



**CAYMAN ISLANDS LEGISLATIVE ASSEMBLY
OFFICIAL HANSARD REPORT
2017/2018 SESSION**

Thursday, 15 March 2018
Second Sitting of the Third Meeting
(Pages 1-55)

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, JP	<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
THIRD MEETING 2018/19 SESSION
THURSDAY
15 MARCH 2018
10:47AM
Second Sitting

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

The Speaker: Good morning.
I will call on the Member for Savannah to say prayers this morning.

PRAYERS

Mr. Anthony S. Eden, Elected Member for Savannah: Let us pray.

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

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

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

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

As King David says in Psalm 119: Pray for Peace in Jerusalem.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

The Speaker: None.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

The Speaker: Only that I have been notified of late arrivals because of other official duties of the Honourable Minister of Financial Services and Councillor Capt. A. Eugene Ebanks.

PRESENTATION OF PETITIONS

The Speaker: None.

PRESENTATION OF PAPERS AND OF REPORTS

PLAN AND ESTIMATES FOR 2018/2019 FINANCIAL YEARS BUDGET STATEMENTS, OWNERSHIP AGREEMENTS AND PURCHASE AGREEMENTS FOR 2018 AND 2019 FINANCIAL YEARS

The Speaker: The Honourable Minister of Finance.

Hon. Roy M. McTaggart, Minister of Finance and Economic Development: Good morning, Mr. Speaker and colleagues. Thank you, Sir.

Mr. Speaker, on behalf of the Government, I would like to lay on the Table of this honourable House, the finalised 2018 and 2019 Budget documents.

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

Hon. Roy M. McTaggart: Briefly, Mr. Speaker.

In accordance with section 22 of the Public Management and Finance Law (PMFL), the Government is required to finalise its four budget documents that consist of: Budget Statements, Purchase Agreements, Ownership Agreements and Plan and Estimates. These four finalised documents have just been Tabled.

As you know, Mr. Speaker, the initial budget documents with respect to the 2018 and 2019 financial years were Tabled in this honourable House on the 27 October, 2017. Since then, the budget documents have been updated to correct typographical errors and to

provide enhanced information resulting from the Finance Committee's review and scrutiny process. Furthermore, the documents have been signed by the relevant parties including Honourable Ministers, Chief Officers, Statutory Authorities, Government-owned companies and non-government output suppliers.

Mr. Speaker, copies of the finalised 2018/19 Budgets are available on the Ministry of Finance and Economic Development's website, www.mof.gov.ky. Additionally, the finalised budget documents will be e-mailed to all Honourable Members as opposed to printing and binding hard copies in order to save the approximately 2900 pages it would take to print one set of the four budgeted documents. Multiplied by 19, this will save almost 55,000 pages.

Having said that, Mr. Speaker, if there are Honourable Members who would wish hard copies of one or more of the documents, I ask that they let me know and printed and bound copies will be produced for them.

Thank you, Mr. Speaker.

**THE ANTI-CORRUPTION COMMISSION
ANNUAL REPORT
1ST JULY 2016 TO 30TH JUNE 2017**

The Speaker: The Honourable Attorney General.

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

I seek the leave of the House to lay on the Table the Anti-Corruption Commission Report for the period 1st July 2016 to 30th June 2017, along with an Executive Summary, especially as the latter relates to enforcement of the Law during this period.

The Speaker: So ordered.

Does the Honourable Member wish to speak thereto?

The Attorney General, Hon. Samuel W. Bulgin: Mr. Speaker, very briefly with your leave.

I wish to offer a brief overview of the executive summary of the report for the relevant period 2016/17 being Tabled pursuant to section 23 of the Anti-Corruption Law which requires the Attorney General and the Deputy Governor to prepare a report, and for the Attorney General to lay it on the Table of the House hence the basis of the Executive Summary which deals mostly with the issue of enforcement.

Mr. Speaker, as Members are aware, the Commission was created under the Anti-Corruption Law, 2008 and came into effect January 2010. The Commission is responsible for the Administration of this law, including receiving, considering and investigating reports to the Commission and allegations of corruption. They are also mandated to receive requests including from anti-corruption agencies overseas, and to analyse and

disseminate disclosures of information concerning corruption offences or suspected offences also as required by the Law. They are expected to detect and investigate suspected matters, including attempts and conspiracies to commit such offenses.

In August of 2016, the Governor appointed the following commissioners:

Chairman: Richard Coles
Commissioners: W. Norman Bodden, OBE
Sophia-Ann Harris
Kadi Pentney
Timothy Ridley, OBE

During the relevant reporting period as it relates to the enforcement of the Law, the Commission received ten complaints or reports of corruption, conducted 54 interviews, arrested 11 persons, served one letter for production of documents and submitted six reports to the Office of the Director of Public Prosecutions (DPP).

At the end of the reporting period, the Commission is actively investigating seven cases and have concluded five cases. Ten cases were transferred to other investigative units and they were awaiting further information in respect of some eight cases. Further, the commission received three overseas' requests for assistance and in return the Commission made two overseas requests on its own motion.

Mr. Speaker, the Commission also entered into a multi-lateral Memorandum of Understanding (MOU) with the Cayman Islands Monetary Authority and other Cayman Islands government agencies, as part of their compliance with the Financial Action Task Force (FATF) requirements; it also entered into separate MOUs with the Royal Cayman Islands Police Service (RCIPS) and the Financial Reporting Authority (FRA), in order to enhance cooperation and assistance between the entities, thus further streamlining the inter-agents coordination and cooperation among domestic agencies.

The Commission also revamped its website and engaged with numerous entities on both local and international levels to establish and foster greater working relationships and in furtherance of fulfilling its overall legislative mandate. The full 2016-17 annual report is attached along with the Executive Summary.

I encourage Members of this House, as well as the wider public, to familiarise themselves with their contents. Both the summary and the report will be available on the anti-corruption commission's website.

Thank you, Mr. Speaker.

[Pause]

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

The Speaker: The Elected Member for North Side, Honourable Leader of the Opposition.

QUESTION No. 6
UPDATE ON THE MARKING OF “NO DIVE ZONES”
IN NORTH SIDE AND THE REMOVAL OF THE DIVE
BUOYS WITHIN THE “NO DIVE ZONES”

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

Mr. Speaker, I beg to ask the Honourable Minister of Health, Environment, Culture and Housing the following question: Can the Honourable Minister give an update on the marking of the “No Dive Zones” in North Side and the removal of the dive buoys within the “No Dive Zones”?

The Speaker: The Honourable Minister of Health, Environment, Culture and Housing.

Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing: Thank you and good morning, Mr. Speaker.

The answer to the Member for North Side and Opposition Leader:

The “No Dive Zones” in North Side remain unchanged from what was established in 1988, and there are no dive buoys located within those “No Dive Zones”. The dive buoys that the Member for North Side may be referring to mark four very popular, internationally-known tourism and scuba diving sites; these buoys are frequented by both fishing boats and diving boats, and are available on a first-come-first-served basis.

Thank you, Mr. Speaker.

The Speaker: Supplementaries?
The Member for North Side.

SUPPLEMENTARIES

Hon. D. Ezzard Miller, Leader of the Opposition: Through you, Mr. Speaker: can the Member say when the No-Dive Zones in North Side are going to be properly demarcated.

The Speaker: The Honourable Minister?

[Pause]

Hon. Dwayne S. Seymour: Mr. Speaker, the Department of Environment (DoE) stands ready to do its part when it comes to marking the boundaries of the currently gazetted No-Dive Zones.

However, as that process involves obtaining permission from land owners, the Planning Department, and most likely the National Roads Authority (NRA), the Ministry and the DOE would prefer to first resolve any misunderstandings about the current boundaries of the No-Dive Zones instead of going

ahead and demarcating the zone as they are, and then having to go through the process all over again a short time later.

If the Member for North Side and the Government agree that the boundaries are to be adjusted, then they would have to mark the buoys all over again.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker, I crave your indulgence for five minutes because this is getting really, really, really, really ridiculous.

These no dive zones, as you will be aware Mr. Speaker, were created in the 1986 legislation but have never been properly demarcated. I understand the lobby from the diving people and the tourism industry, that they do not want these no-dive zones demarcated because they consistently continue to infringe the Law.

The Speaker: When you say “they” consistently infringe the law, you are talking about. . .

Hon. D. Ezzard Miller, Leader of the Opposition: The divers, Mr. Speaker.

We have two problems: we have the dive boats—the live-aboard dive boats—that consistently violate the zones. They use the buoy that is provided for them by DoE and they tie the stern line onto the coral! They dive and tie it on to the coral! The tourism facilities in the districts of East End and North Side consistently send shore diving groups to dive in these zones.

I am going to try not to use un-parliamentary language Mr. Speaker, but I am tempted; the DoE comes here consistently and misinforms the public! There is nothing in my question that talks about changing the dive zones. Why are they bringing it up? The only people who would want to change the dive zones are the DoE and the dive industry, and it is not going to happen on my watch!

Mr. Speaker, two years ago the Minister at the time was given one bland story and a pile of rubbish by the DoE in answer to a question here, claiming I was trying to expand the dive zones. Nothing could be further from the truth.

Mr. Speaker, the House and the country need to understand that when we created these dive zones in 1986 we didn’t have any GPS; we used shore land markers that still exist today; the coconut tree—a capped grape tree was blown down during Hurricane Ivan, but it was still in the bush when I took the DoE officer there two years ago, with his GPS, to show him the lines.

[Inaudible interjection]

The Speaker: I am allowing the Member some latitude because I know how important the matter is. I will ask the Member to cut it short. . .

Hon. D. Ezzard Miller, Leader of the Opposition: I do not have a problem, sir. I will go through the questions. Can the Minister say who made an application to change the zones and when was it made to the DoE?

The Speaker: Honourable Minister.

[Pause]

Hon. Dwayne S. Seymour: Mr. Speaker, there are no requests in.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Can the Minister say then, why in his answer he emphasised that the North Side dive zones remain unchanged?

