difficulties due to the restrictions through the COVID-19 regulations, made every effort to consult with people on this issue. As for me, I distributed 300 flyers, which meant that every household in East End received one. I utilised some aspect of social media also. I delivered copies of the Bill at my expense, upon request. I can assure this honourable House that I got many responses. I can further confirm that the overwhelming response was not in favour of supporting this Bill.

Now, different constituencies are demographically made up differently in any country you go in, and in the western end of the Island, I would hazard a guess that it is much different from Cayman Brac, Little Cayman, East End, Bodden Town and North Side; much different. Maybe, on that end, the exemption would be North Side, but within those districts. We make every attempt to consult with our people.

Madam Speaker, I met with the management of every church in East End in one meeting, and along with the Members of the Opposition, I also met with the Executive of the Ministers Association and I too, received a letter from them. So, if the Premier reads one of support, then the one I received is supporting us, not supporting it too. Now, if we talk about contentious and divisive, we need to also talk about confusion!

*[Pause]*

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, we have to understand how contentious, how disruptive, the kind of problems this thing

has caused. The one addressed to the Premier is dated Thursday, July 16<sup>th</sup>. Mine is dated July 20<sup>th</sup>.

“Dear Mr. V. Arden McLean,

“I take this opportunity to share with you from the Executive of the Cayman Islands Association concerns regarding the above Domestic Partnership Bill.

“We are aware of the desire on the part of lawmakers to ensure that our laws respect the laws of all persons. We believe however, that our laws should reflect the directives of the Supreme Law-Giver. These directives are found in the Bible through a book of great iniquity, yet it forms the foundation of our laws.

“The Domestic Partnership Bill, though not stated expressly, clearly makes provisions for same-sex relationships. This, of course, is in keeping with the recommendations of the Court of Appeal. We believe that making provisions in our laws, for these relationships run counter to the teachings of Scripture and that it is not in the best interest of the well-being of our Islands.

“Please find attached enclosed two documents for your consideration as you decide on this important matter. Thank you.

“Yours very truly,

“Terrence Bob”

[UNVERIFIED QUOTE]

**The Speaker:** Honourable Leader of the Opposition, can you share a copy of that letter from the Ministers' Association?

[Inaudible interjection]

**The Speaker:** The one addressed to the Opposition.

**Hon. V. Arden McLean, Leader of the Opposition:** Well, I did not have the Premier's either, despite him saying that I had it and I am glad he shared it with me and I certainly will but . . .

[Inaudible interjection]

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, if we compare them, we will see that the same person signed it and the same little squiggling for a signature.

[Crosstalk]

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, the position paper that he referred to therein, is quite lengthy and it is entitled “*Domestic Partnerships: Doing What is Right for the Right Reasons - Formal Position Letter written by the Cayman Ministers Association.*”

[Inaudible interjection]

**Hon. V. Arden McLean, Leader of the Opposition:**

Oh. It was? Okay.

“As we in Cayman continue to grapple with the contentious and divisive issue of sexuality and gender, in this case framed in the terms of the domestic partnership bill, let us be aware of some of the pitfalls that have been strategically placed before us—in particular before our Parliament; for it is ultimately our elected representatives who have to run this obstacle course.

“The first alarm that we must sound is for us to discern reality from illusion. The reality is that our Christian heritage and worldview does clearly hold love as the ultimate ethic behind our actions. However, we must not allow our concept and application of love to be reinterpreted by secularists—especially those who have rejected the truth expressed in the scriptures about the sacredness of sex and marriage. In particular, if we are to be guided by the biblical ethic of love, we must start first with what the Lord Jesus said was the ‘first and greatest commandment,’ to ‘love the LORD your God, with all your heart and with all your soul, and with all your mind.’ The ‘second is like it: love your neighbour as yourself,’ states Jesus. This is not just a sequential arrangement, but a prioritised arrangement. We must begin by loving the LORD God before we can understand and apply the second—loving our neighbour. Clearly it is not possible to love the LORD without respecting, loving and keeping his commandments regarding the sacred character of marriage, and therefore the sacredness of sexuality and sex. The first divine purpose for marriage is that, ‘It was ordained for the increase of mankind according to the will of God, and that children might be brought up in the fear and nurture of the Lord, and to the praise of His holy name.’” [Form of Solemnization of Matrimony]

“If making a decision about the current Domestic Partnership Bill is to be guided by this ultimate ethic of love, then we—the public and our legislators—must not fall into the trap of conflating love with approval. Love acts in the best interest of others and not merely to meet the wishes or desires of those we care about or are responsible for. To say ‘Yes’, to this bill and then defend one’s position by an appeal to love, may give the appearance of taking the moral high ground, when in reality it may only be doing what is circumstantially expedient.

“This leads us to identify the second trap we must avoid: equating desires with rights. The current scenario representing a seismic shift in western morality has resulted in legislators and courts seemingly accepting the default position that a desire—whether or not one seen to be in the higher levels of the hierarchy of human needs—must be catered to and reframed as a right, sometimes without sufficient or any consideration of

**the pressing needs of other affected with vulnerable parties or the long term good of society.**

**“Drawing upon the biblical ethics of love and morality, we acknowledge that human desire is the worst possible foundation for determining public and private morality. What is good, both for the person and the community as a whole—old and young, adults and impressionable children—does not answer to the demand of fleshly passions, but rather must answer to the question of what is truly right. This is the real issue. And this is the criterion that every Member of our Parliament must apply as they engage their hearts and minds fully in this exercise.**

**“Again, our appeal to the public at large and our Legislature is that we do not conflate rights with desires, nor conflate love with approval. It is important to avoid confusing the love expressed in the Scriptures with secularism’s counterfeit version of love. Doing what is right for the right reasons, regardless of the consequences, is a fundamentally biblical approach to all of life. This is our appeal to you all.”**

So, Madam Speaker, as you can see, I do not believe these people are necessarily doing anything here out of hate. Madam Speaker, they are expressing what was clear to me with the consultation that I did: that while people are generally accepting of people who are of a different sexual orientation, they do not support same-sex relationships legislated in their country, whether it is marriage or anything similar to marriage.

Madam Speaker, like that letter, what was also made very clear to me was that this Opposition to it, if you want to call it that, is based on moral and societal norms; it is not born out of hate. But I should pause here, Madam Speaker, and talk about the Premier saying that we must be respectful. I see the Human Rights Committee wrote about being respectful in our debates—really? Really? Really?

Who am I to be chided about my debate when we are not doing it to anyone else who may have a different view than I may have?

Madam Speaker, many of the people who called me and expressed their views in opposition to this, I believe that they are concerned because this is alien to them. But what is “foreign” most of all—foreign meaning, not being from this country in the past—is the in-your-face by those who have a different view (if I can lump myself in that or anyone else in here), are criticised. We are nailed to . . . well, I got to be careful with that because that is probably what we get—the cross.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

You are persecuted. I am here debating this and I am not bashing anybody, but these are the realities of what is happening in this country.

Madam Speaker, God forbid, this is going to get worse. I hope we have a way of dealing with this; I really hope we do because I have never bashed anyone. I saw Miss Day the other day in the supermarket and, of course, I spoke with her. It is not my business. It is really not my business.

In 1999 when the provisions for decriminalisation of homosexuality in this country were raging, I said then, I have said since, I have subsequently said, and I say it again here today: For a country to run properly, the Government needs to stay out of people’s bedroom. Okay? They need to stop going into people’s bedroom but we love to think that that is our job. The fact that buggery was a criminal offence in private means that you could break down the doors of people’s homes, go in and prosecute them when you couldn’t do it with heterosexuals.

So, when they decriminalised it, Madam Speaker, if you and others who were following that, will recall—I know the Premier and I were because we were gearing up to take on somebody at the polls—there was no debate on it in this country because England saw it as an encroachment on those people. Now, there is a debate on this matter, a contentious debate, therefore, I believe that additional consultation needs to be made.

I know the Premier went through all of this about the courts, but I am going to touch on that in a little bit too on how they instructed the Attorney General and the Government. I hope people don’t think that when he said the “the Government” that that’s all of us in here included in that. He was merely talking about the Executive, which is, him and his other six Executive Members. I wonder if he deliberately left out that it was me who moved the motion and seconded by the Member for Savannah.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Well, I don’t know if Cabinet already took the decision, as it wasn’t said here, but the Executive is enabled by Parliament. I can tell you that when Parliament says, that’s what they want done, that’s how it works; unless you are prepared to do otherwise and become a dictator and say no!

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Oh, you all were happy for me to get up here and beat up the Chief Justice.

Madam Speaker, the one thing that people must understand is that this Government likes the sanctity of Separation of Powers, and so do I. We are going to come into that one too.

Madam Speaker, this consultation with our people doesn't seem to be one of the ideals, one of the principles or one of the policies of this Government.

Madam Speaker, I said here recently that this is a constitutional democracy and not a parliamentary democracy. However, it appears that those who understand that and understand the difference are drunk with power and do as they please. And those who do not know the difference are following with glazed eyes and do not have the gumption to question the actions or behaviour of their leaders; that I submit in itself, is a travesty to this democracy! That is a travesty of sitting, while sitting in this Legislature.

When we allow individuals or entities to define how we represent our people and define what our future is, then that is entirely up to you all; whoever wishes to do that. I do not wish to define people's future nor their ability to represent their people. Each of us here, not two of us had our name down on the same ballot paper, not two us! Each of us is an entity, a person unto our own, given the responsibility to politically lead your constituency first and then generally, your country. If you want someone to lead you into the abyss and that is what your legacy will be, then feel free. I know what mine is going to be. I know exactly what mine is going to be. Mine is going to be that I died while standing on my feet and not begging on my knees. That's what mine will be and it matters not to me what they put on my headstone, I will not come up and know what it is.

**The Deputy Speaker:** Honourable Leader of the Opposition, I will now suspend the House for lunch and I will ask all Members to return to the Chamber promptly at 2:30 pm.

**Proceedings suspended at 1:14 pm**

**Proceedings resumed at 3:25 pm**

*[Continuation of debate thereon]*

**The Deputy Speaker:** The Honourable Leader of the Opposition, please continue with your debate.

*[Pause]*

**Hon. V. Arden McLean, Leader of the Opposition:** Thank you, Madam Speaker.

Madam Speaker, I notice my colleagues out there are trying to curtail my time, but be that as it may, I will continue and whatever they decide to give me, I shall be grateful.

Madam Speaker, when we took the luncheon break I was talking about consulting the people and what we in the Opposition had done, but me in particular.

Now, Madam Speaker, I would like to look at an area that I believe is absolutely necessary in this whole process, so that we can get some clarity thereon.

Madam Speaker, the Government has given a number of reasons why we have had to rush this Bill through, because of their fears of being in contempt of the courts. Madam Speaker, I would say to the Government that, like the Premier said, the Appeals Court struck down the decision made by the Chief Justice, signalling that the Chief Justice has no jurisdiction to make laws in this country. I think the Appeals Court made it abundantly clear, unequivocally, that the courts do not possess that jurisdiction. My question is: Why do we think the Appeals Court possess that jurisdiction? Where did they get the authority to tell the legislature what to do?

Madam Speaker, when that ruling was delivered, I think in November 7<sup>th</sup> last year, I engaged the Attorney General on the Floor of this honourable House shortly thereafter and asked him about moving forward with an appeal of the Appeal's decision. He said then that . . . I believe his words were . . . he was a creature of instructions. In other words, he would await the instruction of the Executive or this Parliament to proceed therewith if that was the wish and that his Chamber was very capable of doing such. Madam Speaker, I believe that then, and I believe that now. Yet, the Premier comes here and said that it was the Executive who instructed the Attorney General before it came to Parliament to appeal the Chief Justice's ruling.

My question is why we did not appeal this one? Because I believe it was an over-step. It was definitely an over-step.

In some ways, I cannot say elated, but at least I recognise that the Appeals Court made it clear that marriage is not an option based on the wording of the Constitution.

I recall when the Member for Savannah and I brought a motion on the referendum for same-sex marriage. I believe it might have been two people from that side, this was during the 2013-2017 administration, and I recall one of them in particular was the then Minister of Finance, Marco Archer who proffered that same position at the time.

Madam Speaker, the UK Government had every opportunity because while the Premier and the Government's position is that this is not same-sex marriage that we are doing here, the Premier read out the Declaration by the Appeal Court which says, and I take the part where they said that Chantelle Day and Vicky Bodden Bush are entitled *expeditiously* to legal protection in the Cayman Islands. This is the part which is *functionally equivalent to marriage*.

What this says to me is that a rose of any colour is a rose; whether blue, purple, green, yellow or pink, is what they are telling us. The Premier went on to say—and I am paraphrasing and he can correct me

if he so wishes—that there is a possibility that England can do worse than what we are doing here. Now, they would only have changed the name and say ‘marriage’.

