



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

OFFICIAL HANSARD REPORT

2019/2020 SESSION

Wednesday
29 July 2020
(Pages 1-21)

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
WEDNESDAY
29 JULY 2020
11:05 AM
Third Sitting

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

The Deputy Speaker: Good morning.

I will call on the Honourable Deputy Leader of the Opposition to say prayers.

PRAYERS

Mr. Alva H. Suckoo, Jr., Elected Member for Newlands, Deputy Leader of the Opposition: 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**

**FINANCIAL REPORTING AUTHORITY ANNUAL
REPORT FOR THE TWELVE MONTH PERIOD 1ST
JANUARY TO 31ST DECEMBER 2019**

The Deputy Speaker: The Honourable Attorney General.

Hon. Samuel W. Bulgin, Attorney General: Thank you, Madam Speaker, and good morning.

Madam Speaker, I beg the leave of this House to lay on the Table, the Financial Reporting Authority Annual Report for the Twelve Month Period, 1st January to the 31st December 2019.

[Pause]

The Deputy Speaker: So ordered.

Does the Honourable Attorney General wish to speak thereto?

Hon. Samuel W. Bulgin, Attorney General: Madam Speaker, briefly with your leave, just to highlight a couple things about the Report itself.

Madam Speaker, as an Administrative Financial Intelligence Unit, the FRA (Financial Reporting Authority) is responsible for receiving, requesting, analysing and disseminating financial information disclosures concerning proceeds of

criminal conduct or suspected proceeds of criminal conduct.

Domestically, Madam Speaker, the investigation of financial crime and associated offences fall under the ambit of the local law enforcement agencies. The FRA received 1,138 suspicious activity reports during the reporting period, which is an increase of 22 per cent compared with 935 in the calendar year, 2018. Sources of SARS were received from 262 different reporting entities, not including the 45 overseas FIUs [Financial Intelligence Units] that voluntarily disclosed information to or requested information from the FRA.

SOURCES OF SARS

- Banks continue to be the largest source of SARS with 301 cases or 26 per cent
- money service businesses, like the remittance services with 202 cases or 18 per cent
- FIUs 106 cases or nine per cent
- Mutual Fund Administrators with 86 cases or seven per cent
- Company Managers and or Corporate Service providers, 78 cases or seven per cent
- Trust Companies 78 cases or seven per cent; and
- Insurance businesses with 75 cases or seven per cent.

REASON FOR SUSPICION

Madam Speaker, the five most common reasons for filing SARS were:

1. Suspicious activity – 476 cases or 42 per cent
2. Fraud – 232 cases or 20 per cent
3. Corruption – 89 cases or eight per cent
4. Money Laundering – 88 cases or eight per cent; and
5. Regulatory matters – 66 cases or six per cent

Madam Speaker, during the reporting period the FRA performed the initial analysis of 515 SARS. It also issued 141 directives pursuant to section 4(2) (c) of the Proceeds of Crime Law to amplify or clarify information received. The FRA also made 46 requests for information to Overseas FIUs to either further its analysis or assist local law enforcement agencies with investigations.

The FRA closed 333 SARS during the reporting period resulting in 156 disclosures to local law enforcement agencies or competent authorities and 119 disclosures to overseas Financial Intelligence Units. Feedback from the Financial Crime Investigation Unit of the Royal Cayman Islands Police Service [RCIPS] revealed that several disclosures

made by the FRA have initiated the number of new investigations or assisted ongoing investigations.

There were significant changes to the staffing complement during the reporting period. Between January and July 2019 the Acting Administrative Manager, a Financial Analyst and a Senior Financial Analyst all resigned. Between September and November 2019, the FRA hired a senior Financial Analyst, three Financial Analysts, and a temporary Administrative Manager. A permanent Administrative Manager was hired in January 2020 and the FRA currently has ongoing recruitment exercises for a Senior Financial Analyst and two Financial Analysts.

Madam Speaker, FRA staff spent significant time during the reporting period meeting obligations regarding jurisdictions, fourth round mutual evaluation by the Caribbean Financial Action Task Force (CFATF). The key activities included:

- preparing and implementing an action plan to address the relevant recommended actions stated in the Mutual Evaluation Report
- spending time attending monthly committee and working group meetings
- preparing monthly update reports
- providing statistics and participating in various risk assessment working groups; and
- preparing the first follow-up report that was Tabled at a CFATF plenary in November 2019

Madam Speaker, the FRA remains committed to the ongoing activities concerning the mutual evaluation process.

During the reporting period, significant progress was made in:

1. Evaluating software solutions to facilitate the electronic submission and storage of SARS, secure electronic communication with reporting entities; and the provision of analytical tools to improve the research and analyses performed by staff; and
2. Identifying the hardware required to run the software solutions.

In accordance with the Procurement Law and Regulations, a public Request for Proposal (RFP) was published on the 4th December 2019 for software solutions with a submission deadline of the 31st December 2019. The required hardware was ordered in December 2019. The instillation of the software solutions commenced in July 2020 and it is anticipated that the system will go live by the 31st August 2020.

The majority of the work undertaken by the sanctions coordinator during the reporting period was to address recommended actions in the mutual evaluation report that were directly related to targeted financial sanctions for terrorist financing and

proliferation financing, including implementing an automated mechanism to ensure the more timely communication of terrorist financing sanctions, building on the existing industry guidance for TFS and improving awareness of TFS obligations; and improving the coordinating and cooperation among domestic agencies regarding proliferation financing.

Madam Speaker, 72 financial sanction notices were circulated by the FRA and published on its websites.

I would like to comment Director Robert Berry and his staff at the FRA for their continuing hard work and professionalism in continuing the fight against the scourge of money laundering and related offences.

I thank you Madam Speaker, and I commend the report to other Members and the wider public.

CAYMAN ISLANDS EXPUNGEMENT BOARD 2018 ANNUAL REPORT - CRIMINAL RECORDS

~AND~

CAYMAN ISLANDS EXPUNGEMENT BOARD 2019 ANNUAL REPORT - CRIMINAL RECORDS

The Deputy Speaker: The Honourable Deputy Governor.

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

Madam Speaker, I beg to lay on the Table of this honourable House, the annual reports for the Cayman Islands Expungement Board for the 2018/2019 calendar years.

The Deputy Speaker: So, ordered.

Does the Honourable Deputy Governor wish to speak thereto?

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

Madam Speaker, by way of introduction, I shall first provide some background information and a brief explanation of the components of the 2018 and 2019 Annual Reports for the Expungement Board, and then speak to some summary highlights from these reports.

Background to the Annual Reports of the Expungement Board

Madam Speaker, the Criminal Records (Spent Convictions) Law (2018 Revision) repealed and replaced the Rehabilitation of Offenders Law (1998 revision), and established the Expungement Board, for the purpose of expunging criminal records.

Madam Speaker, it should be noted that the primary object of the Criminal Records (Spent Convictions) Law is to implement a scheme to limit the effect of a person's conviction for a range of offences

if the person, having served their sentence, subsequently completes a period of crime-free behaviour.

Madam Speaker, the Law provides that, on completion of that period, the conviction shall be regarded as "spent", and subject to some exceptions a person is eligible to apply for the expungement of that criminal record. By law, applicants are limited to two expungements. Section 5 (1) and Section 6 (1) of the Law establishes an Expungement Board, with Authority to approve, disapprove or revoke expungements.

Madam Speaker, by Law, criminal records for certain convictions and offences can never be expunged, including, for example, treason, murder and child pornography. (Schedule 2 and Section 12 of the Law provides the full list of offences and convictions for which criminal records cannot be expunged).

Madam Speaker, where the criminal record of a person has been expunged, the Law establishes that the person will be treated, for all purposes in law, as a person who has not:

- committed the offence
- been charged with the offence
- been prosecuted for the offence
- been convicted of the offence; and
- been sentenced for the offence

In Schedule 4, the Law specifies certain professions and offices of employment where persons must disclose expunged criminal records.

Section 44 of the Criminal Records (Spent Convictions) Law (2018 Revision) states that the Board shall submit to the Governor a report for that year containing the number of applications for expungement of criminal records made in respect of the offences referred to in Schedule 2 of the Law. And, the number of expungements of criminal records that the Board approved or disapproved, categorised by the offence to which they relate and, if applicable, the district of residence of the applicant and any other information required by the Governor.

Key Components of the Annual Reports to the Expungement Board

Madam Speaker, in fulfilment of these requirements, the two Annual Reports just tabled contain information regarding the number of applications for expungement of criminal records received and disposed of by the Expungement Board in 2018 and 2019, under the said Law.

The Annual Reports for the Expungement Board consists of the following sections:

- A Chairman's Report
- Tables of expungement statistics for the period

- A Discussion of the statistics; and
- Some background information about the Board and its members.

Summary Highlights from the Annual Reports of the Expungement Board

Madam Speaker, I will now share some summary highlights from the Annual Reports of the Expungement Board.

Since the first year of operation of the Board in 2018, both the number of applications submitted and the number of applications approved by the Expungement Board have increased significantly.