The Speaker: Honourable Minister.

[Pause]

Hon. Dwayne S. Seymour: Mr. Speaker, I am advised the dive zones in North Side remain unchanged from what was established in 1988 and there are no dive buoys located within those No-dive zones.

The Speaker: The Elected Member for North Side:

Hon. D. Ezzard Miller, Leader of the Opposition: Mr. Speaker, can the Minister say why the No-Dive Zones have not been demarcated as I have repeatedly requested of the Government?

The Speaker: The Honourable Minister.

Hon. Dwayne S. Seymour: Mr. Speaker, the DoE is aware of the Opposition Leader's plight to have these marked. What the DoE is advising is that some of the areas that the Member for North Side, the Opposition Leader wants marked have not been gazetted. If Cabinet sees it fit to gazette these areas, then DOE has no problem in moving ahead and marking the entire area.

The Speaker: Last question, Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Will the Minister commit to this House to instruct the Department of the Environment to demarcate the dive zones as identified by me to them via their officer Mr. Orr over two years ago, and place on each zone three markers: one on the road side—so that the driving public will know where they can and cannot dive; one on the shoreline and one at the drop off?

Can he also commit that those buoys which exist within the proper dive zones, whether as gazetted or

not, are removed promptly? They have the coordinates so they can re-gazette it; if that is what it takes, then re-gazette it.

The Speaker: The Honourable Minister.

Hon. Dwayne S. Seymour: Consider it done.

[Laughter]

[Pause]

Suspension of Standing Order 23 (7) and (8)

The Speaker: Honourable Premier, we have reached the hour. Would you offer suspension of Standing Order 23 (7) and (8) to allow us to go past the hour?

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I beg to move the suspension of Standing Order 23 (7) and (8) in order that questions may be taken after the hour of 11 o'clock.

The Speaker: Thank you.

The question is that Standing Order 23 (7) and (8) be suspended to allow us to go past the hour of 11am. All those in favour, please say Aye; those against, No.

AYES.

The Speaker: The Ayes have it.

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

The Speaker: The Elected Member for North Side.

QUESTION NO. 7

PROCESS FOR THE TENDERING OF THE SOLID WASTE MANAGEMENT FOR THE CAYMAN ISLANDS

The Speaker: 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 Health, Environment, Culture and Housing: Can the Honourable Minister explain the process followed for the tendering of the Solid Waste Management for the Cayman Islands?

The Speaker: The Honourable Minister of Health.

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

The Ministry of Health, Environment, Culture and Housing adheres to the guidelines in the Framework for Fiscal Responsibility in Tendering Process.

The Integrated Solid Waste Management (ISWMS) Steering Committee deemed that solid waste

in Cayman would be best managed through a Public-Private Partnership (PPP). An outline business case (OBC) produced by a UK-based company determined that a “design, build, finance, operate and maintain contract” for the PPP arrangement would offer the best value for money.

The Ministry advertised a ‘request for pre-qualification’, via a local media house on the Central Tenders Committee (CTC) website, as per CTC requirements. Cabinet then instructed the Ministry along with the Department of Environmental Health (DEH) to move forward with procurement of the ISWMS based on a competitive dialogue (CD) process.

The reference project developed for ISWMS includes waste management system components that provide an ultimate aim of reducing the amount of waste going into the landfill by up to 95 per cent from current landfill amounts. It also includes the future remediation (or closing) of the three existing unlined landfills on all three Islands.

After the Competitive Dialogue process, a Preferred Bidder (PB) and a Reserved Bidder (RB) were identified. The Ministry is currently in negotiations with the Preferred Bidder to finalise a number of technical, financial and legal details before a contract can be entered into.

Thank you, Mr. Speaker.

The Speaker: The Elected Member for North Side.

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

Could the Minister say how many companies or entities responded to the request for pre-qualification and how many were pre-qualified?

The Speaker: Honourable Minister.

Hon. Dwayne S. Seymour: Mr. Speaker, a total of thirty five companies collected the pre-qualification documents; of those, only seven submitted pre-qualification documents.

The Speaker: The Elected Member for North Side, do you have any supplementary?

SUPPLEMENTARIES

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

Could the Minister say how many of the seven that actually submitted were pre-qualified?

The Speaker: The Honourable Minister.

[Pause]

Hon. Dwayne S. Seymour: Mr. Speaker, there was specific pass/fail technical and financial criteria in the PQQ document; three of the submissions failed on not

providing the mandatory three reference plans and one of the submissions failed by not providing the required project financing and the three reference plans.

Mr. Speaker, in total two Caymanian-based companies submitted a PQQ document. Of the three bidders, one withdrew during the CD process at the ISOS stage and as a result two bidders submitted final tenders, one of which was identified as the preferred bidder and the other as the reserved bidder.

The Speaker: The Elected Member for North Side.

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

Can the Minister say if the preferred bidder, who is now involved in the competitive dialogue process represents a combination of any companies that pre-qualified?

The Speaker: Honourable Minister.

Hon. Dwayne S. Seymour: No, they do not.

The Speaker: The Elected Member for East End.

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

I wonder if the Minister can tell us on what authority did Cabinet instruct the Ministry to go into competitive dialogue.

The Speaker: Honourable Minister.

Hon. Dwayne S. Seymour: Mr. Speaker, if I am allowed.

I can tell the Member that the competitive dialogue comprises the following stages:

- The pre-qualification interested bidders were given an opportunity to collect and complete a questionnaire to determine eligibility, completed on the 28th October to the 2nd December, 2016.
- Invitation to participate in the dialogue and submit outline solutions. After the Ministry's departmental tender, the review team evaluated the PQQ documents; applicants were invited to participate in this stage from the 22nd December 2016 to 10th February, 2017.
- Invitation to submit final tenders after the first round of dialogue meetings at which time bidders sought clarification on aspects of the project. They were allowed to re-evaluate solutions and present a final tender from the 24th February to the 19th April, 2017.
- Appointment of a preferred bidder and a reserved bidder was on 14th September, 2017

and the preferred bidder negotiation and contract award on October 2017 to 2018.
Thank you, Mr. Speaker.

The Speaker: Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I wonder if the Minister can tell us what is the purpose of the reserved bidder at this stage?

The Speaker: Honourable Minister.

[Pause]

Hon. Dwayne S. Seymour: Mr. Speaker, the purpose is, in case talks break down with the preferred bidder then we can go right back to the reserved bidder without having to go back out to tender.

The Speaker: The Elected Member for East End.

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

The Minister says this was done in adherence to the guidelines in the Framework for Fiscal Responsibility (FFR) in tendering process and it was also decided that it should be through PPP (Public-Private Partnership).

Now, Mr. Speaker, I wonder if the Minister can tell us how we can reach two bidders pre-qualified and we immediately go into competitive dialogue with one under the FFR—and the Public Management Law as well.

The Speaker: Honourable Minister.

[Long pause]

The Speaker: We are allowing time for the Minister to converse with his officer.

Hon. Dwayne S. Seymour: Mr. Speaker, the Member spoke about the competitive dialogue process. The process was used with all the bidders; it is an accepted procurement method used globally and effective with PPP projects. What we are in now is actually Contract Negotiations.

Thank you, Mr. Speaker.

The Speaker: Elected Member for East End.

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

The Speaker: To give you notice, you have one more supplementary after this—if you are choosing.

Mr. V. Arden McLean: Okay. Mr. Speaker, the substantive answer does not explain to this honourable House how we arrived at the preferred bidder.

Did we go through the process and eliminated all others and then went in to value engineering or cost value? Did we break it down to one bidder who had the lesser of the short comings, and that was the preferred one? Did we do that? Because this substantive answer does not say that; it says Cabinet instructed to go into competitive dialogue.

[Pause]

The Speaker: Honourable Minister.

[Long pause]

Hon. Dwayne S. Seymour: Mr. Speaker, I want to clarify that Cabinet gave approval to move forward with the procurement and the dialogue however, I must say that the preferred bidder was the highest-scoring bidder. The solution is closely aligned with the financial estimates presented in the ISWMS Outline Business Case (OBC). It met all the minimum threshold scores for the technical, financial and legal sections of the bid and the solution is deliverable.

Mr. Speaker, the period for the appointment to award the contract for the ISWMS project is the final stage of the procurement process, which is estimated to take about nine months or longer to complete. The final tender will form the basis on which the Cayman Islands and the preferred bidder are prepared to contract with each other and the preferred bidder will not be permitted to materially modify any aspects of the final tender other than in relation to the finalisation and the agreement of the reserved matters.

Designation of a preferred bidder is not a Contract Award. Once a contract negotiation regarding the reserve matters have been completed and agreed, the final contract will be prepared and awarded through the Central Tenders Committee (CTC) process.

Mr. V. Arden McLean: Mr. Speaker.

The Speaker: Last supplementary.

Mr. V. Arden McLean: I understand Mr. Speaker, but it gets more convoluted as we go on.

Mr. Speaker, the Minister is saying that the final tender. What is there to tender again? That I do not understand. We tendered it for pre-qualifications, we got seven, four did not qualify, one dropped out, we had two left, as I understand it. One of them had to win the pre-qualifications. The answer was the secondary one would be if the first one failed. What are we going back to tender for? Are we getting them to help us with the actual tendering process, which then has to go back out through CTC?

It just does not make sense.

The Speaker: Honourable Minister.

[Pause]

Hon. Dwayne S. Seymour: Mr. Speaker, the question from the Member for East End: this process will not be going back out to tender.

The Speaker: Next question?

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Mr. Speaker. I had a question.

The Speaker: I did say that was the last supplementary and I believe we have covered a lot of ground on it. I move to the next question.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Mr. Speaker, I thought you were telling the Member for East End that was his last question.

The Speaker: I am sorry that you thought that. We move to the next question.