If that is case, Madam Speaker, why is it that England allowed this honourable House, sometime in early 2008, to amend the Marriage Law to say that marriage is between the opposite-sex while they knew that we were going into negotiations with them momentarily? If they intended putting a contrary position in that Constitution, they would not have allowed that. Let me explain to you why they would not have allowed it, Madam Speaker.

If anyone knows how our system of democracy works, proposed legislation is approved by the UK Government long before it comes here. Long before its arrival here for passage into law, it goes through Cabinet, which has Her Majesty’s representatives sitting there, and if we think that it doesn’t go to England for their nod, then, we made a big mistake.

Madam Speaker, after being approved here with all the attending amendments or whatever we do with it, it then goes back to the Governor for assent. I may be missing a spot there where it goes to the Attorney General to get confirmed and the likes, but that is negligible for the purposes of this discussion. Why was it enacted? That’s my question. Why was it assented to, with the nod of the United Kingdom if they intended enshrining contrary provisions in the final document called The Cayman Islands Constitution Order 2009? Madam Speaker, the Government is yet to make the case that the UK Government intends to introduce same-sex marriage or civil partnership legislation by way of Order in Council and I challenge the Premier and any Member he has over there to bring it.

Madam Speaker, a good friend of mine (don’t think that it’s only the Premier who has friends in England, I do too) happens to be on the FAC [Foreign Affairs Committee]. As a matter of fact, when the Premier and I were in Cabinet, he visited Cabinet with us and that was just weeks prior to visiting Turks, which they subsequently shut down. Madam Speaker, Andrew Rosindell has been a member of the FAC for a very long time; he is a MP from Romford.

Madam Speaker, last year, FAC on their own initiative, looked into the FCO and its relationship with the Overseas Territories and it was entitled: **“Global Britain and the British Overseas Territories: Resetting the Relationship”**. That was on the 21<sup>st</sup> February, that that committee published its 15<sup>th</sup> report. Like the Premier did this morning with the Government Minute, the Government responded and the response was received by the House of Commons on the 29<sup>th</sup> April 2019. Amongst other things, the FAC was proposing, many of them about the relationship with . . . and I read, Recommendation number 8: **“The Government should set a date by which it expects all OTs to have legalised same-sex marriage. If that**

**deadline is not met, the Government should intervene through legislation or an Order in Council.”**

Madam Speaker, the one dissenting voice to that position of the FAC was my good friend Andrew; one dissenting voice. The UK Government, which was right then in the middle of that transition between May, and the now Prime Minister, Boris Johnson, as a matter of fact, he took over from PM May in mid-July and this was ordered to be printed by the House of Commons the 7<sup>th</sup> of May, a mere two months difference.

The Government’s response to that recommendation is as follows:

**“The UK Government is committed to equal rights, including LGBT rights. We believe that the strongest, safest and most prosperous societies are those in which all citizens can live freely without fear of discrimination, and where all citizens, including LGBT people, can play a full and active part in society.**

**“Nine Overseas Territories have legal recognition and protection for same sex relationships. At the time of writing, a tenth Territory, the Cayman Islands, was granted a stay in the Chief Justice’s ruling in favour of same sex marriage until August 2019 when the Governments appeal will be heard.**

**“The British Overseas Territories are separate, largely self-governing jurisdictions with their own democratically-elected representatives. Our relationship with the Overseas Territories is based on partnership and therefore as policy on marriage law is an area of devolved responsibility it should be for the territories to decide and legislate on.”**

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**  
May I read again?

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**  
**“Our relationship with the Overseas Territories is based on partnership and therefore as policy on marriage law is an area of devolved responsibility, it should be for the territories to decide and legislate on.”**

Maybe I didn’t understand that when I read it last year.

**“As has been demonstrated by recent LGBT cases, the Territories’ justice mechanisms and processes should be allowed the space to address these matters. We are working to . . .”**

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

It said the mechanisms in place, but this one too: “. . . encourage those Territories that have not put in place arrangements to recognise and protect same sex relationships, to do so, and continue to engage with all the Overseas Territories to ensure that their legislation is compliant with their international human rights obligations.

“LGBT rights and broader human rights obligations are consistently raised with the leaders of Overseas Territories—both bilaterally and at the Overseas Territories Joint Ministerial Councils. This is also a matter that is raised by Governors’ Offices. We . . . (Hang on now; this is the key one for you) . . . have no plans to introduce an Order-in-Council on this issue.”

So, I want to know where we are getting this thing that England is going to do it. We are assuming a lot. I would advise the Government and its people to stop assuming those things.

Madam Speaker, if I know that UK Government, I know that the people from the UK don’t send these things by messengers, they put them in writing. Haven’t we seen that before in the last 20 years? They will let you know! So, I don’t understand why they would tell the Premier or anyone else by word of mouth that they are going to do it. Now, they are very crafty in their writing, I must tell you that.

Madam Speaker, the other assertion I am hearing is that—and this one is laughable—if we—and the Premier alluded to it this morning but he won’t give it to me in writing—don’t introduce legislation, the constitutional changes will not be advanced. Madam Speaker, I say again that the UK has always communicated their position in writing. They have never shied away from letting their position known.

**Mr. Kenneth V. Bryan:** The Governor told me that. That’s what he told me.

*[Laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:** Are we to believe that they are now resorting to telling the Governor by word of mouth and that’s how you are going to spread it? I don’t think so. But, Madam Speaker, if by chance it is so, if by chance it is so, if it is that the UK did expression such, my response to that is: So what? What does that have to do with me or this country, if they don’t us to get that constitutional change; so what? We have been operating under this one for 10 years.

That’s true and I agree with the Premier. He got his little MBA for doing it, but I agree with him, we have move the country forward and if it means that. . . I agree that we need to move it a little further. We all understand that I did not support the Governor coming down here at any given time to address this Parliament and I didn’t support the additional Minister at this time. In the fullness of time we will get there as time

moves on. How often do you see the Queen at the House of Commons to address people? Never! The last time one of those royalties went there we know what happened with that.

**An Hon. Member:** They cut off the head.

**Hon. V. Arden McLean, Leader of the Opposition:** I will never support the Governor having any right to come here when he wants. What is he going to do? Split this House when he/she cannot get what they want? Is that what we are looking for? No. nah ah, I ain’t supporting that.

Madam Speaker, it is also proffered in some quarters that the Governor will use his resolved powers as per section 81 of the Constitution to enact legislation if this Legislative Assembly fails to do so. Here it seems like that woman, former Governor Kilpatrick, embedding herself in this matter that is devolve; devolve. I wonder if the Attorney General would explain that to him since they say that I don’t understand these words. My personal advice to him is to read carefully his responsibilities as it is defined in the Constitution. In addition, if he hasn’t, eh should familiarise himself with the UK government’s position which I read earlier.

**Mr. Christopher S. Saunders, Elected Member for Bodden Town West:** Do you want the definition of devolve Arden? Arden, you want me to read the definition of devolve?

*[Laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, England has a place called Northern Ireland, which has devolved autonomy on local matters. You know how long it took them to get this done? They even suspended their Council for three years. Do you know the controversy that was up there? Someone sent something to me the other day about being ‘yes men’.

Madam Speaker, this is a devolved matter that is not covered under his powers or responsibilities! Besides, Madam Speaker, if the Governor wishes to maintain the good will that he has developed over his tenure thus far, I would be wise for him not to involve himself on this emotive issue.

**Mr. Anthony S. Eden, Elected Member for Savannah:** I told him that the first time I met him.

*[Laughter]*

**Mr. Anthony S. Eden:** Yes, sir.

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, the Premier said this is burden of leadership. We know all about that; all of us know

about that. What was it that we say? Uneasy is the head that wears the crown.

Madam Speaker, my colleague helped me with the quote that I saw the other day. Let me read it: **“A ‘Yes man’ is a dangerous man. He is a menace. He will go very far. He can become a minister, a secretary or a Field Marshal but he can never become a leader nor, ever be respected. He will be used by his superiors, disliked by his colleagues and despised by his subordinates. So discard the ‘Yes man’”**

Madam Speaker, we understand this thing called leadership and the courts have said that . . . what did they say? That we have done nothing? Really? Doing nothing is doing something too, you know. We didn’t want to change it. We understood. We quite well understood what we were doing. So, if the Courts think that because they sit over there and we sit here, that we must be at all times directed by them, no, that’s not how this works. We too have constituents. And I understand this thing about Rule of Law; my argument is, appeal their decision because they are human beings too.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** I want to know who in the hallowed halls would ever think that they cannot be wrong and I must be right across the road from them and burrow in a tunnel to get home past that building.

*[Laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:** In a country where I bucked out my toenail? You have to be kidding, boy. That ain’t happening, bobo.

I said earlier I will stand and die on my feet over begging on my knees. I have no intention to do that. He who wishes to do so, feel free, because if you think when you get on your knees you will get a sword on your shoulder to be anointed, you made a big mistake. It may be on your shoulders to behead you.

Madam Speaker, for the advancement of our Constitution, many attempts have been made. I personally was involved with two of them so I was intimately involved with them. For the purposes of this debate I just want to concentrate on the one during the 2005 to 2009 administration, which culminated in the current Constitution.

Madam Speaker those talks included even the churches. We thought they were so important that we had representation from the Ministers’ Association and the Seventh Day Adventist and God bless his soul, Pastor Allison [Ebanks] was there, and Shian O’Connor. Madam Speaker, for the purposes of this discussion, let me read part of the Leader of Government Business’ opening statement.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, this was the 29<sup>th</sup> of September 2008, right here in Cayman.

The Leader of Government Business was Kurt Tibbetts. I tell you, do not make me go into my archives. And he says, and I am reading part of it: **“In essence, what we are seeking is a sharing of decision-making responsibility with the United Kingdom. For example, in certain areas where the Governor currently has exclusive responsibility, we are asking for these decision-making functions to be shared with the elected government. Oversight of the police—and I stress the words “oversight of the police”—represents a good example. Caymanians are calling for more accountability from the police because their services are directly funded by the Caymanian taxpayers. However, as it currently stands, the office of the Governor has responsibility under the Constitution for oversight of the police to the exclusion of the elected government.**

**“When issues arise, Caymanians look to their elected government for decisive action to represent their interests, but the elected government’s hands are effectively tied. Except for raising their concerns with the Governor, there is nothing else that the elected government can do. The 1972 Constitution does not give the elected government a basis on which to act. It must be apparent that a system which does not allow full public accountability by key organs of the state cannot always be relied upon to ensure the delivery of good governance.**

**“We also believe that the Cayman Islands have reached a stage in their development where the composition of our Legislature and the Cabinet should fully reflect the democratic will of the people. Subsequent to the end of the Cold War, the world has witnessed a democratic revolution. Countries which were once ruled by dictatorships are functioning democracies today. Countries which were democratic have enhanced their systems to further empower their people.**

**“The United Kingdom has actively supported this worldwide trend of democratisation. The presence of non-elected Members with casting votes in both the Legislature and the Cabinet goes against the trend of greater democratisation.**

**“If our Legislature is to become truly democratised, it must reflect the will of the people as expressed in their vote in the ballot box.**

**There has been much concern and widespread debate about a Bill of Rights for the Cayman Islands and how it will impact Caymanian culture, values and morals. After a great deal of public discussion and indeed education, we believe there is now general agreement that we should**

have a Bill of Rights, although I should add that there remain some abiding reservations about its inclusion in the Constitution. Hopefully this particular issue will be resolved during these talks. I should say, however, that support for a Bill of Rights is largely contingent on the content of the bill, as Caymanians are concerned to ensure that it does not permit or encourage an undermining of traditional Caymanian values or morals, and that it does not result in bizarre judgments or rulings as have occurred in some other jurisdictions.

“The Government is keenly aware of the local concerns and of the need to ensure that while the Bill of Rights protects the fundamental rights of the individual, that the document should recognise and respect the Cayman context in which it will operate. Over the course of the past months, therefore, we have been working on developing a draft Bill of Rights which is intended to do all of the above, and this morning we will circulate it to the various delegations present so that it can serve as the basis for the discussions on the subject over the course of these talks.

“I wish to pause for a second just to say we do respect the fact that once it is disseminated that we will need a little bit of time, Mr. Chairman, for everyone to digest its contents. So, I would not expect for us to be looking at it early during these talks. This is a critical issue and we must strive to get it right. I am satisfied that we can and will.

“Ladies and gentlemen, these negotiations represent a golden opportunity for us to refashion our system of government, to make it relevant to our times and the foreseeable futures. Let us make the most of it. In years to come, long after we have passed from the political scene, let history applaud us for having the courage and foresight to have done what is right for the Cayman Islands. It is not so much about our future but that of our children and grandchildren. Let us give them a legacy of which they can be proud.

“May the almighty God, who we serve, who has guided and protected the people of these Islands since they were first settled more than 300 years ago, guide our deliberations over the coming days. May He fill us with the spirit of compromise and the wisdom to make the right decisions as we seek to establish a constitutional framework for the future.”