The Expungement Board's Annual Report for 2018 indicates that six applications were submitted to the Board. Of these applications, one application was deemed eligible and approved by the Board.

In contrast, Madam Speaker, the Annual Report for 2019 indicates that 52 applications were submitted to the Board. Of these applications, 29 were deemed eligible and approved by the Board.

Madam Speaker, for both 2018 and 2019, the Annual Reports indicate that the most common reason for applications not being approved was that applicants had not completed the required crime-free period established in the Criminal Records (Spent Convictions) Law. Since this means that such applications had not met the requirements set out in the Law to be considered, they would have been deemed ineligible by the Board.

Madam Speaker, I believe that the Chairman of the Expungement Board, Mrs. Marilyn Brandt, summarises well the importance of the work of the Expungement Board, when she writes in her Chairman's Report for the 2019 Annual Report, the following words: **"Today, it is quite common for employers to carry out background checks before hiring a job applicant. This inevitably reveals the applicant's record of conviction, which may be to the applicant's detriment. When criminal records act as barriers to employment, education, and more, it serves to entrench inequities in our society. While expungement does not address all the challenges faced after conviction, it begins the process of restoration for mistakes of the past. This is an immense benefit, which cannot be quantified."**

Madam Speaker, the Members of the Expungement Board members are volunteers appointed by the Governor. In addition to Ms Brandt, the membership of the Expungement Board includes the following members of our community:

- Mr. Hugh Lockwood
- Ms. Kayleigh Wright; and
- Pastor Alson Ebanks.

My Office provides secretarial services to the Board, and a member of my team serves as Secretary to the Board.

Madam Speaker, I will pause here to say that I think at times, here in this Parliament, we pass laws and we wonder whether these laws are actually having an effect on our people.

Madam Speaker, allow me just a minute to share with you one story of an applicant who applied to my office for an expungement.

A young Caymanian who had been out of work for some time, he applied for a job and got it. The employer called him and said, *the job requires training and I would like to send you overseas for training and you have been booked to leave on Tuesday of the following week.* However, the young Caymanian runs down to the Police Records Office to get his waiver and forgot that he actually had a conviction; a minor conviction but a conviction which would have prevented us from issuing him a visa wavier.

So, what does he do? He has a job, he has training and the flight leaves on Tuesday, and this is now Thursday. He is told about the Criminal (Spent Convictions) Law; he contacted my Office and we advised him on what he needs to get done. So, he submitted an application. Madam Speaker, and Ms. Jordana McLaughlin, the secretary of the board—a fine, young Caymanian civil servant—worked some magic, sent the application around by round robin to the Board members, and he met the criteria and he was able to catch his flight. That young man is now able to be a productive member of our community because of a law we passed here.

[Desk thumping]

Hon. Franz I. Manderson, Deputy Governor: That is something I think we can be proud of. I think we have seen that the procedures and board we have put in place, and the staff that works with the board, are actually doing the job of what we intended to happen.

Madam Speaker, I am very pleased and I could share a number of stories like that with you, where we have been able to make people's lives better through expunging their records. I am very proud to say that, Madam Speaker.

Madam Speaker, I would like to express my appreciation for the small number of volunteers who make up the Board. They are providing a very important service to our community. Thirty expungements mean 30 citizens now have an opportunity for a fresh start in life, after remaining crime-free for the periods required by the Law.

Madam Speaker, I just want to say a quick thank you to the Board Chair, Ms. Marilyn Brandt and all of the members of my Office - the secretariat who

have been doing a really great job: Ms. Jodie Whittaker, who is with the manager in my Office; Mrs. Mary Rodrigues, the Chief Advisor who has been working very closely with the board; and Ms. Jordana McLaughlin, secretary to the Board, an administrative officer and doing a very good job.

Thank you.

**THE EIGHTEENTH REPORT OF THE COMMISSION
FOR STANDARDS IN PUBLIC LIFE
1ST AUGUST 2019 – 31ST JANUARY 2020**

The Deputy Speaker: The Honourable Deputy Governor.

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

I beg to lay on the Table of this honourable House, the Eighteenth Report of the Commission for Standards in Public Life which covers the period 1st August 2019 to the 31st January 2020, in line with its constitutional mandate found in section 117(9)(g) of the Cayman Islands Constitution Order 2009.

The Deputy Speaker: So ordered.

Does the Honourable Deputy Governor wish to speak thereto?

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

Madam Speaker, a brief overview of the Eighteenth Report of the Commission for Standards in Public Life.

The Commission for Standards in Public Life continues to operate under the leadership of Mrs. Rosie Whittaker-Myles and during the reporting period she served alongside members Ms. Sheenah Hislop and Ms. Isatou Smith, both excellent members of the Commission.

This report covers the progress made and the key issues arising from the work completed by the Commission during the second half of their fourth year in office.

During the reporting period the members:

- tabled the Commission's Seventeenth Report which is now available on the Commission's website
- discussed preliminary arrangements for handing over of the existing Registers from the Clerk of the LA, who serves as the Registrar under the Register of Interests Law
- reviewed the collated responses received from the Attorney General, following discussions with His Excellency the Governor, regarding the drafting of the necessary Regulations to accompany the Standards in Public Life (SPL) Legislation

- met with the Director of the Central Procurement Office (CPO) to explore ways in which the Commission and the CPO could interact in order to meet the Commission's mandate set out under s.117(g) of the Constitution, that is, to "review and establish procedures for awarding public contracts"
- met with members of the Public Procurement Committee (PPC), given the Commission's constitutional remit as it relates to procurement thereby creating a potential overlap of some responsibilities between the two bodies
- continued to follow-up with the Cabinet Secretary on the status of the Ministerial Code of Conduct (CoC); and
- continued to draft the Conference Report for the Fifth Annual Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICAC) Conference.

Over the next reporting period, the Commission intends to continue to liaise with the Office of the Governor and the Office of the Premier on the commencement of the SPL Legislation and Regulations. Madam Speaker, we would note that has already been over taken as that law is now in effect. The Commission will also actively work on the necessary preparatory work to ensure the submissions of declarations under the SPL for the first time will be seamless, and I think we are all getting our declarations ready to be sent in to the Commission.

In addition the Commission will also:

- develop instructions for the completion and submission of declarations of interest
- formulate the communications strategy which will include the issuance of guidance notes and the like, to ensure the relevant individuals are aware of and adhere to the SPL Law by disclosing any conflicts of interests or perceived conflicts of interests
- liaise with the Registrar of the Register of Interests, for the handing over of records, as required under section 36(2) of the SPL Law
- issue correspondence to the Honourable Premier to request sight of the Ministerial CoC
- finalise the Conference Report; and
- continue to participate in any educational or public relations opportunities, as well as in local and regional cooperation efforts where possible.

I encourage Members of the House and of the public to familiarise themselves with the contents of the report which is available online at www.standardsinpubliclifecommission.ky

Thank you, Madam Speaker.

**SISTER ISLANDS AFFORDABLE HOUSING
DEVELOPMENT CORPORATION ANNUAL
REPORT FOR THE YEAR ENDED 31ST
DECEMBER 2019**

The Deputy Speaker: The Honourable Deputy Premier.

Hon. Moses I. Kirkconnell, Deputy Premier, Minister of District Administration, Tourism and Transport: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Sister Islands' Affordable Housing Development Corporation Annual Report for the year ending 31st December 2019.

The Deputy Speaker: So ordered.

Is the Honourable Deputy Premier speaking thereto?

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

On page 3 of the Auditor General's Report I would just like to read one paragraph: "In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of the Ministry as of December 31, 2019 and 2018, and its financial performance and its cash flows for the year ending December 31, 2019 and in accordance with international public sector and accounting standards and unqualified report." [UNVERIFIED QUOTE]

I want to thank the board and the staff for the hard and good work they have done.

Thank you.

**MINISTRY OF DISTRICT ADMINISTRATION,
TOURISM AND TRANSPORT CAYMAN ISLANDS
GOVERNMENT ANNUAL REPORT FOR THE YEAR
ENDED 31ST DECEMBER 2019**

The Deputy Speaker: The Honourable Deputy Premier.

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

Madam Speaker,

Madam Speaker, I beg to lay on the Table of this honourable House the Ministry of District Administration, Tourism and Transport Cayman Islands Government Annual Report the year ending 31st December 2019.

The Deputy Speaker: So ordered.

Does the Minister wish to speak thereto?

Hon. Moses I. Kirkconnell, Deputy Premier: Just briefly Madam Speaker.

Again, on page three of the Auditor General's report, it says: "In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of the Ministry as of December 31, 2019 and 2018, and its financial performance and its cash flows for the year ending December 31, 2019 and in accordance with international public sector and accounting standards and unqualified report." [UNVERIFIED QUOTE]

**OMBUDSMAN CAYMAN ISLANDS ANNUAL
REPORT 2019**

The Deputy Speaker: The Honourable Minister of Financial Services.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: Thank you, Madam Speaker.

