



**CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT**

**2017/2018 SESSION**

**Wednesday, 14 March 2018**  
***First Sitting of the Third Meeting***

*(Pages 1-49)*

Hon W. McKeeva Bush, OBE, JP, MLA,  
Speaker

PRESENT WERE:

**SPEAKER**

Hon W. McKeeva Bush, OBE, JP, MLA  
*Speaker of the Legislative Assembly*

**MINISTERS OF THE CABINET**

Hon Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Human Resources, Immigration and Community 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 Land
Hon Dwayne S. Seymour, JP, MLA	Minister of Health, Environment, Culture and Housing,
Hon Roy M McTaggart, MLA	Minister of Finance and Economic Development
Mr 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 Gloria McField-Nixon,	<i>Acting Deputy Governor</i> , Temporary ex officio Member responsible for the Portfolio of the Civil Service
Hon Samuel W Bulgin, QC, JP	Attorney General, ex officio Member responsible for Legal Affairs

**ELECTED MEMBERS**

**GOVERNMENT BACKBENCHERS**

Mr Bernie A Bush, MLA	<i>Deputy Speaker</i> , Elected Member for West Bay North
Capt A Eugene Ebanks, JP, MLA	Elected Member for West Bay Central
Mr David C Wight, MLA	Elected Member for George Town West
Ms Barbara E Conolly, MLA	Elected Member for George Town South
Mr. Austin O Harris, Jr., MLA	Elected Member for Prospect

**OPPOSITION MEMBERS**

**INDEPENDENT MEMBERS**

Hon D Ezzard Miller, MLA	<i>Leader of the Opposition</i> , Elected Member for North Side
Mr Alva H Suckoo, Jr., MLA	<i>Deputy Leader of the Opposition</i> , Elected Member for Newlands
Mr Anthony S, Eden, OBE, MLA	Elected Member for Savannah
Mr V Arden McLean, JP, MLA	Elected Member for East End
Mr Christopher S Saunders, MLA	Elected Member for Bodden Town West
Mr Kenneth V. Bryan, MLA	Elected Member for George Town Central

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**14 MARCH 2018**  
**11:00am**  
*First Sitting*

*[Hon. W. McKeeva Bush, Speaker, presiding]*

**The Speaker:** I will invite the Honourable Premier to say Prayers.

### PRAYERS

**The Premier:** 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 foundation 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 Acting Governor of our Islands, the Speaker of the Legislative Assembly, Official Members and Ministers of Cabinet and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.*

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

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

**The Speaker:** Please be seated.

Proceedings are resumed.

### ADMINISTRATION OF OATHS OR AFFIRMATIONS

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** I, Mrs. Gloria Michelle McField-Nixon do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law, so help me God.

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** I, Mrs. Gloria Michelle McField-Nixon do swear that I will well and truly serve Her Majesty Queen Elizabeth II, her heirs and successors and the people of the Cayman Islands in the Office of Ex-Officio Member of the Legislative Assembly, so help me God.

**The Speaker:** On behalf of this honourable House, I do welcome the Honourable temporary Ex-Officio Member and invite her to take her seat.

*[Pause]*

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

**The Speaker:** None.

### PRESENTATION OF PETITIONS

**The Speaker:** None.

### PRESENTATION OF PAPERS AND OF REPORTS

#### THE THIRTEENTH REPORT OF THE COMMISSION FOR STANDARDS IN PUBLIC LIFE

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

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Mr. Speaker, I beg to lay on the Table of this honourable House the Thirteenth Report of the Commission for Standards in Public Life which covers the period 1<sup>st</sup> January, 2017 through to 31<sup>st</sup> July, 2017 in line with its Constitutional mandate found in section

117 (9) (g) of the Cayman Islands Constitution Order, 2009.

**The Speaker:** Does the Member intend to speak?

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

I shall offer a brief overview of the 13<sup>th</sup> Report of the Commission for Standards in Public Life, which relates to the period 1<sup>st</sup> February, 2017 through 31<sup>st</sup> July, 2017.

The Commission for Standards in Public Life continues to operate under the leadership of Mrs. Rosie Whittaker-Myles, along with members Mrs. Sheena Hislop and Pastor Shian O'Connor.

The report covers the progress made and the key issues arising from the work completed by the Commission during the first half of their third year in Office. During the reporting period, the members continued to assist in:

- the drafting instructions for the Standards in Public Life Regulations;
- the proposed commencement date for the Law;
- the Standards in Public Life Law, 2014;
- the Standards in Public Life (Amendment) Law, 2016;
- the advancement of procurement related matters such as a commencement date for the Procurement Law 2016; and
- the drafting of the regulations and the Government's views on how the Commission will participate in the development of procurement moving forward in order to discharge its Constitutional remit.

In addition, the Commission considered and liaised with the Office of the Deputy Governor regarding the Commission's concerns surrounding the Gender Equality Tribunal's findings on the matter of Atherley et al v H. M. Prison Service; discussed and continued to review the Draft 2017 Ministerial Code of Conduct; finalised the review of the Public Authorities Bill, 2016 in comparison to the law and issued a letter to the Office of the Deputy Governor; finalised the review of the Good Governance Policies implemented by the Office of the Deputy Governor in April, 2017, finalised and published the Draft Policies and Procedures Manual on the Commission's website; and issued a Press Release on its redeveloped website, which features various Commission reports, publications, educational material, as well as local, regional and international resources on Standards in Public Life, Ethics and Transparency in Public Office.

In the next reporting period, the Commission intends to continue to follow up on both drafting instructions for the Standards in Public Life Regulations

and the proposed commencement date for the Standards in Public Life Law, 2014 and the Standards in Public Life (Amendment) Law, 2016. In addition, the Commission will also continue to:

- Follow up on whether a review, as set out in section 20(3) of the Law had commenced, and if so, what proposals had been put forward
- Monitor the development of regulations and any other policies which will govern public procurement
- Finalise its review of the draft Ministerial Code of Conduct, 2017 and provide feedback to the Cabinet office
- Discuss the need for engagement and training of all Board members and consider options as to how this can best be facilitated; and
- Participate in any public relations opportunities, as well as in local and regional cooperation efforts where possible.

Mr. Speaker, I encourage Members of the House and of the public, to familiarise themselves with the contents of the report, which is also available online at [www.StandardsinPublicLifeCommission.ky](http://www.StandardsinPublicLifeCommission.ky)

Thank you, Mr. Speaker.

#### **CAYMAN ISLANDS CONDITIONAL RELEASE BOARD 2017 ANNUAL REPORT**

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

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

I beg to lay on the Table of this honourable House, the Cayman Islands Constitutional Release Board 2017 Annual Report.

**The Speaker:** So ordered.

Does the Member wish to speak thereto?

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

The Conditional Release Law, 2014 and Conditional Release of Prisoners Regulations Law, 2016 came into force in February, 2016.

The Law makes provision for a Conditional Release Board (CRB) which is charged with making decisions regarding conditional release of prisoners on licence, the post release of prisoners released on licence and for revocation of licences. The Board, which is chaired by Mrs. Deborah Humphreys and supported by the Deputy Governor's Office, has been operating quite well. The CRB met monthly to conduct hearings.

A new conditional release scheme has been adopted, which is based entirely on risk assessment

and rehabilitation. Under the new scheme, a prisoner has to serve a minimum of 60 per cent of their sentence before he or she can be considered for conditional release. If granted, the release will remain in force until the end of the sentence.

The Government's desired outcomes of the new conditional release scheme are:

- Rehabilitating prisoners to function in society and to live a useful life
- Protecting society from the criminal acts of repeat offenders, thus reducing crime; and
- Reducing costs of imprisonment.

Over the past year, the Board has interviewed 54 offenders. These hearings cover parole issues, recall applications, the imposition of finalised licence conditions and progress hearings. The Board has also met with twelve victims of crime.

A total of 45 applications were received during the period; of that total, 84 per cent of applicants were released on licence, while 16 per cent of applicants were refused.

Of the persons released on licence, the vast majority —27 persons— were Caymanians, with other nationalities being granted a release on licence including persons of Romanian, Jamaican, British, American, Croatian, Filipino and Hungarian background.

Since its appointment, the Board and its secretary, Ms. Debbie Prendergast, have made consistent progress against the intended objectives for the Board. I encourage Members of the House and of the public, to familiarise themselves with the contents of the report.

Thank you, Mr. Speaker.

**FINANCIAL STATEMENTS FOR THE MINISTRY  
OF COMMUNITY AFFAIRS, YOUTH  
AND SPORTS  
FOR THE YEAR ENDED 30<sup>TH</sup> JUNE, 2016**

**The Speaker:** The Honourable Premier.

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

Mr. Speaker, these statements cover the year ending 30<sup>th</sup> June, 2016. The Portfolio of the Ministry of Community Affairs has changed since then and no longer includes Youth and Sports, but I am proceeding to lay the Report on behalf of that period.

Mr. Speaker, I beg to lay on the Table of this honourable House the Financial Statements for the Ministry of Community Affairs, Youth and Sports for the year ended 30<sup>th</sup> June, 2016.

**The Speaker:** So ordered.

Does the Premier wish to speak to them?

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, only briefly to say with some pride that this is another of the clean reports received by the Government by the Auditor General. She says, Mr. Speaker, *"In my opinion, these Financial Statements present fairly in all material respects the financial position of the Ministry of Community Affairs, Youth and Sports as at 30<sup>th</sup> June, 2016 and its financial performance and its cash flows for the year then ended in accordance with the International Public Sector Accounting Standards."*

*"Sue Winspear, CPFA, Auditor General."*

[UNVERIFIED QUOTE]

**IMMIGRATION  
(GRANT OF THE RIGHT TO BE CAYMANIAN)  
(NO. 4) ORDER, 2017**

**The Speaker:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I beg to lay on the Table of this honourable House the Immigration—(Grant of the Right to be Caymanian)—(No. 4) Order, 2017.

**The Speaker:** So ordered.

Does the Premier wish to speak thereto?

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, only briefly. The substantive presentation will occur when the Government Motion is moved later in the day, but just to indicate that this is with respect to the Grant of the Right to be Caymanian to David Morrith by the Cabinet.

**MINISTRY OF COMMUNITY AFFAIRS,  
YOUTH AND SPORTS  
ANNUAL REPORT AND ACCOUNTS FOR THE  
YEAR ENDED 30<sup>TH</sup> JUNE, 2016**

**The Speaker:** The Honourable Premier.

[Pause]

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I beg to lay on the Table of this honourable House the Annual Report and Accounts for the Ministry of Community Affairs, Youth and Sports for the year ended 30<sup>th</sup> June, 2016.

**The Speaker:** Is the Premier speaking to that?

**The Premier, Hon. Alden McLaughlin:** No, thank you, Mr. Speaker.

**REPORT OF THE  
STANDING BUSINESS COMMITTEE—  
THRONE SPEECH AND BUDGET ADDRESS—**

**SECOND MEETING OF THE 2017/2018 SESSION  
OF THE LEGISLATIVE ASSEMBLY**

**The Speaker:** The Honourable Premier.

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

Mr. Speaker, I beg to lay on the Table of this honourable House the Report of the Standing Business Community of the Legislative Assembly of the Cayman Islands with respect to the Throne Speech and Budget Address, Second Meeting of the 2017/2018 Session of the Legislative Assembly.

**The Speaker:** So ordered. Is the Premier speaking thereto?

**The Premier, Hon. Alden McLaughlin:** No, thank you, Mr. Speaker.

**ANNUAL REPORT FOR  
THE WATER AUTHORITY  
OF THE CAYMAN ISLANDS  
2015-2016 FINANCIAL YEAR**

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

**Hon. Juliana Y. O'Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands:** Thank you, Mr. Speaker.

Mr. Speaker I beg to lay on the Table of this honourable House the Annual Report for the Water Authority of the Cayman Islands 2015-2016 Financial Year.

**The Speaker:** So ordered.  
Is the Minister speaking thereto?

**Hon. Juliana Y. O'Connor-Connolly:** Yes; thank you, Mr. Speaker.

Mr. Speaker, the Water Authority has seen seeing significant growth over the last decade and, in particular, in Grand Cayman it has continued to grow in the last 28 years.

During 2015/2016, we commenced the process of constructing a new water distribution pumping station at Red Gate Water Works to replace the existing pump station.

We also engaged a local company to carry out capital refurbishments at the North Sound RO Plant as several components had reached the end of their useful life.

Another important ongoing project is the extension of the piped water distribution system in Cayman Brac. Crews from Grand Cayman were mobilised in 2014 and have since installed 6,500 meters of pipeline to 116 new customers.

One of the key strategic objectives of the Authority is to expand the Cayman Brac distribution system and develop the Bluff side to accommodate a new, state-of-the-art water production and pumping facility to serve the people of Cayman Brac for years to come. It is also hoped that an RO container plant, which is currently in Grand Cayman, will be taken to Little Cayman at the appropriate time.

This fiscal period, we also continued improvements to the Authority's public waste water collection system, with the replacement of the ageing ductile iron pipe sewer force main between the main pumping station on the West Bay Road and the Water Authority's Grand Cayman Wastewater Treatment Plant, with approximately 1,311 meters of the high density pipe. Other projects on the Wastewater Collection System included the continuation of the comprehensive manholes and pumping stations review.

In addition, as part of the Authority's responsibility for groundwater protection, the Authority takes an active role to ensure proper clean-up and remediation, in conjunction with other government agencies, whenever fuel spills occur.

Mr. Speaker, I am also pleased that the Authority was able to continue with many of its outreach programmes through the support of a local charity and participated in the Earth Day Clean-Up, Career Fairs, World Water Day and other social media engagements. The interaction with students in our local high schools through our Geology Education Week programme is especially pleasing.

For the third consecutive year, the Authority teamed up with Dr. Brian Jones—a Geology Professor from the University of Alberta, [Canada]—to provide geology education to high school students and a professional development course organised for our high school teachers. These exciting projects were not possible without the strong support of all of the Water Authority team.

Mr. Speaker also, two very significant Board decision highlights were as follows:

1. The direction was given to settle two outstanding loans which were held by the Water Authority for \$4.3 million; and
2. To recognise the post-retirement health benefits for defined benefit pensioners in the sum of \$5.7 million.

Mr. Speaker, the Authority continues to place great emphasis on the development of its employees having spent \$83,000 in training in 2015/16 and \$46,200 to support scholarship recipients. We have also engaged in summer internships; during the summer of 2015, we welcomed some 15 summer interns and participated in a two-week placement programme.

In the coming fiscal year, Mr. Speaker, as part of the Port Authority's mission, we will continue to

provide safe, reliable and affordable water and wastewater services to the people of the Cayman Islands.

Much has been achieved in its 33 years, yet there is still much more to do however, with the continued hard work and dedication of all employees at the Water Authority and the direction of the Ministry, we will continue to be a successful organisation which is truly owned by all of the people of the Cayman Islands.

Thank you for your indulgence, Mr. Speaker.

### **CAYMAN AIRWAYS ANNUAL REPORT 30<sup>th</sup> JUNE 2016**

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

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

Mr. Speaker, I beg to lay on the Table of this honourable House the Annual Report of Cayman Airways Limited for the Financial Year ending 2016.

**The Speaker:** So ordered.

Is the Member speaking thereto?

**Hon. Moses I. Kirkconnell, Deputy Premier:** Yes, thank you, Mr. Speaker.

In accordance with Section 52(5) of the Public Management and Finance Law, (2013 Revision), I am pleased to place before this honourable House the Audited Financial Statements of Cayman Airways, Ltd. for the fiscal year ended 30<sup>th</sup> June, 2016.

Mr. Speaker, the 2016 Financials show a net operating surplus of \$3.8 million—the largest in the airline's history.

Cayman Airways was named Caribbean Airline of the Year by the *Caribbean Journal*, the Caribbean's leading digital newspaper. The announcement was made December 1<sup>st</sup>, 2015 as part of *Caribbean Journal's* 2015 Caribbean Travel Awards.

The airline's fleet replacement plan for its jet aircraft was completed and detailed the targeted retirement schedule for the existing aircraft and the replacement with the phased introduction of new Boeing 737-800 Max aircraft.

Mr. Speaker, the IATA Operational Safety Audit programme is an internationally recognised and accepted evaluation system designed to assess the operational management and control systems of an airline. The airline's renewal audit was successfully completed in October 2015; that resulted in the continuation of Cayman Airways' registration as an IOSA-compliant airline.

Mr. Speaker, the economic impact of Cayman Airways on the Cayman Islands economy is estimated at approximately \$202 million. This represents a 980 per cent return on the investment of \$20.6 million out-

put payments paid to Cayman Airways by the Cayman Islands Government. At year end, Cayman Airways employed 398 Cayman-based employees; 93 per cent of those are Caymanian.

These Financial Statements were audited by the Auditor General in accordance with Section 29(2) of the Public Management and Finance Law, 2013. An unqualified opinion has been issued, the June 2016 Financials, with an emphasis on matters for the company's reliance on financial support from the Cayman Islands Government. The Auditor General states that "...the statements present fairly, in all material respects, the financial position of Cayman Airways, Ltd. and its subsidiaries as at 30<sup>th</sup> June, 2016 and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards." [UNVERIFIED QUOTE]

Mr. Speaker, in closing, I would like to thank the Board and Management of Cayman Airways and all the employees, for their efforts in producing these Audited Financials and their hard work for the airline and the Office of the Auditor General for auditing them.

I now invite Members of this honourable House and the public to review the report.

Thank you, Mr. Speaker.

### **NATIONAL ROADS AUTHORITY OF THE CAYMAN ISLANDS ANNUAL REPORT 2012-2013, 2013-2014, 2014-2015, 2015-2016**

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

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

Mr. Speaker, I beg to lay on the Table of this honourable House, the National Roads Authority of the Cayman Islands Annual Reports for the Financial Years 2012-2013, 2013-2014, 2014-2015 and 2015-2016.

**The Speaker:** So ordered.

Is the Honourable Minister speaking?

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

Mr. Speaker, Honourable Members of this House:

On behalf of the National Roads Authority (NRA), I recognise that there has been a significant delay in laying the Annual Reports for 2012-2013, 2013-2014, 2014-2015, and 2015-2016 on the Table of this honourable House. The Authority accepts responsibility for this delay, which was due to a number of unavoidable reasons, including available resources having to be utilised for critical issues and various important projects.

Having said that, Mr. Speaker, the Financial Reports that detailed the Authority's financial position for most of the years stated, were already Tabled on the Floor of this honourable House.

I am pleased to report that the Authority continued to invest significantly in training and development of personnel during the fiscal periods of the annual reports being presented. The NRA boasts an all-Caymanian staff complement of 90 with nine of those being female employees. The average employee length of service with the NRA is 15 years.

Mr. Speaker, the NRA is a key policy instrument of this Administration's goal to build a modern, smart, infrastructure. I am therefore pleased to present the 2015-2016 Annual Report, which outlines the Authority's achievements during the year and provides an account for its use of public funds.

Mr. Speaker, through amendments to the NRA Law, the Government galvanised its commitment to continue investing in our transportation network by earmarking some \$50 million in revenue over five years for roads maintenance and development. As a part of this commitment, Mr. Speaker, I agreed to the five-year corporate strategy plan with the NRA to address the maintenance and expansion needs of the road network between 2015 and 2020.

Mr. Speaker, 2015/16 was the first year under this agreement and I am very pleased with the outcomes that have been achieved thus far.

Infrastructure investments which facilitate trade and interconnectivity are key components of a thriving economy. Indeed, the role of the road networks as the back bone of commerce is more evident in the Cayman Islands than in many other countries.

Our roads connect our children to schools, workers to their jobs and efficiently move goods and services across the Island. It facilitates our power, water and telecommunications infrastructure while providing hundreds of jobs through its continual maintenance and expansion.

Mr. Speaker and Members of this honourable House, I must warn that we cannot simply continue to build roads for the sake of accommodating more cars. As a country we have to address our public transportation needs in tandem with reviewing our policies and legislations on the importation of used vehicles, commonly known as Japanese deportees.

Mr. Speaker, I am well aware that a properly functioning public transport system is not only desirable but in fact, a necessary component; the Honourable Minister for Tourism and Transport and I have been working collaboratively towards addressing these issues. It is not only desirable to have a public transport system, but a necessary component. It must be reliable and accessible whether it is in the heat of the summer or during the rainy season. To assist in this effort, the NRA will continue to build and upgrade

our roads using our newest standard to include proper curbing, drains and pedestrian cycling lanes.

The road network is the single largest and most valuable man-made asset owned by the people of the Cayman Islands; the last value was at some \$80 million.