**Mr. Christopher S. Saunders:** Who said that?

**An Hon. Member:** Who wrote it for him?

**Hon. V. Arden McLean, Leader of the Opposition:** Now, that was said by the Honourable Kirk Tibbetts at the time.

The key is we all wrote it. The Premier was the Author and we were the editors of it. Okay? He was the author and we were the editors.

**The Premier, Hon. Alden McLaughlin:** It sounds better now than when I wrote it.

*[Inaudible interjection and laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:** I know. I know it sounds better now, Premier, than when you wrote it, because I am reading it.

*[Laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:** Madam Speaker, I can forgive most of the Premier's colleagues over there, but some of them I will never forgive. Him, I will never forgive. He knows what this entails; he might've forgotten, but now that I have reminded he needs to keep it in his head.

I want to know what happens to all those commitments he and I subscribed to. That's what I want to know. All I can say is that all those who have gone on before us will be turning in their graves because I know who they are but I know that I visit my parents often.

Madam Speaker, I don't know what is going to be the part of this that gets us connected. I don't know.

Madam Speaker, I want to make this clear. I have no ill-will towards anyone. I understand from a long time ago that hate only bothers me. Half of those you hate don't know that you hate them and the other half really don't care whether you hate them or not. So, people are free to do as they please, but when I am being asked to extend privileges to a sector of society, I must question those reasons.

Madam Speaker, the people of this country voted to adopt the Constitution that they would be governed by May of 2009 and enshrined in that Constitution is the right to marry between opposite sex. I believe that the people of this country took that to be the end of this matter. It was in keeping with this societal norms and that's what they voted for in the referendum.

Madam Speaker, while I recognise that time has moved on and like cultures, everything evolves, but I question the rush from this Government to adhere to a Court declaration that should have been challenged. I am still puzzled as to why it was not because while the Appeals Court found that marriage must remain between opposite sex, they took it upon themselves to order—and I say that advisedly—that the Legislative Assembly must act expeditiously to legalise protection equivalent to marriage for same-sex couples.

It appears that this Government shudders at the sight and sound of the courts. Nevertheless, when

it is something they strongly believe in, they hasten to preserve the sanctity of the Separation of Powers and they spend the people's money to ensure that happens but in this case, no such thing was done. I question the reason for the rush, Madam Speaker. It appears that the Government goes out of its way to appease those who come to our shores, but the very people who they are elected to serve are never paid attention to. For seven plus years now, they have made promises to legislate, to enhance the lives of—

**The Premier, Hon. Alden McLaughlin:** Madam Speaker—

**The Deputy Speaker:** The Honourable Premier.

#### Point of Clarification

**The Premier, Hon. Alden McLaughlin:** Madam Speaker, just a point of clarification, if the Member will yield.

I simply need to ask him... Not for me to clarify but for him to clarify that Chantelle Day is not a Caymanian woman.

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

**Hon. V. Arden McLean, Leader of the Opposition:** I will gladly clarify she is but the other is not.

You got your clarification?

*[Crosstalk]*

**Hon. V. Arden McLean, Leader of the Opposition:** I wasn't talking about that one. Madam Speaker, that's what I was going to; he rushed a little too much man. Haste makes waste.

Madam Speaker, I grew up in this country. This Government, Madam Speaker, for the last seven years have promised the people of this country legislation to enhance their lives. Let's read out some of them:

- Anti-Bully legislation - Not done; why this now?
- Pharmacy Law - Not done; why this now?
- Public Health Law – Not done; why this now?
- Public Libraries Law - Not done; why this now?
- Sexual harassment Law - Not done; why this now?
- Fair employment Opportunity Commission - Not done; why this now?
- Amendments to the Insurance and Regulations - Not done; why this now?

If all of these could not get done in seven years . . . Madam Speaker, I went through the trouble and did the research. I copied every one of those Plan and Estimates for this Government from 2013, with

planned legislation and there is plenty of it that has not gotten done.

I understand the Government is busy trying to keep the financial industry alive and working in the interest of the country, right? I understand that. I have supported it, in every instance I have supported it, but it seems like they cannot multi-task; but we can make and do laws...

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Today is 30 days; 30-31 days.

Madam Speaker, the Premier admitted his Government's failures with the Insurance Law in the Throne Speech, seven years, but we can get them done in 30 days.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Who do you think the Insurance Law is going to benefit?

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Caymanians.

Who do you think the Pharmacy Law is going to benefit? Caymanians!

Who do you think the Fair Employment Opportunity Commission is going to benefit?—Caymanians.

Who do you think the Public Health Law is going to benefit? Caymanians!

Who do you think the Public Libraries Law is going to benefit? Our children first and foremost, and thereafter the population in general.

Madam Speaker, the Premier talked about the number of laws that are coming soon. See the rest of them here. Really? Really? Why then did we not do some of these? Let me explain to you, Madam Speaker, the Marriage Law has been a legislation that has been proposed for years but we have done nothing about it. I read these too every night for the last three weeks.

To upgrade the Children Law, the Adoption Law, the Maintenance Law, and the Matrimonial Causes Law is scheduled for amendment too. Mind you now, Madam Speaker, this Law that we are proposing is governed by those laws.

In the event something happens here, but we say it is not marriage, we have to refer it to the Marriage Law and the Matrimonial Causes Law, the Adoption Law, the Penal Code and the Children Law. Now, Madam

Madam Speaker, let me just touch on a couple of these and my colleagues can touch on the laws because this is a moral issue. Section 20 of our Con-

stitution, let he who reads it knows, come near and listen carefully. Boy, you may say that I am angry. Of course, I am angry, and what is wrong with that?

Madam Speaker, I want to look at section 20 of the Constitution. It talks about education.

Section 20(1) says: **“(1) This section is without prejudice to section 10.**

Section 20 (2) says: **“Government shall seek reasonably to achieve the progressive realisation, within available resources, of providing every child with primary and secondary education which shall, subject to subsection (3), be free.”**

Let’s take a look at the Education Law. Madam Speaker, the Education Law says that compulsory education is up to the age of 17.

Education Law defines a child as a person under 18. Education Law school age compulsory is 17. Do we want to look at the Domestic Partnership Bill where it says that you have to be 18 to get married but your parents can give approval from 16 [years].

So, here is where we are: A parent can give approval for their 16 year old to go into a domestic partnership but they still have to be in school.

**The Premier, Hon. Alden McLaughlin:** It’s the same thing for marriage.

**Hon. V. Arden McLean, Leader of the Opposition:** I understand, but that is what we are saying; the same thing as marriage! That’s what we are saying; we need to amend these laws! Why have they been on the books for years and not amended and proposed legislation? Now we bring partnership on it too!

Let me look at these couple now, because I have so many that I researched, I have them all marked up too.

Let’s look at the Matrimonial Causes Law. Madam Speaker, the definition of a child of marriage is defined as under 16 [years].

Order for periodic payments is up to 16 years and then the court can extend it up to 21. Is that what we want? Madam Speaker, my argument is that these things need to be coordinated. For too long, they have been outstanding. All we have done is rushed this to make sure that we adhere to the wishes and the orders of the court; scampering for cover.

Under the Maintenance Law, another one that has been planned legislation for many years. Section 8 says: **“Any order of maintenance made under this Law shall in the case of a child be made to hold good until such child attains the age of fourteen years, and in the case of any other person for such period as may be named in the order:”**

Section 10: **“For the purposes of this Law every child under fourteen years of age shall be deemed unable to maintain himself or herself by reason of tender years, unless the contrary be shown.”**

**The Deputy Speaker:** The Honourable Leader of the Opposition, you have 10 minutes remaining.

**Hon. V. Arden McLean, Leader of the Opposition:** Okay. Thank you very much, Madam Speaker.

The Marriage Law is a mess, so let’s not even talk about that.

Madam Speaker, I understand that the Premier says that these things are not...

Police Law: Appropriate consent under the Police Law, a child not yet 18 but has reached 14 needs consent to do fingerprint. Despite that this was sent out on the 26<sup>th</sup>, I did a lot of work.

Young person, the definition is under the age of 17. They are all conflicting. Why are we not doing something about it?

Madam Speaker, then, they have gone ahead, like the Premier talked about, and allowed the Deputy Governor to grant Captains—

**Mr. Anthony S. Eden, Elected Member for Savannah:** Poor old him.

**Hon. V. Arden McLean, Leader of the Opposition:**—on vessels the right to do Partnership. Now, Madam Speaker, let’s just think about that. How many passenger liners do we have registered in Cayman? We don’t have any. The only other type it would be valid for is a cargo vessel that has a few passengers on it.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Mega yachts, yes. But they charter them and what not. You know how many of them you would give license to?

Madam Speaker, I am a former seaman. The International Rules allow captains to marry but it has to be opposite sex. All of a sudden we are extending them to them. Do you know what will happen, if you get a passenger liner registered in this country? Anybody thought of that?

Do you remember when same-sex marriage was legislated in certain States in United States of America, people would go from one state to the next, get married and then come back and demand that they be recognise, you know. This thing, like the court says is not a universal thing; are we prepared to engage in that?

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:** Is that what we are going to do? And go out there and defend it too? Be named in lawsuits of a country? I would advise you to stay away from that. That can become very dirty.

Madam Speaker, like I said earlier, I grew up in this country. Those of us in here had to grow up in

this country. This country as I know it, and I am sure all others do too. We have always had different sexual orientations in this country. It has always been alleged, not one of us can say that we didn't hear about so and so and so; not one of us can say we did not hear it! It has never been a bother for us. Never, not once has it been a bother.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

We know of them in our families but we could not prove it. They have lived out their lives. There are different ways of doing this to give these people who want things like rights to be able to pass on properties, et cetera. There are different ways to do that and I am sure the Attorney General can be creative enough to deal with that. There must be succession and what not. There has to be a different way of doing this.

Madam Speaker, the biggest problem we are going to have in this country, and mark my words today, when those people want those rights extended even further, and it is in the face of the people of this country who do not understand it, it is going to cause problems. We see enough problems now with them and us. We see it.

Unfortunately it should not be, but that is what this is leading down. All we are doing is adding pepper and salt shakers. We got both our hands full over the sauce and them, seasoning it up. There must be some other way we can get this done and I declare there is.

It could never be that we are so beside ourselves that we cannot find a different way to deal with this, man; instead of rushing this here and have not even changed the consequential laws. Come on, colleagues.

*[Inaudible interjection]*

**Hon. V. Arden McLean, Leader of the Opposition:**

Do you mean to tell me, 19 of us in here, with 17 now on the floor . . . well, the Constitution does not include those two up there in voting terms...

Someone said to me a few weeks ago, when I said "uneasy is the head that wears the crown", he said to me, *depends if you have got something in it*. It could never be that we do not have anything in our heads to come together and see what we can do about this matter.

Yes, Premier, I have two children too as you well know, two boys. We all want to leave our children a legacy that they do not exhume us and burn us up. We all want to do that.

*[Laughter]*

**Hon. V. Arden McLean, Leader of the Opposition:**

However, in the interest of all, and my good friend and former colleague, from Bodden Town, Roy Bodden and sundry... You know his intent was to see you dried out in Cayman, you know.

It is in our interest to shut this division, shut this contention down. That is what leadership is about!

**Moment of interruption—4:30 pm**

*Suspension of Standing Order 10(2)*

**The Speaker:** We have reached the hour of 4:30. May I have a motion for the suspension of Standing Order 10(2)?

Honourable Premier.

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

Mr. Speaker, I beg to move the suspension of standing order 10(2) in order that the business of the House may continue beyond the hour of interruption.

**The Deputy Speaker:** The question is that Standing Order 10(2) be suspended to enable the Business of the House to continue after the hour of 4:30.

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

Member for George Town West.

*[Pause]*

**Mr. David C. Wight, Elected Member for George Town West:** Thank you, Madam Speaker.

I rise to make a contribution to the Domestic Partnership Bill, 2020. Before I start, I just want to say this morning I had two Members ask me if I still go to church every morning. I said I proudly go to church every morning when I get a chance; I was asked if after today, I would be able to go tomorrow. I will be going tomorrow with a clear conscience and if they want to join me, they can join me.

Madam Speaker, I am a realist. I try to live my life as an optimist, but I am realist. Madam Speaker, I was raised as a Christian into a Christian family with strong Christian heritage. While none of us are perfect, my principles and beliefs are based on and shaped by Christian values.

When I decided to put myself forward for the election in the Legislative Assembly, I knew if elected,

I would be elected to represent my district, George Town West and ultimately, my country, especially as Councillor to the Ministers. I would be representing a wide variety of constituents with widely differing views and I would have to give full consideration to all views, whether I agree with them or not. I would be representing all constituents, not just those who I agree with.

Having been successful in the general elections, I have made every attempt to get feedback from my constituents, and together with all relevant information and input, I then make decisions based on my best judgment and what I feel is best for them and the country as a whole. Madam Speaker, taking this position does mean that I may have to make compromises in some cases. There will be issues where I might not agree on a personal level, but after careful consideration of all input and relevant information and for the greater good I believe that I must vote against what would be my personal position. Having said this let me be clear, that there will be some issues over which I will never compromise my principles and beliefs.