Madam Speaker, I beg to lay this Annual Report, 2019, of the Office of the Ombudsman on the Table of this honourable House on behalf of the Oversight Committee.

The Deputy Speaker: So ordered.

Does the Minister of Financial Services wish to speak thereto?

Hon. Tara A. Rivers: No, Madam Speaker, just to invite Members to read the report at their leisure.

**REPORT OF THE STANDING BUSINESS
COMMITTEE - FIFTH MEETING OF THE 2019/2020
SESSION OF THE LEGISLATIVE ASSEMBLY
~AND~**

**REPORT OF THE STANDING BUSINESS
COMMITTEE - SIXTH MEETING OF THE 2019/2020
SESSION OF THE LEGISLATIVE ASSEMBLY**

The Deputy Speaker: The Honourable Premier.

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

Madam Speaker, I beg to lay on the Table of this honourable House the Report of the Standing Business Committee Fifth Meeting of the 2019/2020 Session of the Legislative Assembly.

Madam Speaker, with your permission, I also wish to Lay on the Table of this honourable House Report of the Standing Business Committee Sixth Meeting of the 2019/2020 Session of the Legislative Assembly.

The Deputy Speaker: So ordered.

Does the Honourable Premier wish to speak thereto?

The Premier, Hon. Alden McLaughlin: No. Thank you, Madam Speaker.

There needs to be a reason why the answers are not there.

QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Deputy Speaker: None—

Mr. Alva H. Suckoo, Jr., Elected Member for Newlands: Madam Speaker. **The Deputy Speaker:** The Honourable Deputy Leader of the Opposition.

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

Madam Speaker, I know we had a brief conversation about this offline but there are questions that have been submitted and I wonder when we would get to them because I am concerned that after today, we may not have all Ministers with us for the remainder of the week, and I haven't see any questions on the Order Paper.

It was agreed in Business Committee that we would put them down as they come in, so I am not sure where we are with questions.

[Pause]

The Deputy Speaker: The Honourable Deputy Leader of the Opposition, we only have answers to three of the questions and tomorrow being Private Members' day, we will address those tomorrow.

[Pause]

The Deputy Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Thank you, Madam Speaker.

I rise because I am hoping that we are not just going to ignore the question by the Deputy Leader of the Opposition. We continuously want to skip steps in this honourable House. Those questions are an avenue for us, in the Opposition to get answers on behalf of the people. Now, for two days we were debating a very sensitive topic and we allowed it. Today shouldn't be that controversial and we will take the vote, but there should have been enough time for those questions to be on the Order Paper.

There has to be some rationale so the good people of this country understand how we do things by way of our Standing Orders.

Now, who made the decision not to put the answers on the Order Paper? I don't know, but there are people in our gallery and I don't want them to think that's how things are done here in our Parliament.

The Deputy Speaker: Member for George Town Central, we received three questions and they will be on the Order Paper tomorrow for Private Members' day.

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

The Deputy Speaker: The Honourable Leader of the Opposition.

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

Just for the sake of procedural clarity: We have one Bill, we have the wind-up of this Bill and depending on whichever way it goes this Bill will be concluded today, because the Government says that they only have Committee Stage Amendment, a Report and a Third Reading. We have supplementary Bill thereafter, which is Finance Committee. If we resolve today at the conclusion of this Domestic Partnership Bill, to go into Finance Committee, the House usually resolves to go into Finance Committee and the House will resume upon the completion of Finance Committee.

With the bundle of trees that I have here on Finance Committee, I suspect that we are going to be in there for quite some time. So, I don't understand how we are going to come back here tomorrow. Unless we come back to the House and then resolve to go into Finance Committee after we have finished the business of the House. But then, that is Private Members' motions and we have all these Private Members' motions. According to the Minister, he was calling Finance Committee tomorrow. I don't know how we are going to do that. We need to find out how we are going to proceed, really.

The Deputy Speaker: Honourable Leader of the Opposition, I will liaise with Madam Clerk and we will determine what is on the Order Paper for tomorrow.

[Pause]

The Deputy Speaker: Madam Clerk, can we continue please with the business on the Order Paper?

[Pause]

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

The Deputy Speaker: I have given leave to the Honourable Minister of Commerce to make a statement.

REALLOCATION OF FUNDS WITHIN THE 2018 BUDGET OF THE MINISTRY OF COMMERCE, PLANNING AND INFRASTRUCTURE

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

Madam Speaker, I wish to make a statement as to the circumstances surrounding the Ministry of Commerce, Planning and Infrastructure (CPI) request for—

The Deputy Speaker: Please, Members, just refrain from your conduct and act with respect accordingly.

[Inaudible interjection]

Hon. Joseph X. Hew:—the reallocation of funds from within the 2018 Budget, as set out under section 11(5) of the Public Management and Finance Law (2018 Revision).

Firstly, the supplementary expenditure is being requested for expenditures related to the Department of Vehicle and Driver's License (DVDL) due to the significant increase in vehicle registration licensing prior to the introduction of the Electronic Vehicle Registration (EVR).

The DVDL recorded about 250 transactions per day. However, this has now almost tripled. Madam Speaker, now that we have begun the re-plating campaign, the expense would have caused the Ministry, and more specifically, DVDL to exceed its allocated expenditure. Furthermore, other additional equipment and human resources were also required to assist with the greater demand to deliver a more customer focus experience.

Madam Speaker, the anticipated cost of around CI \$400,000 was identified for the Ministry's 2018 budget allocation; and pursuant to section 11(5) of the Public Management and Finance Law (PMFL), the transfer of CI \$400,000 was actioned from appropriation PAH 22 – implementation of E-government programme to PAH 16 – licensing of drivers and vehicles.

Secondly, the Public Works Department (PWD) has conveyed to the Ministry that the PAH 10 account – Management of Government Properties, appropriation on the recruitment, maintenance and allocation, has been reduced over the years due to

budget constraints. As a result, PWD have had to scale back on routine maintenance of Crown properties, in order to operate within the approved allocation.

The Ministry reviewed its recurrent budget and was able to identify that the projected overspend in the PAH 10 allocation was CI \$300,000. Therefore, Madam Speaker, a reallocation of funds was requested to transfer within the 2018 budget, CI \$300,000 from appropriation PAH 22 – Implementation of E-Government programme to PWD PAH 10 - Management of Government Properties.

Lastly, the Ministry transferred from within the 2018 budget, CI \$2.5 million, from appropriation EA 148 – Major Road Upgrades to the Ministry of EYSAL [Education, Youth, Sports, Agriculture and Lands] with the responsibility for Lands, EA 4 – Road Compensation.

Madam Speaker, the Ministry was also planning the extension of the Godfrey Nixon Road, running west to North Church Street. This project was to be funded from the Ministry's EA 148 – Major Roads Upgrades Account. This project had an earlier projected start date. However, given that the process involved was more onerous than originally envisaged, the finalisation of the corridor took longer than anticipated to plan. Once the requisite boundary plan is gazetted, this brings into effect, an immediate legal obligation to pay compensation. This liability needs to be properly addressed and funds wring fence to cover the compensation liabilities.

The Ministry of EYSAL is responsible for these liabilities and to ensure that sufficient monies are available in the short and medium term. The Ministry of CPI agreed to transfer some capital monies. These monies can be accrued and utilised in the future years, since a legal commitment occurred in 2018. This approach was discussed and agreed with the Accountant General and the Ministry of Finance Administration and it would be noted that the amount transferred does not cover the entire gazetted corridor. These funds, \$2.5 million, will act as a buffer to allow the process to commence. Further funding can be accommodated in the coming years as anticipated and/or needed.

Madam Speaker, the aforementioned exceptional circumstance transactions which were approved by Cabinet for the Ministry of CPI during 2018 financial period did not cause any non-compliance with the principles of responsible financial management.

I would like to take this opportunity to thank the Members of the House for their continued support.

Thank you, Madam Speaker.

**REALLOCATION OF FUNDS WITHIN THE 2019
BUDGET OF THE MINISTRY OF COMMERCE,
PLANNING AND INFRASTRUCTURE**

Hon. Joseph X. Hew: Madam Speaker, I wish to make a statement as to the circumstances surrounding the Ministry of Commerce, Planning and Infrastructure, (CPI) request for reallocation of funds from within the 2019 budget as set out under section 11(5) of the Public Management and Finance Law (2018 Revision).

Madam Speaker, the supplementary expenditures being requested for expenditures related to the National Community Enhancement (NiCE) project which has operated for a number of years now. The Government decided to run the programme twice per year, which was estimated to cost \$845,000 annually and funded an allocation in the 2019 budget for this expenditure. However, the Ministry exhausted approximately CI \$520,000 of the allocated funds during the summer programme, as a result of an increase number of applicants for the winter programme to 670 persons. It was estimated that we would need an additional CI \$250,000.

Madam Speaker, it was forecasted that facilities Management Department would overspend their budget by approximately CI \$250,000, attributed to unforeseen operational cost, such as extraordinary janitorial services.