Mr. Speaker and Honourable Members of the Legislative Assembly, I look forward to the continued success of the NRA. It is important to recognise that any organisation that serves the people must never become complacent, and should endeavour to meet the challenges of the future with planning preparations.

The report before the House, although delayed in coming, demonstrates the considerable achievements of the Authority as it keeps pace with the needs of our Islands.

Mr. Speaker, I would like to take this opportunity to congratulate the NRA on the recognition that they recently received from the Public Accounts Committee (PAC) in appreciation for achieving an unqualified Audit. I would also like to thank my colleagues in the Cabinet and the Legislative Assembly for their continued support and I would ask that Members do take the opportunity to review the reports.

Thank you, Mr. Speaker.

#### **CAYMAN ISLANDS MENTAL HEALTH POLICY 2017-2022**

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

**Hon. Dwayne S. Seymour, Elected Member for Bodden Town East, Minister of Health, Environment, Culture and Housing:** Thank you, Mr. Speaker.

I rise to lay on the Table, the Mental Health Policy.

**The Speaker:** So ordered.

Is the Honourable Minister speaking thereto?

**Hon. Dwayne S. Seymour:** Thank you, Mr. Speaker.

I rise to Table the Cayman Islands Mental Health Policy, 2017/2022 that was approved by Cabinet in August.

Mr. Speaker, this Cayman Islands Mental Health Policy represents the combination of hard work by a diverse group of stakeholders, the Ministry of Health, and technical support provided by the Pan American Health Organisation.

Mr. Speaker, the World Health Organisation (WHO) conceptualises mental health as a state of wellbeing in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully and is able to make a contribution to his or her community. This pol-

icy is very timely, as there is a need for a more comprehensive approach to health, to include physical and mental health.

This Cayman Islands Mental Health Policy outlines the vision, goal, values, guiding principles and priority areas for action. The vision of the Cayman Islands Mental Health Policy is optimal mental well-being for all in the Cayman Islands; every resident achieving optimum mental well-being without any barrier such as stigma, social exclusion or discrimination. That is what we would like to see as a country and this vision is not achievable unless you begin to integrate mental health services into general health services and improve our community-based services, giving patients greater access to care. The goal of the policy is to provide an enabling environment to ensure optimal mental well-being.

Mr. Speaker, as you may be aware, the Cayman Islands boasts one of the most comprehensive mental health legislations in the region, that promotes and protects the human rights of persons with mental illness and their families. An enabling environment would promote well-being, reduce or prevent the onset of mental illness, offer care, enhance rehabilitation and promote the rights of persons with mental illness to reduce disability and mortality.

Mr. Speaker, I would now like to speak to the values and guiding principles. These principles will guide the efforts in realising the vision and they demonstrate that at all times, mental health patients must be treated with respect and dignity. The values and guiding principles are as follows:

- **Human Rights:** The human rights of everyone are to be upheld and special provisions will be made to safeguard the dignity and human rights of people with serious mental illness in all situations.
- **Diversity, Equity and Social Justice:** Our community is made up of individuals from diverse cultures with diverse characteristics and needs; therefore, services must be culturally sensitive and appropriate to individual choices and preferences.
- **Universal access:** Everyone should be able to access mental health services and individuals' inability to pay for services should not be a deterrent to him or her accessing care.
- **Respect and understanding:** Persons living with mental illnesses are valued members of the community and deserve to be treated with dignity and respect.
- **Involvement of service users:** Consumers of mental health services, families and communities are considered critical partners in mental health care and should be encouraged to actively participate in policy formulation and the design and implementation of mental health programmes.

- **A continuum of support and services within an integrated systems approach:** We value and strive to create a comprehensive continuum of services and support from the health and non-health sectors, which takes into consideration the individual needs of consumers.
- **Community-based Mental Health Services:** We value and strive to create a community-based model of care.
- **Excellence and quality:** The best quality mental health care must be provided to all persons in the Cayman Islands.
- **Practices which are non-discriminatory and which reduce stigma:** Individuals suffering from a mental illness will not be subjected to discrimination on the basis on their condition.

Mr. Speaker, we here in the Cayman Islands have updated legislation and an active Mental Health Commission, along with support groups to advocate and speak for the voiceless among us. We have a dedicated mental health occupational therapist at the Cayman Islands Hospital and a host of registered mental health practitioners, including psychiatrists, mental health nurses, counsellors and psychologists who do their job with care and dedication.

Mr. Speaker, this Cayman Islands Mental Health Policy identified seven priority areas for action, with each priority area having at least two or more objectives. I will now briefly outline the priority areas for action:

- Protection of Human Rights
- Mental Health promotion and education
- Prevention of mental illness
- Access to mental health services
- Information for decision making and data gathering
- Inter-sectoral collaboration; and
- Capacity building

Mr. Speaker, as you know, approximately 10 per cent of our population seek mental health services via the public or private health care system. Without a comprehensive policy, the human and financial resources, our priority areas for action outlined above cannot be achieved. While there is a decent cadre of psychologists, counsellors, therapists and psychiatrists, there are not enough psychologists and psychiatrists in the public sector to support our children and adolescents in getting timely intervention for treatment and care.

The Ministry will be working with PAHO in 2018, to introduce the Mental Health Gap Action Programme, to our General Practitioners and nurses,

which will enable them to better identify and manage a range of priority mental health conditions. Going

forward, the Ministry will work with the stakeholders to develop the action plans and performance indicators to provide direction to our efforts to fully implement the policy.

While there is more to be done in the areas of mental health promotion, care, and treatment, I am happy to say that we are making good progress on the proposal to build a long-term residential mental health facility, expected to be fully operational in the second half of 2019. Our chronically ill patients, currently receiving treatment overseas, will have the opportunity to come home and those who are currently amongst us and are unable to travel overseas, will have a safe and secure place to stay until they can be rehabilitated and are able to be fully reintegrated into society.

Mental health and well-being are fundamental to our collective and individual ability as humans to think, interact with each other, earn a living and enjoy life. Therefore the promotion, restoration and protection of our mental health are regarded as vital concerns for us as individuals, communities and societies.

Mr. Speaker, I would like to thank my Chief Officer and the team at the Ministry for leading the process; the Government Information Services, the Pan American Health Organisation for its technical expertise and financial support and, most importantly, the stakeholders, without whom the policy would not have been. I am grateful to each one of them for their contribution to this most important document.

Mr. Speaker, I would like to close with these words: *“To be healthy as a whole, mental wellness plays a role.”*

Thank you and God bless.

**The Speaker:** We have reached past the hour; perhaps the Honourable Premier will move the suspension?

### Suspension of Standing Orders 23 (7) (8)

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

Mr. Speaker, I move the suspension of the relevant Standing Order in order that questions may be asked after the hour of eleven o'clock.

**The Speaker:** The question is that Standing Order 23 (7) and (8) be suspended in order for questions to be asked after the hour of 11 a.m.

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

**AYES**

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

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

## QUESTIONS TO HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

### QUESTION NO. 1 DISCOUNT ALLOWED BY CUSTOMS ON IMPORTED GOODS

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

**Hon. D. Ezzard Miller, Elected Member for North Side, Leader of the Opposition:** Thank you, Mr. Speaker.

Mr. Speaker, I beg to ask the Honourable Minister responsible for Finance and Economic Development question No. 1 — Can the Honourable Minister state what percentage discount is allowed by Customs on goods imported into the Cayman Islands?

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

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

Mr. Speaker, the answer is governed by Section 43 of the Customs Law (2017 Revision).

Section 43(7) of the Law directly addresses the question however, this response and answer also refers to other relevant subsections in order to provide full context to the answer.

Mr. Speaker, the Law states as follows:

**“43. (1) The value of any imported goods shall be taken to be the normal price, that is to say, the price which they would fetch at the time when they are entered for home use (or, if they are not so entered, at the time of importation) on a sale in the open market between a buyer and seller independent of each other.”**

Sub-section (3) states: **“A sale in the open market between buyer and seller independent of each other presupposes:**

**(a) That the price is the whole consideration;**

**(b) That the price is not influenced by any commercial, financial or other relationship, whether by contract or otherwise, between the seller (or any person associated in business with him) and the buyer (or any person associated in business with him) other than the relationship created by the sale of the goods in question; and**

**(c) That no part of the proceeds of the subsequent resale, use or disposal of the goods will accrue either directly or indirectly to the seller or any person associated in business with him.**

Sub-section (5) goes on to state: **Two persons shall be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, both have a common interest in any business or property or some third person has an interest in the business or property of both of them.**

Sub-section (7) says: **Discounts and similar reductions in invoiced values will be deductible from the value for duty only if it can be shown to the satisfaction of Customs that such deductions are available to any buyer purchasing similar goods from the same supplier, do not result from a special relationship between buyer and seller and do not, in any case, exceed twenty per cent of the invoiced value.** Sub-section (8): **The Collector may, for the purposes of this section, require an importer or other person concerned with the importation of goods to furnish, in such form as may be required, such information as is necessary for a proper valuation thereof, and to produce any books of accounts or documents of whatever nature relating to the purchase, importation or sale of the goods by that person."**

It [therefore] follows, Mr. Speaker, that the Collector of Customs—and by extension Customs Officers—has no discretion in Law on this issue. The Law is clear and specific that the maximum discount allowed for the purpose of assessing the value of goods is 20 per cent irrespective of the actual discount received by the buyer or importer at the time of purchase.

Thank you, Mr. Speaker.

**The Speaker:** Are there any supplementary questions? If there are no supplementary questions... the Leader of the Opposition?

### SUPPLEMENTARIES

**Hon. D. Ezzard Miller, Leader of the Opposition:** Through you, Mr. Speaker, to the Minister.

Is the Minister confirming that irrespective of the percentage discount given on an invoice, the gov-

ernment does not allow greater than 20 per cent for any importer into the country?

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

**Hon. Roy M. McTaggart:** Can you give me two minutes to confer with the Collector.

*[Pause]*

**Hon. Roy M. McTaggart:** Mr. Speaker, I can confirm that the maximum the Law allows is 20 per cent and that is what is applied by Customs.

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

**Hon. D. Ezzard Miller, Leader of the Opposition:** Through you, Mr. Speaker, are there any instances whereby Customs might be minded, based on the price of the goods, where no discount is acknowledged on the invoice produced, to investigate whether in fact, the person has received greater than 20 per cent discount on the invoice?

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

*[Pause]*

**Hon. Roy M. McTaggart:** Mr. Speaker, I am advised that the answer to that would be no; that if there is no representation made by the importer that there is a discount applied, that they would have no real reason to investigate.

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

**Hon. D. Ezzard Miller, Leader of the Opposition:** Through you, Mr. Speaker, would it therefore be possible for people to have obtained greater than 20 per cent and simply white out the percentage and present the price of the goods and get the full discount?

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

*[Pause]*

**Hon. Roy M. McTaggart:** Mr. Speaker, I am advised that it is entirely possible, but that if Customs Officers became suspicious that an invoice might be doctored, they would simply refer it to the Fraud Section for further investigation.

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

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

Mr. Speaker, under section 43(7) where it says, **"Discounts and similar reductions in in-**

**voiced values will be deductible from the value for duty only if it can be shown to the satisfaction of Customs that such deductions are available to any buyer purchasing and does not result from a special relationship...** — I wonder if the Minister can say how Customs reach that satisfaction.

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

*[Pause]*

**Hon. Roy M. McTaggart:** Mr. Speaker, it is difficult to answer the particular question with specificity because what normally happens is that there would tend to be some indication that there might be something untoward with an invoice, in regard to the granting of the discounts.

What I understand is that they would look for patterns, in terms of certain importers, and other factors that might lead them to form a view that there is something untoward or suspicious about a particular invoice; once that happens, the goods would not be released but there would be an investigation.

**The Speaker:** The Member for East End. This is the last supplementary.

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

I wonder if the Minister would agree that we need to do an amendment to section 7. For instance, if one goes overseas, and produces the correct invoice—that is after discounts—and brings in an authentic invoice and Customs, on suspicion, now has to go and investigate to see if that is correct because the only thing they compare it with is any buyer purchasing similar goods from the same supplier. There may not be anyone in Cayman buying from that same supplier.

Would the Minister agree that we need to now start looking at that to avoid losses by having a task force or a section of Customs to specifically look at invoices even after the fact—because Customs has the authority to go in after the fact.

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

*[Pause]*

**Hon. Roy M. McTaggart:** Mr. Speaker, the Customs Department do post-clearance investigations into invoices as a matter of course; they are investigated and looked at.

However, to answer more specifically with regard to revisiting this whole area, I think it is important for us to note that the rationale for this section of the Law is to discourage fraudulent invoices, to protect government's revenue and to limit the amount of re-

sources that would otherwise have to be applied by Customs to investigating suspicious documents and transactions.

*[Crosstalk]*

**The Speaker:** The Leader of the Opposition. This is the last supplementary.

**Hon. D. Ezzard Miller, Leader of the Opposition:** Through you, Mr. Speaker.

Would the Minister acknowledge that there are certain trades where prices are advertised at retail value, simply because of how the trades are structured; but when you purchase quantities at wholesale, 50 and 60 per cent discount is not unusual?

I would hazard a guess, if that does not result in any of these special relationships—that is just how the business is done—but are those people, in those trades, being subjected to Clause 7 and therefore, even though their genuine invoice may say retail value discounted, wholesale value 60 per cent, they are not allowed any more than a 20 per cent deduction.

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

**Hon. Roy McTaggart:** Mr. Speaker, I think he asked me a personal question with regards to this and I have seen invoices in my lifetime where the amounts of discounts applied are significantly in excess from what I would call the Manufacturer's Suggested Retail Price (MSRP); so I have seen it, but yes, under the Law, Customs does not have the ability to go beyond the 20 per cent discount that is being done.

**The Speaker:** Next question.

## QUESTION NO. 2 UPDATE ON THE ENGINEERING STUDY TO PREVENT THE EROSION OF KAIBO PUBLIC BEACH

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

**Hon. D. Ezzard Miller, Leader of the Opposition:** Thank you, Mr. Speaker.

I beg to ask the Honourable Minister of Commerce, Planning and Infrastructure question No 2.

Can the Honourable Minister give an update on the engineering study to prevent the erosion of Kaibo Public Beach?

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

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker. I thank the Honourable Member for the question.

Mr. Speaker, my Ministry and I met with the Member on a site visit to observe the problem and discuss the way forward. The erosion of land at the Kaibo public beach is a high priority and it is necessary that a permanent solution is found to stabilise the beach on the peninsula, therefore, a study of the area is critical before action can be taken.

In consultation with the Department of Environment, the Ministry has authorised the Public Works Department to engage the recommended firm to conduct a report on why the sand is shifting and to propose potential solutions to mitigate the problem. The firm has tentatively agreed to start work in mid-April and the report is expected to be complete within a two-month period.

Mr. Speaker, an interim measure is being explored with the Recreations, Parks and Cemeteries Unit within the Public Works Department (PWD) to shore up the ground around the affected structures on the site. Once the strategy is finalised, this will also need Cabinet approval prior to implementation.

**The Speaker:** Supplementaries? The Honourable Leader of the Opposition:

#### SUPPLEMENTARIES

**Hon. D. Ezzard Miller, Leader of the Opposition:** Through you, Mr. Speaker.

I agree with the Minister's answers in terms of mine and his relationship on the site, however, is the Minister aware that this same undertaking was given by the former Minister some 18 months ago and I was informed in writing, that at that time, it had been referred to the PWD for an engineering survey, specifically to determine if the 4'x'2'x2' interlocking concrete blocks could effectively be used to solve the problem?

Has that study been abundant and are we contracting a company now to determine what can be done about the erosion?

**The Speaker:** The Honourable Minister.

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

Mr. Speaker, I certainly cannot speak to the previous commitments, but what I do know is that I have been reliably informed and seen the instructions given and that the firm has been engaged and that they will carry out the works.

I will give the Member my commitment that I will continue to follow it up as a priority.

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

**Hon. D. Ezzard Miller, Leader of the Opposition:** Through you, Mr. Speaker.

I wonder if I could get a commitment from the Minister that the interim measure being explored will

be completed in time for Easter because, you know, this is the only licenced camping site in the Cayman Islands and it is used very heavily at Easter and at least two of the gazebos are currently under water.

**The Speaker:** The Honourable Minister of Planning and Infrastructure.

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

I will certainly commit to that and have my team come by the Legislative Assembly today to confirm what those measures will be and when they will take place, sir.

**The Speaker:** Leader of the Opposition, do you have a supplementary?

**Hon. D. Ezzard Miller, Leader of the Opposition:** Mr. Speaker, I wonder if the Minister could provide us with the information as to who the firm is and what are the parameters that they are looking at. In other words, is it a wide open survey that they can come up with whatever is the best solution, or are they going to look up the same concrete blocks to block it?

**The Speaker:** The Honourable Minister of Planning and Infrastructure.

**Hon. Joseph X. Hew:** Mr. Speaker, I do not have those details with me. [I will undertake to have these deliver today as well, when the team comes over.](#)

#### QUESTION NO. 3

##### UPDATE ON THE STOLEN 50 KILOS OF DRUGS FROM THE RCIPS HEADQUARTERS

The Speaker: **The Member for George Town Central.**

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

I rise to ask question No. 3 on the Order Paper: On Friday 27<sup>th</sup> November 2015, then Police Commissioner David Baines said on a local radio show that there was a break-in into the Royal Cayman Islands Police Headquarters in July, where 50 Kilos of drugs were stolen, and that it involved corrupt police officers, and given the circumstances of the crime, an inquiry was underway.

Can the Honourable Acting Deputy Governor, Ex-Officio Member responsible for the Portfolio of the Civil Service give an update to the inquiry? Has it been concluded, and if so, what were the findings?

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

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

Mr. Speaker, on the 14<sup>th</sup> July 2015, 23kgs of cocaine and 33kgs of cannabis (ganja) were stolen from an exhibits container in the rear of the George Town Police Station. Despite an extensive criminal investigation by the Royal Cayman Islands Police (RCIPS) carried out under Operation Brant, none of the controlled drugs were recovered.

No definitive suspect(s) has been identified for the commission of this crime and to date, no person(s) has been charged with the commission of this crime.

Reference by the then Commissioner of Police in November 2015, to involvement of corrupt police officers in the commission of the crime is speculative and to date, unsubstantiated. The theft of the drugs remains an open and active investigation.

**The Speaker:** Any supplementary?

The Member for George Town Central:

### SUPPLEMENTARIES

**Mr. Kenneth V. Bryan:** Thank you, Mr. Speaker.

Is the Acting Deputy Governor saying that the Police Commissioner was wrong in statements to the public of this country, in respect to his claims that corrupt officers were involved in the break-in?

**The Speaker:** Honourable Member.

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

Reference by the then Commissioner of Police to the involvement of corrupt police officers in the theft of drugs was associated with general, unsubstantiated suggestions circulating inside the Police Service to the effect that a police officer or officers had assisted criminal elements in the theft of the drugs by providing relevant information on the storage of the drugs.

In the course of the criminal investigation, led by a Detective Superintendent, 105 hours of CCTV footage was examined, 14 search warrants were executed and 8 persons were arrested and charged with over forty drug-related offenses; however, these were not directly related to the theft of the drugs on the 14<sup>th</sup> July, 2015. The theft of the drugs remains, as I have said, an open and active investigation.

On the 15<sup>th</sup> January, 2018, a known recidivist was arrested on suspicion of the theft and criminal trespass at George Town Police Station on the 14<sup>th</sup> July, 2015. A file was subsequently submitted to the offices of the Director of Public Prosecutions (DPP), who, however, directed no criminal prosecution.

The matter remains an active investigation and I just like to stress that, despite considerable investigations having been undertaken, to date, there is nothing to substantiate the suggestions that were

made at that time by the then Commissioner of Police; despite extensive investigations, there has been nothing to substantiate those allegations.

**The Speaker:** The Member for George Town Central.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Speaker. I have two more questions.

Can the Honourable Acting Deputy Governor say, what is the policy for the Chief of Police to make such claims to the country on national radio, without foundation or evidence of that? Because obviously we can imagine the significance of that on the society and the fear it caused.

Have there been any penalties? I know he is not here yet, but were there any investigations or penalties placed on him as a result of that irresponsible behavior? One could only come to a conclusion that is what it is.

Has the Deputy Governor's Office considered or acknowledged that it was an irresponsible matter and would they be willing to acknowledge that today.

**The Speaker:** Honourable Member, can you answer that?

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Mr. Speaker, I certainly do not want to meet one set of speculation with another set of speculation. What I can only reiterate is that the matter has been thoroughly investigated and continues to be thoroughly investigated.