The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I crave your indulgence, sir. I submitted two separate questions in this instance, because they are two separate and distinct matters. I will not be able to get the supplementary questions on both and Mr. Speaker, as you well know, these things are done for specific reasons.

Now, would someone tell me if I am asking a question of a Minister, should I do each question on separate sheets? Not because they are related to East End, but they need to be two separate questions.

The Speaker: I am sorry. What are you referring to?

Mr. V. Arden McLean: Question No. 8. They need to be two separate questions.

The Speaker: Honourable Member, I see no reason why this question cannot be put as it is. It affects two places, nevertheless, it is not that much of a difference and certainly your supplementaries will show that.

Mr. V. Arden McLean: Mr. Speaker, the Premier asked if I submitted two separate questions; I wonder if he wants a copy? Okay.

However, I want to be guided by your good self, Mr. Speaker, as to how we submit questions because if I submit to one Minister and I only have two questions for that Minister, should I put them in two different papers? What is happening is that it appears that we have now gone to a different thing where we are joining the questions, because I had another one that was joined as well.

The Speaker: For the sake of time and efficiencies, I see no reason why, while the Standing Order is quite clear about how questions are asked, when they are

asked, how they get on the Order Paper, I cannot see any big fuss.

When the question is about repairs, upgrades to the William Allen McLaughlin Civic Centre in East End be completed and when will the stand by generator for the East School be commissioned and put in service, it is not that much of a difference. And for efficiency sake, the legislative offices can take the necessary steps so that we have that efficiency if Members do not ramble on too long.

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

The Speaker: Just a minute. If you are asking my opinion, Honourable Member for East End, I think you have latitude, even though they are together, to get your answers.

Mr. V. Arden McLean: Mr. Speaker, I thank you if that is what you are going to allow me.

The Speaker: I will allow the normal latitude so that you can ask your questions and the Minister can answer them.

Mr. V. Arden McLean: Mr. Speaker, certainly the staff has the right to look at efficiency, but Mr. Speaker the convention is that I am notified too; and I was not notified that we were joining these, because I would have objected to it.

The Speaker: And I suggest that perhaps it was not the staff; it could have been the Ministry that submitted their answers together.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Mr. Speaker, just to chime in quickly. . .

The Speaker: The Elected Member for Newlands.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: If we are going to go through that process of combining the questions, I note that you have been very strict with supplementaries. That is going to disadvantage the Members on this side, because you may limit them to four supplementaries whereas, if it was two separate questions, it would be eight.

So, in the interest of the Opposition having its say, I think that the way that we submit the questions is the way they should be presented.

The Speaker: Perhaps the way you submit is not the way that saves time. As I said, I will give the normal latitude but we must understand too, that the Assembly staff and the Ministry want to save time. Today being Thursday, all of you should be very satisfied that we are saving time; we have a number of Private Members' Motions to deal with.

Mr. V. Arden McLean: Mr. Speaker might I . . .

The Speaker: Your turn now.

**QUESTION NO. 8 REPAIRS AND UPGRADES TO
THE WILLIAM ALLEN MCLAUGHLIN CIVIC
CENTRE AND STAND-BY GENERATOR
FOR THE EAST-END SCHOOL**

Mr. V. Arden McLean: Well, I am glad to hear that we are trying to save time in here, somehow.

Mr. Speaker, Question Number 8, which is two questions:

1. Can the Honourable Minister say when will the repairs and upgrades to the William Allen McLaughlin Civil Centre in East End be completed?
2. When will the stand-by generator for the East School be commissioned and put in service?

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

Hon. Joseph X. Hew, Elected Member for George Town North and Minister for Commerce, Planning and Infrastructure: Mr. Speaker, let me thank the Member for the question.

Addressing the William Allen McLaughlin Civic Centre issues first, and as I undertook with the Member when we visited East End, that we were going to get these repairs done. We anticipate that all of the repairs and/or upgrades will be completed by June 30th, 2018.

Let me expand on the details a little bit, Mr. Speaker. The Public Works Department (PWD) has informed us that the repairs to the cistern are being undertaken first and should be completed by the end of March. However, in the meantime, parts for the generator are being ordered and are estimated to arrive around mid-April. If all goes well, Mr. Speaker, the Genset will be repaired by mid-April.

I have been informed by Facilities Management (FM) that other repairs have been tendered and will commence on the 1st of May, 2018. It is anticipated that these upgrades will be completed by 30th June, 2018. I should also note that FM anticipates that the hall will be operational and ready for the hurricane season with only minor cosmetic upgrades being finalised during the month of June.

Addressing the second part of the question, the stand-by generator for the East End Primary School should be commissioned and put in service by around mid to end of May, 2018. To expand on this a little, Mr. Speaker, we have signed the contract to purchase the part and barring any unforeseen difficulties, the company informed us that delivery of the part along with the completion should take about six weeks.

SUPPLEMENTARIES

The Speaker: The Elected Member for East End.

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

The Speaker: Now, if I should help guide you, since there was so much commotion about the way the question was answered, you should not double up your supplementaries. Ask one at a time.

The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I thank you for your sage advice, but you know I have been down this block before.

The Speaker: Not as long as me, but you have been there.

Mr. V. Arden McLean: Not as long as you, but I know it too, though.

Mr. Speaker, on the William Allen McLaughlin Civic Centre, I would like to ask the Minister if he is aware of the schedule that was sent out sometime in 2015/16.

The Speaker: The Honourable Minister.

Hon. Joseph X. Hew, Minister for Commerce, Planning and Infrastructure: Mr. Speaker, I do not recall seeing that schedule, sir.

[Inaudible interjection and laughter]

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Thank you, Mr. Speaker; I will tell the Premier what it has to do with the price of eggs, which ones come first—the eggs or the chickens.

The Premier, Hon. Alden McLaughlin: You are supposed to be asking questions...

The Speaker: You stop commenting over there, Mr. Premier. Mr. Speaker—

The Speaker: Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, the kitchen in the Civic Centre, East End, has been outstanding since early 2013. The issue of the repairs and the upgrade to the kitchen has been outstanding since 2013.

For instance, we are now in the third month of this year. This year alone, we were supposed to have ordered the kitchen. The Minister has now said it will not be finished until June 30th. The schedule does not say that; anyway, I shall hold the Minister to that, because I keep paper—ask the Premier if I do not.

The repairs on the Genset have been outstanding for three years. I offered to go with them to show them how to clean it and they called me after the

fact. The cistern leaks have been outstanding since Hurricane Ivan, September 10th, 2004. The leak on the air conditioner has been outstanding since September 10th, 2004 and it remains; the flooring has been outstanding for as long.

Has the Minister had any representation as to when those aspects of it, i.e. the flooring and the repairs on the roof, will be completed?

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

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

Mr. Speaker, I can only answer the Minister since June, 2017, sir.

[Laughter]

Hon. Joseph X. Hew: However, I undertook to visit and agreed with the Member that those works were desperately needed. What I do have, Mr. Speaker, is a list of things being repaired and replaced in the kitchen:

- six-burner gas range
- oven
- two compartment sink
- three compartment sink
- adjustable wall faucet
- hand sink with drain and faucet
- grease interceptor
- stainless-steel tables with under-shelf
- commercial exhaust hood with an ANSUL fire suppression system
- two-door refrigerator with bottom freezer and ice-maker
- wall shelves
- Central 3-Ton air conditioning unit for the kitchen and the small office
- anodised by-pass windows
- tempered glass for the pass-through
- quartz counter tops
- porcelain floor tiles
- propane gas works
- plumbing and electrical works; and
- kitchen cabinets

I have seen the plans and the schedule of equipment and [I undertake to the Member to continue to track the progress on the project](#), Mr. Speaker.

The Speaker: The Elected Member for East End.

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

The Minister says he can only talk since June 2017; well, you should not have taken on the constitutional responsibility for all those behind you.

An Hon. Member: That includes you.

Mr. V. Arden McLean: That includes me? Absolutely, it includes me, so those who are snickering over there, you tell them you have the constitutional responsibility, not me.

[Inaudible interjection]

Mr. V. Arden McLean: You stay out of it, Premier.

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Yes, Mr. Speaker, thank you. That is your little fellow there making noise.

Mr. Speaker, I guess I will have to be satisfied with that. The Minister knows I am not trying to embarrass him, but it is about time it came on the Floor so the public knows that I was doing my job—since 2013 they would not do it.

Mr. Speaker, I would now like to turn to the East End Primary School generator. Why has it taken so long to get this commissioned and put in service?

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

Hon. Joseph X. Hew: Mr. Speaker, may I have a moment to confer.

The Speaker: Certainly.

[Pause]

Hon. Joseph X. Hew: Mr. Speaker, I thank the Member for the question.

As memory serves, and I have been informed, there were some issues with the lead agency on the generator. My understanding is that parts were ordered but arrived wrong and we reordered them. We have resolved that; I remember dealing with that very early in my tenure.

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Thank you.

Mr. Speaker, I do not want to put the Minister on the spot but this is the third time parts have been ordered for this generator and they get them wrong every time. I wonder if the Minister can tell us. . .

[Inaudible interjection]

Mr. V. Arden McLean: I know and that is why I am hesitant, because he is collateral damage; that is what is happening with him. I am just going to leave it because it is becoming frustrating. I helped us save \$60,000 on the installation of that generator when I asked them to relocate it so they did not have to do all the rubbish that they were doing and a year and more later it is still not commissioned?

It is not the Minister's fault; and when we get to the next question, it is not the Minister's fault either.

The Speaker: The Elected Member for North Side.

Hon. D. Ezzard Miller, Leader of the Opposition: Through you, Mr. Speaker, if I could ask the Minister responsible for facilities management if he would undertake to ensure that the bundle of rust beside the Craddock Ebanks Civic Centre that used to be a fuel tank, would be removed before the hurricane season starts, because it does pose a potential problem in a hurricane.

The Speaker: The Honourable Minister

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

First let me [undertake to the Member for East End to get an update and some timelines on the Gen-set.](#)

To the Member for North Side, I am very much aware of that tank as well as the one in East End; both need to be moved and [I give an undertaking to follow up on that.](#)

Thank you.