The Department of Vehicle and Equipment Services (DVES) also overspent their budget by approximately \$200,000 due to unforeseen operational costs, such as, maintenance and repairs to heavy equipment vehicles, thereby increasing the appropriation, procurement and maintenance of government fleet by CI \$200,000. However, Madam Speaker, the Ministry of Commerce, Planning and Infrastructure reviewed the budget and was able to identify from the underspend of CI \$700,000 in the appropriation of PAH 18 – Technology Support Services, which covered the Facilities Management Department of Vehicle and Equipment Services and the NiCE programme overspend.

Madam Speaker, the Ministry allocation EI 71 – Ministry of Commerce, Planning and Infrastructure appropriation was increased by CI \$80,000 from EI 51 transferred from the Ministry of Health, Environment, Culture and Housing. The Ministry of Health capital funding, appropriation EI 53 from the Ministry of Health, Environment, Culture and Housing was decreased in the amount of CI \$80,000 to facilitate the purchase of equipment for the Public Works Department, Recreation, Parks and Cemetery Section (RPCS).

Madam Speaker, the aforementioned exceptional circumstance transactions which were approved by the Cabinet for the Ministry of Commerce, Planning and Infrastructure during 2019

financial periods did not cause any non-compliance with the principles of responsible financial management.

I would like to take this opportunity to thank the Members of the House for their continued support.

[Pause]

The Deputy Speaker: The Deputy Leader of the Opposition.

Short Questions
Standing Order 30(2)

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

Madam Speaker, I wonder if I might be permitted under Standing Order 30 (2) to ask a few short questions.

The Deputy Speaker: In accordance with the provisions of Standing Order 30(2) I will allow short questions and call on the Member who has risen.

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

Madam Speaker, at the last meeting there were some discussions in relation to another question that I submitted on MRCU and the dykes in Newlands and after we determined that the dykes were not functional. I made a request for some of the initial clearing work and clean-up around those dykes, and if the Minister would consider including that in any upcoming NiCE programme.

I am wondering if he could give us any update on whether or not he considered that further.

The Deputy Speaker: The Honourable Minister of Commerce.

Hon. Joseph X. Hew: Madam Speaker, thank you and I thank the Member for the question.

We can certainly consider that and I can provide the details later, but I know that there's also some correspondence at the moment between NRA and MRCU on addressing some of those dykes.

The Deputy Speaker: The Honourable Leader of the Opposition.

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

Madam Speaker, in the Minister's statement he said that the Facilities Management Department has overspent in operational costs such as extraordinary janitorial services. Are these on fixed contracts or have we increased the amount of facilities that government now has the responsibility to clean from a janitorial perspective?

PERSONAL EXPLANATIONS

The Deputy Speaker: The Honourable Minister of Commerce.

The Deputy Speaker: None.

Hon. Joseph X. Hew: Thank you, Madam Speaker.

From my memory, from time to time we do have additional works that have to be done in other government buildings that fall under Facilities Management. We also have unexpected works such as floor cleaning, polishing or carpet cleaning where we have incidents of spills or damage.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Deputy Speaker: None.

The Deputy Speaker: The Honourable Leader of the Opposition.

RAISING OF MATTERS OF PRIVILEGES

The Deputy Speaker: None.

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

So, Madam Speaker is the Minister telling this House that tile cleaning is not budgeted for on a periodic basis; say once every two years or something of that nature?

I appreciate spills on the floor cannot be anticipated during budget time, but it cannot increase the cost that much. It would mean that we have emergency spills on the floor every day, but certainly routine polishing of tiles and carpet cleaning has to be budgeted for on a regular basis and put into the maintenance schedule. Is that not the case?

GOVERNMENT BUSINESS

BILLS

SECOND READING

DOMESTIC PARTNERSHIP BILL, 2020

[Continuation of debate thereof]

The Deputy Speaker: I will call on the mover of the Bill to exercise his right of reply.
The Honourable Premier.

[Pause]

The Deputy Speaker: The Honourable Minister of Commerce.

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

Hon. Joseph X. Hew: Thank you, Madam Speaker.

Madam Speaker, I am happy to provide the Member with the exact spending of the money, if he would like. I just said that I know that from time to time we have extraordinary or additional work that have to be carried out on some of the buildings that we have responsibilities for, under the Facilities Management, like Civic Centres and those sorts.

I also know that there are additional works that sometimes have to happen in addressing some of the issues within the Government Administration Building.

If the Member would like, I can get a breakdown of all the works for him; and yes, we do have janitorial contracts; and yes, they do scheduled things like tiles replacements and floor polishing.

**“If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don’t deal in lies,
Or being hated, don’t give way to hating,
And yet don’t look too good, nor talk too wise:**

**“If you can dream—and not make dreams your
master;
If you can think—and not make thoughts your aim;
If you can meet with Triumph and Disaster
And treat those two impostors just the same;
If you can bear to hear the truth you’ve spoken
Twisted by knaves to make a trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build ’em up with worn-out tools:**

The Deputy Speaker: The Honourable Leader of the Opposition.

Hon. V. Arden McLean, Leader of the Opposition: Madam Speaker, I appreciate the Minister’s generosity, but he doesn’t have to do that because we are going into Finance Committee on this. So, as long as he prepares himself, then that is fine.

[Pause]

**“If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings**

**And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: 'Hold on!'**

**"If you can talk with crowds and keep your virtue,
Or walk with Kings— nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son!"**

Madam Speaker, those words of Rudyard Kipling, penned so very long ago, have been my mantra since I first read them at 14 years. A copy of that Poem "If" hangs in my office. I read it very often.

Madam Speaker, yesterday and last night were very, very difficult. I left here entirely disillusioned, disappointed and fearful. I think I finally lost consciousness about somewhere between 3:30 and 4:00 o'clock this morning and my eyes were opened at 5:30 a.m. But Madam Speaker, the feeling of despair, disillusionment and disappointment disappeared when I rose this morning, and a feeling of incredible peace has come upon me. The words of my dear departed mother came to me with such force I thought she was standing there: *"When a man has done his best, even the angels in heaven can't do better."*

Madam Speaker, my disappointment is not really about the fact that Members of my own team have clearly indicated that they will vote against a Bill, which my Caucus and my Cabinet agreed we should bring, and that I should present.

I am long enough in the tooth and tough enough. My skin is thick enough to have faced more than one defeat in my almost 20 years in this House. My worry, my concern and my disappointment, is for the people of this country, the reputation of this Parliament and the interest of these Islands going forward.

Madam Speaker, I do not for one moment doubt the sincerity and strength of feeling of some Members in this House on their position of same-sex relationships. But Madam Speaker, I am discerning enough, as I believe is the listening public, to understand the political expediency of others who have swung one side of this issue or the other, wherever they felt the most favourable winds of public opinion were coming from. I say to those, in particular, the one who has predicted and proclaimed the demise of all who support this Bill, and who has been here for five minutes: *People will respect your view and your position, what they will never respect, is a man or woman on whom they cannot rely.* I'm not going to go

down that road, Madam Speaker, that's not where I'm trying to go and that is all I will say about that. We shall see in due course, who is here and who is not, next time around.

Madam Speaker, I tried. I tried really hard to frame this debate in terms that would focus on what the issue is which would, as far as possible, preclude or certainly not provoke angry statements about the evils of homosexuality and the gay lifestyle. It wasn't entirely successful but people will have to defend what each of them said; that's not my job. I am not going to prosecute anyone for what they've said.

Madam Speaker, this Domestic Partnership Bill was brought to this House by me, on behalf of the Government; not because the Government made some policy decision that that was what we felt we should do. Madam Speaker, it was brought because the Court of Appeal of the Cayman Islands found that this Legislative Assembly, and by extension, the Cabinet, are in continuing and longstanding breach of Article 8 of European Convention on Human Rights (ECHR), which provides for **the right to respect for private and family life** and the corresponding section in our own Bill of Rights which is modelled on the European Convention on Human Rights, in particular section 9 (1) of that Constitution. And, that being in breach of these sections, we are violating—and have for years—the right of same-sex persons to a formally recognised framework which extends to them the same basic rights of heterosexual couples; not marriage, not marriage. That is why the Bill is here.

Notwithstanding that, Madam Speaker, I've heard somethings in some speeches which have left the Honourable Attorney General and me shaking our heads. Did they not hear a word we said?

Madam Speaker, the 27th of May was seven years since I was first appointed as Premier. I have tried, as has as the Honourable Attorney General, over the course of those two Administrations, starting some six years ago, to seek to persuade the respective Members of our team; of my team, the team I lead—and some of the players have changed and some of the players are still here—that although the Cayman Islands Constitution does only grant a right to marriage to heterosexual persons of marital age, as determined by the law, that does not mean that you can simply ignore or trample upon the rights of persons who are not heterosexual to private and family life. And, that the courts, not just here, but across the world, have said that gay persons are entitled to the basic rights that are accorded to heterosexual married couples with respect to pension, immigration succession, the right to found a family, et cetera. This is not some Cayman creation. As I said at the start, our Bill of Rights is modelled on the European Convention on Human Rights.