This Domestic Partnership Bill, 2020, is an example of having to make compromises for what I believe is the good of the country.

On a personal level, I would prefer if things remained as they are at present and we could ignore the issue, however, that is not the best way to deal with things and with this issue, it is clear that inaction will not work. We have to deal with this issue and make a decision one way or the other. So, I have to take the views of my constituents, together with all the relevant information and input, and weigh all of this with what I feel is the best for the country.

I think it is fair to say that more of my constituents whom I have heard from would rather we leave things as they are at present but not all constituents feel that way. I therefore have to take this input and weight this with what I feel is the best decision for all constituents and our country, while not compromising my principles and beliefs.

Madam Speaker, I believe that if we do not pass this Bill into Law, it is inevitable that some form of domestic partnership law will be forced on us. While I might not agree with it or like it, the world seems to be taking the view that if someone wants to, they should be allowed to enter into a domestic partnership. We are a top financial centre in the world and we are very dependent on international visitors and investors. Because of this, we are very dependent on our relations with international jurisdictions and their willingness to do business with us and we cannot make decisions in a vacuum.

Previous generations of Caymanians have fought for and built an incredible Caymanian success story from the top world-wide reputation of our men who went to sea, through to the very sound principles and judgment our leaders use in developing our financial and tourism sectors of the economy. A very im-

portant part of this success stems from the understanding that we, as a very small Island, have never been in a position to stand independent of the rest of the world and only make decisions that we want.

Madam Speaker, the vast majority of our consumer products are imported and our financial industry is completely dependent on the ability to transact business with other jurisdictions. So, whether we like it or not, we have to give serious consideration to what the world in general is doing.

Madam Speaker, I have a strong understanding of this, especially because of the close relationship I had with my Grand uncle, Dr. Roy McTaggart. Most people thought he was my Grandfather. My grandfather, Dr. Malcom McTaggart, was uncle Roy's brother. My grandfather died when my mother was 12 and he was instrumental in putting Uncle Roy through college. The two brothers were very close in business together and as a result, Uncle Roy who had no children of his own treated my mother as his only child and us as his grandchildren.

Some of my favourite childhood memories were of spending hours with Uncle Roy in his rocking chair in the porch telling us stories of Cayman history. After the death of his first wife, Aunt Rhoda, we visited him on a daily basis as he hardly had any other visitors. He looked forward to our visits as much as we enjoyed visiting him.

One of the stories he told us many times, was the important decisions he and his colleagues as lawmakers had to make regarding whether Cayman should remain a British Crown Colony. When Cayman made the decision to seek independence from the UK, Cayman was given the choice of remaining as a British crown colony or change to internal self-government. I remember him telling us of the hard work he undertook to visit every district of the Island to get the feedback. He went from one end of the Island to the other. The overwhelming majority of the feedback; he got was to remain a British Crown Colony. However, he was the only one of his colleagues who agreed with this. It was only after he made an impassioned speech at the meeting of the Assembly where the decision was being debated that his colleagues were convinced to remain as a British territory.

He explained the beliefs of this decision to us, and as time passed, it became clearer what a massive impact this decision had made under success of these Islands. He was later honoured as a National Hero, largely because of this stand. Although there were many other stories he told us of very strong decisions and actions he took which were decisive in how these Islands developed.

I say all of this to say that I place a very high importance on our status on the international stage and how we achieve this. I believe that our current international status is vital to the continued economic success of these beloved Islands Cayman. Therefore, I believe that we have to take into account what is

happening in the rest of the world and although we may not agree with everything, we will have to create a balance between what we are willing to make a compromise on and accept and what issues we will not compromise on.

Madam Speaker, I believe that this Government has done a very good job creating a law that has far as possible, accomplishes this: It generally provides that two consenting adults may enter into a legal contract to form a domestic partnership which will provide a number of benefits and protections such as under the Immigration Law, the Maintenance Law, the National Pensions Law, the Succession Law and the Wills Law, among other laws.

It also provides protection for those who, because of their religious or other beliefs would not want to participate under this Law. It does a good job of protecting both those who want to form a partnership under this Law, as well as allowing others a freedom of conscience.

I am not a lawyer, but I believe right now, two consenting adults can enter into a legal contract which could specify what that partnership would consist of. This Bill will add protection and rights under the relevant laws, including those I mentioned, to such a contract. By offering these protections and rights, I believe that we are giving those who want to enter into a domestic partnership what they need and want.

Madam Speaker, this Bill deals with two consenting adults who wish to enter into a legal agreement which governs the terms and conditions of the partnership it creates. It does not bring a religious aspect into it and I believe that it should not.

Right now, two consenting adults who happen to be atheists can go to the courts and be married, as far as they're concerned there is no religious aspect of this at all. Under this Bill, this could now be formalised as a domestic partnership the same rights and protection under the relevant laws as they currently have. What this Bill will formalise is that it two consenting adults of the same gender will also be allowed to enter into a domestic partnership and also receive the rights and protections under the relevant laws.

I believe this law makes the best of what I could call a difficult situation. As mentioned, I would prefer that there would not be a need to introduce this Bill, but after I have given careful consideration to the feedback and information I have received and it's three ways as the Premier says and you have to pick and choose which one. I mean, if you pick one, there are two other groups that will be upset. So, I have to go with my conscience of what I think is best for the future of Cayman and balance it with what I believe is the best interest of our country.

I am convinced that this Government has arrived at the best possible compromise. Madam Speaker, bearing in mind that if we do not act and introduce this legislation, there is every chance we will be forced to accept legislation that is less acceptable

to us. And, this Bill does not attempt to make this a religious issue, but rather one of personal choice.

I believe that for the greater good of our country and all the people, this is something that I, in good conscience, can support.

Thank you, Madam Speaker.

**The Deputy Speaker:** Does any other Member wish to speak? *[pause]* The Honourable Deputy Premier.

*[Pause]*

**Hon. Moses I. Kirkconnell, Elected Member for Cayman Brac West and Little Cayman, Deputy Premier, Minister of District Administration, Tourism and Transport:** Thank you, Madam Speaker.

Madam Speaker, I rise to give my contribution and Domestic Partnership Bill, 2020.

Madam Speaker, I represent Cayman Brac West and Little Cayman. As most people know the last three months my colleague and I were in Cayman Brac and it gave us time to talk, listen and enjoy. And, I can assure you, Madam Speaker that the view of my constituents is that marriage is between a man and a woman.

Madam Speaker, this view was upheld in the Constitution which was revised in 2009 and duly passed. Section 14(1) of the Bill of Rights in the Constitution clearly denotes that a marriage, again, is between persons of the opposite sex. It says: **“Government shall respect the right of every unmarried man and woman of marriageable age (as determined by law) freely to marry a person of the opposite sex and found a family.”**

Madam Speaker, those words were deliberately included in the Constitution and they are there to provide assurances to Caymanians that marriage would retain his traditional definition as the union between one man and one woman.

Now, Madam Speaker, in most countries when you talk about the constitution, it's very unusual that you actually have the framers present. But, as you look around this honourable Chamber, Madam Speaker, framer, a framer, framer, you [the Premier] were the driving framer, I would have to say and I think the Leader of the Opposition and myself. There are members here who were clearly involved in framing the Constitution in 2009 and understand that there's no confusion about what it was meant to say.

The fact that the Constitution went through the required democratic process and was passed by majority in a referendum, gives us as legislators in this House the assurance that it not only reflects the framers but majority of Caymanians who voted.

Madam Speaker, the issue of domestic partnerships stirs up strong emotions within the hearts and minds of our people and that is because it is a matter that affects the lives of real people who are our neighbours, our family and our friends. Consequently,

the issue being debated is not just about the LGBT community or confined to those who wish live an alternative lifestyle. It is about the definition and interpretation of marriage that is defined in our Constitution, which the majority of our people agreed to.

Madam Speaker, as elected representatives, we should do all we can to protect the spirit and the intent of what people voted on and that is that the institution of marriage can only be between a man and a woman.

Now, the question of the shortness of time and the consultation, Madam Speaker, I am not going to read any of these but with your permission, I would just like to name them. This is a handful but there is a stack of representations that I'm sure each Member here got and the representation was for thousands of people. I don't think there's a lot of magic to which side of this divide these different representations sat on.

The Ministers' Association wrote the Leader of the Opposition. They also wrote the Honourable Alden McLaughlin, the Premier. So, their representation was well circulated, well documented, well received and much appreciated.

Madam Speaker, Colours Cayman, I believe we understand that there's a fence in the middle and their representation again was thorough. It represented their thoughts and it gave each of us the ability to look and understand how they felt. And, it's extremely important to every person in this House that this representation was provided for us and the idea of consultation with the community has been satisfied, I believe, for every Member here, if they took the time to read the amount of representation that was sent.

Madam Speaker, Amplify Cayman, again, much appreciated that they said they took the time, not only to speak to people but to write and document thoughts. We appreciate that.

Madam Speaker, the Domestic Partnership Bill in the Cayman Islands, this is from the Caribbean; the Caribbean cause. So not only did we get representation locally. The Caribbean Cause—is a group of individuals and churches from 17 Caribbean territories, including the Cayman Islands—is issuing the communique in order to express concerns. I believe every Member got this, Madam Speaker.

The last one that I brought with me is the Christian Association for Civics and Political Education. Again, much appreciated, well documented, five typewritten small typed pages and appreciated.

Madam Speaker, I took the time just to share that with you, colleagues and with the listening public to let them understand that this is a sampling of what we got, along with the conversations from our constituents in our communities and the understanding of where we were and the necessity for this legislation.

Many countries across the world have wrestled with this issue for years. Most have conceded that while the reasons for marriage being between a man

and a woman are logical and compelling, there's a need still from the perspective of human rights, equality and justice to recognise the rights of all people to legally formalise relationship.

Based on the representation that has been made to individual Members of this House, I'm assured that my colleagues are aware of the strong sentiment that exists and I used the example on both sides. However, we are also aware that there are sectors of our community that are very supportive civil type unions; domestic partnerships. By the rule of law the European Convention of Human Rights has ruled that same-sex couples have a right to legally be recognised in partnerships which provides similar rights and privileges afforded to traditional marriage.

Madam Speaker, the Cayman Islands are a signature to the European Convention of Human Rights, and as such, our signature obliges this legislation to enact a framework.

I'm trying not to share an emotional side because I'm trying to read out the Law as I understand it, and as they say, *you play the hand that you've been dealt*.

Introducing this Domestic Partnership Bill is therefore a way forward, and why? This is because it allows us to protect the intention of our Constitution in keeping the sanctity and definition of marriage intact; while, at the same time, providing the legal and financial benefits to alternative lifestyle couples wanting to formalise commitment to one another.

If we, as legislators, fail to put the necessary framework in place to provide this balance and make accommodation for domestic unions to take place, it will be only a matter of time before the UK exercises its right institute an Order in Council and impose laws permitting same-sex marriage in the Cayman Islands.

The UK's affirmative stance with respect to civil partnerships was established almost two decades ago. On the 30<sup>th</sup> June 2003 United Kingdom government first published its proposals for civil partnership in England and Wales. Later that same year, the Scottish Executive announced its intention to introduce civil partnership in Scotland; it became law in England and Wales. The UK's Civil Partnership Act received Royal assent in November 2004 and was subsequently introduced into law shortly thereafter. Ten years later, the Marriage Same Sex Couples Act 2013 was introduced in England and Wales making marriage indiscriminately available to all couples irrespective of gender.

That is the type of law that we can expect if we allow the UK to legislate on our behalf. I believe it's quite clear what their law represents and there's no reason to believe that it would be any different when they legislate for us. Madam Speaker, when that happens and I say "when" because there's no doubt in my mind that the UK will force the Cayman Islands to fulfil our obligations under the ECHR.

If the people of this country refuse to accept relationships between same-sex couples enshrined in law, we will be left with one course of action; that is to withdraw from our historical alliance with the United Kingdom and become a sovereign nation. But, Madam Speaker, I say to you today, that's not an option. Not at this time in our history.

Closer to home, Bermuda introduced its Domestic Partnership Act in 2018 and was among the first English speaking Caribbean Islands to do so. Their law grants same-sex couples wishing to enter into a domestic partnership the same rights and benefits equivalent to those of married couples.

In the United States Virgin Islands following a decision by the United States Supreme Court in 2015, the governor of the islands issued an executive order directing all government agencies and departments to recognise, permit and facilitate same-sex marriages in the United States Virgin Islands.

Madam Speaker, I mentioned these examples to illustrate that in as much as the Cayman Islands Constitution says that marriage is between a man and woman, the only chance we have of keeping our Constitution that way is by assenting to a domestic partnership.