The RCIPS takes this incident quite seriously as it does the suggestion of police involvement; they will continue to look into this issue, sir, and I hope one day to be able to come here and to tell you that the matter has been resolved to the satisfaction of the members of the public and the Members of this honourable House.

Thank you, Mr. Speaker.

**The Speaker:** We will move on. I doubt that the Honourable Member can...

*[Inaudible interjections]*

**The Speaker:** The Member for Bodden Town West.

**Mr. Christopher S. Saunders, Elected Member for Bodden Town West:** Thank you, Mr. Speaker.

Since we already acknowledged that the previous Commissioner was speculative and we have now left a cloud over a lot of the hard-working members of the Royal Cayman Islands Police, what is being done now by the RCIPS to, at least, restore the public's confidence, to make sure that this cloud is not there and does not remain, because the fact that the

Member brought it up and people still have questions about it, I think if we accept that it is speculative and there was no basis for the remark, something needs to be done to at least remove the cloud of suspicion over members of the RCIPS.

**The Speaker:** I think it is a fair question. Honourable Member:

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Mr. Speaker, thank you and I would like to thank the Member for that comment and question.

What I can say is that having the opportunity to respond to this Parliamentary Question and to state emphatically what has been done is an important first step in being able to address the speculation at the time and any residual concern that the public might have.

I would also like to say that another significant step in terms of restoring confidence is to demonstrate the significant results that did come about as result of their extensive investigations which led to a number of arrests on drug-related offenses.

I know that the Commissioner of Police and the Ministry of Human Affairs continue to work closely with the community at large on any number of fronts to be responsive to them, to go directly and have public meetings and to address members of the community's concerns and I will certainly invite them to do more, to publicise their response on this issue—to do everything that they can.

When we get these allegations, we are bound to investigate them; no one, regardless of the uniform they wear is above the Law, but when you have done that investigation and there has been nothing to substantiate the allegations, I take the Member's point that any good employer also has an obligation to put that information out there as well, and I will invite the Ministry and the RCIPS leadership to do just that.

I thank the Member for the question and comment.

**The Speaker:** The Member for Savannah.

**Mr. Anthony S. Eden, Elected Member for Savannah:** Thank you, Mr. Speaker. Through you to the Honourable Member: is there consideration to change the Policy to retain this large amount—let us put it that way—of the cocaine and the cannabis?

I know many places take a sample and preserve it, but if we get rid of the vast majority that will be off the streets. Maybe, whoever the powers that be, may want to look at reconsidering the policy of keeping this vast amount in storage.

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

*[Pause]*

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

Mr. Speaker, I have to admit that the proposal put forward by the honourable Member has found some favour on this side and I have been advised by the Attorney General that there may very well be some scope for this and indeed, something that would, in any event, be worthy of discussion.

I cannot give an undertaking, as I am not sufficiently familiar with the operations or the rules of evidence that the DPP's Office might impose on the RCIPS, but I will certainly pass that on because anything that we can do that will remove the risk of this reoccurring, I think is certainly a very worthy recommendation to take on board and I will certainly be sure to share that with the leadership team.

Thank you, Mr. Speaker.

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

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

I am mindful to ask very pointed questions but I am going to leave them for another time.

**The Speaker:** Are you saying that you do not have a question?

**Mr. V. Arden McLean:** No; the one with the needles. Mr. Speaker, I wonder if the Honourable Member can tell us: since we did not find who took it, what measures have been taken to enhance the security of the Police Station as a result of this, since we have subsequently have a robbery there since November 2015?

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

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

Mr. Speaker, I regret to advise I do not have the additional information sought by the Member for East End. [I can certainly undertake to get that information and to provide that in writing](#), if that would meet the satisfaction of this honourable House.

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

**Mr. V. Arden McLean:** Mr. Speaker, I thank the Member for that undertaking but I would just ask, who prepares the answers to the Deputy Governor's Office as it relates to the Police Department?

**The Speaker:** Honourable Acting Deputy Governor, do you have that information? I do not know that that is a question that is so easily answered, because it

could be numerous civil servants answering this question so she might not be able to answer.

**Mr. V. Arden McLean:** Mr. Speaker, I tend to agree with you but, I am trying to ascertain if it is her staff or the staff of the Police Department.

*[Pause]*

**The Speaker:** Did you get the last question or do you want him to repeat it?

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Mr. Speaker, if I could request the Member to repeat the question.

**Mr. V. Arden McLean:** Mr. Speaker, the question is: who prepares—

**The Speaker:** No; do not make it broad. If you are going to make it, make it specific so that she understands. The latter part you said was whether it is her staff or Police.

**Mr. V. Arden McLean:** Right. I was trying to ascertain whether it was the Police Department or her staff.

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

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

Mr. Speaker, as Members will appreciate it takes many hands to make the system of government work. As it relates to getting the information on specific events that involve police investigation, we would, and have, reached out and obtained information directly from the Royal Cayman Islands Police Services as well as the Ministry of Human Resources, which supervises them.

There will be other hands involved in getting these answers in terms of administrative support, but the information which is brought forward comes directly from the source—the persons who would be involved and knowing about the incident. Those are the persons we have relied upon, the Royal Cayman Islands Police and the Ministry of Human Resources, to assist us with providing a response to this question as it is different from the Portfolio of the Civil Service's day-to-day responsibilities, as the Member and the honourable House would be aware.

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

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

That conjures another question: which Ministry supervises the Police Department?

*[Pause]*

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

**Hon. Gloria M. McField-Nixon, Acting Deputy Governor:** Thank you, Mr. Speaker.

As it relates to the responsibilities for the Royal Cayman Islands Police Services, you will realise that we have a number of reporting lines for that Ministry:

The financial reporting lines, where the budget sits, and the individuals who bring the matters for the Royal Cayman Islands Police as it is set out in our annual budget, is the Ministry of Human Resources.

As the Governor also has certain responsibilities for safety and security matters in these Islands, there is also a relationship with the Governor's Office, who is the appointing officer for the Commissioner of Police and we support the Governor's Office as that falls within our Portfolio of the Civil Service and so on.

Some of these matters you will hear from the Portfolio of the Civil Service, although on budgetary matters, when you are in Finance Committee, you will no doubt be familiar with having the Police come as part of the Ministry of Human Resources.

**The Speaker:** We move on.

**Mr. V. Arden McLean:** Mr...

**Mr. Kenneth V. Bryan:** Mr. Speaker...

**The Speaker:** We move on to Question number 4.

**Mr. Kenneth V. Bryan:** Mr. Speaker; come on man; you did not even let me finish my line of questioning man.

**The Speaker:** Well, you should have been on your feet several times but time is up.

*[Crosstalk]*

**The Speaker:** We have moved past the question; the substantive question.

*[Crosstalk]*

#### QUESTION NO. 4 UPDATE ON THE MARKING OF THE WATER SPORTS ZONES

**The Speaker:** Question number 4. The Elected Member for North Side:

**Hon. D. Ezzard Miller, Leader of the Opposition:** Thank you, Mr. Speaker.

Mr. Speaker, I beg to ask the Honourable Minister of District Administration, Tourism and Transport question No 4.

Can the Minister give an update on the marking of the Water Sport Zones?

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

**Hon. Moses I. Kirkconnell, Deputy Premier:** Thank you, Mr. Speaker and I thank the Honourable Member for the question.

The Port Authority has been instructed to commence the marking of the existing designated Water Sport Zones with buoys, commencing with North Side. The land-based signs, which will demarcate the zones, are to be placed within the high-water mark on the beaches. The work to complete the North Side water sports zones will take about four months, as the buoys have to be manufactured.

Thank you, Mr. Speaker.

**The Speaker:** The Member for East End, do you have a supplementary?

#### SUPPLEMENTARIES

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

Mr. Speaker, I wonder if the Minister can tell us the timeframe for the completion of the markings of all of the water sport zones?

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

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

Mr. Speaker, I cannot give the Member that answer because I do not know how long it will take. I can certainly ask and either give it to you in writing or—

*[Crosstalk]*

**The Speaker:** If there are no more supplementaries we will move.

**Mr. V. Arden McLean:** Mr. Speaker, this is rather confusing because the question did not ask about North Side; the question asked specifically about dive zones throughout the country and I want to know why North Side is singled out and East End is not included—or George Town, West Bay or Bodden Town, for that matter.

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

Mr. Speaker, it is a fair question from the Member. I would assume that in preparing the response, because the question itself was asked by the Member for North Side, the specific response was tailored, but I can again say to the Member for East End, I do not have the answer, but I will get it for you if that is acceptable.

Thank you.

#### QUESTION NO. 5 PLANS TO COMPLETE THE EAST WEST ARTERIAL AND THE INSTALLATION OF STREETLIGHTS ALONG THE EXISTING ROADWAY

**The Speaker:** The Elected Member for Newlands.

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

I would like to ask question No. 5 to the Honourable Minister for Commerce, Planning and Infrastructure.

Can the Honourable Minister state what plans are in place to complete the East West Arterial (Newlands Bypass) and when will streetlights be installed along the existing roadway?

**The Speaker:** The Honourable Minister for Commerce, Planning and Infrastructure.

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

Mr. Speaker I would like to thank the Member for the question.

The Government is considering all funding options for the East West Arterial road but at present, the Ironwood negotiations involving the construction of the arterial road are on hold. The Government will continue to explore public/private partnerships options as well as self-funded options.

Mr. Speaker, regarding the use of street lights on the existing East-West road from Prospect to Newlands, the single-lane frontage roads that are in use now are not the main arterial, and the roadway is not yet complete even in these sections; actually, in the future the four-lane highway will occur between the existing frontage roads and the green strip that exists today. At key points, the frontage roads will move traffic from secondary collector roads to the primary arterial. Lighting of this main road was always envisioned to occur at the second phase of the project when the road way was complete with frontage roads and the arterial. At this juncture, lighting from the point of view of vehicles moving in opposite directions, in close proximity to each other, becomes a necessity.

Mr. Speaker, as we know, the reality is that pedestrians use the roadway now and in the darkest spots there can be situations where pedestrians fear

that they are not seen by approaching traffic. This is a concern, and we must attempt to find a solution on these roadways, which are inclusive of pedestrians, runners, and cyclists, as well as vehicles.

My Ministry has asked the National Roads Authority (NRA) to look into the matter and they have agreed to investigate two short-term solutions:

Option one is the instalment of raised pavement markers (cat-eye reflectors) longitudinally throughout the current alignment, which will provide clearer delineation of the roadways and pedestrian paths—this strategy has the added benefit of producing an audible alert for pedestrians when a vehicle runs over a series of cat-eyes, if it veers across the lane.

The second option is the installation of LED luminaries to the existing wooden utility poles along the frontage roads that will provide lights in the darker areas. The NRA has agreed to complete the study of options by the end of April.

### SUPPLEMENTARIES

**The Speaker:** The Member for Newlands, supplementary?

**Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition:** Thank you, Mr. Speaker.

Is the Minister saying that what he will consider as complete is when the extension of the road, in addition to the additional lanes are all done is when we will get the permanent lighting or are we going to deal with the portion of the road that exists now?

**The Speaker:** Minister of Planning.

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

My preamble was to say that there was no proper lighting throughout the East-West Arterial because what we have right now is Phase One, but I went on to say that we recognise the need for it, and that we are investigating the two options that I identified to be implemented on the current road now.

### SUPPLEMENTARIES

**The Speaker:** The Member for Newlands.

**Mr. Alva H. Suckoo, Jr., Deputy Leader of the Opposition:** Thank you, Mr. Speaker. One follow-up: can the Minister give a commitment that they will look at the number of wooden utility poles along the roadway, because I have driven it after speaking with the NRA and I do not think there are sufficient poles to do the job justice, so I think there will be a need for additional poles. I do not know how that can be accomplished,

but at night there will be sections that will be lit up while others will be in complete darkness.

**The Speaker:** The Minister of Infrastructure.

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

To the Member, we are aware of that and we are aware that there are particularly dangerous corners and darker areas; that is why they are doing the lighting study on it and it may be a combination of some lights and some of the cat-eyes, but we certainly will have a close look at it.

**The Speaker:** The Member for Bodden Town West.

**Mr. Christopher S. Saunders:** Not a Minister yet, Mr. Speaker; you are four years ahead.

*[Laughter]*

**The Speaker:** Do not count your chickens before they hatch.

**Mr. Christopher S. Saunders:** That's alright.

*[Laughter]*

**Mr. Christopher S. Saunders:** Sorry, I could not resist.

Thank you, Mr. Speaker. Through you, sir, going back to the original question concerning the East-West Arterial; after Hurricane Ivan, one of the big issues we had in the Eastern District was—I cannot remember the name of the condo, so forgive me a little bit—a condo that came out in the middle of the road that pretty much shut off the eastern side of the Island.

*[Inaudible interjections]*

**Mr. Christopher S. Saunders:** Mariner's Cove—thanks very much. One of the things was the importance of having a second road to allow at least traffic between the East-West in the middle of the island.

I met with the NRA a little over a month ago and I understand the cost will be about \$60 million, I guess, to carry it up completely. I know in the current budget, at least, there is no money set aside; but I would like to know from the Minister, if there are any plans in the next budget to at least phase it—phase one, phase two, phase three—where we can at least get some road work going up in the middle of the Island, because areas in the Eastern Districts are still at risk of being land-locked in the event of another natural disaster.

Thank you.

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

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

I thank the Member for those points and yes, we continue to look at several opportunities for triple Ps but we are also looking down the road to at least start the road—whether it be in phases or whether we can do it in combination with others; but yes, it is one of the Government's priorities.

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

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

Mr. Speaker, the Minister said that the Government is considering all funding options to complete the East-West Arterial.

Can he explain completed to what stage? To complete the East-West Arterial would be to Tortuga Club. Is that where we are going with it?

**The Speaker:** The Honourable Minister.

**Hon. Joseph X. Hew:** Mr. Speaker, I thank the Member for that question. I think the next phase that we are looking to complete is to the Frank Sound inter-section.

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

**Mr. V. Arden McLean:** Mr. Speaker, I thank the Minister for that.

Mr. Speaker, he also tells us that the single lane frontage roads which is right, it is what we designed—outside lanes and four going on the inside—but it says it was not envisaged to have lighting on this roadway now, [that] it was supposed to be in the second phase.

Mr. Speaker, we did a lighting plan for this road during my time of building the road, so I would encourage the Minister to see if somebody can dust it off because it was those lanes, a 4' median, then the two lanes in each direction and it was designed to go right down that small 4' median and then in the middle, when you get the others.

**The Speaker:** The Honourable Minister.

**Hon. Joseph X. Hew:** Mr. Speaker, I would like to thank the Member for bringing that to my attention. I was unaware of that and I will certainly follow up on it.

Thank you.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

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

*[Pause]*

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

Mr. Speaker, the events of the past week have once again heightened the public discourse around crime, particularly gun related crimes. The report from the RCIPS of two robberies and a subsequent murder and that they were looking for an individual who was armed and dangerous, and presumably willing to shoot if he felt at risk, caused alarm throughout these Islands; especially in the Red Bay community, which I represent, and the Prospect constituency where I live.

And rightly so, Mr. Speaker; to be afraid to walk from your car at night to your front door or to visit an entertainment establishment at night for fear of being robbed, or worse, is not the Caymanian way of life and even if these incidents are not everyday occurrences but are only spikes in crime, they must never come to be accepted as the norm.

I can say Mr. Speaker, that every single member of my Government, whether a Progressives candidate, a CDP candidate or an Independent candidate, campaigned and promised to work with the RCIPS to tackle crime, particularly gun crimes. We take these promises very seriously and during the recent budget session Government committed to various strategies to combat crime and keep our communities safe. Indeed, some \$270 million has been allocated to national security over this budget cycle, which is two years. We committed to putting in place a dedicated Community Policing Programme and voted funds to provide the RCIPS with 75 new police officers over the next three years to help accomplish this.

I am pleased to say, as everyone in this House and the wider public would be aware, that Community Policing has become a reality and is being welcomed by the public, as well as by those on the Opposition benches. As of February, 26 Community Police Officers have been placed in East End, North Side, Prospect, South Sound, George Town, at the Waterfront, Seven Mile Beach and West Bay. Officers stationed on Cayman Brac and Little Cayman were

already considered community officers. They are all working on differing shifts, depending on the demands of each area. These officers are embedded in the communities and there is a genuine commitment to make sure those officers are maintained in those areas for at least two years.

Mr. Speaker, community policing is still in its fledgling stages but I am certain that it will play a key role not only in keeping communities safer, but also

helping rebuild public trust in the RCIPS and thus peoples' willingness to say something when they see something.

Mr. Speaker, I have also advised the Commissioner of Police that the Government will consider providing additional resources, such as more CCTV cameras in order to deter crime and improve detection. We just need a proper plan.

I have also asked the Deputy Governor to review the salaries of police officers (as well as other underpaid departments of government, I should add) with a view to making the RCIPS a more attractive employer. This will enable the Commissioner to attract and retain more qualified persons to the Police service so, Mr. Speaker, as a Government we are doing what we need to financially support the RCIPS and I am satisfied that under the leadership of the current Commissioner and his senior team, the RCIPS has taken seriously, this Government's commitment to keeping our communities safe and reducing gun crime in these Islands.

Increasing Neighbourhood Watch programmes is another commitment that is being met and the RCIPS, through the Community Policing Programme, will assist communities to put these in place; neighbours know when something looks wrong and when someone looks out of place in a community and can help raise an alarm if needed.

Mr. Speaker, we are also committed to improving border security and to merging the Customs and Immigration agencies into a single border force. The work on this has started, and we have secured the assistance of Mr. Colin Brown who is head of the UK's Border Force National Targeting Centre to move this project forward as a matter of urgency. Mr. Brown arrived in January and has been working with the steering committee charged with the planning and eventual implementation of the merger; so again, Mr. Speaker, this commitment is being met and when complete, we will have a single border force agency with staff trained to better protect our seaports and airports, focussed on preventing illicit drugs, guns and people landing illegally in the Cayman Islands.

Modern law enforcement and border protection agencies do not focus on searching suitcases and containers, instead they rely on intelligence, as well as on modern investigative and targeting practices that are more successful than searches alone. This is where we are going, Mr. Speaker. Currently Immigration and Customs staff are undergoing cross training as well as participating in joint operations. Over the next six months we will start seeing a single uniform for some staff and a fully joined up Cayman Border Force should be in place for the start of the 2019 financial year, which is January. I will continue to provide this honourable House with progress reports on the work being done in this area but again, Mr.

Speaker, the commitment has been made, work is ongoing, and this will become reality.

Another key element in border protection is our commitment to create a modern Cayman Islands Coast Guard with a multifaceted role, including search and rescue, patrolling our seas and helping keep illegal guns, people, and drugs from being smuggled into our Islands. The Coast Guard will have the ability to board and search vessels in our waters and make arrests if needed. We have obtained the services of Mr. Phil Bostock, who is a commander in the UK's Maritime and Coast Guard Agency who has also been on the ground from January to assist in the development of the Coast Guard.

Mr. Speaker, neither the Coast Guard nor the border protection agents can be everywhere, so we will utilise technology to assist in the detection of boats entering our waters. It will be important Mr. Speaker—and I will ensure—that the Coast Guard will be as independent as possible with a local commander, who we are hoping will be a Caymanian.

It will be properly resourced and we will ensure that it will be structured in such a way so as not to have its resources poached for other law enforcement work; staff have already begun specialist joint operations and are undergoing training in enhanced search and rescue capabilities. We have the services of the consultant to the end of the year and we intend to put in place operational policies as well as any necessary legislation by year end. Major assets will be budgeted for in the 2020 budget cycle.

This is a major undertaking but we are moving as swiftly as we can and with God's Grace, this too will be achieved; but Mr. Speaker, there are other things that we are looking at to battle crime, including initiatives to prevent youngsters from entering lives of crime, as well as more effective rehabilitation programmes both for incarcerated prisoners and those who have served their time. If we can prevent re-offending and help people lead more productive lives then that is part of the battle won.

Improved policing is about dealing with crime now. In the longer term, the answer lies in stopping our people turning to crime in the first place. I believe the most significant contribution to long term crime reduction, besides a good education, will come from the early identification of young people at risk of offending behaviour, and implementing programmes to help them make better life choices—choices that will benefit them, their families and their communities.

As I reported during the Budget session, work on this commenced during the last administration and an Inter-Ministerial Committee on Youth Affairs has been established to serve as the coordinating and advisory body to implement plans in this area. The Department of Children and Family Services (DCFS) is playing an important role in the overall solution

through social workers who specialise in family crisis resolution and trauma but they cannot do it alone; this requires work and cooperation across many ministries for there to be real success.