The Member for George Town Central spoke with derision about my role in the development of that

Constitution, and in particular, the Bill of Rights. Madam Speaker, I spent the first nine years of my political career on both sides of this House, battling to get us a new Constitution. The United Kingdom said quite properly, quite correctly, *we will not grant you a constitution unless you have included in it, a Bill of Rights which of course generally accepted human rights protections of the citizens.*

Madam Speaker, in case anyone thinks that human rights are just some new concept; this idea that there should be a universal charter on human rights came out of the horrors of the two World Wars, particularly the last World War. It was determined that never again, never again should any State be able to do what was done by Hitler to other human beings. Those atrocities should never occur again.

Madam Speaker, we tried, we tried.

Madam Speaker, when Ms. Chantelle Day—who, despite what some on the other side may think, is as Caymanian as any of us and who, I believe, resides in George Town Central—and Ms. Vickie Bush or their counsel, wrote to us and said, *we demand recognition of our right to family life; of course they wanted marriage. But they said if we can't have marriage, let us at least have civil unions.* I tried again, with the assistance of the Honourable Attorney General, to persuade Members of my team of the importance of us acting or there was going to be court proceedings.

Madam Speaker, over the course of the last six plus years, the Honourable Attorney General and I have met with members of the Church Ministers' Association, many of whom I have on speed dial. I am very good friends with many of them because when you've been around this long—as the older Members of this House will know—you attend many, many funerals; even if you don't go to church otherwise. Know them well; love them all to a man and woman. We had nothing but absolutely civil and courteous discussions. We tried, and we tried, and we tried, and we could not get support to bring any kind of legal framework legislation.

Politics is the art of the possible. I've always understood that. If I had not understood that I wouldn't be standing here today. I am not an idealist; I am a pragmatist and a realist. I work hard never to compromise the fundamental principles that underpin who I am, but I understand that politics is also art of compromise. I do not usually begin battles I feel I cannot win. You will lose some even if you think you can win them, but I usually, I don't begin battles that I feel I cannot win; I wait for a more favourable wind or a better opportunity of the project to succeed. That's how I operate. Anyone who works with me will tell you that.

Madam Speaker, the proceedings were begun. The Honourable Attorney General and I tried again to find some means of reaching a compromise;

something that our counsel could say to the Court on behalf of the Government. Madam Speaker, to have pushed that particular envelope at the time, no doubt in my mind, would have resulted in the Government breaking up.

Madam Speaker, in the previous administration I had two Members, both of whom are still in this House: the Members for Savannah and Newlands, who walked across the Floor and I hadn't even brought a motion. I stood on the Floor of this House and said, *We have to do something about the situation with Dr. Leonardo Raznovich's immigration status.* Because Madam Speaker, as I said, I'm a realist and a pragmatist. I was elected, as are all of us, to make decisions and judgments on behalf of our people; otherwise, you could send anybody down here.

Madam Speaker, one of the things I have always understood about leadership is that leadership is not just about following public opinion. Public opinion is fickle; you are hero today and villain tomorrow. Of course, who doesn't want to have kudos and get kudos? There are very few politicians that I know don't want to get re-elected; very few. But, the day that you start making decisions, and the only thing that you think about is whether this will get you re-elected, in my view, Madam Speaker, you're absolutely, advisedly a useless representative. You are simply a mouthpiece. The day that you fail to exercise your own judgment about the rightness or the correctness of a position or not, then you are just a mouthpiece.

Madam Speaker, my good old friend, Roy Bodden, used to be fond of quoting Edmund Burke. Edmund Burke put that in language which Mr. Bodden repeated over and over in his 16 years in this House, that, as a representative you owe your constituents the benefit of your intellect and judgment, not just a matter of following their opinion. Edmund Burke the famed British Member of Parliament and Statesman is often cited with regards to matters of parliament; often about leadership and truly serving your constituents. He said, **"Your representative owes you, not his industry only, but his judgement; and he betrays you instead of serving you if he sacrifices it to your opinion."**

Madam Speaker, to return to my narrative: The great irony of the majority of the speeches that were made in this House, in opposition to this Bill, is that if persons vote, as they have indicated and the Bill fails, what they consider to be the great disaster that would have attended the Cayman Islands if the Domestic Partnership Bill passes, is going to be multiplied tenfold. And, I will explain that in but a moment.

However, Madam Speaker, I want to make one thing clear: This winding up speech of mine is not about trying to persuade one single person in this

House, on my side or otherwise, to vote otherwise than in accordance with their conscience. I want no abstentions. I want every man and woman to do his and her duty and vote their conscience. But, I want every man and woman, Madam Speaker, to also realise that while only they will have to live with their conscience, the entire country and every person here will have to live with the consequences of the decision. The decision doesn't just affect you or me. We are deciding on behalf of the people of this country; remember that. So, let your conscience also contemplate the consequences of the decision.

Madam Speaker, a number of the Members on this side made extremely good contributions. When I say that the clarity of thought and presentation brought to bear by speeches like that of the Minister of Financial Services, the Member for Prospect, and others, ought not to be ignored. Having heard the messages which I began with, reinforced by the Attorney General and other Members from this side about the consequences of this Bill failing, no Member in this House will be able to credibly say that they did not understand what the implications of this Bill failing are likely to be.

I've heard a lot of visionaries on the other side saying what the UK will and will not do and what they have done and won't do. I don't claim to be a visionary at all, but I have not spent the last seven years as Premier, in the Office of four Governors—and I've forgotten how many ministers in the UK—not to understand how that system works, and not to be able to read what their very careful statements mean.

The irony, of which I earlier spoke, is that the defeat of this Domestic Partnership Bill will, almost certainly as the sun rises tomorrow, result in the imposition on the Cayman Islands of same-sex marriage. Remember that I said so today. And Madam Speaker, I have already requested the Hansards of what every Member in this House has said because I know when it comes, and I promise you this is not going to be, what somebody said 37 years between... This is not even going to be 30 days. Remember that when it will occur, it occurs because Members of this House decided that a domestic partnership arrangement was not satisfactory; it was going to be disastrous, it was going to undermine marriage in the Cayman Islands, and that is why the UK will act. It will not be those on the side who have brought and supported this Bill that has caused the same-sex marriage to be introduced to Cayman. It will be those who have prevented the Government from introducing a parallel arrangement short of marriage, but functionally equivalent thereto.

I know Madam Speaker, that when it happens, when the inevitable occurs, there will be screams and shouts, weeping and wailing, and gnashing of teeth, cursing of the UK and inevitably an attempt to blame Alden McLaughlin.

We have said over and over and over again inside and outside this House, to the ministers of religion, that we cannot avoid providing a framework to recognise the rights of the couples same-sex couples; we cannot. It is a constitutionally enshrined right. The courts have decided that. It is not a policy decision of the Government and it's the duty of the Government and the Legislative Assembly to obey a declaration or to recognise a declaration of our Court of Appeal.

I'm not even going to rehearse all of the arguments that have been rehearsed over and over again about the importance of the rule of law. We've said them over and over again, but I can tell you that no parliament can long survive in a democracy that does not respect the rule of law. It will lose complete credibility. As the Honourable Attorney General said yesterday, not even the UK, which is a Sovereign Parliament—and those who believe that this is a Sovereign Parliament are about to get rude awakening—will ignore rulings of its courts because the government, cannot function if the respective arms thereof do not recognise and respect their respective roles.

I heard words out there about the Government being 'cowardly'; they may not have used that word. And, I heard the Leader of the Opposition say, Madam Speaker, that we should have appealed the declaration. I think the Honourable Attorney General answered that absolutely clearly. You do not appeal the unappealable; it is pointless. It is not only pointless, but no one is going to argue it. You're going to get laughed out of court, to say *after court, after court, after court had said that all people, regardless of what your sexual orientation may be, are entitled to private and family life.*

Madam Speaker, I am going to speak the unspeakable. All of us in here have friends or family who are gay! There, I have said it. Are we going to say that our friend, our son, our daughter, our daughter, our cousin, our niece, our aunt, or our uncle, that they are not entitled to the private and family life because of their sexual orientation?

Madam Speaker, I have two sons who have taught me so much. They do what I could not do, as a Caribbean male growing up in this place here. They have gay friends and they hang-out with their gay friends. If we tried that in my generation, we would definitely be made gay too, as far as people were concerned. Attitudes have changed, and I think that's a good thing, Madam Speaker. Younger people are more tolerant of other people's differences. Sexual orientation is a difference. They are different. I do not ask anyone to agree with someone's lifestyle, but it is their business, not yours. That's how I live my life.

It is other human beings who we are talking about, other Caymanians. We are saying that they ought not to enjoy the same basic rights that the rest

of us who are heterosexual have; the right to enjoyment of family and to have someone to be able to share in the things that you enjoy and participate with in your life.

Madam Speaker, homosexuality has been around as long as man has. I know the biblical teachings. I promise you that nobody in this House spent more time in Sunday-School than me; not because I wanted to go sometimes, but I had to go because Althea would make sure of that.