The Government has already been taken to court on this issue. We fought an appeal. Although we won the appeal, with respect to the ruling of the Chief Justice, the Appeals Court imposed an obligation on this Government to expeditiously provide a legal framework equivalent to marriage for persons in same-sex relationships. The Appeals Court imposed an obligation on this Government. I just want to repeat that: If we fail to do so, this Legislative Assembly would be in violation of Article 8 of the European Convention of Human Rights, entitled "the Right to Respect for Private and Family Life". It states: **"Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society . . ."**

Arguing this issue back and forth and pursuing remedy in the courts has not only proven to be costly, but extremely time consuming. Continuing to debate it is basically just delaying the inevitable. One way or another, provision will be made to facilitate domestic unions in the Cayman Islands. I have touched on some of the facts to support that. In the face of this, I believe that it is far better for us, the 19 elected Members of this honourable House, to put legislation in place that we have drafted and that we believe is the best way forward for the people of our country, than, to delay, continue to disagree and have the United Kingdom impose a law on this issue that they believe is appropriate for us.

Madam Speaker, I'm pleased to see that the Bill does not mandate that the marriage officers and

preachers must officiate over a domestic ceremony, in the same way that human rights laws grant certain rights to same-sex couples, they must also protect the rights of people with strong views or objections to the same-sex domestic unions and look for a balance. By giving marriage officers a choice we are preserving and respecting their right to consciously object on the basis of their religious convictions in accordance with Article 9 of the European Convention on Human Rights which is entitled, "Freedom of Thought Conscience and Religion" and states: **"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and . . . freedom to manifest his religion or belief in worship, teaching, practice and observance."**

With that said Madam Speaker, there are parts of the Domestic Partnership Bill that I do question.

Clause 3 of the Bill states: **"3 (1)Two persons may enter into a domestic partnership under this Law if —(a) either person is sixteen years of age or older but under the age of eighteen and the person's parent, legal guardian or the court consents to the domestic partnership in accordance with this Law;"**

How can it be that a young person under 18 years is not considered mature enough to vote and to legally consume alcohol but at 16 with parental consent they can enter into a domestic partnership with all of its ensuing implications. That inconsistency has to be examined to be more in keeping with the age consent that exists with drinking and voting. I am sure that the Premier, in his windup, will explain how this can be addressed and how we can move forward with sorting this part of it out, and for marriages as well. As the Leader of the Opposition said, you'll have to change both the Marriage Law and the Domestic Partnership Bill.

Madam Speaker, this Bill is fundamentally about fairness and choice. It is a part of the Government's commitment to promote equity and human rights. The Court of Appeal has directed the Legislative Assembly to obey the law and respect the decisions of the Court. The Court declared that legal protection equivalent to marriage be provided for same-sex couples in the Cayman Islands. In absence of expeditious action by the Legislative Assembly, the Court expects the UK government to take action to bring this matter to an end.

Madam Speaker, with your permission, I would just like to read the conclusion of the Appeal Judgments.

*[Pause]*

**Hon. Moses I. Kirkconnell, Deputy Premier:** Thank you, Madam Speaker.

**“The Deputy Registrar of the Cayman Islands, the Attorney General the Cayman Islands, Chantelle Day Vickie Bodden Bush”**

In the conclusion of this appeal, we will understand how and why the Chief Justice reached the decision.

**“However, for the reasons we have set out, we have been driven to conclude this appeal must be allowed.”** This means the Government won the appeal.

**“We set aside the orders made by the Chief Justice in the circumstances, it is not necessary to consider whether the orders he made under section 5 of the Constitutional Order were appropriate.”**

**“As we said in paragraph 6 above, The Appellants have finally accepted the section 9(1) of the BoR requires the Legislative Assembly to provide the Respondents with legal status functionally equivalent to marriage. Its failure to comply with its obligations under the law in that regard is woeful. That it had such an obligation has been apparent for several years. As the Chief Justice set out in detail, the Respondents, in broad terms, offered to compromise the present litigation on appropriate undertakings from the Appellants to establish an institution of civil partnership. Even now, when during the course of argument, the court sought information as to what the Appellants intended to do, we were merely told they were awaiting the outcome of the litigation.**

**It is difficult to avoid the conclusion that the Legislative Assembly has been doing all it can to avoid facing its legal obligations. In the meantime, Ms. Day and Ms. Bush (and their child) suffer in the many ways as the Chief Justice set out.”**

So, that says in their words that we did not do what we were legally obligated to do.

“In our judgment declaration in the following form is appropriate:

***“In recognition longstanding continuing failure of the legislative assembly of the Cayman Islands to comply with its legal obligation under section 9 of Bill of Rights***

***“And in recognition of the Legislative Assembly’s longstanding and continuing violation of Article 8 of the European Convention on Human Rights,***

**“IT IS DECLARED THAT:**

**“Chantelle Day and Vickie Bodden Bush are entitled, expeditiously, to legal protection in the Cayman Islands, which is functionally equivalent to marriage.”**

**“It is not appropriate to require undertakings from the Attorney General, as is urged upon**

**us by the Respondents. Moreover, proper fulfillment of its legal duty by the Legislative Assembly should provide protection sought.**

***“A final observation***

***“We feel driven to make this final observation.***

**“This court is an arm of government. Any constitutional settlement requires the executive and the legislature to obey the law and to respect decisions of the court. It would be wholly unacceptable for this declaration to be ignored. Whether or not there is an appeal to the Privy Council in respect of same-sex marriage, there can be no justification for further delay or prevarication.**

**“Moreover, in the absence of expeditious action by the Legislative Assembly, we would expect the United Kingdom Government, to recognise its legal responsibility and take action to bring this unsatisfactory state of affairs to an end.”**

Madam Speaker, what that basically says in a democracy, we have the Judicial, Executive and the Legislature and each have to respect the other for the rule of law to work. In my opinion, the appeal looked at an overreach from the judicial and it corrected that. However, it also gave guidelines and directives under the Law that we have to abide by or then we have a lawless State. They're clearly laid out in the appeal and I can only say that I hope the options for us, we would save marriage is between a man and a woman; the right to found a family. We would save that in our Constitution and our Constitution would not be touched and we would provide the legal framework for the domestic partnerships that we have been guided to do by law.

Therefore, Madam Speaker, I'll be supporting this Bill, as I believe it to be the only way for protecting our Islands from the certainty of an Order in Council from the UK Government which would give us, the people, no-say in what the legislation is.

Madam Speaker, I thank you for the time this afternoon.

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

I recognise the Member for North Side.

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

Madam Speaker, I rise to make my contribution to the debate on the Domestic Partnership Bill. So, I intend to do what I usually do, debate the merits and demerits of the Bill before this Legislative Assembly. I am neither equipped nor ordained to make judgments on people's choices or behaviours, or to pass judgments on whether a minority of my constitu-

ents are morally correct or in keeping with the God's laws as detailed in the Holy Bible.

Madam Speaker, I understand, appreciate and respect the legal rulings of our Appeal Court and the consequences thereof, but, Madam Speaker, everybody in this House knows what Ezzard Miller's position is on civil partnerships. I have declared it over and over and over. One of the reasons I was thrown out as the Leader of the Opposition was because I was man enough and brave enough to go out and repeat in public what my personal position was.

My personal position is that I believe we have an obligation as Members of this Assembly to protect the minority, whether that is on the basis of sexual orientation, colour of skin, gender or any other social economic bias that might creep in.

Madam Speaker, my preference would have been if we were debating and created civil unions with civil registrars under the court which meant we had a complete and separate system from that prescribed in our Marriage Law. I would have also been happier with a much longer consultation period and if both civil union legislation and the existing Marriage Law had been sent to a select committee to review the Marriage Law and to provide as the courts have ordered, a legal framework is equivalent of marriage.

Now, Madam Speaker, we are told repeatedly that marriage is a religious ceremony ordained by God and that we want to keep that separate. But Madam Speaker, that ceremony does not grant onto the people who decided to get married, the rights and civil benefits that the Marriage Law provides for those people. Without the Marriage Law they couldn't claim any of those rights under the law. All I have always advocated for is to keep the Marriage Law separate, but provide a legal alternative that provides those equivalent benefits for those persons in our society who make a choice to do something differently.

Now, Madam Speaker, as I said, I declared my position on this several years ago. I have been in constant consultation with members of the public for at least six years. When the people of North Side elected me in 2017 they knew what my position was on civil unions.

While, I will admit that I didn't make it a bigger break or that I didn't list it in a manifesto which I didn't produce, as one of the things that I expected to accomplish, they knew what my position was.

Nevertheless, Madam Speaker, as I always do, I had a public meeting in the district of North Side. I have to thank the Premier and his Government for lifting some of the COVID restrictions the week before, which allowed me to have a gathering of up to 50 people, which would have been unusual for North Side to get 50 people to come out to public meeting to discuss any legislation. It usually averages around 25 to 30 or so, depending on how many people come from other constituencies because their representative is not having a meeting to explain it to them.

That meeting took place last Thursday night, the 23<sup>rd</sup> July. In house, I had 18 persons present, 19 persons present on Zoom and a number of people were watching it because it was being streamed. We had a frank and open discussion for two and a half to three hours on the merits of the Bill. I tried to explain to those present what was contained in the Bill and what I believe was the objective of the Bill, and many of those who opposed the Bill, when pressed, would agree that we need to do something for these people but they have no alternative proposal.

I, too, like the Deputy Premier, have a stack of written submissions from various people and organisations, one of them in particular frightening and alarming to me, but in all of that not a single one offered an alternative. Only one person actually discussed the Bill and offered certain input into the pros and cons of the Bill and made certain recommendations of what could be done with the Bill.

At the end of the night we took a vote and we had nine people—including those on zoom—voted for me not to support the Bill and eight people voted for me some support the Bill. Since then, people who were involved contacted me and the number has now changed to 17 people to support the Bill and 13 people not to support the Bill. But, if you do the numbers Madam Speaker, you will see that on the night that I took the vote, some 20 people did not vote. So, Madam Speaker, I don't have the comfort that some people might have saying that there's an overwhelming majority, loud though it may be, against this legislation. So, I believe that I have to act as their representative and do what I believe is best for the country.

Now, Madam Speaker, one of my dilemmas in trying to engage the people who are opposed to this Bill, is that they got everything they want. The Constitution is intact. The Marriage Law is intact. The Bill protects the religious institutions. People who wish to go into domestic partnerships, although they may have been raised in the church and may be the person who is financially supporting the church, they cannot go to the church and demand that the ceremony takes place in the church. The preachers who are marriage officers... And by the way, Madam Speaker, I noticed in the Marriage Law that the only preachers who should be registered as marriage officers are those who have a congregation. I am not so sure that some of the people who I know call themselves preachers or registered as marriage officers have a congregation, but be that as it may.

The Law also protects the ministers but it gives them the right to refuse to perform a domestic partnership ceremony. So, what more do they want? Is it just simply that their Christian beliefs, upbringing and training are such that they feel no empathy? They don't believe that these people should have any rights at all in this country? Madam Speaker, those who have threatened me loudly that if I vote for this Bill, they are not going to support me in the next election, I

say to them, I have no proof of knowing that they supported me in the past. I have my doubts that they did and I am really not expecting them to supporting me in the coming election.

One of the things that I have to wrestle with myself, given my personal Christian beliefs, is that when I want to represent a society in which they do not believe that minority such as these should have any rights at all; because that is tough for me to accept the way I was raised. So, that's a personal battle that I have to fight but I believe that in my community... And I believe that I know the North Side community as well as most and a lot more than some who are coming up there, because that ninth vote was not a North Sider. Two of them who made up the vote weren't North Siders but they came to my meeting because their representatives weren't having a meeting and so I allowed them to vote.

Madam Speaker, when I look at the wider community, I believe that I have a greater responsibility to accept that those people who feel that way about this minority in my community and the wider Cayman, are actually in the minority and I can run an election without them.

Nevertheless, this is not about an election for me, this is about doing what I believe is right for the people, what I believe is right for the country and what I believe is right for the ultra-right Christian fanatics who take this hard line and will take one verse from a Chapter in the Bible, in isolation, to prove that everything we are doing here is wrong. I have a whole list of verses from the Bible and most of those verses contained sins and discretions that were equally bad as same-sex relations, but they were ignored. The only thing they wanted to draw my attention to was what they regarded was referring to homosexuality and that is their choice, Madam Speaker. I don't hold that against them.

Madam Speaker, I said that I was going to deal with the Bill and that's what I am going to do.

Now, Madam Speaker, I have filed a number of amendments with your Office, and I think you have waived the three day notice and have accepted them. So, I said earlier, that I would prefer if the Bill were called a Civil Union, rather than a Domestic Partnership. So, I have filed an amendment to change the name and everybody in this Parliament knows that I don't like clause 1, sub-clause (2) which says: **"This Law comes into operation on such day as Cabinet may appoint by Order."** I don't like that. So, I filed an amendment to say: "This Law comes into operation on or before the 31<sup>st</sup> December 2020."

Madam Speaker, like the Deputy Premier, I, too have serious concerns about 16 year olds, but I listened very carefully to the Honourable Premier's explanation for that and that is what is contained in the current Marriage Law.