QUESTION NO. 9

THE GROWING ISSUE OF EMPLOYERS REQUIRING BORN CAYMANIANS TO HAVE A LETTER FROM IMMIGRATION DEPARTMENT ACKNOWLEDGING THAT THEY ARE CAYMANIANS

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, question 9 is asked of the Honourable Premier.

Can the Honourable Minister say what is the Government doing to address the growing issue of employers requiring born Caymanians to have a letter from Immigration Department acknowledging that they are Caymanians?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer: In order to protect against the risk of committing an immigration offence, employers must satisfy themselves as to whether a prospective employee is or is not a Caymanian. A non-Caymanian obviously, would require a work permit.

In many cases, this verification process is easy, where a person is Caymanian through the grant of that right by the Cayman Status and Permanent Residency Board or by the Cabinet, he or she is issued a Certificate stating that they are Caymanian.

In other instances where a person is Caymanian as of right, or by entitlement, the Chief Immi-

gration Officer is entrusted under Immigration Legislation with authority to validate and confirm in writing that the person is Caymanian. The exercise of producing the relevant documents for this validation process results in the issuance of a letter that serves as proof for all purposes that the individual is indeed Caymanian. An endorsement to this effect is also to be placed in the Caymanian's passport.

Mr. Speaker, the Government recognises however, the difficulties some Caymanians experience in proving their immigration status, especially when they only need to do so for the first time, later in life. Given such challenges, the Government is committed to finding a viable solution to this decades' old problem.

To this end, the legislation and administrative process for seeking an acknowledgement from the Chief Immigration Officer, that a person is Caymanian, is being examined as part of work currently being undertaken to establish the National Human Resource Department.

SUPPLEMENTARIES

The Speaker: The Elected Member for East End.

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

Mr. Speaker I have a number of questions, the first one being: the Premier says that the Government is committed to looking into this legislation and administrative process; can he give us a timeline on it?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, not with any exactitude because we are looking at a whole range of necessary changes to the Immigration Legislation.

This one is very difficult. I personally have spent a lot of time discussing how we go about it and to understand how difficult it is, you have to appreciate that Cayman is one of those unique countries where merely birth in the jurisdiction does not confer Caymanian Status so you cannot, as in other places, simply rely on the birth certificate.

You also cannot rely on the passport, because there are people who have the Caymanian passport who do not have Caymanian Status, so we have to try to devise a means of easily and simply being able to determine a person's status. There is a process, but the process is what the Member is complaining about, because it is involved, it takes time and you have to go and procure documents.

Indeed, as I said in this House before, when my elder son obtained a job at Maples and Calder, he had to go through the same process; he had to obtain a letter from the Chief Immigration Officer based on my and his mother's birth certificates, his birth in the Cayman Islands—all of those things; so I am personally aware

of what is involved. We are trying to look at this both in the immediate and the longer term.

In the longer term, for the generations to come, the obvious way to do this is to coordinate the registration processes so that when there is a live birth in the Cayman Islands, you require—there is a possible way of doing it; that is not the case now, just so people understand—that when the birth is registered, the proof of citizenship is then determined, so that the birth certificate thereafter will be proof positive one way or the other as to whether or not that person is Caymanian as of right.

All of those various things are being looked at, but the answer is not simple or straightforward, otherwise I am sure many before me and this Government would have done it.

The Speaker: The Elected Member for East End.

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

I know the difficulties that this presents to us, but it is extremely important that we work on it as fast as possible. During the PPM tenure, the real PPM tenure—

[Laughter]

Mr. V. Arden McLean: In the Government, our back bench colleague Mr. Alfonso Wright, brought a National ID Motion and I believe that is the solution because, while the Chief Immigration Officer is tasked with the responsibility and law to do this acknowledgement, he or she requires you to produce certain documentation, which is Birth Certificate and the Status of Children Law specifically says you are the child of your natural parents.

Once you get the birth certificate of your natural parents, then you are that child so anyone who was born here and registered who was not born of Caymanian heritage, the birth certificate will show that they are not of this country because if the parents were born overseas, that birth certificate says overseas, that is when the questions must start being asked. That is correct.

As convoluted and difficult as we think it is, there is an answer of bringing all this together, as the Premier said and making one ID, and on the front our picture, like the driver's licence and one question—

The Speaker: What question?

Mr. V. Arden McLean: Are you Caymanian, Yes or No. If it is ticked yes, that's it; if no, turn over and indicate work permit, residency or whatever.

Mr. Speaker, I thank you for that because no matter how much a Premier you are, others can think too, you know.

Mr. Speaker, it begs the question, when we see Caymanians born of Caymanian parents—who have

lived here all their lives—have to go through this, it is demoralising. It really gets to the people and it removes that sense of value from all of us.

The Speaker: Honourable Member, get to your question now.

Mr. V. Arden McLean: Okay, okay.

The Speaker: You have said what you thought.

Mr. V. Arden McLean: Mr. Speaker, whilst the Premier says he cannot give us any timeline, is there anything that the Government can do in the interim, like issuing a statement to the effect of what I have just said about you are recognised as a Caymanian if these things are in place? That will remove some of the problems we are having.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the other side of this is that if careful scrutiny of people who are applying for jobs is not done, we will wind up with persons actually working who are not entitled to work in Cayman without a work permit. We have a number of instances of that having occurred that I am aware of personally, but I never thought that those instances which I have had to deal with were—

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

The Premier, Hon. Alden McLaughlin: Problematic because they related to people who have been here for long periods of time; some of them were even born here; these so-called ghost Caymanians kind of situation, so I never thought that was particularly unjust or doing Caymanians a disservice, but we have to ensure that the people who are able to just walk into a job without a work permit, are actually Caymanian. That is the other side of this particular issue.

What we have to try to resolve in the shorter term is the process by which you can obtain this necessary proof of being Caymanian. I accept that the process takes too long in some cases, because at the moment only the Chief Immigration Officer is charged with the responsibility of issuing these—what are effectively certificates—that he is satisfied that the person has Caymanian status.

This is the balancing act that we are going through now and as I said, the effort is to try and improve the process and the timeliness of being able to issue this letter. But we cannot do away with the requirement, otherwise we are really opening the door for people who are not entitled to work in Cayman without a work permit, being able to do so.

The Speaker: Elected Member for East End.

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

The Speaker: Your last supplementary.

Mr. V. Arden McLean: Again? And it is my question?

Mr. Speaker, I hear the Premier; can he say whether or not he thinks a review of it can be done, because there are a number of people who can be eliminated. My children, your children, you and I can be eliminated from that requirement by virtue of birth certificate and your parents' birth certificate that we—

[Inaudible interjection]

Mr. V. Arden McLean: I understand that.

The Speaker: Question, please.

Mr. V. Arden McLean: Mr. Speaker, the Trade and Business does not require an acknowledgement; Government wants a birth certificate to define Caymanians, so I am wondering if there is not a way we can eliminate a number of those in the interim, and it will go a long way in making Caymanians feel a little bit better.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I am not sure I can add anymore; we are looking to see how the process can be improved, but in the end the objective is to ensure, like I said, that the people working in Cayman without the need for immigration control are truly Caymanian. Otherwise, we exacerbate what is already a problem on the other end, which that honourable Member and many other Members complain about bitterly—that is, Caymanians being disadvantaged in the job market.

Mr. V. Arden McLean: You stop making excuses now.

The Speaker: The Elected Member for George Town Central.

Mr. V. Arden McLean: Do not want to do anything for Caymanians.

Mr. Kenneth V. Bryan, Elected Member for George Town Central: Thank you, Mr. Speaker; through you; I hope you give me the latitude as you gave the favourable Member for East End.

[Crosstalk]

The Speaker: Question?

Mr. Kenneth V. Bryan: Mr. Speaker, I think ultimately, one thing that the Premier can and should be able to give us is at least the commitment that at the end of this

Administration this matter will be resolved because the fact that he has given no timeline is not sufficient. Are we talking about 20 years, 50 years, two months, one year? There has to be a timeline; you cannot say you cannot give a timeline. Give at least a commitment to the end of this term.

I would like to do my two questions in one. I think the Member for East End has a legitimate point that the major concerns that we have for those persons who are problematic, in respect of whether they are Caymanian or not—that they could have been born here but they are still not Caymanians, they have a passport but they are still not Caymanian—that percentage I think is minuscule, possibly in the tenths of per cent.

What the Elected Member for End is suggesting is that, even if it is a mere matter of process where the employer can call the Immigration Department with a name to say *can you give me a confirmation by e-mail that this person is Caymanian* and that could cover 90 per cent of them. It is not easy, particularly for members of George Town Central.

The Speaker: Do you have a question?

Mr. Kenneth V. Bryan: I am going to put the question now, Mr. Speaker,

The Speaker: Can you please turn that into a question?

Mr. Kenneth V. Bryan: Can the Premier then say whether there is an easy process for those other 90 per cent of Caymanians where really, truly, a birth certificate can do the job then maybe by way of a phone call with a name to the Immigration Department to make the process easier? I must say that I see that the Premier is totally understanding of the issue and the complexity, but a commitment and some early relief is what we are asking for.

Thank you, Mr. Speaker.

The Speaker: Honourable Premier.

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

It appears I have entirely failed in my explanation. There is no simple answer to this; otherwise it would have been in place a long time ago.

It is not satisfactory to simply call the Immigration Department and ask them if a person is Caymanian, because the Immigration Office has no record of Caymanian births. This is one of our big issues, in terms of lack of data and the way information is kept.

The Immigration Department has on record all the people who have applied for and been granted work permits, Status or Permanent Residency, but there are no records with respect to those of us who are Cay-

manian as of Right at Immigration, so to be able to issue anything like a certificate, the Chief Immigration Officer has to be satisfied that the child—we are talking about people as a Right—is a child of a Caymanian; and the only way he can determine that, is if you prove to him that is the case, hence the need for the parents' Birth Certificates, so it is not simple or straight forward.