Madam Speaker, I believe in God. I am not someone who's in church—well, I can't say I'm not in church every weekend because I go to many funerals—I cannot say that I go to a whole lot of church services outside the formal ones, but my faith is firm; in God I believe and trust.

I have some ministers of religion who are my rocks; the rocks I lean on, although me being me, I probably don't lean on them as much as I should.

Through this COVID crisis, I came to one of the lowest points I have ever been in my life. Madam Speaker, I had to take a decision which I am certain led to the certain death of a man because I refused to give the ship permission to come ashore, because he was a COVID-19 patient. And, that very morning, our only—thank God—COVID-19 patient had died and we had shut down Health City Hospital. I could not expose my people to that.

Madam Speaker, I sat by myself and I messaged Reverend Yvette Noble-Bloomfield and she helped me. So, anyone who does not believe that my faith is sure; does not know the man.

Everyone is entitled to their own view, freedom of conscience, and freedom of expression, but we are not free to trample on other people's rights. That's the whole point of Bill of Rights. It is set up to ensure that the State does not, by its various mechanisms and agencies, treat one sector of the community different than other sectors, except in very limited and permissible sense; Immigration being one, as an example.

I heard a lot of predictions on the other side about how this is going to go; let me make my prediction.

The Domestic Partnership Bill, which we presented to this House, sets up an alternative framework for the recognition of the rights of persons who do not wish to be married, if they are heterosexual and exactly the same rights for persons in same-sex relationships. What I mean by that is the Domestic Partnership Bill is not limited to same-sex couples, but it's not marriage. However, it does confer a full range of rights because the injunction from the court is that it must be a system which is functionally equivalent to marriage.

Madam Speaker, there are carve outs... We spent a lot of time, but I hear there was no consultation. I know that no one on the other side—

perhaps excepting for the Member for Savannah—has spent more time with the ministers of religion than the Attorney General and I have, on these particular issues over many years. We are incredibly sensitive to the religious views. The letter read from Pastor Torrance Bobb indicated that, and said how grateful they were for the consultation opportunities and the regarding respect we have had for their views.

We ensured that ministers of religion whose faith does not permit them to sanction same-sex relationships would not have to perform the formal ceremony to memorialise the relationship. In other words, they would not have to become Domestic Partnership Officers and could remain as Marriage Officers only using their services for the traditional conventional marriage.

Madam Speaker, if same-sex marriage becomes the reality that I think it will be, all of that will be lost. All marriage will be on the same plane, subject to the same law, subject to the same rules. And so, if you're a Marriage Officer, you will have to marry a same-sex couple if they wish you to. If you don't wish to, you will have to resign as a Marriage Officer. That is one of the significant differences that the Domestic Partnership Law provided.

[Pause]

The Premier, Hon. Alden McLaughlin: Madam Speaker, I want to explain a bit about how we get to where I think we're going to get.

When we were negotiating what became 2009 Constitution and the negotiations actually started in 2001; it took eight plus years. When we were getting towards the end of that process and the Bill of Rights started to congeal, there were always concerns about preserving marriage as the exclusive domain of heterosexual couples, in accordance with the biblical teachings and principles. We believe, in this country—or those of us who go to church—that marriage is God ordained. And so, that's what number of things to happen.

What is now section 14 of the Bill of Rights, it appears that no other constitution that we've been able to find anywhere in the world, this is bespoke Caymanian drafting.

Section 14 (1): **“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.”**

What that does, is that it categorises and defines as a human right, the right of every unmarried man and woman of marriageable age to marry and found a family. It does not confer that right on same-sex couples.

To add the belt and braces that were felt necessary, in 2008, we came to this House, with of

course, the full knowledge that we were trying to get this Constitution approved by the UK and then by referendum here, and made an amendment to the Marriage Law by amending section 2. This was so that marriage in the Cayman Islands—and this is still the case—means “**a union between a man and a woman as husband and wife.**” It is those two sections: one from the Constitution and one from the Marriage Law that performed a big part of the Constitutional challenge in the Day and Bush against the Attorney General’s case.

Members of this House I’m sure, will remember that the Honourable Chief Justice was so outraged at the refusal or failure of the Government and this Legislative Assembly to put in place a framework to recognise same-sex relationships, that he determined that by virtue of section 5 of the Constitution, he was entitled to modify that definition of marriage. And, he did so in the following terms: He modified section 2 of the Marriage Law to define marriage as being, “**the union between two people as one another’s spouses.**”

So, he, as Chief Justice, amended the Marriage Law. He drafted the amendment and that was the Law of this land until the Court of Appeal’s ruling on the 7th November 2019. It is that Chief Justice’s judgment that we appealed and the Court of Appeal said, *you are right Government; the Chief Justice does not have the right to amend the Marriage Law in that way. Your Constitution only guarantees the right of marriage to heterosexual couples and the European Court on Human Rights has said that same-sex marriage is not a human right. However, Government and the Legislative Assembly, you have to ensure that the rights of persons who are not heterosexual their right to private and family life, which is also set out in the Constitution, that you put in place a framework to recognise those.*

It is not that, which we are currently in breach of. The Court has said so.

Madam Speaker, I think it was the Member for Newlands and probably the Leader of the Opposition, as well, who said, *Look at the stack of laws that are going to have to be amended in consequence of the passage of the Domestic Partnership Bill.* They are right. They are absolutely right because we have to find some mechanisms to ensure that those rights which are set out in the Domestic Partnership Bill are able to be enjoyed. So, we have to find a framework that deals with disputes and ultimately, separation, division, pensions, succession and all of those things.

All those legislations are geared to deal with marriage in the conventional sense. So, if we are going to import those mechanisms as part of this framework, we’re going to have to change those other pieces of legislation. Messy, complicated, difficult and there are some pieces of legislation that we haven’t even thought of, I’m sure, because it always happens

that way. There will be some obscure piece that you never thought about.

From an administrative standpoint, the Chief Justice’s approach his genius. It flies completely in the face of the Constitution but it is genius from an administrative standpoint, because he changed eight words, from, “**marriage means the union between a man and a woman as husband and wife**” to “**marriage means the union between two people as one another’s spouses**”. With that simple amendment, all marriages are put on the same plane and all of the legislations which exist apply with equal force to everyone who is married; whether they are a heterosexual couple or a same-sex couple. The genius is in its simplicity. I say that to make my prediction.

Before I make my prediction, I need to deal with a point that I think the Member for Newlands raised, which, I know he’s going to law school now but with the greatest respect I think he’s gotten it completely wrong.

Madam Speaker, section 81 of the Constitution gives to the Governor the power to enact legislation. It is one of the provisions in the Constitution that still rankle. Every time I think about it, it irks me, which is why we pushed so hard, and the Member for Newlands was there. We pushed so hard to get the UK to agree to remove the power of the Governor to legislate for this country.

We said that *if you really feel that you have to do something to ensure that section 125 of the Constitution which says, “**There is reserved to Her Majesty full power to make laws for the peace, order and good government of the Cayman Islands.**”*, to use your Order in Council to do so. We don’t want a Governor, albeit on the instruction of the Secretary of State, to continue to be able to make laws for us here. And the UK agreed, at least tentatively. They haven’t finally agreed until the Privy Council issues that order, but those around the negotiating table on behalf of the Government agreed and it is still in the current draft.

Madam Speaker, section 81 is not limited, in the sense that the Member for Newlands claims. As the Honourable Attorney General has pointed out, the European Convention on Human Rights is brought in to this particular dispute. The Court of Appeal have said that, “**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 (that’s ours) and in recognition of Legislative Assembly’s longstanding and continuing violation of Article 8 of the European Convention on Human Rights . . .**”

Those are international obligations to which the United Kingdom is still very much bound, very much within the parameters of section 55 of the

Governor's special responsibilities under the Constitution.

What I don't think is fully appreciated by many, is that while the constitutionally guaranteed right to marriage is restricted under the Constitution to heterosexual couples, there is nothing in the Constitution or anywhere else, that would prevent this House, from passing... instead of introducing the Domestic Partnership Bill, we could have introduced a same-sex Bill and it would be for this House, as it is with the Domestic Partnership Bill to decide whether or not we wanted to pass it. The Constitution does not prevent or prohibit it. It just does not give it the status of a constitutional right. And, in the same way that this House could pass a same-sex Bill, the Governor can even more easily introduce one.

So, my prediction is because of the simplicity, because of the administrative ease and because it would put to bed, once and for all, the continued pressure from the gay lobby for same-sex legislation, the UK will choose that route.

Furthermore, the UK is hugely embarrassed by the fact that the Court of Appeal has found it necessary to call on them to act in this matter because of our continuing failure as a legislature to do so. It's been read before, but for completeness let me read the final paragraphs of the judgment of the Court of Appeal, with your permission, Madam Speaker:

"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, as has been alluded to here as well, the decision of the Court of Appeal that same-sex marriage is not a constitutionally guaranteed right under the Cayman Islands Bill of Rights is under appeal to the Privy Council. If the UK acts as I have indicated, the UK no longer has to worry about that appeal to the Privy Council. They would have killed not one, but a couple of birds with one stone.