One of the other things that trouble me about this Law, Madam Speaker, is what I would term, the

confounding bureaucracy and double, two or three times you have to get approval to do anything. I find that it could be onerous in clause 7(1) where it says: **"If two persons intend to enter into a domestic partnership, one of them shall appear personally before the Registrar and give notice in the prescribed form of the intended domestic partnership."**

I have filed an amendment to remove the requirement to personally appear and to say that, "one of them shall make application to the Registrar".

One of my other concerns in that same clause, Madam Speaker, is clause 7(2)(d): **"the parties are not within the prohibited degrees of domestic partnership or, if they are, a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition;"**

I don't see why the courts can order what we have prohibited to go in to a domestic partnership. So, I would like to hear an explanation for that. I haven't filed an amendment for that because I am not a lawyer, so I am not sure what the ramifications are and why it is there.

I also find it rather onerous in clause 8 (1) (b) where the notice has to be 14 days, when the current Marriage Law says seven days. So, I have filed an amendment to change that fourteen days to seven days.

I am also concerned with clause 8(1)(c) where it says: **"within five working days of the receipt of the notice of intended domestic partnership, cause a notice in the prescribed form to be published twice in any newspaper or other local media published and circulated in the Islands."**

I disagree with that. I think that's an onerous unnecessary requirement in the Bill and I would like to see it followed since we are supposed to be similar to the proposal in the Marriage Law where the notice is published on "A" public notice board or in some cases, I believe that you can publish your bonds now in the Marriage Officer's office as well. So, I have filed an amendment to change that.

In Clause 9: to also reduce the "fourteen" days to "seven" days. Madam Speaker, the total number of amendments I had was actually 32, but I tried to shorten them by doing an omnibus thing with the use of the words "Deputy Governor".

I don't understand why we are expecting the Deputy Governor to be so involved in the administration of this. Is it a fact that we know he doesn't have anything to do and he needs something to do? Because one of the things that I want to do and I am asking amendments for is everywhere the 'Deputy Governor' is involved in administration to change that to 'Registrar', except in section 9 which I agree should be the Deputy Governor, because that has to do with the appointment of the Registrar and the Deputy Registrar.

Where we see that the Deputy Governor must do something, he has to go to the Registrar to get his advice or consult the Registrar; that's just unnecessary bureaucracy. We should appoint people who are registrars and who are capable of administering the law. I would like to see all his functions fall to the registrar.

Again, to the earlier amendment about the 14 and 7 days, clause 13(2)(a) would have to be reduced to seven days as well. I don't have a problem with the 14 days in 13 (6)(b) because that is something that Cabinet does, in terms of naming a place where does domestic partnership can take place.

Some of the causes, like 10 (3) would have to be deleted, if we accept the idea that the Registrar should administer the law and not the Deputy Governor after consultation with him.

*[Pause]*

**Mr. D. Ezzard Miller:** Madam Speaker, under part 5, I really haven't filed an amendment for this but I don't understand why the caveats can't be the same as a marriage where you just ask if anyone objects to the union and if no one says anything then it is fine to go ahead. We have a whole filing system here that has to be kept for records and keeping track of under section 5 called 'caveats' and whether judges have to take these caveats into consideration or not.

Madam Speaker, one of the things that I find curious again is in clause 21(2) the concluding phrase on that after (c) says: ". . . and the Registrar shall give a copy of the statement to the parties to the domestic partnership."

I filed an amendment to change that statement to 'certificate' because what's the difference? If we are giving a certificate to the married people then we need to give a certificate to the domestic partnership people as well. Not some kind of four, five, or six page written statement that has to be written in the Queen's English or something else.

The other thing that concerns me, Madam Speaker, given the minority of this group and under section 22 where we are creating a domestic partnership register where any member of the public can go and search and make notes from, I have some concerns about that because that's going to be in a register that some people might have the one wrong reasons to want to search.

I think with the Marriage Law, you can go and get my certificate but I don't think that there's a register that I can go in and search for anybody who I want, to see whether they are married or not. If it's only referring to whether in electronic form or not, is that I can go in and ask if a certain person is involved in a domestic partnership and ask for a copy of that certificate. I can live with that. But if any member of the public can go in and search the register, I have some

concerns and fears about that which could lead to abuse.

*[Inaudible interjection]*

**Mr. D. Ezzard Miller:** The names and everything else would be on the register.

*[Inaudible interjection]*

**Mr. D. Ezzard Miller:** Yeah I know.

Madam Speaker, if this is intended to operate like the marriage register, then, I don't have a problem with it. But if it's going to be something that we can search and people can look for the wrong reasons, I have some concerns about it.

Again, I have filed an amendment because it's a little more than just clause 22.

In clause 26(2) where it says: "**The Deputy Governor, after consulting the Registrar, may cancel a person's appointment as a domestic partnership officer if the Deputy Governor is no longer satisfied, with respect to the person, as to any of the matters set out in section 25(2).**"

Also, in 26 (3) where it says: "**The Deputy Governor shall not cancel a person's appointment as a domestic partnership. . .**", I would like to change that to say: "that the registrar may cancel a person's appointment of a domestic partnership officer if the registrar is no longer satisfied with respect to the person as to any of the matters set out in section 25(2)".

I don't see the sense of going up to the top floor and coming back down to the second floor, and going to the top floor and coming back down to the second floor.

Madam Speaker, I come from a maritime family and I have done some talking to people in accordance with Part 11 – Maritime Domestic Partnerships.

I know that the Shipping Registry, I think, has been advocating for this for quite some time as a method of attracting cruise ships to register in Cayman, but we did the same thing with the Gambling Law and I don't think we got any cruise ships by doing that.

From the maritime people who I talk to, the problem with the Cayman registry, as related to cruise ships, has nothing to do with minor things like this. It has to do with important matters as to the standards of their crew and whether they can actually qualify under the red ensign requirements, which we had a red ensign maritime registration. Many of the people they have crewing on those ships do not have sufficient licensure and the cruise ships are not going to change that because it's all about money for them and they can hire people from up there in the far east with whatever qualification they have for a lot less than

they can hire a Caymanian or English person who has red ensign qualifications.

So, I have move an amendment to the delete Part 11.

I have some other questions. I mean, if we look at the itinerary, the definition of “high seas”—**“means all parts of the sea that are not included in the territorial sea or the internal waters of a state or territory;”**

If we look at the crew ships in this territory, there are very few places that they are going to be in international waters; very few. Because most countries in the region here claim 200 miles and maybe down in the gulf, there may be 200 miles from the surrounding area. Certainly between here and Cuba, between here and Jamaica, between Jamaica and Cuba, between Haiti and Cuba, and between Bahamas and Cuba they are going to be in somebody’s territorial waters. If what that means is that our licensed domestic partner officers on these boats can only marry in international waters. It could be very difficult to control out amongst a crew ships in this area. I mean, that’s not saying that they are the only crew ship that could register on our registry.

I also have serious concerns about being able to police it and whether somebody who claims to have gone through a domestic partnership ceremony by a Caymanian licensed domestic partnership officer and there is some disagreement, how do we settle it? What kind of records are we demanding that these domestic register officers on ships keep and how quickly do they have to communicate those records to Cayman? I just think that are too many ifs, ands and buts and too many opportunities to expose us for liability that we might not want to take on. That is the kind of advice I am getting from the maritime people in my family.

Madam Speaker, am I happy with this legislation? No. There are quite a few changes that I would like to see made to it.

Am I convinced that it is the right thing for the Government to do? Yes.

Am I convinced that it is a reasonable attempt to provide some protections for this minority group in our country? Yes.

Do I believe that this Domestic Partnership Bill provides the kind of protections that the religious groups have been asking for, in terms of protection of the sanctuaries, their ministers being able to say, *I am not going to get involved in a domestic partnership* and certify a domestic partnership without being sued? I think it does all of that.

I think the Bill protects our current Constitutional position, as we define marriage, and I think the Bill provides a reasonable and sensible alternative legal framework to a marriage for people who decide otherwise.

Madam Speaker, while I say that is a minority, worldwide statistics indicate that one in every eight

persons have homosexual tendencies, so do the numbers.

*[Inaudible interjection]*

**Mr. D. Ezzard Miller:** Madam Speaker, we have always had these people in our society and our families and I don’t believe that up until this point, there is any real hard evidence of any kind of serious victimisation or mistreating of these people. There have been one or two murders that some people believe that was the problem, but this is a changing world and the number of Caymanians, like any other thing, who are in these kinds of relationships is increasing or becoming more public, shall I say. I don’t necessarily think that the percentage of the population has increased, but certainly people feel they are free to come out in public, as they say.

We need to provide the ability for these people to access these, like, health insurance, pensions, and immigration rights for their partners if they don’t happen to be Caymanian and try to do that in all the separate laws. How are we going to do that if we don’t create a title? Right now, we do that in all those laws by using the word ‘marriage’ based on the Marriage Law and this Bill promotes to do some of that by having common meanings to domestic partner, marriage et cetera, and then, the law is to be read as if those words are there.

How are we going to amend the Health Insurance Law to say that if I am in a relationship, I can tell my employer that they have to insure my partner? What words are we going to put there if we don’t have this kind of framework with which to back it up? Because it can’t be that it just happens to be my girlfriend, because I had plenty of them. And, if every one of them could make claims on what little I have, there wouldn’t be much left for anybody.

So, when say that we can do this we can do that, I believe we have a whole some kind of legal framework which identifies this group of people so that we can put those in the legislation.

One of the discussions I had with one of the pastors was . . . and of course his position was that marriage is sanctified by God and I don’t dispute it; I don’t disagree. I’ve been married twice and I didn’t get married in a church either time and I was raised in the church. But when I said to him, so, we don’t need a marriage law then, because if this institution of marriage is so powerful and such a sanctified thing, why don’t you all just pray about it and God will grant it? You don’t need a marriage law, so if you don’t need this for those people, should we repeal the Marriage Law too? Of course I am not advocating that in any way, I was just trying to get a dialogue and trying to get him to move from his position of granite, that is religious and without the Marriage Law. The religious ceremony doesn’t give you anything, in terms of your

rights under law. However, I wasn't very successful in that argument.

My position is, as it has been from the time I can remember: we keep our marriage law intact, we keep a constitutional provision about marriage between a man and a woman intact, but we create a legal entity which allows people of the same-sex to access some of the social and legal benefits in our country let me provide for everybody else. And I believe this piece of legislation does that, Madam Speaker. So I am voting for the legislation. Thank you.

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

The Honourable Minister of Commerce.

**Hon. Joseph X. Hew, Minister of Commerce, Planning and Infrastructure:** Thank you, Madam Speaker.

Madam Speaker, I rise to give a short contribution to the Domestic Partnership Bill. Let me start by saying that I appreciate and thank the Honourable Premier for allowing us to debate a little more on our personal feelings rather than having to carry or represent the views of the Government on this Bill.

Madam Speaker, the Bill isn't an instrument to encourage civil unions of same-sex marriages, but this Bill provides the basic human rights to those who choose to enter into same-sex marriage or civil unions, whether it is a romantic or even a platonic relationship.

As the Honourable Premier said this morning, this Bill is not about any right or wrong of any particular lifestyle but what it is, is an opportunity for individuals who choose to enter into these partnerships to have those basic rights that are afforded to those of us who enter into traditional marriages.

I am also aware that not all of these relationships or partnerships are of a romantic nature. I know of elderly couples who have joined together in late stages of their lives as friends and companions and end up sharing and being with that individual who stays with them and comforts them at the end of their lives.

I am also aware of same-sex individuals who have developed partnerships of a platonic nature to go through life to travel together and purchase real estate together, have both, in their midlives decided that they don't see themselves entering into a traditional marriage or relationship and have, for whatever reason, chosen to develop a partnership of some sort in a platonic relationship.

Madam Speaker, it is in these circumstances that this Bill that allows two consenting adults for whatever reason they choose to enter into a civil union will have the ability to plan their life together to know that there is someone there who will be able to make an end of life decision for them, if necessary. To be able to participate as a partnership for the basic

human rights that are afforded to them, and only to persons—as we have written the laws—who are in some sort of partnership.

Madam Speaker, this issue surrounding civil unions is not going to go away. It has been here, from my time within the Government for the almost eight years I have been here. This is not like COVID where we can just shut the borders and suppress it until it disappears; this is not going to disappear.

Madam Speaker, in history, there were many things that were deemed 'Okay' or accepted that were not right, as far back as slavery, which was once accepted across the world; prejudice towards people of colour.

Over in Heroes Park we have a monument that celebrates when women were allowed to vote, not so long ago, right here in the Cayman Islands.

*[Inaudible interjection]*

**Hon. Joseph X. Hew:** In more recent local history there was a time and we were prejudiced against Rastafarians entering the country. There was a landmark case where Rastafarians were not accepted in our schools. We have resisted over the years and looked at other persons of other religious groups or beliefs as if they were not or should not have the right to believe in whatever they believe in.