Mr. Speaker, a Multi-Agency Safeguarding Hub Team (MASH), was created in 2016 where the Ministry of Community Affairs, in conjunction with the Department of Children and Family Services, works with the Royal Cayman Islands Police Service, Education Department and Health Services to enhance the safety of our children. These are important and are part of a longer term solution that addresses the causes of crime, but Mr. Speaker there is another issue that needs to be addressed—one that I believe needs our utmost attention. That, Mr. Speaker, is the need for the elected government to be allowed a greater role in national security matters.

*[Desk thumping]*

**The Premier, Hon. Alden McLaughlin:** Our role needs to extend beyond merely voting funds for the police. The elected government needs a significant voice in strategic decision-making relating to national security matters. That was what was contemplated by the constitutional provision that created the National Security Council in the 2009 Constitution, but that is not what has occurred in practice. For national security to succeed it needs to become a shared responsibility of the Governor and the elected government. It is too big and too important an issue to be the Governor's alone. The National Security Council needs to function in the way it was contemplated, as the National Security Cabinet of the Cayman Islands, not merely as a talk-shop.

Earlier Mr. Speaker, I mentioned that Government is providing funding for resources to combat crime. All of us in this House are held accountable by the public for reducing crime, even though our main opportunities to do so rely on our control of the budget and on the views of the Commissioner at the time, and the Governor at the time, who has constitutional responsibility for all aspects of internal security, including the RCIPS. We get to vote money, but we do not have real control of national security issues.

Mr. Speaker, you may recall that during the Constitutional talks a decade ago I raised this issue with the Foreign and Commonwealth Office. To say I raised it is an understatement—it was a battle.

As a compromise the United Kingdom (UK) agreed to create the National Security Council, a body that is charged under section 58 (4) of our Constitution with responsibility as follows, and I am quoting from the Constitution now:

**“The National Security Council shall advise the Governor on matters relating to internal security, with the exception of operational and staffing matters—and the important bit Mr. Speak-**

**er—and the Governor shall be obliged to act in accordance with the advice of the Council, unless he or she considers that giving effect to the advice would adversely affect Her Majesty's interest (whether in respect of the United Kingdom or the Cayman Islands); and where the Governor has acted otherwise than in accordance with the advice of the Council, he or she shall report to the Council at its next meeting.”**

That is what the Constitution currently says, Mr. Speaker, however, every Governor since 2009 when the Constitution came into effect, presumably under the directions of the Foreign and Commonwealth Office (FCO), has never accepted that the advice, by way of decisions given by the National Security Council, is really intended to be advice that must be followed, but merely as ‘suggestions’ to be considered. Because of this, Mr. Speaker, you and the wider public would have heard me mention on several occasions that the UK Government needed to rethink the position of the Governor having full responsibility for the RCIPS and to consider a Police Authority whose role would be to allow for the sharing of authority between the Governor and elected Members regarding strategic police matters.

During the Strategic Policy Statement (SPS) last year I said the following— and I am quoting now, Mr. Speaker from that speech—**“In line with my earlier point on creating a culture of delivery, we will not only provide additional resources to the RCIPS but we will also insist that resources are used as agreed and will hold the Commissioner to account for the results. This will mean creating new approaches that foster accountability and enhance the responsiveness of the RCIPS to the people's concerns. Our proposal to accomplish this is the establishment of a Cayman Islands Police Authority and we will discuss with Her Excellency, the Governor, how we can establish such a mechanism quickly”**.

During the Budget process in August last year I again noted: **“As we provide additional resources to the RCIPS we will insist that resources are used as agreed and hold the Commissioner to account for the results of those expenditures. We also intend to discuss with the UK Government, the establishment of a Police Authority to help create new approaches in fostering accountability and enhance the responsiveness of the RCIPS to the people's concerns.”**

I was pleased that the Governor, during her Throne speech, noted the following: **“The Government has also indicated its eagerness to discuss the creation of a Police Authority with me and with Her Majesty's Government. A Police Authority that would be devolved some authority for policing. Whilst no outcome to these discussions can be pre-determined, I welcome the conversation.”**

Mr. Speaker, I mention this to provide some background and to remind the public and this House that this has been an issue for some time. We are at a critical juncture where national security issues are increasingly a concern to the people of this country and those who visit. If we are to succeed in addressing these matters, the National Security Council (NSC), which is made up of the Governor, the Premier, the Deputy Governor, two Ministers, the Leader of the Opposition, the Attorney General, the Commissioner of Police and two private sector representatives, must be permitted to function as the Constitution contemplated.

Mr. Speaker, I can advise that in my recent conversations with the Office of the Governor I have urged that going forward, the NSC be operated as was envisaged when the Constitution was written. That is, as a decision making body whose decisions or 'advice' on 'non-operational or staffing' matters regarding the RCIPS the Governor would be obligated to take. Where this advice is not followed, then the Governor will be obliged to report this back to the Council at the next meeting.

Mr. Speaker, I also discussed with the Office of the Governor, the need to formalise the proceedings of the NSC with regular monthly meetings and with papers submitted by members for consideration, similar to the process followed in Cabinet. I would expect that the NSC agenda would be agreed jointly between me as Premier and the Governor. This should help the NSC become more focused on strategic and policy matters and take meaningful decisions. It would also provide elected Members—the Leader of the Opposition as well as two Government Ministers and I—with some real say into non-operational policing matters. It is through us the elected Members and the private sector representatives on the NSC that the security concerns of the everyday man, woman and business owner in this country will be taken to the NSC meeting table for consideration and decision.

Mr. Speaker, I am hopeful that we may get to a point swiftly where these discussions become reality. I certainly am hopeful Mr. Speaker, and I pray that nothing comes along to derail these considerations. With a new Governor arriving, this is certainly an opportune time for a reset regarding the NSC and for the UK's representative and the elected Members of the Legislative Assembly to share authority for internal security.

Mr. Speaker, I will close by saying to this honourable House that the Government's commitment to creating safer communities and tackling crime is not just talk; they are happening. These strategies will take time to work, but with the RCIPS properly resourced and trained, and with elected Members having a say regarding policing strategies, and with much

improved border security and a new Coast Guard service, I believe we will win the battle with crime.

The social issues are also important and these, too, are being tackled. Sadly, we will not ever eliminate crime, but we can and must drastically reduce it, and prevent its further escalation in these Islands.

I thank you, Mr. Speaker.

*[Desk thumping]*

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

### Standing Order 30(2)

**Mr. V. Arden McLean, Elected Member for East End:** Mr. Speaker, I beg your indulgence under Standing Order 30(2), I think, to ask the Premier a short question.

**The Speaker:** A short question, yes.

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

Mr. Speaker, I welcome the commitment by the Premier in his very lengthy statement, but I wonder if the Premier will tell us whether or not he is going to engage the UK on that responsibility of the Governor as defined in the Constitution, to delegate that responsibility now to an Elected Minister in the country.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker that is not what is contemplated by the Constitution, and that is not what I suggested. The Constitution provides in section 58, the proper mechanism for shared responsibility for national security via the establishment of the National Security Council, if it is operated in accordance with the provisions of the Constitution. The responsibility for internal security and for the police are special responsibilities of the Governor and are not delegable under the current Constitutional construct.

**The Speaker:** The Member for Bodden Town West.

**Mr. Christopher S. Saunders:** Thank you, Mr. Speaker and I also want to thank the Premier for his statement to this honourable House.

With regard to CCTV, my colleagues and I have been meeting with many of the different neighbourhood groups and what I would ask the Government to consider—and we know that resources are limited—but nonetheless, this is something that I think everyone in the public needs to be involved with. Something that we have been doing across the different communities is encouraging the use of CCTV cameras.

What we would like for the Government to consider is, rather than creating all these mini units around, if there is additional cost that we as the community can take to put in additional cameras elsewhere to expand the network, I think that is something that we can partner with the Government in. We have a good system in my neighbourhood, but I know the police will have key points where they would want those cameras placed. This is one time I think we do not mind chipping in, if additional cameras are costly or per unit cost of each camera in different neighbourhoods. It is something to consider that we can work with, in terms of installing additional cameras outside of what the police would have wanted in the normal course.

It is just something for the Government to consider.

**The Speaker:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, the logistics of those things are not something that I am properly appraised of but, as we indicated, as long as we have a proper plan that works and delivers, the Government is prepared to do what we can in terms of funding the increased CCTV coverage of these Islands; although, increasingly, that is of limited assistance because the criminals have gotten very smart now and every one covers up. It still does assist in tracking cars and timing and so forth but being able to identify individuals is becoming increasingly difficult because they have gotten wise to the fact that there are cameras around.

**The Speaker:** The Member for George Town Central.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Speaker.

I want to also share my support for the Premier in his comments in respect to this timely statement with all the crime.

I would just ask if when these negotiations or talks happen with the UK representatives that we try to examine the element we are excluded from. What I mean by that is, we are excluded from non-operational or staffing and we are only excluded in *[sic]* policing strategies. I think the fact that we are not included is probably why it is not effective, because that is where the heart of the policing work is. I think if we had more say in that—

**The Speaker:** You have to turn your ideas into a question—

**Mr. Kenneth V. Bryan:** Yes, sir.

**The Speaker:** Or your concern into a question, because we cannot generally debate the statement.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Speaker.

My suggestion to the Government is to ask that we get more strength within those two areas I highlighted, Mr. Speaker, because I think that is where we will have more effect in respect of the policing of these Islands.

Thank you.

**The Speaker:** The Member for Savannah. Sorry; Premier you want to...

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I am conscious that the Member for George Town Central is a new Member of this House but, to suggest that the political arm of Government should direct operations with respect to the police is a very, very, dangerous suggestion. To start with, I do not know that any of us in here knows the first thing about policing. I am not qualified to tell the police Commissioner how to launch an operation; where to launch it, how many officers to use, and what kind of resources they should have. Not even the Governor is able to direct the Commissioner of Police with respect to operations. You need a qualified individual who has been properly trained to deal with operational issues.

With respect to staffing, our responsibility is to have enough information to say, as we have done, "*Commissioner, you say you need a hundred and fifty officers, this is what we can do; Police salaries are not good enough, so we will try to improve those*", but for us to decide who gets hired, promoted, or disciplined, those are the kind of staffing issues that are clearly outside what elected Members of this House should be involved with.

As I said, not even the Governor gets involved with those; she appoints the Commissioner of Police. Beyond that, the responsibility for staffing is a matter for him. Those are not properly roles of elected Members. Our roles, I think properly, are in helping decide on what are the appropriate strategies, having gotten the proper advice, with respect to dealing with crime, and determining whether or not we are able to fund those strategies. Those are properly the remit of this House and more narrowly, of the NSC as the Constitution contemplated it.

**The Speaker:** The Member for Savannah.

**Mr. Anthony S. Eden:** Thank you, Mr. Speaker. I too would like to thank the Honourable Premier for bringing up this topic which seems to be going on all around us; what we can do and what avenues.

A question I would put to him, and I know in the past you have considered the idea and even some of the equipment for fingerprinting. I think this could go a long way at least once the fingerprints are registered, to assist the police in dealing with some of this criminal activity.

**The Speaker:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker that is a proper strategy which could or should be considered by the National Security Council and a decision taken. We have been debating in this country for probably close to 20 years now, whether or not we should have a national ID for every person who is here; of course, that comes with some controversy—concerns about civil rights issues and that sort of thing—but I really do believe that we need to look at that again. Security considerations trump most things and quality of life, safety, and security must be paramount.

**An Hon. Member:** Exactly.

**The Premier, Hon. Alden McLaughlin:** So, again, that is one of those crime reduction strategies that I believe the National Security Council could consider. It also comes with a significant cost, but then how do you quantify the cost of crime and how much value do you place on safety and security, you know?

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

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

Mr. Speaker, when I asked the Premier a few minutes ago if he was contemplating engaging the UK on the delegation of certain special responsibilities, I was talking about Section 55 of the Constitution with the special responsibilities of the Governor.

Currently, the Governor can delegate to Ministers to represent the Governor here in the Legislative Assembly. I was expanding that to ask if the Premier was going to engage them on the actual responsibility being delegated, such as the responsibility for civil servants has been delegated to the Deputy Governor.

**The Speaker:** The Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I think we are still at the same place of the original question, which is the ultimate responsibility for what is called internal security.

Mr. Speaker, after a long, long, long think about it, I agreed to take responsibility for the police budget here. I knew it was going to come with its share of problems but I thought it was in the overall best interest of the administration of Government and the police service if I, as Premier, had that responsibility but I believe what the Member for East End is suggesting is, essentially, that responsibility for internal security be delegated to a Minister.

The Constitution would have to be changed to allow that to happen and Mr. Speaker, I would not propose that unless it meant real responsibility and

control, because presently we have the responsibility at least in everybody's in the country's mind, but we do not have the control. I do not think we need go that far to achieve what we need now; I do not think we need to change the Constitution at all.

As long as the National Security Council is allowed to operate as the Constitution contemplates, I think shared responsibility will get us where we need to be, even if it is only for a period of transition, so at this stage I am not asking the UK to do things that might make them nervous or antsy; I am simply asking that we operate as the Constitution contemplates. It is clear, and it ought to be clear, that the strategies with respect to the national security in this country are not working effectively and have not worked effectively for many years.

Those of us who have been here for any length of time in this House know that we go through these periods where there are spikes and then there is a mad scramble and everybody is focused in trying to reduce crime and then things settle back down for a while and then it kicks off again, but we never go back to that time in Cayman when things like robberies and murders were something that was unusual and people were greatly alarmed when they occurred.

Now it is happening far too often and anyone who believes that just going down the road as we have been going these past 10 years is going to turn the tide, I think are dreaming in colour.

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

**Mr. V. Arden McLean:** Last one, Mr. Speaker.

**The Speaker:** This is the last question.

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

Mr. Speaker, during the Constitutional talks, the PPM proposed that the police authority be put in the Constitution; that was removed because we could not get any real agreement on it between the parties. England acquiesced to it, but we could not get an agreement between the parties.

How does the Premier envisage this Authority that he is proposing? And I hope it is unlike the one that is in the Police Law. What role, and how expansive will the responsibilities of this particular Authority be, because the other one was to take full authority for the police force as they do in England.

**The Speaker:** The Honourable Premier.

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

Mr. Speaker, the Member is right in that we had proposed that the police authority be established as a Constitutional creature; that did not occur, but

that does not prevent, by passage of legislation, the creation of a Police Authority, as long as the UK Government are in agreement with it. Certainly, what I have contemplated is that the Police Authority would be run by a Board of people appointed to it, to whom the Commissioner would report.

Ultimately, the Governor, as the UK's representative and pursuant to section 55 of the Constitution, would still retain ultimate responsibility for internal security but there would be, essentially, a management council that—not made up of elected people—the National Security Council would sit above all of these as the Security Cabinet of the Cayman Islands and have general oversight of the Authority and what is transpiring there. The strategies and decisions taken by the National Security Council would need to be approved and funded by the Cabinet, obviously, but assuming that took place, that would guide the strategic direction of the Police Authority.

**Mr. V. Arden McLean:** Well, that is the same thing you did ...

*[Inaudible interjection]*

**The Speaker:** We shall suspend for the lunch break and we shall resume at 2:30pm.

#### Proceedings suspended at 1:15pm

Proceedings resumed at 3:27pm

**[The Speaker:** Please be seated. Proceedings are resumed.]

## PERSONAL EXPLANATIONS

**The Speaker:** None.

## OBITUARIES AND OTHER CEREMONIAL SPEECHES

**The Speaker:** None.

## RAISING OF MATTER OF PRIVILEGES

**The Speaker:** None.

## GOVERNMENT BUSINESS

### BILLS

### FIRST READINGS

### YOUTH JUSTICE (AMENDMENT) BILL, 2018

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

### TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 2018

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

## SECOND READINGS

### YOUTH JUSTICE (AMENDMENT) BILL, 2018

**The Speaker:** The Honourable Auditor General.

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

I beg to move the Second Reading of a Bill entitled: "A Bill for a Law to Amend the Youth Justice Law (2005) Revision to make provision for the application of cautions to persons under the age of eighteen and to remove references to "Her Majesty's pleasure" in conformity with the Constitution; and for incidental and connected purposes."

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

**The Attorney General, Hon. Samuel W. Bulgin:** Yes; very briefly, Mr. Speaker. Thank you.

Mr. Speaker, Members will recall that this Legislative Assembly enacted the Cautions Adult Law, 2017 late last year. That law sought to introduce the use of cautions for adults as previously cautions were only available to young persons under the Youth Justice Law, however, it has been brought to our attention that a lacuna exists with respect to cautions for persons between the ages of 17 and 18 years under the Cautions (Adult) Law.

That is so because the Cautions (Adult) Law is applicable to adults—that is persons over the age of 18 years—whereas the Youth Justice Law is only applicable to persons under the age of 17 by virtue of the definition of young persons in the Youth Justice Law, Mr. Speaker. Accordingly, this amendment to the Youth Justice Law is being sought to basically close that lacuna so that persons between the ages of 17 and 18 would also be eligible to be cautioned.

Mr. Speaker, the second matter to be dealt with is that some time ago, the Court of Appeal, in a Judgement case—*Hydes v R*—pointed out the need for an amendment to the Youth Justice Law to bring

that law into conformity with the Constitution as it relates to the principles or doctrines of separation of powers that is Executive vs. Judiciary, in this instance.

In the case of *Hydes v R*, the appellant was a young person and was convicted and ordered to be detained until the pleasure of His Excellency, The Governor be known. He brought an appeal on the basis that the sentence offended the Constitutional doctrine of separation of powers because the power to determine the length of his sentence was inherently a judicial function and was vested in the Executive arm of Government, rather than the Judiciary. The Court of Appeal accepted the submission at the time and ordered that it be changed from “the Governor’s pleasure” to detention at “the Court’s pleasure”.

The Court of Appeal also recommended that the Law should be amended to reflect that change; that a young person so detained, should be detained at the Court’s pleasure rather than at the Governor’s pleasure, thereby giving effect to the doctrine of separation of powers where matters such as the length of a sentence is determined by the Judiciary and not by the Executive.

Mr. Speaker, the Bill also addressed that issue as it relates to Clause 3. I must mention that there are some minor adjustments to be made to this Bill and I have sent around a Committee Stage Amendment, which will deal with some of the minor issues in this Bill by way of a sort of tidying-up exercise.

That is the purpose of this very short Bill and I certainly commend it to Members of this House.

**The Speaker:** Does any other Member wish to speak? The Member for East End:

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

Mr. Speaker, whilst this side of the House recognises the need to remove these lacunas out of our laws, there are a few things that I would like to encourage the Government to look at. The Youth Justice Law came into being in 1995 and this is the first amendment thereto. I do not know why it was revised in 2005 since there were not many amendments made to it, but may that as it may Mr. Speaker, this morning the Premier in his statement on crime, said that improving policing only deals with crime now and that in the longer term, the answer lies in stopping our people turning to crime in the first place. He believes that the most significant contribution to long term crime reduction, besides good education, will come with early identification of young people at risk of offending behaviour. He went on to say that implementing programmes to help them make better life choices; choices that will benefit them, their families and their communities.

I think everybody can agree with that statement; I think we all believe that, to some extent, crimi-

nals are born from an early age in many instances, and if we do not capture them we will find our hands full in later times.

*[Inaudible interjections]*

**Hon. V. Arden McLean:** Mr. Speaker, I thank my colleagues; the Yolanda Forde report in 2006 or 2007 spoke about that as well.

Now, Mr. Speaker, I said all that to say that in this Youth Justice Law, there are so many things that do not coincide, align or dove-tail with what the Premier said this morning and Yolande C. Forde and what we all think about of trying to help the youth. It may be time for us to review this Law and make the necessary changes to dove-tail our hopes, wishes, dreams, and our ideals for the youth of this country, to make them better citizens.

Mr. Speaker, the Cautions Adult Law seems to mirror the Youth Justice Caution Provision Section 28, where it talks about the same thing when cautions are issued to young people under 17—which the definition of a young person is under 17. In section 2 ““young person” means, subject to the provision relating to youth rehabilitation orders, a person under the age of seventeen;” I do not know if by changing it now to 18 that the caution is related to, then how does that dove-tails to under-17? The Attorney General can let us know that when he responds.

Now, Mr. Speaker, if we are to follow our ideals and dreams, there are so many places in this Youth Justice Law where it just does not apply, in my view, such as the joint-charging of youth under 17; wherein if someone else over 17 committed that crime, both can be committed to, in some instances, Summary Court, not the Youth Justice Court, which comprises Magistrate and Justice of the Peace, but can even go up to Grand Court.