Believe you me, not only do I understand the problem, but I am very empathetic about it. I get the same representation and I gave the example of my own son. The former Minister Kurt Tibbetts had to apply to have his Status acknowledged before he could run; so did the current Deputy Premier. Believe you me, we understand the issue. Believe you me, we understand the issue, but it is a result of a range of things.

The fact is that there is no such thing as Caymanian Citizenship, so what we have is a Status, because we are a British Overseas Territory, we are British citizens. Then we have—as I explained before—the fact that because you are born in Cayman, does not automatically confer upon you Caymanian Status, which is the case in many other countries. Even if you have a Caymanian passport, that does not mean you are Caymanian either. So it is very difficult, without proving through all these pieces of paper that you are actually Caymanian. That is the magic that we have to do. That is what we have to figure out. I know how Caymanians feel about it, because I feel the same way myself!

The Speaker: The Member for George Town Central.

Mr. Kenneth V. Bryan: Mr. Speaker, I apologise but the Premier did not answer the initial question which is at the very least, a commitment that it will be addressed—and fixed—at least by the end of this Administration.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I did say in the very start of the answer that we were working on it now.

Unfortunately, Mr. Speaker, I have misplaced my magic wand. I am still looking for it; if I can find it, I can waive it and can fix it and I can be able to give the Member that undertaking.

Mr. V. Arden McLean: You lose that all the time; it is not the first time you lost it.

The Speaker: The Elected Member for Newlands.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Thank you, Mr. Speaker. I think I may even have forgotten my question.

There is a similar problem that I would like to bring up while we are on this subject, which is the requirement some employers are placing on Caymanian

applicants to provide a bank reference. Now, I do not know for what purpose and I am not sure that is even a requirement of the law, but while he is looking at these issues, this is one that he could hopefully add to his list and provide some clarity on.

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: A bit out with the terms of this question but I am prepared to do so.

Mr. Kenneth V. Bryan: Mr. Speaker, one last question.

The Speaker: The Member for George Town Central.

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

Is the Premier saying that this problem cannot be resolved within the next three years and two months?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: That may be the Member's view, Mr. Speaker, but I do not think there are any problems that cannot be solved; they just require care, attention and thought to get them done—not magic.

Mr. Kenneth V. Bryan: So Mr. Speaker, is he then committing to having it resolved by the end of his term?

The Speaker: Honourable Premier.

An Hon. Member: God's willing.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I shall do as I have endeavoured to do these past almost-18 years: do my very best to get it resolved.

The Speaker: The Elected Member for Bodden Town West.

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

Though this question is directed at the Premier, I think the answer will be more in line for the public; the belief has always been that the voter ID should actually qualify because the only persons that can actually vote are Caymanians; but I understand that in years gone by people who were here, I think prior to 1981, would probably have had a Voter's ID or something and not necessarily be Caymanian—but that should be very far and few in between. So, from the public stand point: what would be the shortcomings or limitations of using a Voter's ID as a form of proof that you are Caymanian?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker that is a good point—a very good point.

Although we found a few that are still on the Register, who are not Caymanian, the number is very, very small but the thing is that to get the Voter's ID, you still have to do all of the things that we are talking about to get the letter from the Chief Immigration Officer; so if you get it done once, you should be okay, but at present you still have to go through essentially the same process to get there.

The Speaker: The next question?

The Elected Member for East End.

**QUESTION NO. 10
COMPLETION OF THE RUNNING/WALKING
TRACK AT DONOVAN RANKINE
FOOTBALL FIELD — EAST END**

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, question number 10 is asked of the Minister for Sports. Can the Honourable Minister say when will the running/walking track be completed around the Donovan Rankine Football Field in East End?

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.

The answer: The project is planned to commence at the end of May, 2018 and is expected to take six weeks to completion, thus the estimated completion date will be mid-July 2018.

SUPPLEMENTARIES

The Speaker: The Elected Member for East End.

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

I wonder if the Minister can tell us the reason why it was not done in accordance with what we were told; that the money was available for it to be done in the last fiscal year.

The Speaker: The Honourable Minister of Education.

Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Unlike the representatives from West Bay, who agreed and will be getting their track this year, my staff has informed me that the honourable Member for East End did not agree with the plans for East End, hence the completion delay.

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I will not allow the staff to tell the Minister a lie on me. I will not allow that, okay?

Because I visited with the Chief Officer and Mr. Anglin and Public Works Department and because it was in the middle of the field, I objected to it. We subsequently visited and they said it was going to be 10 feet between the football field and the track.

Darrell Rankine and I were there and this was done in October last year and it was to be done before the end of December in that Fiscal Year. Mr. Speaker, these civil servants are neither civil nor servient—it is obvious! They must not tell the Minister lies and put her on the spot.

The Speaker: Are you asking a question or were you asking for permission to clarify.

Mr. V. Arden McLean: Mr. Speaker, I want to know when the revised drawing was sent to the Ministry from Public Works.

The Speaker: Honourable Minister of Education, Youth, Sports, Agriculture and Lands

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, might I beg your indulgence to further consult?

The Speaker: Certainly.

An Hon. Member: Ah, boy.

[Pause]

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, I am informed by my technical staff that it was somewhere around the 12th of December.

Persons would appreciate that is the festive Christmas season and a closed down for most departments mentally, physically and otherwise. It is also the close of the Financial Year, but I can say categorically that I have been informed and so I will not risk being economical with the truth, I will read exactly what I was informed:

“Due to the concerns raised by MLA McLean—which in Parliamentary terms is the Member responsible for the District of East End—regarding the size of the football field, change was made to the design to maximise the area.

“The track lay out was made wider and longer in order to increase the space in between the field and the track, the sprinkler system and the feeder boxes that are located at the edge of the field were also adjusted to accommodate the new track layout.”[UNVERIFIED QUOTE]

Mr. Speaker, I think the record will reflect that the technical staff has been working with the Member for East End to carry out his more desirable wants for

his district. We are not saying that the Member is not an avid worker for the District but, the Member having been a Minister already, realises that you have to rely on third party agencies to carry out the work and he also understands that the Fiscal Year and the constraints that we have.

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, when I found out about that track it was June-July last year; it was in the middle of the football field, seriously reducing it. I made representation not to put the track there—I did that. The next time, after much trying to get in contact with them, was in October.

The Speaker: Honourable Member, are you going to turn it into a question?

Mr. V. Arden McLean: No; Mr. Speaker, I appreciate you asking me that, sir, but these people have to stop lying man. You cannot be lying; because she said that it was because of me that it was not initially—

Point of Order

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, on a Point of Order. . . .

The Speaker: Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: I made it abundantly clear that I was reliably informed. I wish the record to reflect that I have not misled this House; neither was I economical with the truth, so I would kindly ask my friend and colleague for East End to make that clear in his utterances.

Mr. V. Arden McLean: Mr. Speaker, I was getting to that. All she could bring to the House is the information she got and it misled this House. She got the information—it did not originate from the Minister.

The Speaker: Honourable Member... Please.

The constant charge of civil servant lying is a very serious statement in this Legislative Assembly and if you choose to clear yourself—which you have every right to do—there are times for personal explanations which will speak directly to that point and nothing else but if you have a question, I would ask you to ask the question and not carry on in that vein.

Mr. V. Arden McLean: Mr. Speaker, I understand what you are saying, sir, but you will appreciate that by the time I get to do a personal statement this thing will be into the community and it makes me look like a liar. You can appreciate that.

The Speaker: I do, but if you want to explain and you think it is that urgent—mind you that is how the rules are, as you know—then I would seek the indulgence of the House and allow you to do it, but you cannot do it in question time. And the charge of anyone lying, a Member or a civil servant, is a serious charge and even un-parliamentary. I ask you to bear those rules in mind.

Mr. V. Arden McLean: If they need me to say mendacious or economical with the truth, I do not care, but my name will not be soiled by someone else. I will not allow that to happen; more importantly, they made the Minister now get into this controversy.

Mr. Speaker, I followed up on this thing religiously. Every week I was calling Public Works. . .

The Speaker: Honourable Member, I think the Minister herself indicated your work and your representation. I am asking you though, it is question time and you know. Stick to the rules.

Mr. V. Arden McLean: Mr. Speaker, I am going to lead this into a question, based on the supplementary answer that I got. I followed up on this on a weekly basis with Public Works and with the Ministry and the Minister says in the supplementary answer that it was the 12th of December that it got back to the Ministry.

Why did it not get back earlier when we met there in October and they said it was going to take two to three days to get the revised drawings done in order for it to be completed by December 31st?

[Pause]

The Speaker: Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, I am informed by my Chief Officer that the delay between what the Minister has intimated to this honourable House rests at the Public Works Department and I am not in a position to answer on [their] behalf as I am not constitutionally responsible for that Department.

The Speaker: The Member for East End.

Mr. V. Arden McLean: Mr. Speaker, I appreciate that, but can the Minister say if the Ministry was informed as to the cause of the delay?

The Speaker: Honourable Minister.

[Pause]

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, I am informed that due to the enormous amount of work and the prioritisation at Public Works, it fell within the slot that it fell within.

The Speaker: The Elected Member for East End.

Mr. V. Arden McLean: Mr. Speaker, this is my last supplementary on this because I did not intend to make the Minister uncomfortable; but this is typical of Public Works—everything you follow up on with them, slips through the cracks. One house in East End slipped through the cracks too; they were supposed to break it down for two years. That is a big crack.

[Laughter]

**QUESTION NO. 11
NUMBER OF PERSONS RECOMMENDED
FOR DEPORTATION OR PROHIBITED
IMMIGRANT SINCE MAY 2013**

The Speaker: The Elected Member for Bodden Town West.