Madam Speaker, segregation and prejudice these things are things of the past world, we will not put up with them any longer. It has become unacceptable. We have written it in our Constitution, it's unavoidable and we have to deal with it.

I know that we all start out life and grew up in a Christian or church environment, then we get married, we have children, and then we want to see our children grow up, get a good education, enter into a healthy heterosexual marriage and get a good job and have grandkids for us to enjoy. But, if our children grow and they don't fit that perfect picture and they decided not to take that route; they didn't enter into a heterosexual relationship, they didn't get the little white house and picket fence, maybe they decided not to have kids, maybe they decided to enter into a same-sex relationship. Do we stop loving them? Do we isolate them and treat them differently than our other children or do we embrace them and continue to love them as our kids and as good human beings although they didn't choose a path that we hoped that they would have chosen?

I grew up in the church, we walked to Sunday school every Sunday morning, and sometimes went to church Sunday nights with my mother, and we were taught to be good Christians. We were taught to believe in our God and to pray to him and trust in him. But I also learnt other things from my parents. We had our Sunday brunches where everyone was invited. Where the entire family came together and put aside

differences accepted each other for who we are, and enjoyed a nice Sunday brunch.

I was taught that at Christmas, anyone in the neighbourhood who didn't have a meal came in Sat under the Guinep tree, and often times my mother would serve them before we were able to eat.

There was a gentleman who lived on my street who was—at the time, he is no longer with us, may his soul rest in peace—an alcoholic and everyone referred to him by a very derogatory name. And I, like everyone else, one day called out to him in the same fashion, and within seconds I felt the blow of my father's hand on the back of my head, and he said *that is Mr. so and so to you*. I continued growing up calling him Mr. so and so. He later on, got married, stopped drinking and started a construction company and became a very productive and respectful citizen in our country, albeit, in his later days. But it made me feel good to know that my parents instilled in me, the respect for that individual, and that I always addressed him with the manners that he deserved as a human being.

Madam Speaker, we have for many years now, discussed this issue with our constituents and like Mr. Miller have said, there were those who felt strongly that they didn't want to see any changes, any acceptance or any form of recognition of same-sex marriages or civil unions. However, for the majority, they all agreed that it would be better for us to put in place some recognition for civil unions than to have United Kingdom legislate same-sex marriage; even our young people.

We often talk about listening to our young people but sometimes we only do it when it's convenient. You heard it all over the place when they were talking about the port. You hear it all over when you talk about environment but that's what it's convenient for us as adults to listen to our young people. If you speak to our young people they will also tell you that they will not entertain any form of discrimination. They will also tell you that they too don't necessarily want to see same-sex marriages happening here or becoming the norm in the Cayman Islands but they do not accept any form of discrimination.

Our future, the young people who will lead this country in the future; the young people who would lead world in the future are becoming much more tolerant. They're not accepting of the ways in which those before them have demonstrated our inability to accept people for who they are; to not discriminate due to race, colour or religion consistently across the world. Just like they advocate for the environment, our young people advocate for love, togetherness and forgiveness.

Quite often, Madam Speaker, we feel this way about people not because they are a particular group, religion or nationality. Quite often we feel this way towards them because we simply just don't understand them. Perhaps Madam Speaker, if we show under-

standing and compassion we may see them in a different light. Like the Leader of the Opposition said in his contribution, that when he expresses his views on the subject, should they not align with those who support this Bill or lifestyle, that he is attacked. Maybe, maybe, just maybe if we show compassion and understanding to those individuals, we may understand them a bit more and they may understand us a bit more. And maybe, just maybe then, the attacks may stop.

These are our own people; our family, our friends, our children, our friends' children. We knew them when they were kids and we loved them then. We love them as shining examples of our young talented Caymanians, and personally, if I have in any way, made them feel any different in any of my actions, in my words or silence, I apologise to them.

Madam Speaker, if our children, friends or friends' children have chosen to enter into a healthy relationship with someone they love, even if that person is of the same-sex, I am still as proud and I love them in the same way I did when they were those kids growing up.

Just to be clear, I am not endorsing or approving any form of lifestyle choice or any individual's beliefs. Equally so, I am not condemning anyone for their lifestyle choice or individual beliefs.

Madam Speaker, and Honourable Members of this House, colleagues, we have an opportunity as elected leaders to control our own destiny in this matter; to control our own destiny in the acceptance and recognition of those in civil unions and the rights afforded to them by our very own Constitution and our Bill of Rights, further supported by the European Courts of Human Rights. Madam Speaker and colleagues we have an opportunity as leaders of our three beautiful Islands to demonstrate acceptance and compassion and put an end to the discrimination against those who, as consenting adults, have entered into civil unions.

Let us put this contentious issue behind us, let us unite the people about the three beautiful Islands. Let us not have legislation forced on us by the United Kingdom and continue the segregation and disharmony amongst our people.

Let us continue in our own rights and individually to be God-fearing and to respect our Lord. Let us continue to be forgiving, let us continue to be accepting. Let us continue to say that these three Cayman Islands are the best place on earth to live. Let us all seek the ability to live in harmony and understanding of each other.

It is not a perfect Bill, there is no perfect piece of legislation but I believe we have an opportunity here in this House, during this session, to put in place legislation that will afford the rights to those who choose to enter into civil unions and to put in place legislation that will end any form of discrimination towards them. Put in place legislation that will hopefully

draw harmony amongst us on this issue. More importantly, put in place legislation that would stop the United Kingdom from legislating for us, perhaps putting in place legislation that would be far more liberal than this Bill and something that I don't think any of us in this House and most of us throughout this country would like to see happen to us.

Madam Speaker with those few words, I intend to support this Bill. I would encourage my colleagues in this House to join with me in doing so and in putting this very difficult, very, very difficult topic to rest and then we can move on with working together as I said earlier, to continue to make this country the best place on earth to live.

I thank you very much, Madam Speaker.

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

I recognise the Member for Savannah.

**Mr. Anthony S. Eden, Elected Member for Savannah:** Thank you, Madam Speaker.

I'm sure those of you who know me, when you see this tie that I am wearing today, knows what I'm all about with the situation. This tie shows a lot of children who have been through and will go through difficult times.

Madam Speaker, most of the time when I stand up here to speak on this subject, going back to way back when, this special minority that I hear we are so gracefully defending, has called what I say 'hate speech'. I would venture to say that about every one of us at some time in our lives have been through the Bible and I try to follow it as much as I can. If indicate that it comes from the Bible, how some of these people will say it is hate speech, he is talking hatred, and it is this and it is that... That's sad.

A few years ago it was estimated two per cent in the United States shared these feelings that we are talking about today so gloriously, it is probably up to about five per cent. I saw in one of the notices here in the Caribbean and I guess we are all different, about 90 per cent do not support this style of living.

Anyway let me say a few words about the hate speech. In Romans 8 verses 5 to 6: Verse 5 says: **"Those who live according to the sinful nature have their minds set on what that nature desires; but those who live in accordance with the Spirit have their minds set on what the Spirit desires.**

Verse 6 says: **"The mind of sinful man is death, but the mind controlled by the Spirit is life and peace;"**

Madam Speaker, as I look around and see and hear, it just seems that God's word is forgotten. It is evident that the impact that my Bible has on me does not affect all of my colleagues here in the Legislative Assembly.

Madam Speaker, sadly, what is really historic about our modern era, is that a behaviour that for thousands of years was understood as a social and moral evil, a perversion and an abomination in God's sight is now being promoted not only as normal behaviour but it's something everyone should accept as good. Moreover, people are being told those who hold the biblical beliefs regarding good and evil are actually bad people who are stubbornly holding on to what former President Obama labelled 'worn arguments and all the activities'.

The Bible clearly reveals that God created a woman for a man, and a man for a woman and that marriage is to be between a man and a woman. That can be found early in the Bible in Genesis chapter 2 verse 18:23 and 25. The scripture plainly states that God destroyed Sodom and Gomora because of their wickedness, depravity and homosexuality. Do we think Cayman will get exceptional treatment when the time comes?

God specifically instructed Moses to warn the children of Israel that it was an abomination in his sight; that can be found in Leviticus 18 versus 22, chapter 13.

Certain prophecies, Madam Speaker and consequences, what progressive social reformers do not seem to understand is that God predicted in his Bible, what is actually happening today in the modern Israelite nations, such as the United Kingdom, the United States, Canada and Australia.

A long time ago God inspired Moses to warn the Israelite people. **"For I know that after my death you will become utterly corrupt and turn from the path I have commanded you. And in the days to come, disaster will befall you because you will do evil in the sight of the LORD to provoke Him to anger . . ."** (Deuteronomy 31:29).

God warned Israel through the prophet Isaiah woe to those who call evil good and good evil, which is what we are seeing today.

God also prophesied through Isaiah **"For the leaders of this people cause them to err, and those who are led by them are destroyed."** Isaiah 9:16.

Madam Speaker, I encourage our Caymanian leaders to take notice of this warning from the Bible. I urge us to stand strong in this corrupt world.

Our great creator has blessed humanity with the wonderful benefit of marriage and family. When the foundation of the matrimonial relationship between husband and wife is strong and secure, it heralds great advantages for the future of society at large. However, when the groundwork of family and marriage is destabilised, the entire society experiences the injurious effects and places its very survival at stake. If you all doubt me, look at what's happening in the once greatest nation on earth, the United States. Right now, Madam Speaker, it is in shambles; riots this, and that, next thing because you don't like Chris-

topher Columbus statue you tear it down. This is just a tip of the iceberg. The Bible tells us that in the end days, all of this will come to pass.

Sadly, as I said, we are witnessing the very situation today in what amounts to an all-out war against family and marriage.

Madam Speaker, back to the Bill that is before us; this has become the most difficult time in my almost 30 years of politics in this honourable House. Everyone in here knows my stance on this.

I am saddened to see what happened, especially after what we've been through for the last three, four, five months with COVID. Our great Premier has done such a marvellous job with this, handling and bringing us down to zero. To me, Madam Speaker, not being critical of him, I cannot be; I have worked with him for many years, a long time. It reminds me of when the old people say *"a cow gives a whole bucket of milk and then she turns around and put her foot in it."* I don't mean that in a derogatory manner, because in a position that he's in and his interpretation of what the courts and others have said, but my court comes from my Bible and my beliefs that I cannot and I will never compromise, no matter what.

I worry about not want the persecution that I've taken here because of my stance on this subject, it doesn't matter. What I worry about and what we all need to worry about is what will happen to our souls when we move off and on from this little piece of paradise that we're living in today.

We cannot expect to get special treatment if we disobey God; it is not going to happen, Madam Speaker.

My emphasis now is what's going to happen. Yes, I hear this is a preventative measure from being declared by the United Kingdom that they will do an Order in Council to put the marriage thing on us. As many have said and pointed out: A rose is a rose by any sweetness or colour. I have seen some beautiful ones. When we look around and see what's happening in other countries that have adhered, adopted and practice this situation, the slippery slide they are on is scary. I turn my focus to some of the negative consequences that can result from this type of life style.

In United Kingdom a lady complained the police of the noise from a gay pride march and they warned her for prosecution. Do you think that once we adapt this we're going to be exempted from the furtherance of this to the fullest that is taking place around us the name of human rights? They term it hate speech.

Adoptive parents were prevented from adopting any longer because they used the biblical definition of marriage, of one man and one woman as the Bible talks about.

In Sweden, people are put in jail for criticising homosexuality and it was upheld on appeal by the courts; here we go with the courts again. Sometimes I wonder if they try to tell us as legislators what to do.

Thank goodness we got over one hurdle by the Appeals Court that separated and gave us back some of the power that we talk about so much where the Legislative Assembly make the laws and others carry them out.

In France there's no freedom of conscience, you must perform homosexual marriage. I see that they have a little piece in there to pacify our local ministers and pastors—*oh you don't have to worry, you won't have to do it, it is the registrars and this and that.* Okay, I wish them luck.

Times will change; trust me it will, Madam Speaker.

In Canada, a judge ruled that parents have no rights to know what children are being taught in school. Madam Speaker, freedom of speech and religion are being threatened.

Those of you who have grandchildren and I enjoy when mine come over and want to watch cartoons, they are now enflaming them with a type of message. Can you imagine a three or four year old, how are they going to digest this and handle this thing in their minds? Can you imagine the confusion when this conflict raises and goes all over the place? I don't think we have the politicians understand the dangers that we are facing! What you do in private is up to you; I don't care!

When this first surfaced with Mr. Raznovich and those others wanted to change our Marriage Law on our Constitution we had a chance to stand up. We had a chance to stand up, but oh no, oh no.

Hallmark family network, is now talking about changing all or some of their programming to this life-style.