Now, Mr. Speaker, I do not propose that that is totally unjust or should not happen in some cases like murder and the like, but the discretion under the Youth Justice Law seems to be left up to the Magistrate. For instance, “**Assignment of Charges to Courts**”. Section 5(2):

**“A charge with respect to a summary offence made jointly against a young person and a person who has attained the age of seventeen years shall be heard by a court of Summary jurisdiction other than a youth court.”**

What I am trying to impress upon the Government is, if we are to assist our youth and get them to be productive citizens, we need to look at different ways of finding our youth in contravention of the law and how we treat them eventually, to get to that stage of punishment. I am not saying the country needs to

turn a blind eye; I am saying there needs to be a lighter hand to give the youth of this country the opportunity to mend their ways.

For instance, the Cautions (Adult) Law specifically says that—and Mr. Speaker, I am reading from section 10(1) of the Cautions (Adult) Law, 2017:

**“Where a person has been administered a caution in relation to an offence, upon the expiration of three years from the date of the administering of that caution, that person’s caution record in relation to that offence shall be treated as expunged.”**

Now, Mr. Speaker the reverse of that is true in the Youth Justice Law. I thought that this Law in 1995 was long before its time, really, because it represented things that we have only just put in place for adults, which is Cautions. Subsection 28(5) of the Youth Justice Law (2005 Revision) says:

**“If a young person who has received a caution is convicted of an offence, the caution statement signed by the young person shall be produced to the court that convicted the young person and the court may take that person’s previous behaviour (as described in the statement) into account when sentencing that person for the offence.”**

So, Mr. Speaker, we have a child who is 14, who commits an offence, he is cautioned and when he reaches just under 18, there is another offence and that caution is considered when sentencing for the current offence, whereas an adult who was cautioned in his 20s, 30s, three years later it is expunged and they commit an offence. We all know how the spent conviction is, we did that recently, I believe, in this year, which specifically says, one cannot be asked about their expunged record.

Now, Mr. Speaker, these are the things that, in my view, are going to confuse our youth. If we can, we need to make it as easy as possible for these young people to catch back up. We are not talking about young adults; we are talking about young children. That is who we are talking about. Mr. Speaker, God forbid, we had been charged for all of our misdeeds.

[Laughter]

**Mr. V. Arden McLean:** For instance, Mr. Speaker, how many times have we not—well, deliberately or not but in this case it would be deliberate—broken somebody’s windows?

**The Speaker:** Not me.

**Mr. V. Arden McLean:** It is considered malicious damage to property.

In this case, that kid, aged 12, could have been cautioned for that but, even if that youth becomes an adult that can be used against him because it does not say that it gets expunged even when he reaches 18. I believe that is the kind of stuff this side would like to see and I am sure there are Members on that side who would agree that, that may very well be a lacuna as well.

I am not saying that we should condone the bad behaviour of everyone in the country, but we must also consider that there are times when youth get themselves into things that are not necessarily in keeping with societal norms and if given the opportunity, they can be rehabilitated.

I know the Youth Justice Law makes provisions to not record convictions. I know that is all available in this Law, but by the same token, I think it is time we took a comprehensive view of this Law. For instance, Mr. Speaker, we had Eagle House. When we developed Eagle House, I stood on this Floor and objected to it. That was one that the Premier said was my cousin and that is true; but now we have another cousin doing another thing.

Mr. Speaker, it is difficult for us to give our kids a chance. I was talking recently to someone who was relaying to me that the recent crime wave we had, one of those individuals, had been in prison from young and they enjoyed a particular activity programme that the Prison had set up to try to rehabilitate him and it was dealing with animals; as a young kid; youth under the age of 17. And as soon as we changed the Director at the Prison they cut that programme out and that youth rebelled against just that one action by the Prison. Therein lies our biggest problem in this country—if there is no follow through, we are going to get ourselves in more problems; and there is no follow-through in this country, Mr. Speaker, or very little follow through in this country, when it comes to the youth.

I have had Justices of the Peace relate to me how they sit in the Justice Court and the parents do not even come; but the Youth Justice Law gives them warrant authority to bring the parents in front of them and no one follows through. How do we do it? I do not know the total answers to that, but if the Premier and the Government recognise that there is a problem within the youth, that could manifest itself *even worse* in years to come, then I believe we *all* need to put our heads together and see how we can comprehensively look at this thing and come up with something that is reasonable to help our youth. This caution thing is not the full answer. It is not the complete answer.

We continue to legislate all our lives with black and white that we hope will get people walking the straight and narrow way. The Minister said so this morning to me, under the Custom Law—that it is put

in there to deter. That is not the answer. When I do not know the complete answer, I believe the answer must include follow-through; provisions that the youth will see that we care, that we are not out to convict all the time.

Just Monday, these hallowed Halls were filled with youth in this age bracket, Mr. Speaker. We celebrate it. It is but a fraction of what we have to deal with. We do not have to worry about those. I believe I have contributed more to the Youth Parliament in this country, than any other legislator. I have travelled with more, than any other legislator, and what makes me proud is that, when I see them on the street, they have all become successful.

The two before last, that the clerk and I went to BVI with—one is doing medicine in Jamaica and the other is doing medicine in St. Lucia; the last two in Bahamas that the Member for Newlands and the Minister for WORCs and I went with, are both doing their A-Levels and studying law and accounting together. They are doing five A-Levels. Well, they tried to do five, they cut them down to three or something like that and attending Law School and have not even left school yet. We do not have to worry about those. The only thing we have to worry about with those is pushing them; the others, we need to start holding them back and that is what we need to do.

The Family Services Unit (FSU) in this country is overwhelmed with it. What can they do? In the absence of specific legislation, which is comprehensive, they will all get cautions.

I am not saying that, what the Attorney General has brought here is wrong. My plea, my appeal, is to the Government. Whilst we celebrate Monday, let us stretch the hand that the Member for South Sound shared and we all supported on Monday; let us stretch that even wider, let us cast that net a little wider. That is where we can do it, Mr. Speaker; we. Not only can we do it, we have a moral responsibility to do it. We tend to stay within our comfort zones too much and if our children are okay and our families are okay, then it is okay.

**The Speaker:** Are you still on the Bill honourable Member?

**Mr. V. Arden McLean:** What are you trying to do? Tell me to stop?

**The Speaker:** No; I am not trying to tell you to stop at this point but I think you are stretching some points.

**Mr. V. Arden McLean:** Well, I have seen stretched.

**The Speaker:** Honourable Member, let us not go there.

**Mr. V. Arden McLean:** No, we—

**The Speaker:** Do not worry about the “*you have seen*”—

**Mr. V. Arden McLean:** You need to tell me what you want me to do.

**The Speaker:** Honourable Member, do not worry about what you have seen; what you see is the Bill before you. Carry on.

**Mr. V. Arden McLean:** Well the stretched is stretched and you need to tell me what is required of me because it is the same discussion I am having about cautioning youth! Now you tell me what you want!

**The Speaker:** I am asking you to keep strictly to the Bill; that is all.

**Mr. V. Arden McLean:** Mr. Speaker, I understand—

**An Hon. Member:** Be careful.

**Mr. V. Arden McLean:** Be careful what? I have a right to defend and advocate in these hallowed Halls for the people of this country in general and in particular, the people of East End and I should not—I cannot be—curtailed! Okay?

**The Speaker:** Honourable Member, Honourable Member, take your seat please.

I am not trying to curtail you, but I do believe that you are stretching it when you could say... And don't even let me not even go there to try and tell you how, but I think be careful that you are not going overboard with it.

**Mr. V. Arden McLean:** Mr. Speaker, this amendment affects this entire Law that it tries to amend. It is about the youth and cautioning the youth. It is about convicting the youth. That is what that one word talks about.

Mr. Speaker, “**For the purpose of this section, “young person” means a person under the age of eighteen.**” That is amending section 28. Now, let us look at section 28 of the Youth Law. Do I need to read the whole thing or no one read it?

*[Inaudible interjections]*

**Mr. V. Arden McLean:** Should keep in mind that it is quite lengthy.

**“28(1) Subject to sub-section 5, where a young person admits to the police to having behaved in a manner that amounts to an offence he may be cautioned in accord-**

ance with this section instead of being charged and tried for the offence.”

An offence of breaking windows! Of doing this, of doing that!

“(2) For the purpose of subsection (1), a caution shall take the form of a written statement that is —

- (a) read to the young person by a uniformed member of the police force of the rank of inspector or above in the presence of a parent, guardian or other person having parental responsibility for him; and
- (b) then signed by the young person, the police officer and the parent, guardian or other person having parental responsibility for the young person.

(3) The statement shall contain—

- (a) details of the behaviour to which the person admits;
- (b) details of the offence constituted by that behaviour;
- (c) a warning of the young person not to behave in that manner again;
- (d) a warning to the young person that if, while still a young person, he is convicted of an offence the caution will be revealed to the court that convicts the young person and may be taken into account by that court when sentencing the young person for the offence; and
- (e) an acknowledgement by the young person—
  - (i) that he acted in the manner specified in the statement; and
  - (ii) that he has been made aware of the results of being convicted of any subsequent offence, whilst still a young person.

(4) The original statement shall be retained by the police and a copy shall be retained by the young person.

(5) If a young person who has received a caution is convicted of an offence, the caution statement signed by the young person shall be produced to the court that convicted the young person and the court may take his previous behaviour (as described in the statement) in-

to account when sentencing him for the offence.”

It is so important to put him in jail that they repeat it—and you are going to tell me that I cannot talk about it? You are joking.

**The Speaker:** Please do not impute any improper motive to this Chair; I warned you several times about it. You have every right to speak, but you do not have any right to impute wrong doing to this Chair or to any Minister or any Member of this House or of the Government unless you have proof.

Simply debating does not mean that you understand it and we do not because you are absolutely wrong there. We do; we have the same concerns you have, but do not impute improper motive and you have done it.

**Mr. V. Arden McLean:** Mr. Speaker, I am not imputing any improper motives. I am just saying that it appears like I cannot debate the generality of this Bill.

*[Inaudible interjection]*

*[Pause]*

**Mr. V. Arden McLean:** Hear who is talking. There are two that remain in here that made more challenges of the Chair than anyone else.

Mr. Speaker, I see where this is going because the Premier is sitting there, under his breath

**The Premier, Hon. Alden McLaughlin:**—trying to help you.

**Mr. V. Arden McLean:** No, he is not trying to help me. He is trying to encourage you to use your powers of the Chair. That is what he is doing, but I will call everybody out. That is how it is going to work, okay?

It is also my understanding, in my 17-plus years, that the government will have its way, but the opposition must have its say; and at all times, the minority must be protected. That is a tenet of democracy, because while the Government has the majority—and that may reflect in the majority of the populace—the Members on this side also represent a sector of society which needs representation.

Mr. Speaker, I yield.

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

Does any other Member wish to speak?

*[Pause]*

If not, does the mover wish to exercise his right of reply?

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

I thank the honourable Member for his very helpful contribution and just to clarify that, as far as this Bill is concerned we are not changing the definition of 'young person' throughout the Youth Justice Law; we are just changing it for the purpose of section 28 to allow those persons who fall between 17 and 18 who are not caught by the Adults Caution Law to also be eligible for caution, but the definition of Young Persons under the Youth Justice Law remains the same in all other respects. That is all this Bill is seeking to do, it is not a full-scale change.

Having said that, I take on board his observation about us taking a more holistic look at the challenges that face young people; I think it is a genuine concern and it is certainly our contemplation that going forward we will have that sort of a dialogue, Mr. Speaker. We know there are a lot of at risk youngsters around; Government has been doing things over the years to try to address that and we pledge to continue in that vein, so I certainly thank you for those observations. They are something that we certainly wish to take on board going forward.

Thank you, Mr. Speaker.

*[Crosstalk]*

**The Attorney General, Hon. Samuel W. Bulgin:** The Spent Conviction Law?

*[Crosstalk]*

**The Attorney General, Hon. Samuel W. Bulgin:** We are looking at a narrow window here—we are looking at someone between 14 and 18. After they become 18, certainly this is not recorded as a conviction or a caution; this falls away. They now progress to becoming adults and to be dealt with under this other law.

*[Crosstalk]*

**The Attorney General, Hon. Samuel W. Bulgin:** No, the section... Sorry, Mr. Speaker.

If you look at section 28(5) it says "**If a young person who has received a caution is convicted of an offence...**" So this section is relevant as long as you remain a young person; that is all it does.

*[Crosstalk]*

**The Attorney General, Hon. Samuel W. Bulgin:** After 18 it does not apply.

*[Crosstalk]*

**The Speaker:** Members, if there is any doubt, then we go into Committee, Members have an opportunity to ask questions and go back and forth and offer amendments which this Chair will accept if the Government agrees, but we cannot have this cross-debate.

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

I thank Members for the support. Thank you.

**The Speaker:** The question is that a Bill shortly entitled "The Youth Justice (Amendment) Bill, 2018" be given a second reading.

All those in favour, please say Aye; those Against, No.

**AYES**

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

**Agreed: The Youth Justice (Amendment) Bill, 2018, was given a second reading.**

#### **TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 2018**

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

*[Pause]*

**The Speaker:** The Honourable Minister for Commerce.

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

Honourable Speaker, I beg to move the second reading of "A Bill for a Law to amend the Trade and Business Licensing Law to simplify the application procedure; to exempt Caymanians from aspects of the application procedure; to empower the Board to enter into arrangements with relevant public authorities to facilitate the direct receipt of information; and for incidental and connected purposes."

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

The Honourable Minister:

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

Mr. Speaker, this Bill seeks to amend the Law to simplify the application procedure for obtaining a Trade and Business Licence. The intent is to address the challenges and collective concerns expressed by the business sector and remove some of the unnecessary requirements expected of applicants. It also

seeks to exempt Caymanians from certain aspects of the application procedure and empowers the Trade and Business Licensing Board to liaise with relevant public authorities to facilitate the direct receipt of information.

Mr. Speaker, this Bill is arranged into four clauses:

Clause 1 seeks to provide for the short title and commencement of the legislation.

Clause 2 seeks to amend the principal Law to provide that a reference or a current utility bill is required from an applicant who is not Caymanian. The provision also seeks to amend the principal Law to exempt Caymanians from the requirement to provide a police clearance certificate when submitting an application for a licence under the Law, except where the application is for a licence in a sector for which the Board determines that a police clearance certificate is required.

Clause 2 also seeks to amend the Law to provide that where an applicant is a company, it may provide the required company documents or it may permit the Board to receive the information directly from the relevant registry. Similarly, an applicant who is required to provide a police clearance certificate may provide the certificate or permit the Board to receive the information directly from the relevant registry of the Royal Cayman Islands Police Service. Additionally, clause 2 seeks to amend the principal Law by providing that the Board may enter into an arrangement, understanding, or agreement with any public authority, to facilitate the electronic or other receipt of the information required under section 18(2E). By way of the exemptions and the options for the Board to receive information electronically, the provisions in clause 2 aim to make the application procedure more streamlined and manageable.

Clause 3 seeks to amend the principal Law to provide that a licence shall not be renewed where the applicant is not compliant with this Law and Laws relating to employee pensions, employee health insurance and labour relations. Clause 3 removes the requirement for first time applicants for licences to be compliant with employee pensions, employee health insurance and labour relations at the point of application for the licence.

Clause 4 seeks to amend the principal Law to remove the requirement to publish by order any conditions or restrictions that are attached to licences by the Board. The provision states that the Board may attach conditions or restrictions as it considers fit in the interest of, among other things, public safety and public health. These changes to the current Law are intended to create a more business-friendly environment that supports business development and entrepreneurship and serves to help, rather than hinder, growth and success within this most important segment of our economic community. Recognising the

business sector contribution as drivers of economic growth and job creation, one of the centrepieces of this, as well as the previous administration's strategic focus, has been to put policies and reforms in place to streamline and improve the business process experience.

Programmes and initiatives designed to assist in unlocking the true potential of commerce in this country have been implemented during the term of the last administration through to the present time, resulting in tangible benefits and improvements being realised by business owners. One such example is the Micro and Small Business Incentive Programme, which government first introduced in August 2014, which has now been renewed for a further two years. This programme reduced the cost of doing business by significantly lowering, and in some instances eliminating, the Trade and Business licence fees for qualifying micro and small businesses.

Mr. Speaker, this initiative helped Caymanians start more than 1,000 new small businesses, which effectively doubled the number of business licences granted, compared to the preceding year. The resulting economic growth helped to renew investor confidence and served as a catalyst for more development, more opportunities and further expansions of large and small businesses alike.

Mr. Speaker, in 2014, 573 new businesses applied under this programme; 524 of those were grants. In 2015, 1754 applied and 1,343 of these were grants. In 2016, 3,529 businesses apply under the incentive, 978 of these were grants; and in 2017, 4,196 businesses applied under this incentive and 1,254 of those were grants.

Mr. Speaker, as we could see by the number of renewals, this incentive has been working and small businesses are thriving in this economy; the Ministry's support of programmes like these stems from the recognition that small businesses are the lifeblood of our domestic economy and their collective contributions are vital to the economic health and prosperity of this country. Given that more businesses and commercial activity translate into more jobs for our people, Government has remained steadfast in its commitment to take bigger and bolder steps to facilitate development of a simple, stable and effective business environment.

Mr. Speaker, this unity government made a commitment to provide more support to small and micro businesses, as well as to do more to assist Caymanians wishing to start and grow their own businesses. In fact, it was pledged that 25 per cent of the regulations that hinder small business would be abolished within the first 18 months of assuming office.

While these continue to be key priority areas for Government, I am pleased to affirm in this honourable House, that the Ministry of Commerce, Planning and Infrastructure, on behalf of the Government, is

delivering on that pledge. Tremendous strides are being made to strengthen essential processes and eliminate unnecessary barriers in an effort to positively impact the business experience and cost of doing business across the board but particularly, for small and micro-sized businesses.

Mr. Speaker, in order to reduce the effort required by businesses to obtain their Trade and Business Licences, an inter-agency team began streamlining the application process and amending relevant legislation in order to eliminate unnecessary paperwork. The project is being completed in phases and in conjunction with the new online application system for use by the Department of Commerce and Investment.

Phase 1 was completed in January of this year (2018) and removed the following requirements from the application process:

- the need for a cover letter
- a business plan
- strata approval
- character reference; and
- replaced Lease Agreement with a "Letter of Intent".

By amending the current Law and regulations, we streamlined the Trade and Business License application process. The government will achieve an average reduction overall of 50 per cent in terms of the requirements and red tape which Sole Traders and Registered Companies will need to traverse in order to obtain a Trade and Business Licence.

Efforts are also underway to facilitate the submission of applications and renewals online, as part of the wider e-government initiative, which is anticipated to be launched by June 1<sup>st</sup>, 2018. It is anticipated that these amendments will go a long way in supporting business creation, development and expansion and will ultimately improve the odds of success for commercial enterprises of all sizes, particularly the small and micro-sized.

Mr. Speaker, I greatly appreciate the Government's ongoing commitment to this sector, coupled with the willingness to not only continue the positive momentum, but to take it several steps further, in order to stimulate growth opportunities to allow businesses to take their enterprise to the next level. As a consequence, my Ministry continues to work hard to introduce a wide range of initiatives, which if you will allow me, I will speak to briefly.

Mr. Speaker, one of the strategic broad outcomes outlined in Government's most recent Strategic Policy Statement (SPS) is to improve the avenues through which advice and support is made available to entrepreneurs wanting to start or grow a small business. I am happy to report that my Ministry is working with key stakeholders on setting up a Small Business Development Centre, commonly referred to as an SBDC, to boost the level of support delivered to this

segment of the business community. Proposed services to be offered through the development centre include:

- Professional business counselling;
- Technical training; and
- Assistance with gaining access to funding

These services are intended to be long-term, relationship-based and involve programmes of development which are anticipated to feed directly into economic growth. It is intended that the services provided by the SBDC will complement existing business support services which are provided by the Chamber of Commerce and the Cayman Islands' Small Business Association. The Ministry will be working closely with those industry partners and other relevant stakeholders to take this plan forward.

Mr. Speaker, it would be remiss of me not to take a moment to publicly thank my Ministerial colleagues who, without hesitation, agreed to provide funding in the budget to allow us to examine ways to set up a comprehensive, one-stop-shop, that will promote and cater to the interest of this sector.

Mr. Speaker, the Ministry has also been examining the possibilities for the recreation of a National Investment Bureau, with a view to encourage overseas and local investments into the Cayman Islands. The Investment Bureau is envisioned as being a one-stop-shop for investors wishing to do business in the Cayman Islands and it is proposed that the Bureau will offer investment facilitation, meet and greet services and investment brochures and booklets.