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

Through you, Mr. Speaker, question number 11 standing in my name, to the Honourable Premier: how many persons were recommended for deportation by the Courts or recommended as prohibited immigrant by the Immigration Department since May 2013, and how many were actually approved by Cabinet?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer:

The Ministry of Human Resources and Immigration is working to compile the information requested but it is taking longer than was realised because data has to be collected from the courts, the Immigration Department and the Cabinet Office. Once all the information is gathered, I will be happy to issue a written answer to the Member.

SUPPLEMENTARIES

The Speaker: The Member for Bodden Town West.

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

I do recognise it may take some time because I was also trying to research information. In terms of putting information together, I would be appreciative if while the Ministry is compiling this information, they can also give us the types broken down in terms of those whose Statuses were revoked, the classes of Status—whether by marriage or by tenure or whatever—and the prohibited immigrants, again, if they were married or anything like that.

Thanks.

The Speaker: Honourable Premier. Were you eliciting a question or ...

The Premier, Hon. Alden McLaughlin: No, sir.

The Speaker: No. Okay.

The Member for George Town Central.

Mr. Kenneth V. Bryan: Mr. Speaker, I just have a matter of clarification and I think we have gone through this before but I have forgotten.

The Premier said once all the information is gathered, the Ministry will be happy to issue a written report to the House, so I will get a copy of that report as well—is that correct?

Thank you very much.

**QUESTION NO. 12
FORCING CAPABLE CAYMANIANS TO
RETIRE AT 60 DESPITE NORMAL AGE
OF PENSION ENTITLEMENT BEING SET
AT AGE 65**

The Speaker: The Elected Member for Newlands.

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

I wish to ask question number 12 to the Honourable Minister of Human Resources, Immigration and Community Affairs.

Can the Honourable Minister state what the government plans to do to address the concern that some businesses continue to contractually force capable Caymanians to retire at age 60, despite the recent implementation of a normal age of pension entitlement, which is now set at 65?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer:

The Cayman Islands Labour Law (2011 Revision) does not prescribe a fixed retirement age. As such, we have seen Caymanian employees who continue to work beyond the age of 60 and, in some cases, beyond the age of 65.

The retirement age of workers, Caymanian or non-Caymanian, is governed primarily by Contract Law and the contracts that are entered into and agreed to, by the employees. Once a properly constituted contract has been entered into, it is legally binding on the respective parties to that contract; and in the absence of a legal requirement, the contract can only be altered if the parties to the contract agree to the change. In the absence of a specific retirement clause in the contract, the employer's policy or handbook for dealing with the retirement of all employees uniformly will provide guidance.

The Department of Labour and Pensions routinely requests copies of employment contracts and related handbooks as part of its compliance audits. In the

vast majority of documentation reviewed during such audits, employee contracts do not stipulate the age at which employee shall stop working. Such audits have also demonstrated that there are instances wherein Caymanian employees are retained for further periods of employment on fixed-term contracts after the employee has reached the retirement age stipulated in his or her contract.

The Department is also aware that there are institutions that are currently updating their personnel contracts to align retirement age with the normal age of pension requirement. The term “normal age of pension entitlement” was introduced under the National Pensions (Amendment) Law, 2016. Under the new legislation, persons are entitled to access their pension at age 65. Under previous legislation, the age in this respect was 60; the new legislation, however, does not prevent an employee from working beyond the age of 60 or indeed, the age of 65.

Moreover, the National Pensions (Amendment) Law, 2016 provided employees with opportunity to access their pensions earlier than the normal age of pension entitlement under certain conditions, including early retirement.

SUPPLEMENTARIES

The Speaker: The Member for Newlands.

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

I do not see anywhere on this answer where the question was answered. We got an explanation of what is happening, but the question was what does Government plan to do to address the concern?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the answer is very clear. No one can force a Caymanian to retire, but if the Caymanian signed a contract with particular terms in it, that is what will govern the labour relationship. The seeming suggestion that somehow we can override contractual provisions is not something I believe the Government can do.

The Speaker: The Member for Bodden Town West.

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

I think it is important for the listening public to know that under section 16 of our Constitution we cannot discriminate anyone based on age. While the Pension Law is there for one thing, I think too much emphasis has been placed on the Pension Law itself where people are using that.

Now, the real issue—I am trying to get it into the question, forgive me—just to give the backdrop, is

really that a lot of businesses are running from the increased premiums on health insurance and using that age issue to discriminate against people who can work past ages 65, 70 and 75 for not wanting to pay the higher pension premium.

The question from that standpoint Mr. Speaker, is: what is the Government looking to do in terms of re-educating the public as to what their rights are under these situations but, at the same time, address the issue where businesses are concerned, because it is the health insurance premium that many businesses are running from; that is why they are pushing older Caymanians out of the work place.

Thank you.

[Crosstalk]

The Speaker: We will accept that as a comment.

Mr. Christopher S. Saunders: Yeah, sorry.

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

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: I think the only important point that I need to make with respect to that is that our Bill of Rights does not apply horizontally; only vertically, i.e. as between the subject or the individual and the government.

The Bill of Rights has no application to relationships, employment or otherwise, between an individual and any private sector entity or individual. It does not have any application at all.

The Speaker: Do you have a follow-up, Member for Bodden Town West.

Mr. Christopher S. Saunders: Mr. Speaker, it is also important for the public to realise that we inside this House are charged with making sure that there are laws in place, to make sure that even though it may go one way, people out there are not basically discriminating against other people also.

I think we have sufficient laws elsewhere, whether it be the Immigration Law or the Labour Law; so it is just a matter of us making sure that people still are not discriminating against our people.

The Speaker: The Member for George Town Central.

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

Considering the fact that we recognise that there is no legislation that protects the Bill of Rights horizontally, can the Premier give a commitment as to whether or not there are suggested plans to make those necessary changes even within the Constitution?

I have one follow up question after that.
Thanks.

[Inaudible interjection]

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, I really do not know how to respond to that.

The Bill of Rights is the Bill of Rights. There was a huge battle to get the Bill of Rights through; there was huge objection to the Bill of Rights applying more broadly across the full range of relationships.

Over the course of time, we have passed local legislation which creates relationships and imposes obligations, examples are the Labour Law, the Labour Relations Law, the Gender Equality Law—a whole range of variance; so I am not saying it is not possible to do so, I am simply saying to the Member for Bodden Town West, that the Bill of Rights does not apply directly to this particular situation.

The Speaker: You indicated that you have a follow-up, Member for George Town Central?

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

For the listening audience, can the Premier at least ask his Head of Labour to give information on how persons out there who have concerns about this can get advice?

To potentially examine their contracts and give them indications, because I can see this easily being a problem for a person in respect of the average contract, because the average contract would say “at the Age of Retirement”. Then, at the age of retirement—before the Law was changed—would have been a different age. Does that mean, that contract would say when you are 60 or will it now mean when you are 65?

The average person is not a lawyer and the amount of money they would have to pay to get that kind of information—

The Speaker: Question.

Mr. Kenneth V. Bryan: The question is: can the Premier say whether the Labour Department is doing advertising to help advise persons with this problem?

The Speaker: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, the existence of the Department of Labour and Pensions is widely known and its services are widely used by a whole range of people in the community who inquire about every possible thing you can consider. I do not think there is any issue about people not being aware that we have a Department of Labour and Pension that is capable of advising with respect of these matters. It is what they do every day.

The Speaker: The Elected Member for Newlands.

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

The Speaker: This is the last supplementary question.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Mr. Speaker, with all due respect, sir ...

The Speaker: Hold on. If you have a follow up, I will allow it.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Okay.

The Speaker: I am just indicating that this is the last.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Oh. I understand what you are saying, sir.

The reason this came up, Mr. Speaker is because there is currently one institution I am aware of that has told six employees, “*When you hit 60, you are out the door.*”

Now, here is the problem: when we debated these pension changes in this honourable House, people got the impression that we were changing the retirement age to 65. That was the understanding of the general public.

[Inaudible interjection]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Exactly, but that was the understanding that got out among the community, so we now have people who work for this institution—I know of six of them now—who, some of them after Ivan destroyed their homes, refinanced their mortgages, fixed their homes. They are now being retired with mortgages and they are not going to be able to afford this service.

The Speaker: Question, then.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: Why am asking the Government is what they plan to do, is we cannot just ignore the situation. These individuals are going to end up at NAU or they will end up on the foreclosure list; something is going to happen.

In discussing it with the Department of Labour, one solution is maybe we look to change some of the requirements for the Business Staffing Plan, where we incentivise employers by saying adjust your contracts to 65. Something like that would go a long way in helping these individuals, but they need the help.

Would the Government consider looking into that solution? It is not my idea; it was actually something I discussed with the Department of Labour and Pension.

The Speaker: Honourable Premier.

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

There has never been a retirement age in any legislation in Cayman, so you are starting from the wrong premise.

What we had previously, was an age of Pension Entitlement, which was 60, which my previous Administration adjusted upwards to 65 so, unless we are going down the road to where we legislate that employers are forced to keep employees on until age 65, I do not know how we can quite fix that particular situation.

I am entirely empathetic to the issue because I know very well, that in this day and age many people, probably including myself, will be paying their mortgages well into their 60s.

The Speaker: Huh; 80s.

The Premier, Hon. Alden McLaughlin: Because if we are going to send these children to university overseas, we have to find the money somewhere about—as an example. So, I am very empathetic to the situation but it is not an easy issue to address short of, as I say, almost amounting to dictatorial provisions in saying that every employer has to keep people employed up until the minimum age of 65.

We are conscious of the issue. It is something we are looking at because we know it has real life implications for many Caymanians. The Member is absolutely right, but I cannot stand here this afternoon and give the assurance that this is something we can fix by way of legislation, without further work.

The Speaker: The Member for Newlands.

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

Just to clarify, in case the Premier misunderstood what I am saying. We do not have to be dictatorial in the approach, but you can offer an incentive. At least that may convince some businesses, through the business staffing plan, to extend their contracts to 65 to those who are capable and then you will get some breaks or benefits from the Government.