That is why I come back to my point, that the railings in this House and outside of it, against the actions that the Government has taken in bringing this Domestic Partnership Bill are likely to result in precisely what those who are against same-sex

relationships want less of all: for same-sex marriage to be put on exactly the same terms as heterosexual marriage. The same-sex community will be overjoyed.

So, Madam Speaker, when it comes, as I believe inevitably it will, all of us in this House will understand the part that we played in the introduction of same-sex marriage to this community. Some will cheer it, some will say disaster attends us, but it will be settled once and for all.

It has been a hard seven years plus; yesterday the hardest of all.

I am a man, that if you are with me, I will go to my neck in blood for you. I live by some basic principles: loyalty and trust are principles among them.

I will say this: Were it not that this country is still in a most precarious and dangerous situation with respect to the COVID-19 pandemic, my speech today would end very, very differently than it will. But I love my country and I love my people, even more than I love my own convenience, personal peace and satisfaction.

I have given the best and most productive years of my life to public service. I have no regrets in that big decision. I have always sought to do what I have thought is the right interest of my country and my people. I am human, I don't always get it right but I try very hard to. And the older I get, the wearier I get, the better I find my judgment has become about issues and about people.

Madam Speaker, that man who sits behind me gets very little kudos and gets very little praise. At even risking your patience, Madam Speaker, I shall call him by name; Samuel Washington Bulgin Q.C. is an exemplary public servant and an exceptional lawyer. In seven plus years as being legal adviser to the Cabinets that I have led, he has never once led us wrong on any issue of consequence; even when others, including some on the other side of the House criticised him and railed against his interpretation.

I remember when the Grand Court judgment came down in this matter, the poor Attorney General got it wrong. Madam Speaker, even when Governor felt that we should not appeal that decision, the Attorney General in his quiet diplomatic way he says, *I think it's wrong. I think it's wrong.*

The case with the Referendum Law, I heard people on the other side cheering when the Government lost. I'm hoping they simply did not understand the implications for this House had that judgment stood. The Attorney General says, *I think it's wrong.* We went to the UK and we sat down around the table in Blackstone Chambers and certain lawyers there told him that we shouldn't pursue it and he said, *I disagree with you, I think it's wrong.* That's a man, Madam Speaker. As they used to say in those old western books that I used to read when I was a boy: *A man to ride the river with.*

I thank him and I thank his staff; exceptional and exemplary people who have worked so hard through this COVID-19 pandemic on everything that we needed: from regulations to this issue, on those appeals. I don't want to start calling names because if I do I am going to leave somebody out and then everyone will be upset, because I don't have the list in front of me as I really didn't plan on doing this now, but when things come to you, you do them.

Nevertheless, I'll run the risk anyhow. For those of you, who I forget, please forgive me, but I think it's important: Reshma, Celia, Darlene, Cheryl and José. I hope I haven't left anyone out. They are unsung and unheralded but this country is blessed to have that quality of legal advice and it is not just the advice; it's also the willingness to go the extra 10 miles to make sure we get it right.

I also want to thank my Cabinet colleagues for all of their hard work over all of these years and all of the difficult, difficult decisions that we make in Caucus and Cabinet every week. We don't always agree but that is why I think the Government has been as good as it has been, because I never learned anything from someone who agrees with me, but someone who causes me to think about what they have said and even to argue with them does help.

So, Madam Speaker, for me, this is a disappointing and unhappy ending of this Bill but as the Attorney General has said to me, the sun will come up tomorrow.

Thank you, Madam Speaker.

The Deputy Speaker: The question is that a Bill shortly entitled the Domestic Partnership Bill, 2020 be given a second reading.

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

AYES and NOES.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: Division please, Madam Speaker.

The Deputy Speaker: Madam Clerk, can you please take the division?

DIVISION NO. 36

Ayes: 8

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Roy M. McTaggart
Hon. Joseph X. Hew
Hon. Tara A. Rivers
Mr. David C. Wight
Mr. Austin O. Harris Jr.
Mr. D. Ezzard Miller

Noes: 9

Hon. Julianna Y. O'Connor-Connolly
Hon. Dwayne S. Seymour
Capt. A. Eugene Ebanks
Hon. V. Arden McLean
Mr. Alva H. Suckoo, Jr.
Mr. Kenneth V. Bryan
Mr. Anthony S. Eden
Mr. Bernie A. Bush
Mr. Christopher S. Saunders

[Pause]

The Deputy Speaker: The result of the Division is: 8 Ayes and 9 Noes.

The Domestic Partnership Bill, 2020 has failed.

Negatived by majority on division: Domestic Partnership Bill, 2020 failed.

The Deputy Speaker: The House will suspend its proceedings for lunch.

I ask that all Members return to the Chamber promptly at 2:30 pm.

Proceedings suspended at 1:16 p.m.

Proceeding resumed at 2:47 pm

The Deputy Speaker: Proceedings are resumed. Please be seated.

SECOND READINGS

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

The Deputy Speaker: The Honourable Minister of Finance.

[Pause]

Hon. Roy M. McTaggart, Minister of Finance and Economic Development: Madam Speaker, I beg to move the Second Reading of a Bill entitled: The Supplementary Appropriation (January 2018 to December 2018) Bill, 2020.

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

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

[Pause]

Hon. Roy M. McTaggart: Madam Speaker, the purpose of this Bill is to seek the Legislative Assembly's approval for Supplementary Expenditure, Equity Investment and Equity Assets Appropriation changes, in respect of the financial year ending the 31st December 2018.

Madam Speaker, once an Appropriation Bill has been approved by the Legislative Assembly it becomes an appropriation law for a particular financial year and that law establishes what is commonly referred to as a budget for that financial year. There are three ways, in which the budget amounts

contained in an appropriation law can be changed during the course of a financial year.

Firstly, section 11(5) of the Public Management and Finance Law (PMFL) allows the Cabinet to make such changes.

Secondly, section 12 (2) of the PMFL allows Finance Committee to approve changes to an established appropriation law.

Thirdly, section 25 of the PMFL permits the Legislative Assembly itself to authorise changes to an already approved appropriation law.

Madam Speaker, this Bill arises in respect that the Government's use of the section 11 (5) provision of the PMFL. Section 11(6) of the PMFL states that when a government utilises section 11 (5) of the PMFL to make changes to an appropriation law, those changes made by Cabinet are to be included in a supplementary appropriation bill which must be presented to the Legislative Assembly. That explains the existence of the Bill now before the House. It satisfies a legal requirement that changes to an already approved appropriation law must be incorporated in a supplementary appropriation bill and that bill be presented to the Legislative Assembly for its scrutiny and approval.

Madam Speaker, it should be noted that in November 2018 the Legislative Assembly approved the Supplementary Appropriation (January 2018 to December 2018) Law, 2018 which included supplementary appropriation requests under section 11(5) and 12 of the PMFL for the period 1st January to the 31st October 2018.

Now before the House is the Supplementary Appropriation Bill with respect to changes in the period 1st November 2018 to 31st December 2018.

Madam Speaker, I wish to make two additional points: Firstly, the changes set out in the Schedule to the Bill have already occurred. The changes are processed shortly after they are approved by Cabinet under the section 11(5) provision of the PMFL.

Secondly, it is the Government's reasonable expectation, that given the circumstances explaining the origin of a Supplemental Appropriation Bill, the Finance Committee's consideration of the items in the Schedule to the Bill will be efficient.

Madam Speaker, changes are made by Cabinet, as it is legally empowered to do under section 11(5) of the PMFL, to effect changes to budgets during the financial period. The Government always endeavours to match a request for an increase in expenditure by a corresponding reduction to expenditures, though this is not always possible 100 per cent of the time.

The Bill reflects changes made to the approved 2018 budget that were done under the authority of section 11(5) of the PMFL. There are

some individually significant interests shown in the Bill such as:

- \$6.1 million for land preservation and conservation
- \$3.7 million increased funding for school maintenance and operational support services
- \$2.5 million for land purchase gazetted claims
- \$1.7 million increased funding for Cayman Airways; and
- \$1 million increased funding for Judiciary Expenses

The Bill consists of three parts: Clause 1 provides the name of the proposed law.

Clause 2 speaks to the appropriation authority of the Cabinet and the Schedule to the Bill which shows the individual items of appropriation changes that the Legislative Assembly is being asked to approve.

Madam Speaker, it is also important that I point out that not all supplementary appropriations involve expenditure increases. There are large and significant numbers of decreases to expenditures that are contained in this Bill.

I therefore respectfully ask all Honourable Members to support this Bill.

Thank you, Madam Speaker.

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

I recognise the honourable Member for Bodden Town West.

Mr. Christopher S. Saunders, Elected Member for Bodden Town West: I just wanted to make a note, Madam Speaker.