Additionally, to drive inward investment and represent our interest abroad, the Ministry will be exploring the possibilities of attending trade shows and conferences in key locations. It is anticipated that the Bureau will provide an avenue through which to positively promote the Cayman Islands to overseas governments, individuals, organisations and the media. Over time, this will enhance our Islands' reputation in the global arena, and will augment existing efforts to attract inward investment to our shores.

Mr. Speaker, turning our attention now to the youth; I am very keen to ensure that opportunities exist, that will allow younger persons in our community to pursue their dreams of becoming entrepreneurs or independent wage earners. To promote this initiative, and to strengthen relations between students and the businesses, my Ministry continues to work with the University College of the Cayman Islands' (UCCI) Student Consulting Programme. This programme is a joint partnership between the Ministry of Commerce, the University College of the Cayman Islands and Cayman National Bank (CNB). This year marks the highest student and business participation rate, with a total of 19 students and seven small businesses. It is

also the first year that some of the small businesses have been owned by teenage alumni of UCCI.

Supporting the creation and development of small business is one of the most important priorities of my Ministry and this youth programme, geared towards the next generation of business owners, is another example of the steps being taken to encourage and develop business and opportunities at every level, Mr. Speaker.

Broadly speaking, the initiatives I highlighted illustrate that Government is taking action on a number of fronts to facilitate sustainable, productive and inclusive growth within the business and commercial sectors.

**The Speaker:** Honourable Minister.

Honourable Premier, Standing Order 10(2).

### **Suspension of Standing Order 10(2)**

*[Hour of Interruption]*

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

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

**The Speaker:** The question is let Standing Order 10(2) be suspended to enable the business of the House to continue beyond the hour of 4:30.

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

**AYES**

**The Speaker:** The Ayes have it; the House will continue until we finish.

Honourable Minister:

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

Broadly speaking, the initiatives I highlighted illustrate that Government is taking action on a number of fronts to facilitate sustainable, productive and inclusive growth within the business and commercial sectors. While these may sound like convenient catch-phrases, they are in fact the principles which guide our focus and decision-making on a daily basis.

All businesses operating in the country play an important role as employers and contributors to our economy. As Minister of Commerce, I am proud to say that our business sector is motivated, innovative and entrepreneurial, and it is against this back drop that the Government and my Ministry are pragmatically and progressively doing everything possible to support and promote this sector.

The Ministry will continue to support the efforts of the Chamber of Commerce and the Cayman Islands' Small Business Association and maintain dia-

logue to further strengthen the close collaborative business relationship that currently exists between the Ministry and these key stakeholders.

The Ministry has been listening to the collective concerns expressed by the business sector and this Bill seeks to amend the Law to address these challenges and remove some of the unnecessary requirements expected of applicants.

It also seeks to exempt Caymanians from certain aspects of the application procedure and empowers the Trade and Business Licensing Board to liaise with relevant public authorities to facilitate the direct receipt of information. We have a number of recommendations that arose during the twenty-one day consulting period; these amendments will be addressed in the Committee on Bills, as appropriate.

Mr. Speaker, in conclusion, I want to thank this honourable House and its Members for their assistance over the last few months in providing information and support that we could get to this point.

I therefore commend the Trade and Business Licence Amendment) Bill, 2018 to Members of this honourable House for passage.

Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? The Honourable Leader of the Opposition:

**Hon. D. Ezzard Miller, Leader of the Opposition:**

Mr. Speaker, the Opposition generally supports anything that can be done to improve the Trade and Business Licence in Cayman; however, Mr. Speaker, we do have some concerns, and while I listened attentively to the Minister of Commerce lauding the success of the Bill, one wonders why he now needs to amend the Bill if it is doing such a good job in getting all these new businesses up and coming.

Mr. Speaker, that leads me to the fact that I believe it is time in this country to have some kind of fair trade competition legislation, coupled with some kind of a certificate of need, because the question that I have for the Minister of Commerce is: of those 1,000 business licences that were given out, how many businesses are still in existence today, four or five years later? I would hazard a guess many of them, even if they exist, are not doing so well, because without some kind of certificate of need and some kind of Fair Trade Competition Act, how many beauty salons can this country accommodate?

Many of these small businesses that have been granted these new licences are simply reducing the opportunity for existing licensees to make any money or even break even, because they are providing the exact same service to the exact same clientele.

The Opposition, Mr. Speaker, does not support the idea proposed by the Chamber of Commerce, that we need to grow the population of this country in

some short period of time to 100,000, simply to provide customers for the businesses who have obtained licences because I can very well recall Mr. Speaker, in the 90s when we had a downturn in the economy, the solution by the same people at that time, when we had between 30,000 and 35,000 people was that we needed 60,000 and that would solve the economic problems of the government and the country. Well, Mr. Speaker, today we have the 60,000 and what do we have? More crime, more social ills; more Caymanians are in debt beyond their means, more people are losing their houses, and more people are not getting jobs so, growth that is not managed in some way, is not always good for the country.

The other extreme is also becoming very prevalent in our world of commerce here, Mr. Speaker, which is the non-competitive nature of conglomerates being created by super-wealthy people in controlling large sectors of the economy; so, Mr. Speaker while we agree with some of the changes in the Bill, we have some concerns.

It says in clause 2 (a) **“Evidence of status as a Caymanian, if any...”** We wonder whether you are going to put it in the regulations or whether we put it in the law, what constitutes that evidence of status as a Caymanian; because that is a thing that is being thrown around the country now, that we Caymanians have to prove that we are Caymanian, even though we can produce birth certificates that our parents were Caymanian, et cetera, that is not being accepted by certain aspects of the economy.

We are not sure what the purpose is for an applicant who is not a Caymanian to produce utility service bills, whether that utility service bill is being used to demonstrate residence on the Island or what is the purpose of that person, who may be the minority shareholder in the business—that is the 40 per cent—having to produce a utility bill?

We have some concerns that the legislation puts in place the requirement of the applicant to produce evidence of health insurance, evidence of pension and that they comply with basically all the other laws in the country to get a business licence because we already have legislation and Boards and bodies who have the responsibility to regulate those industries. Are we conceding that they are not doing their job and therefore they need the assistance of the Trade and Business Licensing Board to force people to comply because the regulatory agencies are not doing their job?

We are also concerned when it comes down to (2F) where it states that, **“The Board may enter into an arrangement, understanding or agreement with any government department or public authority to facilitate the electronic or other receipt of information under subsection (2E)”**; whether that refers to this information on health insurance and

pension, and why is it not requiring the authorisation of the applicant to get that information. We believe it is important that the applicant gives authorisation for the government to use that information against them.

We are not sure why you need the par value of the shares in the company in order to get a business licence.

We believe that in clause 3, which amends section 19 of the principal Law, under 1A, **“(1A) A licence shall not be renewed by the Board where - (a) it is satisfied that any of the provisions under subsection (1)(a) apply to the applicant for renewal; or (b)—and this is the section that we believe is a little bit broad and you could get some unnecessary interference by the Board itself, because it says “the applicant is not compliant with this Law or any other applicable Law regulating the applicant, including Laws relating to employee pensions, employee health insurance and labour relations in the Islands and the applicant has not taken the necessary steps to resolve the non-compliance.”**

Does this mean, if I do not have a driver's licence and apply for a business licence, the Board can refuse my application? Does it mean that if I am involved in an employee dispute with my health insurance company that has not been completely resolved, the licence can be denied?

We would like to see some kind of time frame opportunity given to the applicant for renewal if the Board believes that they are not complying with a particular law that the Board believes they should be compliant with; the applicant should be so informed and given a 30 or 60-day period to demonstrate compliance rather than refused a licence.

We also would like to see under **“(2D) Every Caymanian applicant shall be exempt from the requirement under subsection (2C)—which is the production of a Police record—except where the application is for a licence for a trade or business in a sector where the Board determines that it is mandatory for every applicant to provide a police clearance certificate.”** We would prefer to see a schedule as part of the law, of those sectors of the economy that the Board could make that determination on, as opposed to leaving it up to the Board to decide.

For instance, the Board may be concerned about whether a person applying for a business licence to operate a school has a Police Record, but the person has to get a licence from the Education Department, who makes a judgment as to the competence of the professional, the social, moral and ethical concerns about the person for that licence; in their determination, although they are subjected to that scrutiny by the other agency and they have gotten that licence, the Board can then arbitrarily, basically, say *‘we think you should produce a Police Record.’*

We would like to see the Law or the regulations develop a schedule of businesses or sectors of the economy for which the Board could override the exemption in 2(c), where the Caymanians do not have to provide a Police record. If we can negotiate some of those changes during the Committee Stage, Mr. Speaker, we can offer our support to the legislation.

**The Speaker:** Does any other Member wish to speak? The Member for George Town Central:

**Mr. Kenneth V. Bryan:** Thank you, Mr. Speaker.

I rise to give my conditional support to the Bill. I do believe that the Minister, in his attempts to fix the Ministry he is in charge of, should be credited because I had the opportunity to watch him try to effectively do the research necessary, talk to relevant stakeholders in the industry and effectively brought changes to this Parliament. I have heard him speak about it and follow through with his hopes with the business community and, in particular, the small business community so I commend him on that, and intend to give the support to this particular Bill.

I am glad to see that the Minister now in charge has recognised that there have been failures in previous legislation and is willing to make the adjustments. I think more adjustments are still necessary and I hope that I can get to explain those right now in my contribution.

Mr. Speaker, in my constituency over the last eight months, I have had a number of small businesses come to me about the new regulations and how difficult it has been for them; those persons are mainly cooks. We all know that, particularly in George Town, we have many cooks and bakers and since the new Trade and Business Licence requirements came into play, it created much difficulty for them to comply because of them working from home but having to meet the same requirements of an industrial kitchen for a restaurant.

I heard the Minister speak about his efforts to help small businesses and entrepreneurs. There have been many small businesses and entrepreneurs across the Island for many years and they never go much further than that; that is their little niche market, they do not do much more than a little order here and there. However, some of these regulations are putting them at a place where they have to become like a major restaurant and most individuals who do those kinds of things cannot afford what some other business owners can do, in respect to making the amendments, say for instance, in those industrial kitchens, industrial stove, sinks and the like.

I know that most of these requirements on these small businesses are from a safety and health perspective, but I have had the opportunity to examine some of them and I think that there could be a re-examination of that balance and I will give you an ex-

ample, Mr. Speaker: any person who is applying for a Trade and Business Licence to be a cook now has to have an industrial stove with a hood roof for the purposes of the gas or oil trap—

*[Inaudible interjections]*

**Mr. Kenneth V. Bryan:** For cooking oil fires being a safety hazard.

In discussing this, because they are so small, the services these cooks provide to their community is no different than, say for instance, a large family of seven Caymanians in a home who cook up a big old Sunday dinner; so, unless these requirements are suggesting that a Caymanian family that has seven or eight people in the house cooking on a regular stove, has to get those same safety requirements, these requirements on these small businesses that cook at home make no sense, and it is making it rather difficult for them to operate because they do not want to be operating illegally in the Cayman Islands.

I think there needs to be a re-examination of that middle-ground for many of those seniors and small entrepreneurs, particularly bakers. We do not see a number of major bakeries and every time you see one pop up, within a year you hear they went out of business because they simply cannot operate on the basis of the requirements on a large scale—we do not have the population for it.

One of the things I heard by way of feedback, and I am not sure of the protocol, Mr. Speaker, but I actually have a petition here that was sent to me this morning, knowing that this Bill was going to be drafted and I had the intention to speak to the Minister about it and I am going to give him respect and speak to him afterwards, but basically, I have a number of concerned cooks who think there can be a middle-ground found in respect of these requirements because they are just too steep and they are very costly. By all means they want to meet these requirements but they simply cannot from a cost perspective.

Mr. Speaker, what makes this even worse is that many of these persons have this as a part-time job because of the high-cost of living in the Cayman Islands. They have a main job and they will use their weekends to cook a little food or bake cakes for special events and what have you and they say, *'you know what, I'll simply go get a business licence and be operational because I do not want this illegally'*; but when you sign up for that, you end up having to pay about \$30,000 just to make the requirements to continue to do something from which you make a \$100 or \$200 on the weekend—it makes no sense.

If we want to continue to support small businesses, the mom and pop shops, we have to find the middle-ground. Mr. Speaker, in this argument, something I had to say with my constituents is that I have to see things two ways, because a person who wants to

go big market and open a big shop has to meet these requirements, so why shouldn't you? So how do you find a balance?

Mr. Speaker, something the Government can do is to say *'okay, if you are a small business of this size, you are not allowed to sell more than this amount of your products.'* Limit them, so at least those who are actually going out there and spending the big money for the big requirements, like the industrial kitchens and the like and renting a big shop and what have you, can feel well, okay then, they have a larger piece of the pie to shop from.

What I am saying is that a middle-ground has to be found because currently, many cooks—at least in my constituency and the people who have come to me—cannot survive under these requirements. For one, the banks have not been giving many Caymanians loans anyhow, unless you have land already put up and if you have land, you might as well end up selling that and use the money anyway, rather than paying interest. They are not giving many small business loans; the Minister has acknowledged that is an area that needs to be worked on, and he is working on that—I have seen his efforts trying to negotiate with banks, so I give him credit for that—but, even more reason to find a middle-ground for those persons who cook from home. I am speaking about persons in my constituency who just cannot make it.

I am hoping that the Minister will take what I have said this evening and even be willing to have a conference with me and some of my constituents about these concerns. I know that there are other options available to the Government to investigate; I know this Government does not want to undermine those small mom and pop businesses, even though they want them to be compliant. We all want them to be compliant but if that compliance is so far out, then you are going to have many people still doing it illegally.

When the Government started on this notion of getting everybody paying pension and licence and giving them cheap business licence fees as well as even free for a period of time, if I remember correctly, everyone was hopping down the road to the Trade and Business Licence to go do it, but they did not realise the requirements, the hoops they had to go through just to get it, would cost them an arm and a leg—and that was for a person who already did not have legs.

Mr. Speaker, though I support this Minister, because I have seen him work; I trust that he is competent and he is going to follow through with everything but I am asking, on behalf of the constituents of George Town Central, and George Town and Grand Cayman and all of the Cayman Islands because I know there are many more cooks outside of my constituency as well. That niche market simply cannot

survive on the requirements put on them, and I know a middle-ground can be found that does not put such a burden on them, even if that means limiting their business opportunities.

I think there are practical approaches that can be looked at in respect of the requirements—and I speak from an informed position. As an ex-fireman, I know some of the requirements that they have in respect to the safety elements for a household kitchen or an industrial kitchen at Camana Bay; and I am going to tell you straight, Mr. Speaker, the people from George Town Central, we do not live at Camana Bay. We cannot afford—in most cases—Camana Bay-style life and what it takes to cook a plate of oxtail or to bake a Cassava cake, might not need an industrial stove, fridge or oven to do all that, and Ms. Susan from next door does not mind paying another \$7 for the Cassava cake that is made on a traditional old Cayman Caboose.

Does that mean that Caymanian can no longer operate a business around here? What if my grandmother was alive and wanted to cook on a Caboose? Are these requirements stopping her from operating a business? We are not being practical. We are not finding the middle-ground. I say that, but I am confident that the Minister is going to find the middle-ground necessary for them to still operate.

Here is the worrying part, Mr. Speaker: I am getting to the point of the cost of living. Many of these people have a full-time job and that full-time job still does not give them enough income to survive, so they are forced to do something they grew up knowing how to do. If you think about it, Mr. Speaker, this is probably one skill that you get for free—how to cook—because everyone needs to eat; so they use that one skill they know, *'Oh everyone loved the potato salad or Cassava cake, oxtail or BBQ chicken'*, and they say *'you know what, I can make a few extra bucks here.'* So they use those extra skills sets that they have to make up for the losses; maybe an extra \$400 can carry them through to make them maintain. Without that \$400 they might find themselves easily in foreclosure within one year.

What I am concerned about Mr. Speaker is that, if a middle-ground is not found for those individuals who simply cannot: 1. get a loan or 2. do not have enough savings to meet these high demands in respect of requirements when truly speaking, they do not need to go that far to operate their small business—something that we know is our norm, to eat from your next door neighbour's kitchen—we may affect a large number of Caymanian who are depending on that for survival purposes. I am not talking about extra income to go in your savings; I am talking about an extra \$400 - \$500 that they make per month to make sure they are staying afloat.

I hope that the Minister takes my contribution into the context of this Bill and maybe give a commitment to this honourable House, hopefully to examine this area; and if he needs persons to discuss this with, who actually go through it themselves, I am happy to provide them to him; I will be presenting him with this petition from some of them after this debate.

Those are my only concerns and I just wish the Minister well. I know that he will do what he can in respect of what he is able to do, but those are my contributions and I hope they are taken into account.

Thank you, Mr. Speaker.

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

The Member for East End:

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

Mr. Speaker, I could not allow this opportunity to pass. I am happy to see that the Government has seen the errors of their ways.

Mr. Speaker, in 2014 you pointed out to them that what they were doing was wrong and it was going to stifle Caymanians. The Hansards will bear me out, sir, but I am glad that the Minister responsible, who was part of the government that put it in place, has now come and corrected what that former Minister put in place—albeit a little late. However, sometimes some of us are late in coming to God and seeing our things, but the people of Newlands were not. They knew they had to correct the mistake they had made four years prior so, everybody gets their due reward.

Mr. Speaker, I am glad the new Minister is doing now what should have been done then, but they are all complicit in it, you know, because they voted for it. I did not; I voted no.

Mr. Speaker, I do not know where that disappeared to now, but in research for this Bill I researched the Hansards and there were some very interesting comments made by your good self and the not-so-good Minister who brought it—in particular, page 726 of the Hansards of Thursday, 27<sup>th</sup> November, 2014.

The Honourable G. Wayne Panton says: **“Madam Speaker, these recommendations—that is from the Chamber of Commerce and the Board that they set up—which are reflected in this Bill, are intended to improve the ease with which businesses can be licensed, by allowing for more streamlined operations of the board and department, and greater efficiencies.**

**The proposed provisions also have an emphasis on creating a business environment in which there are clear rules to follow, and, where there are breaches of these rules, swift action can be taken to enforce them. This creates fairness across our business community. It promotes**

**proper competition and allows businesses to succeed in the best possible environment.”**

Mr. Speaker, I turn now to your contribution in which you specifically—

**The Speaker:** Honourable Member, I do not know that that would be helpful to the House and to the debate.

**Mr. V. Arden McLean:** It is helpful, yes.

Mr. Speaker, your contribution—and I am not saying you were wrong, you were much more right than he was at that time.

**“I have watched the legislation grow from small pieces here in the last 30 years to huge Bills to get things done that I think should be quite easy to spell out. I am not here crying down the Legal Department. I know how hard they work to get the aims and objectives of the Government—sometimes so convoluted that you cannot understand. I don’t know how the legal minds themselves can understand, because what happens is that as politicians are being elected, we are trying to please everybody. So when the draft goes to request for legislation, half of it doesn’t tell the story and the facts that bear that out is when you bring a piece of legislation here, you get as many amendments to it as the Bill itself trying to please everybody, and it becomes so convoluted you cannot understand it when it’s all done.”**

Now, Mr. Speaker, as I understand, my good friend the Minister of Commerce said—and I wrote this down and he may get up on a point of clarity if he so chooses—as I understand it, that these amendments will reduce 50 per cent of the red tape that was created by that same Law in 2014.

Mr. Speaker, I applaud him, but there is much more to be done; much more. There are a couple of things that I want to talk about, in particular, this thing about Police record. The question I have is what are you going to do with it? The first rule of management is do not collect information you do not need. Are we saying that we are talking about encouraging Caymanians to become entrepreneurs, but if they have a little Police record you are going to turn it down? I hope that is not what it means.

I am convinced that is what it means because section 4, which amends section 21 of the Law says, **“(4) The Board may attach such conditions or restrictions on licences generally or to licences granted to a sector or an industry as it considers fit in the interest of public safety, public order, public health or otherwise in the public interest.”**. And we are really making the board do all that?

Mr. Minister, that is so subjective, that anyone could be in a position that they turn down the opportunity to own a licence. Now, when I was much younger my dad owned a business, and of course in

them days, that is in the 60's, my father did not have any business licence but he had a trucking business. Then when my three brothers and I came along—the rule of thumb in business is go into what you know—and we knew that business, so we went to do a business licence; and it was a right at that time. What the Trade and Business Licence did in 2014 turned it into a privilege for Caymanians to get a licence and you had to crawl to the authorities to do so. I applaud the Minister for cutting it by 50 per cent, or so he says, and I hope it does.

Mr. Speaker, elsewhere in this world, particularly elsewhere in the Caribbean, do you know what happens? Businesses under a million dollars gross are given everything free because they are recognised as small businesses for your citizens' economy. In Barbados it is so. The other countries it is so. I cannot say a million dollars in this country, Mr. Speaker, maybe five hundred thousand, depending.