[Crosstalk]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: I am not saying work permits, oh, no.

[Laughter]

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: However, there are other benefits. That is not only benefit businesses get.

My point, is Mr. Speaker, I have been asked to raise this by the individuals affected, so it is not me. I

am not 60 yet. It does not affect me yet, but I think that it is a big—

The Speaker: Honourable Member, while you have a very valid matter, please turn it into a question.

Mr. Alva H. Suckoo Jr., Deputy Leader of the Opposition: I just want some assurance from the Government that it will not just be left to sort itself out and that the Government will try to find some solution and offer some solution and offer some assistance in resolving this issue.

The Speaker: Honourable Premier.

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

I gave that assurance earlier but just let me dispel any notion that dealing with it, the Member has not offered any solution; perhaps that is why they are in the Opposition and we are in Government, so we have the responsibility to fix it, but going down the road of the Business Staffing Plan is not, I think, necessarily going to provide the answer because the only thing you get in a Business Staffing Plan is a guarantee of more work permits, which I do not believe that Member, in particular, would be advocating.

As I said, we are very conscious of the issue because there not just those six, there are many Caymanians who find themselves in this situation and they find it difficult, once they reach 60, to get employment again for a whole range of reasons. The Member for Bodden Town West mentioned one of the key ones, which is employers' concerns about the impact of hiring a 60 or 60-plus year old person on the overall health insurance premiums they have to pay; so we are very conscious of these issues, and we are doing out very best to work through them but they are, by no means, easy.

QUESTION NO. 13 SUPERVISION OF PRIMARY SCHOOL CHILDREN WHO ARE DROPPED OFF EARLY

The Speaker: The Honourable Member for George Town Central.

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

I rise to ask question number 13 on the Order Paper: Can the Honourable Minister say when will the assistance with Human Resources for supervision of primary school children who are dropped off early be addressed or implemented? I think the wording of this was a bit—

The Speaker: We understand, Member for George Town Central.

Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly, Minister of Education: Thank you, Mr. Speaker.

The provided answer: all government primary schools begin their school day at 8:30am. Teachers at these schools are expected to arrive by 8:15am. Schools roster teachers for morning duty and are supplemented by PTA volunteers. The times and arrangements vary across the schools.

SUPPLEMENTARIES

The Speaker: Honourable Member for George Town Central.

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

Mr. Speaker, if my memory serves me well, through Finance Committee, I asked what the schools would be doing to address the problem of parents having to drop off their kids early because of traffic delays; I apologise that I do not have the Hansards in respect of that exact question, but if my memory serves me well, the indication was given that they were trying to work with various different organisations for instance, YMCA, to deal with the matter.

My question is, Mr. Speaker, is the Minister saying that there are no provisions being put in place to address the early arrival of kids at schools when the teachers are not there to assist with supervision, to help parents who have to drop off their kids early and/or pick them up later in the evening?

The problem is in the evening when a person gets off at 5 o'clock, it takes an hour and a half to get to the school to pick up their child, which could end up being 6:30 or 6:45 in the evenings and then during the winter months, the sun goes down a lot quicker and a child could be at a primary school in the dark by themselves.

The Speaker: Honourable Minister of Education.

Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Indeed, far be it for the Minister to say that we were not doing anything. In fact, I want to thank the Honourable Member for the opportunity to so enlighten the honourable House about what the Ministry has at hand. Prospect Primary School...

[Inaudible interjection]

Hon. Juliana Y. O'Connor-Connolly:

Mr. Speaker, I would beg your indulgence to ask the honourable Member to not be using insulting terminology across the Floor, please?

Mr. Kenneth V. Bryan: Mr. Speaker, can the Honourable Member say what insulting words have I said? I asked, *She is about to clarify what the Ministry is doing; would it not have made sense to have it in her answer?*

The Speaker: Ministers answer questions the way they are best able to. Civil servants answer written questions as they are best able to and while we can surmise anything and feel anything, facts are facts. They answer the best that they have information at hand.

Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

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

The Speaker: The Member for George Town Central, do you have a . . .

Hon. Juliana Y. O'Connor-Connolly: Is it a Point of Order, Mr. Speaker?

Point of Order

Mr. Kenneth V. Bryan: Yes, Mr. Speaker, it is a point of order.

I do thank you for the clarity and they are allowed to answer however they wish, but the fact is the Minister just said that I said insulting words across the Floor. Can she say what insulting words have I said, other than the fact of could not those answers be given when she gave the first set of answers, as opposed to waiting to clarify what they do, when that is what I was asking in the first place?

The Speaker: Honourable Member, leave it there. The Honourable Minister is explaining the information. That is what is important.

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker. . .

Prospect Primary School: 7am to 7:15am. No people should arrive before 7:30 but security comes on duty at the Prospect Primary School even at this time. Between 7:30 to 8:15am, two staff members are on duty, they are stationed on the playground. The gate opens for students in years one to six. Students arrive at school via school bus and dropped off at school; they go to the playground through the side gate. At 7:45am a member of the senior staff team comes on duty, Reception staff on duty in class. Reception students arrive at 7:50 am. Parent/guardian must stay with their child if they arrive prior to 7:50; we realise this is a Social Service and also a parental problem. The doors open for breakfast for children only and it is monitored by senior staff.

The John A. Cumber Primary School: 7:15 to 8:00am, the Parent Teacher Association (PTA) provides funding for early morning clubs for Key Stage 1 and 2, there are four staff members assigned.

Creek and Spot Bay Primary Schools: from 8am; parents are asked not to drop off their children at school before 8am daily and usually the parents will

wait in their cars until the duty teacher arrives. Early morning duty teachers arrive at the infant and junior sites and gates are unlocked. Students assemble in the lunch room and are supervised until all the teachers arrive by 8:15.

East End Primary: 7:30am. Students are met by the teacher on duty at 7:30am. They assemble under the breezeway until the late bus arrives. They are collected by the teachers between 8:00am and 8:15am.

West End Primary School: 8:00am. Duty teachers arrive and supervise students in the hall under assembly starts at 8:30am. At 8:15am, class teachers arrive and join the students in the hall for assembly. It should be noted that there are approximately four to five students who arrive prior to 8am. The caretaker who is on the site, a parent herself, assists those students by supervising them on the bench until the duty teacher arrives.

Edna Moyle Primary School, North Side: 6:45 am, the security guard opens the gate and supervision is provided by YMCA. Between 8:00 to 8:15am, assistant teachers and special support aids continue the supervision and devotions. At 8:15am students report to class for silent reading and registration—very organised school.

Savannah Primary School: 7:00 to 7:30am. In addition to one volunteer, the PTA provides funding for two persons to supervise early arrivals. These persons arrive at the school at or before 7am. Students are supervised in the canteen hall and they have breakfast there. At 7:30am Savannah Primary does what is referred to as “The Morning Mile”; students who were in the hall go to morning mile.

Red Bay Primary School: 7:30am to 8:15am, two teachers along with two other staff members are scheduled to supervise the students under the cabana area. At 8:15 a.m. all teachers are on campus to receive their class.

George Town Primary School: 7:30 to 8:15am gates are open, students go the hall canteen. The PTA provides a stipend to three persons who are responsible for early morning supervision. The Deputy and the Principal also assist on days when the numbers are high. 8:15am, staff report to work and by 8:15am they collect the students.

Bodden Town Primary: Before 6:30am there is no staff on duty to supervise any students that inadvertently appear on the property. Canteen staff are not responsible for the students and parents are informed of this however, there are students who arrive at this time and sit in the canteen. Between 6:30 to 8:15, the PTA provides funding for a parent to supervise the students in the canteen; 6:45 to 8:15 staff are on roster to join the parent with the supervision of the students in the canteen—one person each morning. There is a floating staff member who fills in when the staff is unable to do this duty. 8:00am; the Deputy Principal collects Years 5 and 6 students from the canteen to do extra math with

them in the library. Reception students are often collected by the teachers also at that time. 8:15am: all students remaining in the canteen are collected by staff and the day officially begins.

Lighthouse School: 7:15 to 8:10am Home School Association provides funding for the supervision of 10 to 11 ASD students. 7:45am Morning duty with staff in attendance, currently two to three students arrive prior to 7:45am and are monitored by the security guard until the staff takes over.

John Gray High School. 7am: this is very hard to manage. It was a key function of the Pastoral support which is not in this year’s budget but we are hoping to take a Cabinet paper under 11(5) to seek additional funding to reintroduce the pastoral programme into the school. Some more security guards are on site and the Principal and/or members of the senior management team endeavour to be at John Gray High School by 7am.

Layman E. Scott Senior High School, Cayman Brac: 7:40am to 8:05, students arrive via bus or are dropped off at the school and go directly to the canteen area. A member of the senior management is on site. It should be noted that the majority of students arrive on buses between 7:50 and 7:55am.

Clifton Hunter High School: 6:30am. There are six security officers on campus at 6:30am. There is a small number of students present prior to this time that sit at the front entrance next to the security officer who is on duty. 7:30 am, students are allowed to access the compound and the security officer supervises these students. All staff are required to report to the school and staff briefings are held Monday, Wednesday and Thursday mornings.

Cayman Islands Further Education Centre (CIFEC): 7am. There are three security officers assigned to arrive by 7am. One male officer is responsible for the bus park; one female officer for the main gate, another female officer is assigned to the canteen area. Students are expected to go to the canteen area upon early arrival. A member of the senior management is on campus by 7:15, all other staff report to work by 7:45am.

Thank you, Mr. Speaker.

The Speaker: The Member for George Town Central, the last supplementary.

Mr. Kenneth V. Bryan: Mr. Speaker, please, I beg of you and this honourable House to allow me to—I have a number of questions I have to ask.

The Speaker: Well, at that point we are going to take the lunch break and then when we come back we will do these.

The House will be suspended until 2:30pm for lunch.

Proceedings suspended at 1:07pm

Proceedings resumed at 3:02 pm

The Speaker: The Assembly resumes its seating. Please be seated.