Madam Speaker, I just want to briefly read and as a matter of fact, some of this is already recorded in the Hansards of this House in some of my other debates, but just as a reminder, this was the American Psychological Association, back in 29 July 2015. It states that: **"In addition to judicial concerns about lesbian and gay parents themselves, courts have voiced three major fears about the influence of lesbian and gay parents on children. The first of these fears is that development of sexual identity will be impaired among children of lesbian and gay parents. For instance, one such concern is that children brought up by lesbian mothers or gay fathers will show disturbances in gender identity and/or in gender role behaviour. It has also been suggested that children brought up by lesbian mothers or by gay fathers will themselves become lesbian or gay."**

**"A second category of concerns involves aspects of children's personal development other than sexual identity. For example, courts have expressed fears that children in the custody of gay or lesbian parents will be more vulnerable to mental breakdown, will exhibit more adjustment difficulties and behaviour problems, and will be less**

psychologically healthy than other children. It has been suggested that children brought up by lesbian mothers or by gay fathers will themselves become lesbian or gay people.”

So, you see, Madam Speaker, it's not just my beliefs, and others beliefs, what's happening and what's going on but from higher ups that have seen the exposure through whatever process, the damage that can happen to the youngsters. That's my concern. It should be all of our concern.

Madam Speaker, with your permission, I found it quite interesting and this was an article from the 29 November 2015. I will make a copy for you, Madam Speaker. It is stated: “As a gay expat, I've held back on saying anything on this matter but it is important now because it appears that one expat is speaking for the entire country and gays on a whole.

“I am saddened by the position the Premier made in relaxing the laws. In my humble opinion there were no Human Rights being violated and, there was too much of a haste to please in essence less than a 1%

“I moved to the Cayman Islands a few years ago and travel back and forth. When I moved there, I knew the Law and lay of the land. I moved there primarily to get away from the big city. Cayman is unique and very diversified and that's what makes it attractive. As a member of the gay community, I never once thought to seek to have anyone change their views to accommodate me and it's for that reason I have to say something today.

“1 gay person or couple should not have influenced a government to act without speaking to their people on the matter. That is the biggest concern with this whole situation. Gays were living and continue to live in Cayman before I moved there and we existed quite fine and received the same warm service from all . . .

“Will Cayman be the same going forward? No I am afraid not. There is a side of the gay community that many gays want absolutely nothing to do with. That side being to cause problems, stage protests upon protest . . .” (we've seen this on television, the Gay Pride march in New York, the difference it is, you see what happens) “. . . ask for unreasonable demands and they will never stop. Once you start to please them it never ends and history has shown that. I am afraid the floodgates might be opening to attract the ugly side of the community to Cayman – the stuff we moved away from.

“Please do not be fooled to think we are accepted everywhere in the world, many of us live among others with no problems at all; those of us that seek not to cause any civil unrest. It's about having respect for where you have decided to move to. Please, please, Cayman, do not be fooled

to think all the expats in the gay community are pushing this agenda that is totally incorrect and if anything we are just embarrassed and would never fight a country's government on an issue we can make a decision to move and fix for ourselves.

“There is an ugly side to the gay community which many do not want to be a part of . . . They do not create any sound ties with the community except for what you are seeing now and in a few years will move on to create unrest elsewhere.

“. . . the views of the majority of anyone. If you really all wanted to stay in Cayman and supposedly love it as we do, why now have you created such a divide in the community you supposedly love? How does that work really? You love the Country but you set out to destroy its character?”

Madam Speaker, the Premier and the Leader of the Opposition mentioned the formal position letter from the Cayman Ministers' Association and with your permission—I think most of us have gotten it—I would like to read some of it; not for the House but for the listening public to know what is happening here.

Before I read that, Madam Speaker, I would just like to mention that all of my colleagues in the Official Opposition have met with most of the leaders if the churches in our districts and got feedback from them. Madam Speaker, overwhelmingly, they told us in no uncertain terms the way they wanted us to vote on this, and that was to vote no.

My colleague for Newlands, who is a technological wizard, was able to do a survey and he will share the results of what that we did in Savannah, Newlands and I think some of the other districts that took part in it.

The numbers that we saw come in left no doubt in our minds what the vast majority of Christian Caymanians wanted us to do. You don't have to hate the person; the Bible tells you, hate the sin. So, if there's something I see that is going wrong, if I see that you are going to fall off a cliff or something I am going to tell you about it. That is my responsibility and it should be all of our responsibilities, throughout the experience that we have gathered over the decades that we help people and tell them about the difficulties surrounding and what will emanate eventually, if the Lord allows the world to last that long.

“*Domestic Partnership; Doing what is right for the right reasons*”; a formal position letter written by the Cayman Ministers' Association.

“As we in Cayman continue to grapple with the contentious and divisive issue of sexuality and gender, in this case framed in the terms of the domestic partnership bill, let us be aware of some of the pitfalls that have been strategically placed before us— in particular before our Parliament. For it is ultimately our elected representatives who have to run this obstacle course.

“The first alarm that we must sound is for us to discern reality from illusion. The reality is that our Christian heritage and worldview does clearly hold love as the ultimate ethic behind our actions. However, we must not allow our concept and application of love to be reinterpreted by secularists—especially those who have rejected the truth expressed in the scriptures about the sacredness of sex and marriage. In particular, if we are to be guided by the biblical ethic of love, we must start first with what the Lord Jesus said was ‘the first and greatest commandment,’ to ‘love the LORD your God, with all your heart and with all your soul, and with all your mind.’ The ‘second is like it: love your neighbour as yourself,’ states Jesus. This is not just a sequential arrangement, but a prioritised arrangement. We must begin by loving the LORD God before we can understand and apply the second—loving our neighbour. Clearly it is not possible to love the LORD without respecting, loving and keeping his commandments regarding the sacred character of marriage, and therefore the sacredness of sexuality and sex. The first divine purpose for marriage is that, ‘It was ordained for the increase of mankind, according to the will of God, and that children might be brought up in the fear and nurture of the Lord and to the praise of His holy name.’

“If making a decision about the current domestic partnership bill is to be guided by this ultimate ethic of love, then we—the public and our legislators must not fall into the trap of conflating love with approval. Love acts in the best interest of others and not merely to meet the wishes or desires of those we care about or are responsible for. To say “Yes”, to this bill and then defend one’s position by an appeal to love, may give the appearance of taking the moral high ground, when in reality it may only be doing what is circumstantially expedient.

“This leads us to identify the second trap we must avoid: equating desires and rights. The current scenario representing a size makeshift in western morality, has resulted in legislators and courts seemingly accepting the default position that a desire—whether or not seen to be in the higher levels of the hierarchy of human needs—must be catered and reframes as a right sometimes without sufficient or any consideration of the pressing needs of others affected with vulnerable parties or the long term good of society.

“Drawing upon the biblical ethics of love and morality, we acknowledge that human desire is the worst possible foundation for determining public and private morality. What is good, both for the person and the community as a whole—old and young, adults and impressionable children—does not answer to the demand of fleshly passions, but rather must answer to the question of

what is truly right. This is the real issue. And this is the criterion that every Member of our Parliament must apply as they engage their hearts and minds fully in this exercise.

“Again, our appeal to the public at large and our legislature is that we do not conflate rights with desires, nor conflate love with approval. It is important to avoid confusing the love expressed in the Scriptures with secularism’s counterfeit version of love. Doing what is right for the right reasons, regardless of the consequences, is a fundamental biblical approach to all of life. This is our appeal to you all.”

*[Pause]*

**Mr. Anthony S. Eden:** Madam Speaker, I responded back in the 18<sup>th</sup> November last year when Colours Cayman was raising concerns about our Education Minister putting the right things forward in the anti-bullying rules. And, I went on to defend her. These are in the Hansards, Madam Speaker, for your information:

“The concerns of the majority of Caymanians is what will happen in the future to Cayman if the . . . same sex partners, when they ‘get their foot in the door’, as frequently is now happening in Canada, USA, Europe and other countries where literally anything goes.

“Children as young as four and five are being taught in schools, and the education boards in some places give their approval where adults actually go in and demonstrate to these precious innocent children. Drag Queens go into the libraries. . .”—as a matter of fact, Madam Speaker, some time ago some of these I understand were down at the wonderful Kimpton hotel that many people like to frequent—“—and read their thrash to these children. Is this what we want our Cayman parents to face when the floodgates are opened?

“Children in elementary schools will be exposed to the rightness and complete normality of homosexuality, bisexuality and transgender expression. Our opposing views will be branded as dangerous and homophobic, to be silenced and excluded from the classrooms.”

““There is a gay agenda; “it’s an organised effort to produce political, social and religious changes within society that will lead to a tolerating and eventually accepting as normal, homosexual relationships. For a better understanding on how this “gay agenda” started over fifty years ago, I urge you to read the book, ‘The Marketing of Evil’ by David Kupelian.

“Cayman, with the proliferation of hate speech laws around the world evangelical pastors have been jailed in some countries for merely quoting the Bible in labelling the homosexual behaviour a sin. . . I have quoted these scriptures in

our Legislative Assembly and I been vilified and called all kinds of nasty names but this is what my bible says!"

"Mr. Speaker, this is no joke with what we are dealing with. Cayman does not have the capacity if this gets out of hand and if you look at the television and the worthlessness that goes on in these gay pride parades, you will know what I am talking about."

"On April 5<sup>th</sup>, 2018, the US Department of Health and Human Services posted this statement on their website: 'In the United States gay, bisexual and other men who have sex with men are the population most affected with HIV according to the Centre for Disease Control and Prevention about 67 per cent of people diagnosed with HIV in 2015, in the United States, were gay and bisexual men'.

"I urge all—especially our Christian praying ones to pray for God's continuing blessings and protection from some of the 'tidal waves' . . ." that we will be facing in due course, unless Jesus steps in.

Madam Speaker, continuing in that light was an article in the telegraph a couple days ago which states: "The Education Secretary has said that parents cannot veto children taking part in LGBT lessons, as he warns that 'myths' are being spread about the content of the classes.

"Damian Hinds' intervention comes amid a row over Relationship and Sex Education classes (RSE), with several primary schools in Birmingham suspending the lessons following protests and petitions from Muslim parents.

"Parkfield Community School, along with five primaries run by the Leigh Trust, postponed the 'No Outsiders' programme where children are taught about same sex couples and gender identity.

"Mr Hinds has now weighed in to support head teachers, saying that while they should listen to parents' views, they should not allow them to dictate what is taught at school."

Finally, Madam Speaker, just a few weeks ago, this article came up: "Massachusetts City officially recognizes polyamorous relationships". You see, one thing leads to the next and once something is set in place, and under the auspices of human rights and precedents, what will we be able to do Madam Speaker, if these things creep into our beloved Cayman Islands?

"The city of Somerville Massachusetts has passed an ordinance making it one of the first cities in the nation to officially recognise polyamorous relationships. The city no longer limits the number of people included in a partnership.

"The change, which was unanimously passed by the city council last week, required only a minor shift in language. Instead of defining a relationship as an 'entity formed by two persons,'

Somerville now legally defines it as 'entity formed by people.'

"During our initial conversations, a couple things jumped out,' Davis said. The first draft required domestic partners to notify the city of any change of address, which struck me as not in line with what married folks have to do, and required that they reside together, which again struck me as something I'm not required to do as a married person, so we got rid of those provisions."

"It's estimated that 4% to 5% of people living in the U.S. are currently participating in polyamorous relationships, or what's otherwise known as consensual or ethical non-monogamy, a practice in which partners maintain more than one sexual or romantic relationship with each other's knowledge and consent." If you think the society isn't getting sick, then just keep listening Madam Speaker. "For comparison, that means non-monogamy is about as prevalent as the number of Americans who identify as LGBTQ, which is estimated to be about 4.5% of the American population."

"It is illegal in all 50 states to be married to more than one person — which is known as polygamy, not polyamory. Polyamorous people who try different kinds of arrangements — such as a married couple with steady outside partners — run into their own legal problems."

"There is no legal framework for polyamorous families to share finances, custody of children or the rights and responsibilities that come with marriage."

Madam Speaker, I pray that my interpretation of some of these concerns never come to pass, but, it is my responsibility to warn our people that once that liberal mantra gets rolling in Cayman, a small 50,000 to 60,000 people, depending on where we are now . . . how are we going to deal with it? I urge my colleagues to think about this. It is about our children, how we feel about them and how they will deal with these scary situations.

May God bless this Parliament, these Cayman Islands and our families; keep us healthy and safe. May He guide us into doing that which is right and which is glorious to His Holy Name.

I thank you.

**The Deputy Speaker:** Members, we will continue the debate on the Domestic Partnership Bill 2020 tomorrow.

I will now call on the Honourable Premier to move the adjournment.

## ADJOURNMENT

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

Madam Speaker, I move the adjournment of this House until 10:00 a.m. tomorrow. We will attempt to wind up the debate on this important Bill tomorrow, as we have a significant amount of other business, including Private Members' business that we want to get through in the course of this week.

**The Deputy Speaker:** The question is that this House do now adjourn until 10:00 a.m., Tuesday, the 28<sup>th</sup> July 2020.

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

**AYES.**

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

**At 7:10 p.m. the House stood adjourned until 10:00 a.m. Tuesday, 28<sup>th</sup> July 2020.**