The Minister talks about the initiative with small business and micro business and that kind of stuff. If you want to get the incentives, you have to put in your business plan; really? That is what we have become? Mr. Speaker, you were right! In your contribution at that time you said “smothering” the people.

Mr. Speaker, I recently reapplied for a licence that I had eons ago. What did the young man Ryan say to me, when I inquired? And I am not trying to bash him or anything, but he gave me one length of things that I had to do, that I ran out one whole pen out of ink and you know I do not, like the press, buy the ink by the barrels, so I had to go borrow a pen.

We ask for Police records, we are still asking for renewals to provide evidence that you are compliant with a number of regulatory bodies, and I brought this to that young man's attention and of course he said, *'oh we are trying to do it, Mr. McLean.'* So here we are, asking to be compliant with pensions, insurance, labour disputes and the like to get a business licence renewed. Now we are changing to renewal only, because a grant [means] you are starting up.

Mr. Speaker, I would like to bring to the attention of my colleagues in this honourable House, the fact that when you are licensed in this country by a regulatory body, you have to provide it to them. Why are we taking the responsibility off one body and putting it on the other? There is health insurance that is mandatory; the Health Insurance Commission must ensure that it is enforced and if it is not enforced, they must notify all and sundry that it is not and that prompts something else. Pension is mandatory!

Let us look at the Builders Law that the Minister is now feverishly working on to get something done with the builders.

**The Speaker:** Did you say Builders Law?

**Mr. V. Arden McLean:** Builders, yes.

**The Speaker:** And you are going to relate that to this?

**Mr. V. Arden McLean:** Of course!

Mr. Speaker, to get a licence under the Builders Law you are required to have a Trade and Business Licence! The lawyers—who are governed by another law—are not required to get it, but the builders are going to be required to have a Trade and Business Licence. Do you see who is getting hurt?

Mr. Speaker, the Builders Law requires an applicant:

**“6. (1) Subject to the other provisions of this section, a business entity shall, on application made to the Board in the prescribed manner and on payment of the prescribed fee, be entitled, subject to regulations made under section 40 (2) (g), to be registered if the entity satisfies the other requirements for registration under this Part, but the Board may refuse to register an entity if—**

**(a) the Superintendent of Health Insurance appointed under the Health Insurance Commission Law, 2003 informs the Board in writing (on his own initiative or upon inquiry by the Board), which power and duty are hereby conferred, that the business entity concerned is not up-to-date with health insurance contributions;”**

That goes on for Labour, Pension and Public Liability Insurance; so the regulatory bodies have it enshrined in their law, and now we are putting it in the Trade and Business Licence. Well, we got it in there, we always did.

*[Crosstalk]*

**An Hon. Member:** We are trying to take it out.

**Mr. V. Arden McLean:** Taking it out? Upon application no, but upon renewal it is still in there. That is what it says, as far as I can read. Mr. Speaker, as I understand it, this is section 3(19), upon grant you do not have to provide it, but upon renewal you must. Then, we look at the Education Regulations, it makes provisions for anyone who wants to start educational institutions and they too, require you to comply with a clean Police record?

It bothers me why we would be taking the responsibility from one regulatory body and throwing it on to the other. The fact that you get a business licence does not mean you are going to be able to

operate in the field that you want to operate in. The due diligence must be done by that regulatory body.

**“The Education Council shall register an educational institution or institution providing educational support services if in relation to an application the Council is satisfied that there is compliance with the following minimum requirements—**

- (a) the applicant is eighteen years of age or over;**
- (b) where the applicant is an individual, the applicant has not been convicted in the Islands or outside the Islands of an offence which renders the person unsuitable to be associated with an educational institution or institution providing educational support services;**
- (c) where the applicant is a company, none of its directors or in the case of another body of persons, none of its members, have been convicted in the Islands or outside the Islands of an offence referred to in subparagraph (b);**
- (d) where a person is to be employed by the applicant or engaged (whether or not for payment) in the operation of the institution, that person has not been convicted of an offence referred to in subparagraph (b); and**
- (e) the premises in which an educational institution or institution providing educational support services is to be operated meets the requirements set out on these Regulations, in any Law and in the Ministry’s policies and guidelines.”**

So; Mr. Speaker, that tells me that you can get a business licence but it does not necessarily mean you are going to pass the hurdle to be in the education field. That is all it tells me because the Education Department is required to do that. And I only point that out to say every regulatory body in this country has its own requirements and the due diligence has to be done there. There is no need to throw it on the Trade and Business Licensing Board. It is a right once you have proven that you are Caymanian to be able to do a Trade and Business licence. It must remain a right!

So are you telling me that a young man coming out of prison wants to—let us say gardening—and he wants to be legit or maybe someone is trying to help him and they go and do a business and say, *you know, I am not helping you unless we go and get a Trade and Business Licence* and because the Board thinks that is not the place for him to be, the Board can subjectively stop it? Oh, come on. I find that

so... Mr. Speaker, in your words in 2014: so “convoluted”.

Someone said to me a few days ago, that the police in this country seem to think that their job is to prosecute, and that is precisely what all these laws are about; stop at all costs. I understand that we need to ensure that things are up and straight between the white lines and never cross the yellow lines. I understand all that, but why are we duplicating the services and making government more inefficient? That is why the Insurance Commission has the authority to enter your premises to see if you are compliant. The Law specifically says that, and the Attorney General can tell me if I am wrong. Everybody has their regulatory body.

It is an absolute requirement to have your Trade and Business licence because the people out there are going to ask you to display it, but we are using the Trade and Business licence to do the job that should have been done six months ago and shut them down when their pension or insurance is not being paid. Is that how government works? So what is the purpose of the Insurance and Pension Department? They sit down and twiddle their thumbs and wait for someone to go renew their Trade and Business licence?

Mr. Speaker, I welcome the Minister to look at these little things. As many stats as he produced here today, if it is going so good—4,000 up to 2017, I believe, and 1,000 of them were grants or something of that nature—why change it? You brought it to change it because it is convoluted and inefficient; despite all those stats, there is still something wrong with this. I believe that we can take it that much further. I want to see us give more incentives for Caymanian businesses.

Now I notice that in the amendment to it we are extending it to permanent residents and RERC. What the Trade and Business Licence Department needs to look out for—and I see Mr. Ryan here, Mr. Speaker—are those people here of independent means; their status is retirees and the like, who are in business. That is what we need to stop, but I do not know if the Government has not given them LCCL though. That is the other part of it that we need to look at, because I see the newspaper has one applying for a quarry, and as I understand it, that individual came here as a retiree of independent means. I do not know what kind of licence he has now.

The other day, a good friend of mine was doing a project and he decided not to go on with it and someone approached him about selling the rights to the drawings and the planning permission. Who is this gentleman? He was acting on behalf of someone else. What was his status here? It was Residency with the Right to Work as a waiter in restaurants, but he is a realtor too and he is soliciting financiers or developers and he is their headman so he is getting his big com-

mission out of that too, but he is only supposed to be holding waiters on his hand.

That is what we need to be looking out for, Mr. Speaker. That is what we need to look out for because what that is doing is usurping the very objective of Caymanians succeeding. And I understand that this other one that I was talking about, all these little guys bring in fish to trade and he is doing his big thing too. I will talk to you about that, Mr. Leader of the Opposition.

Again, let me applaud the Minister because when I met with him earlier in his tenure, that was one of the subjects that we discussed and he said that he was going to try and do it as quickly as possible. He recognised then that it was not creating a business friendly environment. I hope his wish comes true that this goes a long way in reducing some of the red tape, and some other things that were put in there that placed a noose around Caymanians' necks; the only thing that was left to do was to push them off the stool, because the rope was hooked up to the nearest grape tree—and almond tree.

Like you, Mr. Speaker, when you say you cannot blame the drafters; they do what they are asked to do. I am sure, in many instances, they make recommendations like they used to make to me—that that is not conducive with this or with that or what have you, but we know what the previous four years gave us. Hopefully this Minister can correct it all, but the people in Newlands did the job for him.

Mr. Speaker, I—

*[Inaudible interjections]*

**Mr. V. Arden McLean:** I don't know why my good friend in the North East corner is telling me to back off; I am going to follow whatever he tells me to do. He's smiling; I better follow what he says—he is a senior man.

Mr. Speaker, I encourage the Minister to go a little further. I also encourage him to take that provision about being compliant with pension and all that for renewal. That needs to come out because Pension and Insurance have the responsibility.

I thank you, Mr. Speaker.

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

Does any other Member wish to speak? *[Pause]*

Does any other Member wish to speak? *[Pause]*

If not, does the Minister wish to exercise his right of reply?

**Hon. Joseph X. Hew:** Thank you, Mr. Speaker.

I thought I was bringing good news, and I am just as baffled as the young Premier in the Youth Parliament on Monday. I obviously brought one Bill and everybody else is looking at another.

*[Crosstalk]*

**Hon. Joseph X. Hew:** Mr. Speaker, I would like to thank the Leader of the Opposition for his constructive input. The Bill was intended to address some of the red tape that Caymanian businesses, in particular small businesses were facing, and not to address fair trade or consumer protection or anything of that sort. We will be having a comprehensive review of the Trade and Business Licensing Law and we do have plans and some funding in place to start the groundwork on fair trade and consumer protection; but this Bill was to deal with the red tape and to make the process easier for businesses in the Cayman Islands, small businesses in particular, to operate.

The Leader of the Opposition spoke about the need for non-Caymanian applicants to produce utility service bills; that is there simply for some of the Anti-Money Laundering (AML) requirements such as Knowing your Customer (KYC), and to ensure that whilst we can confirm that our Caymanians are real people, this foreign partner—this non-Caymanian individual—is actually a real person and we have that information on them where they are domiciled, et cetera.

Both the Leader of the Opposition and the Member for East End spoke about the provisions for Pension and Insurance.

In section 2:

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

**(d) If applicable, evidence of compliance with the Law relating to employee pensions or employee health insurance in force in the Islands where application is for renewal;”**

Section 2(E), states:

**“An applicant may provide the information required under subsections (2A), (2B) or (2C) with the application; or may permit the Board to receive the information directly from the relevant registry maintained by government or a public authority.”**

So it is a self-certification opportunity there, where the person simply ticks a box on the form allowing the Trade and Business license Board to ensure that they are in compliance with the relevant authorities.

*[Inaudible interjections]*

**Hon. Joseph X. Hew:** Mr. Speaker, the Honourable Leader of the Opposition spoke about the need for Police records in certain professions and he gave an example of a school and I agree with him on that one, but there are also the applications for a baby sitting service, which would not be registered or licensed under the Education Law. The Board felt that in some circumstances they may want to require a Police record depending on the services being offered.

I will take the Honourable Leader of the Opposition's suggestion on a schedule, and I will discuss that with the team and perhaps that is one way to address that issue. There are a few other suggestions made by the Honourable Leader of the Opposition that we will certainly take into consideration and discuss with him before the Committee Stage Amendments.

The honourable Member for East End commented on my reading of the statistics about the reduction of 50 per cent of the requirements and he said in this amendment. I did not rise to correct the Member at that time, but I said "by amending the current Law and regulations and streamlining the Trade and Business Licence application process". That was referring to the items I read out, that were covered in phase 1, which were enacted in January of this year, and included:

- the removal of the need for a cover letter
- the removal of the need for a business plan—because you repeated that; we did not need legislation to remove those
- the removal of strata approvals
- the removal of the character references; and
- we replaced the Lease Agreement with a Letter of Intent, in particular when it is a new application because quite often you need a Trade and Business Licence to get your bank account before you can even enter into a lease.

**Mr. V. Arden McLean:** What was there was convoluted and was killing people.

**Hon. Joseph X. Hew:** So I said that amending the current Law and Regulations, and streamlining the Trade and Business Licence application process, the Government will achieve an average reduction over all of 50 per cent, not just from these.

*[Crosstalk]*

**Hon. Joseph X. Hew:** Mr. Speaker, the Member referred to many of the requirements that I covered in the January roll-out of phase 1. We have also gotten

past the idea that you have to go out and provide pension and insurance.

I reiterate: this is a self-certification where you simply tick a box; and now that we have online access to the General Registry, we can have some of this information provided to us without having to put the applicant through the process of going in and standing in one line, waiting 30-40 minutes to get one piece of paper to move over two feet to stand in another line to put in an application. We now have the ability to move that information internally.

Mr. Speaker, perhaps when the honourable Member for East End goes to do his renewal he will not have to carry any pens whatsoever, and can actually do it online and it will take him five or ten minutes.

*[Crosstalk and laughter]*

**Hon. Joseph X. Hew:** I feel confident in saying that we will allay some of the Member's fears as to the number of requirements or the amount of paperwork that he has to do in order to renew his Trade and Business licence.

The Member for George Town Central brought up the issue of micro or small businesses having difficulty in fulfilling the requirements which he believed are under this, and in particular the new Trade and Business regime; unfortunately Mr. Speaker, those requirements fall under separate laws.

In fact, we removed the need to produce those when applying for your Trade and Business licence but unfortunately, members of those authorities, namely Planning, Fire, the Department of Environmental Health, either sit on the Trade and Business Licensing Board or are notified whenever we issue a new Trade and Business licence and they are the ones that will enforce requirements for institutional kitchens, fire hoods, commercial equipment, grease traps, paved parking lots, you name it.

Unfortunately, those do not fall under Trade and Business Licence, however we have been discussing with the Chamber of Commerce, and I think we will potentially be having our first meetings to form a multi-agency Board that will actually offer—for lack of a better description—an amnesty for the Trade and Business Licence regime.

Whilst we have almost all but made it effortless to apply for a Trade and Business Licence, and certainly in the micro and small businesses that the Member for George Town Central spoke about—we have all but removed all fees except for the application fee—we recognise that if someone does come in for their Trade and Business Licence, they will be exposed to other laws such as the Planning Law, Department of Environment or the Health Law and also Fire; but what we are discussing with the Chamber of Commerce is assisting those persons in navigating

the requirements under those different laws and departments.

This is something that we can consult with them before they actually even put the application to say this is what is going to be expected for this type of business and whether or not you fall under a cottage industry or you will require a full-blown Trade and Business licence. Unfortunately, the Trade and Business Licence regime has no power over that. As I said, we have tried to make it easier, even for those who are currently licenced who had to go out, run around and chase down these inspections and get this physical copy every time they had to renew or put in for a new Trade and Business licence. We now put the onus on the different departments, that they have to go out and do their own inspections and due diligence.

The other aspect that we are doing to address or assist persons such as the persons that the Member for George Town Central spoke about would be the Small Business Development Centre when we get that up and running. As I explained earlier, the Small Business Development Centre will be very much a relationship-based programme where we will be able to assist some persons; even if they are going from a cottage industry of baking one or two cakes during the week to perhaps wanting to do a bit more, the Small Business Development Centre will be a place where that person can come in and receive the guidance and help to:

- a. navigate the regulatory authorities
- b. setting up the structure of their business and hopefully, down the road, financing to help them grow.

So, whilst I cannot address it and we cannot help with the Trade and Business Licensing regime, we are making other efforts, namely in the partnership with the Chamber of Commerce on the amnesty programme and also on the Small Business Development Centre which, once up and running, will be able to help persons navigate through those regulatory authorities.

Mr. Speaker, a comment was made both by the Honourable Leader of the Opposition and by the Member for East End, about the success of the incentive programmes that the previous government put in place and this Government has renewed for the next two years. I just wanted to go back through those numbers slowly for them.

- In 2014, there were 573 applications received. 524 of those were grants, so we had a few new companies apply under the scheme, some renewed under the scheme.
- In 2015, 1,754 applications came in under the scheme. 1,343 of these were grants,

which meant that we had 413 new applications.

- In 2016, 3,529 companies applied under the incentive programme, 978 of these were grants, which means that we had a whopping 2,551 companies renewed under the incentive programme.
- In 2017, we had 4,196 companies apply under the incentive programme. 1,254 of these were grants and 2,942 were renewals under the scheme.

That tells me clearly that the incentive programme is working and that at least, after four years, 2,942 companies are still thriving under this economy and this Government.

Mr. Speaker, with those few words I thank the Members for their input and I ask for their support in the passage of this Bill.

Thank you very much.

*[Desks thumping]*

**The Speaker:** The question is that a Bill entitled The Trade and Business Licensing (Amendment) Bill, 2018.

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

**AYES**

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

**Agreed: The Trade and Licensing (Amendment) Bill, 2018 was given a second reading.**

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

**The Speaker:** Premier.

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, may we have a division please?

**The Speaker:** Madam Clerk, a division.

**Division No. 10 2017/2018**

**AYES: 15**

**NOES: 0**

Hon. Alden McLaughlin  
 Hon. Moses I. Kirkconnell  
 Hon. Juliana Y. O'Connor-Connolly  
 Hon. Dwayne S. Seymour

Hon. Roy M. McTaggart  
 Hon. Joseph X. Hew  
 Hon. Tara A. Rivers  
 Hon. Bernie A. Bush  
 Capt. A. Eugene Ebanks  
 Ms. Barbara E. Conolly  
 Mr. David C. Wight  
 Mr. Austin O. Harris, Jr.  
 Mr. Alva H. Suckoo, Jr.  
 Mr. Anthony S. Eden  
 Mr. Christopher S. Saunders

**ABSENTEES: 3**

Hon. D. Ezzard Miller  
 Mr. Kenneth V. Bryan  
 Mr. V. Arden McLean

**The Speaker:** The results of the division are: 15 Ayes and 3 absent.

The House will now suspend until 7:15pm.

**Proceedings suspended at 5:59 pm**

**Proceeding resumed at 7:35pm**

**The Speaker:** The Assembly resumes its seating; please be seated. The House will now go into Committee.

**House in Committee at 7:36 pm**

*[Hon. W. McKeeva Bush, Chairman]*

**COMMITTEE ON BILLS**

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

Would the Clerk please state the Bill and read the Clauses?

**YOUTH JUSTICE  
 (AMENDMENT) BILL, 2018**

**The Clerk:** Youth Justice (Amendment) Bill, 2018.

*[Pause]*

**The Clerk:**  
 Clause 1: Short title

**The Chairman:** Are there any questions on clause 1? If not, I will put the question that the clause does stand part of the Bill.

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

**AYES**

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

**Agreed: Clause 1 passed.**

**The Clerk:**

Clause 2: Amendment of section 28 of the Youth Justice Law (2005 Revision)

**The Chairman:** Are there any questions on the clause? If not, I will put the question that the clause does stand part of the Bill.

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

**AYES**

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

**Agreed: Clause 2 passed.**

**The Clerk:**

Clause 3: Amendment to First Schedule - Custody and Detention of Young Offenders

**The Chairman:** I have received notice of the amendment and have given the Member leave to bring the same.

The Honourable Attorney General:

**The Attorney General, Hon. Samuel W. Bulgin:** Thank you, Mr. Chairman.

Mr. Chairman, in accordance with provisions of Standing Order 52 (1) and (2), I beg to move the following amendment to the Youth Justice (Amendment) Bill, 2018:

In clause 3, the Youth Justice Law (2005 Revision) be amended in the First Schedule as follows—

- (a) in paragraph 2 by deleting the words “Her Majesty’s pleasure” wherever they appear and substituting the words “the court’s pleasure”; and
- (b) in paragraph 5 by deleting the word “Governor” and substituting the word “court”.

*[Pause]*

**The Chairman:** The question is that the amendments stand part of the clause. Does any Member wish to speak? *[Pause]*

The Member for North Side:

**Hon. D. Ezzard Miller, Leader of the Opposition:** Mr. Chair, I am not sure that I am following what the Attorney General is doing. Are you inserting this clause 1 A and B after clause 3? Because the

amendment says: “by inserting immediately after clause 1 in the Bill, the following clauses—”.

**The Attorney General, Hon. Samuel W. Bulgin:** I am taking direction but I think clauses 1 A and B are being treated as new clauses, right?

**The Clerk:** Hmmm.

**The Attorney General, Hon. Samuel W. Bulgin:** So those will come after we finish.

**Hon. D. Ezzard Miller, Leader of the Opposition:** Okay, so you are just dealing with the amendments on the back now. Okay.

**The Chairman:** The amendment was moved. If no other Member wishes to speak, the question is that clause 3 as amended stands part of the Bill.

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

**AYES**

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

**Agreed: Clause 3 as amended stands part of the Bill.**

#### **NEW CLAUSE 1A**

**The Chairman:** The Honourable Attorney General.

**The Attorney General, Hon. Samuel W. Bulgin:** Thank you, Mr. Chairman.

In accordance with the provision of Standing Order 52 (1) and (2), I move the following amendments to the Bill:

“By inserting immediately after clause 1, the following clauses—

1A. The Youth Justice Law (2005 Revision) is amended in section 2 by deleting the definition of the word “Governor”.