Generally speaking, as we have indicated in the past, this is one of the areas that when it comes on to the public finances, barring some questions, I know Members on this side had questions concerning the 2018 Supplementary just coming now. Outside of that, it is pretty straightforward and we recognise the efforts of the finance team and we're looking forward to dealing with some of the issues briefly in Finance Committee.

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

Does the mover have the Bill wish to exercise his right of reply?

Hon. Roy M. McTaggart: Madam Speaker, only to thank Members of this honourable House for their tacit support and I look forward to examining each of these items when we get into Finance Committee.

[Pause]

The Deputy Speaker: The question is that a Bill is short entitled: The Supplementary Appropriation (January 2018 to December 2018) Bill, 2020 be given a second reading.

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

AYES.

The Deputy Speaker: The Ayes have it.

Agreed: Supplementary Appropriation (January 2018 to December 2018) Bill, 2020 given a second reading.

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

The Deputy Speaker: The Honourable Minister of Finance.

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

I would like to move the Second Reading of a Bill entitled: The Supplementary Appropriation (January 2019 to December 2019) Bill, 2020.

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

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

Madam Speaker, the purpose of this Bill is to seek the Legislative Assembly's approval for Supplementary Expenditure, Equity Investment and Executive Asset appropriation changes, in respect of the financial year ended the 31st December 2019.

Once an Appropriation Bill has been approved by the Legislative Assembly it becomes an appropriation law for a particular financial year and that law establishes what is commonly referred to as a budget for that financial year. There are three ways, in which the budget amounts contained in an appropriation law can be changed during the course of a financial year.

Firstly, section 11(5) of the Public Management and Finance Law (PMFL) allows the Cabinet to make such changes.

Secondly, section 12 (2) of the PMFL allows Finance Committee to approve changes to an established appropriation law.

Thirdly, section 25 of the PMFL allows the Legislative Assembly itself to authorise changes to an already approved appropriation law.

Madam Speaker, this Bill arises in respect that the Government's use of the section 11 (5) and section 12(2) provisions of the PMFL. Section 11(6) and section 12(3) of the PMFL state that when a

government utilises section 11 (5) or section 12(2) of the PMFL, respectively, to make changes to an appropriation law, those changes made by Cabinet or approved by the Finance Committee are to be included in a supplementary appropriation bill, which must be presented to the Legislative Assembly. That explains the existence of the Bill now before the House. It satisfies a legal requirement that changes to an already approved appropriation law must be incorporated in a supplementary appropriation bill and that bill be presented to the Legislative Assembly for its scrutiny and approval.

Now before the House is a Supplementary Appropriation Bill with respect to changes in the period 1st January 2019 to 31st December 2018. Madam Speaker, I wish to make two additional points.

Firstly, the vast majority of the changes set out in the Schedule to the Bill have already occurred. The changes are processed shortly after they are approved by Cabinet or the Finance Committee under the section 11(5) or section 12(2) provisions of the PMFL respectively.

Secondly, it is the Government's reasonable expectations, that given the circumstances explaining the origin of a Supplemental Appropriation Bill, the Finance Committee's consideration of the items in the Schedule to the Bills will be efficient.

The Bill indicates changes that can be categorised as follows:

1. Items to the Schedule to the Bill that were approved by Finance Committee under section 12 of the PMFL in April and June 2019 and which need to be, as a requirement of the PMFL, included in the 2019 Supplementary Appropriation Bill, now before this Legislative Assembly.
2. Items on the Schedule to the Bill that Finance Committee already approved in November 2017 and where Cabinet, as it is legally empowered to do under section 11(5) of the PMFL, made changes to budgets during the 2019 financial period.

Madam Speaker, the Government always endeavours to match a request for increase in expenditure by a corresponding reduction in expenditures, though it is not possible to achieve this 100 per cent of the time.

The main supplementary changes are:

- Funding for overseas medical costs.
- Increases in health care premiums for civil servants, pensioners, seafarers and veterans.
- Increases in funding for education and support services.
- Funding for the purchase of property

- Increased equity investments in Ministries, Portfolios and Offices for equipment and infrastructure.
- Increased funding to and equity investments into statutory authorities and government companies.

Key changes include:

- \$26.3 million increase for tertiary care at local or overseas institutions.
- \$24.8 million increase in Equity Investment to the Ministry of Employment and Border Control for the purchase and fit-out costs for new RCIPS [Royal Cayman Islands Police Service] Offices and the acquisition and procurement of a second helicopter for law enforcement, border security national and regional disaster response.
- During April 2019, the Finance Committee approved an additional \$8.8 million to support the increase in CINICO's health insurance premiums for civil servants, pensioners, seafarers and veterans. Madam Speaker, \$14.4 million is to be reallocated from the appropriation OE118 where the health insurance premium increases were initially placed to various output groups across Ministries, Portfolios and Offices.
- The reallocation of \$14.4 million of OE118 and an increase to OE118 of \$8.8 million in April 2019 means that the in-year movement on the OE 118 appropriation is a negative \$5.6 million. This latter amount is shown in the Schedule to the Bill with the balance of \$5.6 million on the 1st January 2019 for OE118 and a net reduction during the year of \$5.6 million. The closing balance of OE118 on the 31st December 2019 was zero, reflecting the fact that all the amounts placed in the OE118 appropriation was reallocated to various output groups across Ministries, Portfolios and Offices.
- \$7.8 million increase output funding for early childhood, primary, secondary and special needs education and support services.
- \$7.8 million Equity Investment in the Ministry of Financial Services and Home Affairs for infrastructure repairs and equipment purchases for Her Majesty's Cayman Islands prison and Cayman Islands Fire Service
- \$4.1 million increased funding for the Green In Corner Culling Programme.
- \$3 million to Cayman Islands and Monetary Authority [CIMA] to cover costs incurred for monitoring compliance with anti-money laundering counterterrorism financing.

- \$7.8 million for the purchase of land for conservation; and
- \$1.7 million funding to support the establishment of the Ministry of International Trade Investment Aviation and Maritime Affairs.

The Bill consists of three parts:

Clause 1 provides the name of the proposed law.

Clause 2 speaks to the appropriation authority of the Cabinet and the Schedule to the Bill which show the individual items of appropriation changes that the Legislative Assembly is being asked to approve.

Madam Speaker, it is also important that I point out that not all supplementary appropriations involve expenditure increases. There are a number of decreases to expenditures contained in this Bill.

I therefore respectfully ask all Honourable Members to support this Bill.

Thank you, Madam Speaker.

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

I recognise the Member for Bodden Town West.

Mr. Christopher S. Saunders: Thank you, Madam Speaker.

As we said, we do recognise the efforts and hard work of the Minister of Finance and his team in the Finance Ministry.

Most of our questions will be within Finance Committee. We noticed that for 2019 the Government had an additional \$50.5 million in expenses which is offset by roughly \$139 million in revenues. We are curious to see if those variances are one-off makeups or whatever, but we can drill down into that in Finance Committee.

I am also a bit curious about how the Minister plans on managing both Bills. Will they be done simultaneously between 2018 and 2019? I think that would make more sense with regards to the Ministry staff that may be on call. So, I was just curious as to how that would be managed.

Thank you.

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

Does the mover of the Bill wish to exercise his right of reply?

Hon. Roy M. McTaggart: Madam Speaker, thank you very much and I would also like to thank the Member

for Bodden Town West for his observations and questions.

I will answer very briefly. I intended to speak to it as we begin in Finance Committee but I am happy to share it here now for the benefit of everyone. When we get into Finance Committee we have two Bills that we have to consider. It is my intention, as he has suggested, that with each ministry, office and department that we looked at, we will consider the 2018 and 2019 appropriations together. Firstly, we will look at all in 2018 and seek to get those approved consider the 2019s and that way we will allow all the staff in various Ministries to come and sit at one time, then depart and the next group will come in.

That's the way we're going to try to work the Finance Committee in this. I recognise that from an administrative standpoint it is a little bit different, but I believe we can make it work.

With that Madam Speaker, I thank everyone for their support and approval and I look forward to getting into Finance Committee.

Thank you, Madam Speaker.

The Deputy Speaker: The question is that a Bill shortly entitled: the Supplementary Appropriation (January 2019 to December 2019) Bill, 2020 be given a second reading.

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

AYES.

The Deputy Speaker: The Ayes have it.

Agreed: Supplementary Appropriation (January 2019 to December 2019) Bill, 2020 given a second reading.

ADJOURNMENT

The Deputy Speaker: I will now call on the Honourable Deputy Premier to move the adjournment.

Hon. Moses I. Kirkconnell, Deputy Premier, Minister of District Administration, Tourism and Transport: Thank you, Madam Speaker.

Madam Speaker, I move the adjournment of this honourable House until the completion of Finance Committee.

The Deputy Speaker: The question is that this House do now adjourn until the conclusion of Finance Committee.

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

AYES.

The Deputy Speaker: The Ayes have it.

Agreed: The House stood adjourned until the completion of Finance Committee.

At 3:10pm the House stood adjourned until the completion of Finance Committee.