1B. The Youth Justice Law (2005 Revision) is amended, except in paragraph 5 of the First Schedule, by deleting the word “Governor” wherever it appears and substituting the word “Cabinet”.

**The Clerk:**

New clause 1A: Amendment of section 2 of the Youth Justice Law (2005 Revision).

**The Chairman:** The new clause 1A having been read a first time, the question now is that the clause be read a second time.

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

**AYES**

**The Chairman:** The Ayes have it. The clause is deemed to have been read a second time.

**Agreed: New Clause 1A passed.**

*[Pause]*

**The Chairman:** The question is that the clause be added to the Bill as clause 1A and the subsequent clause be renumbered accordingly.

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

**AYES**

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

**Agreed: Clause 1A stands part of the Bill.**

#### **NEW CLAUSE 1B**

**The Clerk:**

Clause 1B: General amendment of the Youth Justice Law (2005 Revision).

**The Chairman:** The question is that this clause be added to the Bill as clause 1B, and the subsequent clause be renumbered accordingly.

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

**AYES**

**The Chairman:** The Ayes have it. Clause 1B is added to the Bill.

**Agreed: Clause 1B stands part of the Bill.**

**The Clerk:** A Bill for a Law to amend the Youth Justice Law (2005 Revision) to make provision for the application of cautions to persons under the age of eighteen and to remove references to “Her Majesty’s Pleasure” in conformity with the Constitution; and for incidental and connected purposes.

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

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

**AYES**

**The Chairman:** The Ayes have it. The title now stands part of the Bill.

**Agreed: Title passed.**

**TRADE AND BUSINESS LICENSING  
(AMENDMENT) BILL, 2018**

**The Clerk:** The Trade and Business Licensing (Amendment) Bill, 2018.  
Clause 1 Short title and commencement

**The Chairman:** Are there any questions on the clause? If not, the question is that the clause now stands part of the Bill.

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

**AYES**

**The Chairman:** The Ayes have it. The clause now stands part of the Bill.

**Agreed: Clause stands part of the Bill.**

**The Clerk:**

Clause 2 Amendment of section 18 of the Trade and Business Licensing Law, 2014 (Law 21 of 2014) - application for grant or renewal of a licence

**The Chairman:** I have been given notice of an amendment. The Honourable Minister of Commerce:

**Hon. Joseph X. Hew:** Thank you, Mr. Chairman.

In accordance with provisions of Standing Order 52 (1) and (2), I, the Minister responsible for Commerce, Planning and Infrastructure, give notice to move the following amendments to the Trade & Business Licensing (Amendment) Bill, 2018.

“That the Bill will be amended in clause 2 as follows by deleting subsections (2D) through (2F) and substituting the following subsections—

“(2D) an applicant who is

- (a) Caymanian
- (b) a permanent resident; or
- (c) the holder of a Permanent Residency and Employment Rights Certificate,

and who has been legally and ordinarily resident in the Islands for five or more years shall be exempt from the requirement under subsection (2C) except where the application is for a licence for a trade or business in a sector where the Board determines that it is mandatory for every applicant to provide a police clearance certificate.

(2E) to the extent that the information required under sections 18 or 19 to support an application for the grant or renewal of a licence is held by a relevant public authority or government agency, an applicant may permit the Board to receive that information directly from the public authority or government agency where—

- (a) the Board has entered into an arrangement, understanding or agreement with the public authority or government agency; and
- (b) the information is material, adequate, current or relevant or as may otherwise be prescribed by Regulations.

(2F) The Board may enter into an arrangement, understanding or agreement with any government department or public authority to facilitate the electronic or other receipt of information under subsection (2E)

(2G) Where an applicant does not utilise the option under sub-section (2E), the applicant still has an obligation to provide the information to the Board.

(2H) The Cabinet may make Regulations exempting certain applicants or classes of applicants from any or all of the provisions under section 18.

(2I) For the purposes of this section—

- (a) “permanent resident” has the meaning assigned under section 2 of the Immigration Law (2015 Revision); and
- (b) the expression “holder of a Permanent Residency and Employment Rights Certificate” has the same meaning as the expression has under section 31 of the Immigration Law (2015 Revision).”.

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

**Hon. D. Ezzard Miller, Leader of the Opposition:** Yes, Mr. Chairman.

**The Chairman:** The Member for North Side.

**Hon. D. Ezzard Miller, Leader of the Opposition:** Mr. Chairman, I have a little concern with (2D). Are we suggesting that a Caymanian who, for instance, comes back from university could be asked to provide a police certificate because he has not been legally

and ordinarily resident on the Islands for five or more years? Also, the Employment Right Certificate is a seven-year certificate so I don't know why we...

I can see it in the case of the Permanent Resident, but I do not know why we are adding that hurdle to the Caymanians; even in the case of the Employment Right Certificate, are we saying that somebody who is married, if the husband or wife wanted to apply for a business licence, they have to wait to be an ordinary resident in Cayman for five years or they would have to produce a police record?

**The Chairman:** The Minister of Commerce.

*[Pause]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** I think this is worse than before.

*[Pause]*

**Hon. Joseph X. Hew:** Thank you, Mr. Chairman.

This change is proposed to include minority shareholders that may be permanent residents or spouses of Caymanians. It also considers Caymanians that have resided overseas for many years and I would say that students would be exempted from this because they are still resident; they are off Island as students. I think we are talking about persons that have lived overseas five or more years continuously—

**Hon. D. Ezzard Miller, Leader of the Opposition:** But they are still Caymanian.

**Hon. Joseph X. Hew:** And return to Cayman to start a business. In this case the Board would not have a way of knowing if those Caymanians have a criminal record in their previous jurisdictions.

**Hon. D. Ezzard Miller, Leader of the Opposition:** We get back to the fundamental question: are we asking for police records because the Business Licence Board is going to deny people a business licence because they have a criminal record?

**An Hon. Member:** It depends on what the record is.

**Hon. D. Ezzard Miller, Leader of the Opposition:** But it does not say that; then it should categorise what are the crimes that we would not want.

**Hon. Joseph X. Hew:** We will address the police clearance through the regulations by having a list of the categories of business licences that the Board would require police records.

**Hon. D. Ezzard Miller, Leader of the Opposition:** Again, I would prefer under (2H) not to give Cabinet

that whole caveat. I would like to see a schedule of the classes they would consider waiving it for, because we are making this Law for future years, you know. This says "exempting certain applicants, or classes of applicants, from any or all of the provisions under section 18". There are some things that I don't want you to be able to exempt them from—for example, being a Caymanian.

*[Crosstalk]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** I would be more comfortable if we could narrow it down somehow or improve the definition thereof.

**An Hon. Member:** It is broad.

*[Crosstalk]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** I think we need to look at the wording, because someone might want to come here and set up an industry or a 2,000 room hotel and part of their request to make the investment is that Cabinet give them this waiver.

Under this, Cabinet would have the authority to give it to them so they wouldn't need to meet any of the criteria to get a business licence. I just do not like it. I do not think it is fair for the. . .

*[Crosstalk]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** No, I do not want those kinds of uses. I do not want to have access to those kinds of uses when I get there if I get there. I have been there before and I did not need that.

*[Laughter]*

*[Pause]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** You are asking too much now.

*[Laughter]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** I mean it is your Bill; you got the majority, I am just raising my concerns because. . .

*[Crosstalk]*

**Hon. D. Ezzard Miller, Leader of the Opposition:** Okay, fine. I did my job.

**The Chairman:** The Member for Newlands.

**Mr. Alva H. Suckoo, Jr.:** I just want to add to what the Leader of the Opposition is saying. I understand the need for these sort of catch-all clauses, but I think they create the expectation that when individuals want to bypass the regulatory regime that is in place, what they will do then is to automatically go straight to Cabinet and ask for it to be waived.

We know how it works so I, too, would caution against having it worded this way. I do not know if the Minister could explain what “classes of applicants” mean?

**Hon. D. Ezzard Miller, Leader of the Opposition:** Sorry to interrupt but even if it said that Cabinet would have the ability to exempt for certain provisions of section 18, but not the whole section! How this is written, you can decide that an applicant or a class of applicants can be exempted from one of the sub-clauses or the whole clause 18, which basically makes a mockery of the whole Business Licence regime, if you are going to be exempted from all the requirements to get the business licence in the first place.

*[Crosstalk]*

**An Hon. Member:** Suppose the classes are Caymanians?

**Hon. D. Ezzard Miller, Leader of the Opposition:** I still do not want them to get exempted from all of these; I think Caymanians still need to comply with some of the things in the Bill to have a licence.

**Hon. Premier, Alden McLaughlin:** Mr. Chairman, the proposal is not that everybody gets exempted. A proper case would obviously have to be made to the Cabinet for it to exercise the discretion which this provision would confer. I think we are making a mountain of a molehill, really.

**The Chairman:** The Member for George Town Central.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Chair.

I just want to have it noted that I have the concern as the Opposition Leader. I think we are presuming that we are going to have good Members of this honourable House forever and a day. We do not know what the next government may be like or the one after that; it may not be as honest as all of us in here, so I think it is a reasonable concern to have.

Just for clarity, in respect of the police record, are you saying that the Schedule will identify when they will be required to present it?

Thank you.

*[Crosstalk]*

*[Pause]*

**The Chairman:** The Honourable Minister of Commerce.

*[Pause]*

**The Chairman:** Member for George Town Central, were you soliciting some reply from the Honourable Minister?

**Mr. Kenneth V. Bryan:** I got my answer from the Minister directly, but there is a question I would like answered as well: can he explain the definition of “classes of applicants”?

Can you refine that, because it almost sounds like there is an element of racism here, if you think about it—the way it is worded, can be misinterpreted.

**The Chairman:** Honourable Minister of Commerce.

*[Pause]*

**Mr. Alva H. Suckoo, Jr.:** It was actually my question through you, Mr. Chairman—asking for a definition of classes of applicants.

**The Chairman:** The Minister is conversing with one of his officers so, please give him time. He needs to deal with the matter pertinent to George Town Central.

**Mr. Kenneth V. Bryan:** Mr. Chair, as a matter of clarification, my question was already answered by the Minister.

I was just assisting by saying there was a question presented by the Deputy Opposition Leader that needed to be addressed, and hence he followed up. I think that is what they are trying to clarify now.

**The Chairman:** Okay.

**An Hon. Member:** First class, second class.

**The Chairman:** I don't think we can get confused this time of night now.

*[Laughter]*

**An Hon. Member:** Rich class, poor class, upper class, lower class.

*[Pause]*

**Hon. Joseph X. Hew:** Thank you, Mr. Chairman.

We are talking about certain applicants or classes of business or classes of applicants; so in other words, categories of businesses or classes of business.

**Hon. D. Ezzard Miller, Leader of the Opposition:**

Well, change “classes” to “categories” then.

**Mr. V. Arden McLean:** Mr. Chairman.

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

**Mr. V. Arden McLean:** Mr. Chairman, I had my own thing here but we cannot say we are talking about that when it is already here. It would have to be defined someplace else, what “class of applicants” mean, because it can be construed in any way, by anybody. So if you are going to put it here, we need to change it.

*[Crosstalk]*

**Mr. V. Arden McLean:** Pardon me?

*[Crosstalk]*

**Mr. V. Arden McLean:** Are you saying that it can go through regulations and defined then?

**The Chairman:** Yes.

**The Attorney General, Hon. Samuel W. Bulgin:** Mr. Chair, through you, sir.

I am just pointing out to the Member that the section says that the Cabinet may make regulations; so all of those concerns he is having about, basically, belt and braces language can be included in the regulations itself.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Mr. Chairman, with all due respect, I do not see where it says that, though. You are saying regulations can be made but I thought the Attorney General said earlier that this section says that they can make regulations to it.

*[Crosstalk]*

**Mr. V. Arden McLean:** At (2H)? Yeah. Okay.

**The Chairman:** Member, (2H) says: “The Cabinet may make Regulations exempting certain applicants or classes of applicants from any or all of the provisions under section 18.” If that helps, that is what it says.

**Mr. Kenneth V. Bryan:** Mr. Chair, I have a rather novice question and I hope the audience forgives me for this.

**The Chairman:** There is no audience in here except Members.

**Mr. Kenneth V. Bryan:** Sorry, my apologies; the Members.

Is it assumed that we are going to accept the interpretation of what “classes of applicants” mean based on the Minister’s response, and assume that when we support this amendment, what he said before will end up in the Regulations? Because we asked for that definition and it was given to us. I think some of us accepted what that clarification of “classes of applicants” mean. And now we have the Attorney General suggesting that, that clarification will be defined in the Regulations as what “classes of applicants” mean. But we are expected to vote on it now before the Regulations are presented; is that how the process works?

**Mr. V. Arden McLean:** Yeah, I guess so.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, just to clear this up. It was I who caused this ruckus, right.

*[Laughter]*

**The Chairman:** You can take the blame.

**Mr. Alva H. Suckoo, Jr.:** I am just trying to establish what the intent is. Once the intent is on the record, then Cabinet can go and make the Regulations but it needs to be stated on the record what that intent is, when you talk about “classes of applicants”. Thereafter, Cabinet can go about doing its business. To be comfortable with this, I would like to know what the intent is.

**The Chairman:** If I should ask though, “classes of applicants” is not a new definition or phraseology.

*[Crosstalk]*

**The Chairman:** Classes of business?

**Mr. V. Arden McLean:** Mr. Chairman, can he speak on the mic for us, so we can hear what he is saying?

**The Attorney General, Hon. Samuel W. Bulgin:** I am sorry.

I am saying that the word “class” is an acceptable legal term. For example, we have certain classes of companies in Cayman; we have different types of Companies in Cayman. We have different classes of banks operating in Cayman, different classes of businesses and so on. So it is an acceptable forensic term.

**Mr. Alva H. Suckoo, Jr.:** Mr. Chairman, I just want to establish what we mean when we say “classes of applicants” for the record and that is it.

**The Attorney General, Hon. Samuel W. Bulgin:** We are not talking about demographics, if that is what you are talking about.

**Mr. Alva H. Suckoo, Jr.:** No, but what does it mean? You see, that is my question.

*[Inaudible interjection]*

**The Chairman:** They mentioned racism, so you know, they. . .

**Hon. D. Ezzard Miller, Leader of the Opposition:** In most cases an applicant would be a person; a company can apply too but in most cases, the applicant would be a person.

*[Crosstalk]*

**Hon. Premier, Alden McLaughlin:** Mr. Chairman, can I suggest that we use the word “categories” instead and get away from any. . .

**The Chairman:** Can we leave the Attorney General to do that or do you need a substantive amendment now?

**Hon. Premier, Alden McLaughlin:** He says it is okay.

**The Chairman:** Yes, okay.

**Hon. Juliana Y. O’Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands:** Mr. Chairman, perhaps to satisfy the other side we may wish to express an intent; the intent of the word “class” as it appears in the provision is intended to mean “category” and the record will so reflect.

**Mr. Alva H. Suckoo, Jr.:** Thank you, Ma’am. That is exactly what I asked for.

**The Chairman:** We are good. We are good on that.

**Mr. V. Arden McLean:** Mr. Chairman.

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

**Mr. V. Arden McLean:** Thank you.

Mr. Chairman, I would like to go back to (2D) on the matter of “legally and ordinarily resident in the Islands for five or more years...”

What happens when a Caymanian who has not been home for five or more years comes home? That is ten years that they could not start a business—the five while they were overseas and the five

while they are home. Not start a business, but is required to submit a police clearance to put in an application.

**Hon. Joseph X. Hew:** That would be for a new application.

**Mr. V. Arden McLean:** Someone who has not been for five years is required to provide a police clearance.

**Hon. Joseph X. Hew:** Mr. Chairman, that is correct; from the jurisdiction that they resided in before coming back home. So if you resided in London for five, six, seven, eight years, then we could require a police record from—

**Mr. V. Arden McLean:** Oh! You would accept from overseas?

**Hon. Joseph X. Hew:** Yes.

**Mr. V. Arden McLean:** Yeah, because I did not understand that. It was my notation here. It will be accepted from the jurisdiction you were living in. Okay, alright.

**Mr. Kenneth V. Bryan:** Mr. Chair. Just have another follow-up question.

**The Chairman:** The Member for George Town Central.

**Mr. Kenneth V. Bryan:** Thank you, Mr. Chair.

We have established that there are some categories that a police record will not be required and the ones that will not be required will be listed.

So is this suggesting that if you have been away for five years, you will be required, even for those types of normal categories that you do not need a police record for?

**Mr. V. Arden McLean:** No, only the ones you need it for.

**Mr. Kenneth V. Bryan:** That is what I am trying to establish. Will it be only for the ones that are necessary? I just want the Minister to say it on record, Mr. Chair, because I think it is an important factor.

If a Caymanian comes back from living abroad, regardless if it is school or not, basically this can be interpreted that you would need a police record, but what I am suggesting is: the categories where you do not need a police record, this would not matter to them. It would only be for those circumstances where they need the police record.

**The Chairman:** I thought that was cleared up earlier, though.

**Mr. V. Arden McLean:** It is not clear, though. Remember the Board can ask for anything.

**The Chairman:** Are you going to keep us here tonight until it is about 2 o'clock?

*[Pause]*

**Mr. Kenneth V. Bryan:** Mr. Chair, I think my question is invalid because the last sentence does say a "business in the sector where the Board determines that is mandatory for every applicant to provide a police clearance certificate".

**The Chairman:** So you have it as invalid?

**Mr. Kenneth V. Bryan:** Yes, sir.

**The Chairman:** I understand that we have cleared all the questions—or are there outstanding questions on people's minds?

*[Inaudible interjection]*

**The Chairman:** I know the Minister is still conversing with one of his officers. I just want to make sure that, as far as you are concerned, you have answered all the questions?

**Hon. Joseph X. Hew:** Thank you, Mr. Chairman; yes.

**The Chairman:** Alright.

If no other Member wishes for any other matter to be raised, the question is that the amendment stands part of the clause.

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

**AYES**

**The Chairman:** The Ayes have it. The amendment stands part of the clause.

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

**The Chairman:** Does anyone wishes to speak on the amendment? If not, I will put the question.

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

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

**AYES**

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

**Agreed: Clause 2 as amended stands part of the Bill.**

**The Clerk:**

Clause 3 Amendment of section 19 - restriction on grant or renewal of a licence

Clause 4 Amendment of section 21- grant of licence and expedited licence

**The Chairman:** Are there any questions on the clauses? If not, I will put the question.

The question is that clauses 3 and 4 do stand part of the Bill. All those in favour, please say Aye; those against, No.

**AYES**

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

**Agreed: Clauses 3 and 4 as amended passed.**

**The Clerk:** A Bill for a law to amend the Trade and Business Licencing Law to simplify the application procedure; to exempt Caymanians from aspects of the application procedure; to empower the Board to enter into arrangements with relevant public authorities to facilitate the direct receipt of information; and for incidental and connected purposes.

**The Chairman:** The question is that the title does stand part of the Bill.

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

**AYES**

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

**Agreed: Title passed.**

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

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

**AYES**

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

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

**House resumed at 8:20 pm**

*[Hon. W. McKeeva Bush, Speaker, presiding]*

**The Speaker:** The House has been resumed. Please be seated.

## REPORT ON BILLS

### YOUTH JUSTICE (AMENDMENT) BILL, 2018

**The Speaker:** The Honourable Attorney General.

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

I beg to report that a Bill shortly entitled the Youth Justice (Amendment) Bill, 2018 was considered by a Committee of the whole House and passed with amendments.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

### TRADE AND BUSINESS LICENSING (AMENDMENT) BILL, 2018

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

**Hon. Joseph X. Hew:** Mr. Speaker, I would like to report that a Bill shortly entitled the Trade and Business Licensing (Amendment) Bill, 2018 was considered by a Committee of the whole House and passed with amendments.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

The Honourable Premier:

## ADJOURNMENT

**Hon. Premier, Alden McLaughlin:** Thank you, Mr. Speaker.

Mr. Speaker, before I move the adjournment of this honourable House, I think everyone is aware that tomorrow is Private Members' day; the Government therefore proposes that the balance of its business be dealt with on Friday.

I move the adjournment of this honourable House until 10am tomorrow morning.

**The Speaker:** The question is that this honourable House do now stand adjourned until 10am tomorrow morning.

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

**AYES**

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

The House will stand adjourned until tomorrow 10:00am

**At 8:23 pm the House stood adjourned until  
Thursday, 15 March, 2018.**