When we broke for lunch, there were indications of some supplementary questions by the Member for George Town Central.

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

I will try to be as brief as possible, because we are trying to get on with the day. I want to thank the Minister for the addition to her answer and for giving some clarification on the current state of play in respect to the morning routine.

Can the Minister say what the evening routine is? I will follow-up from there.

Thank you.

The Speaker: The Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: Mr. Speaker, I am reliably informed that the programme known as YMCA (Young Men's Christian Association) obtains for our primary and secondary institutions.

The Speaker: Member for George Town Central.

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

The Minister suggested that in some of the schools there were opportunities where persons were on the school's compound as early as 6:45am but others at 7:30am. Obviously, this gives an advantage to the school that has an earlier time for those parents to drop off early. Is there any particular reason why some are as early as 6:45am and others are at 7:30am?

The Speaker: The Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

Mr. Speaker because of the demographics of Grand Cayman, in particular, and the working activity mainly being central around George Town and now, to some extent, Camana Bay, those who live in the eastern districts have to leave at a much earlier time, so it just necessitates that some of them would have to leave their children a little bit earlier—like at East End Primary, North Side or Bodden Town.

Fortunately, many of those persons in the eastern districts still have that extended family unit, so they are able to supplement with that. They also have vibrant and working Parent Teachers Associations that sponsor to pay for additional person(s) to be at ground.

While I am on my feet, Mr. Speaker, perhaps I ought to just put an invitation to treat, that this lacuna in some particular areas, as we have seen, that the George Town High School provides opportunity for a Caymanian to perhaps start a business because in a

way it is a diversification of a security-type service; just food for thought.

The Speaker: Member for George Town Central.

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

Good response by the Minister, it helps clarify and highlight the issue of why I am asking the question.

The Minister also suggested that some PTAs get assistance from the Ministry, directly or indirectly, I am not sure.

[Crosstalk]

Mr. Kenneth V. Bryan: Thank you for the clarification, Minister.

Two other questions and I am finished, Mr. Speaker.

The Minister also suggested that at some of those early starts, as early as 7:30am, the first person to be there is the security guard, and the teacher comes at a later time, and I think the time was like 8:00am or 8:15am. Is there an assumption that the security guards are responsible for the supervision if we are going to identify 7:30am as a point where an adult is in the compound? Because the question then is: do these security guards have the training necessary to deal with children? Is there an assumption that these security guards are responsible for those children? Because I do not think the companies that are hired have any expertise in that respect.

The question came up as a result of meeting with some of the schools whose teachers were concerned about their contract obligation, regarding when they are supposed to be there because they come in earlier, but cannot define what time they actually start work, compared to when they finish work.

I know that obviously, a teacher's contract is not like the average contract, where it starts at 8:00am and you get off exactly at 5:00pm, but it creates a conflict when there are expectations that they are the supervisors early in the morning so, are teachers supposed to be there that early?

When is the start time and end time for them; and are these security guards supposed to be the supervisors that early, if we are identifying that time as an adult being there, because there is a purpose why you highlight 7:30am, Security Guard. There must be an assumption that we are comfortable with that security guard being able to supervise our children. In many cases, we know that these security guards are persons who are making very minimum wage and have no skill-set whatsoever.

The Speaker: Honourable Member, question.

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

I think I put the question that you could answer Minister?

The Speaker: Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: Thank you, Mr. Speaker.

I am sure that all and sundry would agree that it is the sole responsibility of the parent to ensure the safety and welfare of the child. Under the Education Law, it is mandatory, hence the reason we provide it to the extent that we do, but it is a tri-party relationship; it is between the parents, the government via the Ministry and the Department of Education, and the private sector.

The period of time that the honourable Member for George Town Central is referring to is a period of time outside the regular time that is designated for teaching and learning of education. We have provided security; the need has been identified by the PTA. I would send out the clarion call that the entire PTAs look into this as one of their priorities when they do the budgetary allocation and prioritising; because it is true that there is a segment of our social stratification that would require some attention. Nevertheless, we must realise that the Government cannot assist in every single capacity and each of the tri-party vested interest must take responsibility. Hence the reason I threw out a bit earlier that it would be a good job opportunity for a young and upcoming Caymanian, because then, the Government perhaps could look—as we have done with the pre-schools—and offer grants to those who meet the appropriate and relevant means test.

The Speaker: Last supplementary, Member for George Town Central.

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

I do not have any other questions but I just want to thank the Minister for giving the necessary information.

Thank you.

The Speaker: Next question.

**QUESTION NO. 14
THE CORRUPTION THRESHOLD SET
BY THE ANTI-CORRUPTION
COMMISSIONER**

The Speaker: The Leader of the Opposition, Elected Member for North Side.

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

I beg to ask the Honourable Acting Deputy Governor, Ex-Officio Member responsible for the Portfolio of the Civil Service the following question:

Can the Honourable Acting Deputy Governor, Ex-Officio Member explain what is the corruption threshold set by the Anti-Corruption Commission, how

was it established and what sections of the Law enables such a threshold?

The Speaker: The Honourable Acting Deputy Governor.

[Pause]

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

Pursuant to section 4(1) (c) of the Anti-Corruption Law, (2016 Revision), the Anti-Corruption Commission has a duty to investigate any suspected offence, attempted offence and any conspiracy to commit an offence under the Law.

Section 28(4) of the Law requires the commission to direct the carrying out of an investigation where it has reason to suspect the commission of an offence under the Law following a report made under the Law or information otherwise received by it.

The duty of the Commission to investigate under both of the above stated sections of the Law arises only if the Commission itself has reason to suspect an offence under the Law has been committed.

Thus the threshold required by the Law for an investigation by the Commission, is that the Commission itself must first have formed a reasonable suspicion that an offence under the Law has been or is being committed.

Thank you, Mr. Speaker.

SUPPLEMENTARIES

The Speaker: The Leader of the Opposition.

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

Can the honourable Deputy Governor confirm that the Anti-Corruption Commission carries out an internal investigation related to the complaint before it determines that it has not reached the threshold for them to investigate?

The Speaker: The Honourable Acting Deputy Governor.

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

I am advised that the Commission, collectively, makes a determination based upon the information available to it about whether or not the threshold has been met for the matter to proceed.

I would suspect that the Commission has available to it—and again, I have to say I am not a member of the Commission, I am not privy to their internal deliberations for obvious reasons—the staffing resources and has the ability to review the information available and to make such enquiries as it deems necessary when making that determination. I suspect that is done

on a case by case basis based upon the nature of the complaint that has been submitted.

Members will note, based upon the Annual Report that has been Tabled just today for the Anti-Corruption Commission, that there are various options available to it which includes, in the case of the report that was Tabled for the period 2016-2017, also the availability to transfer matters where it appears by the nature of the complaint, that that matter could be better disposed of by other investigative organisations. For example, if it is a matter of mal-administration, to the Office of the Ombudsman or for financial matters to the Financial Crimes Unit; so they will make a determination based on the information available and, if they deem necessary, additional information being sought.

It is important to note that the membership of the Commission constitutes five persons who, in the opinion of the Governor, are of high integrity and are able to exercise competence, diligence and sound judgment in fulfilling their responsibilities under the Law. Members must be resident of these Islands and may include: retired judges of the Grand Court or the Court of Appeal, retired police officers, retired Justices of the Peace or Magistrates, Chartered or Certified Accountants, Attorneys-at-Law of ten or more years' call or retired attorneys-at-law and other such persons as the Governor considers qualified to be appointed.

The Membership requirements are therefore quite considerable and hefty, Mr. Speaker, in terms of the qualifications and experience of persons who would need to make that assessment and determine the information that would be necessary for them to make that evaluation to begin with. I have to say that the requirements are very ably met when you look at the persons who comprise that Board, which include:

- A former Attorney General of the Cayman Islands, Mr. Richard Coles, a past Member;
- Mr. Norman Bodden—who is himself again—a Managing Director of Bodden Corporate Services and a successful Caymanian businessman and past politician of the Legislative Assembly;
- Ms. Sophia-Ann Harris, the founder of a local law firm;
- Ms. Kadi Pentney (née Merren), who is a Certified Public Accountant;
- Mr. Tim Ridley who was a Senior Partner for a major law firm, has served in numerous Boards in the Islands and is an Officer of the British Empire; and
- The most recent member that has been appointed, replacing Mr. Norman Bodden at the end of his tenure, will be Mr. Kenrick Hall, a former esteemed member of our Royal Cayman Islands Police Service, a retiree who has extensive experience and has been awarded the Colonial Police Medal, as well as the Queen's Golden Jubilee Medal.

I think Mr. Hall is well known to our community and retired at the rank of Detective Superintendent, so they have very capable, qualified individuals who are able to make that determination as to the matters that are brought before it.

Thank you, Mr. Speaker.

SUPPLEMENTARIES

The Speaker: The Elected Member for North Side.

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

Can the Honourable Acting Deputy Governor confirm whether the Commission relies on the quality of evidence filed by the complainant before making a decision? Is that the only thing that is considered, since it does not appear that any investigation is done before the decision is made that it does not meet the threshold?

I think the public needs to know that because most people believe that if you make a complaint, they will look at the matter, but when you get a response saying *it does not meet the threshold*, the public needs to know whether or not the Commission is expecting that the complainant is going to submit sufficient evidence to convince the Commission that it is worthy to be looked into.

[Pause]

The Speaker: The Honourable Acting Deputy Governor.

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

I would just like to put the Honourable Leader of the Opposition's mind at ease as much as it is possible. I have to reiterate, as I have been advised, that this is determined on a case by case basis but what they are looking for is sufficient information that would allow them to determine whether there is reasonable suspicion.

It is very clear that the Commission is not expecting members of the public to make a full case that could lead to a prosecution, but at least to provide them with adequate information that would allow them, either with the information directly available or information that can be reasonably accessed, to be able to determine if there is reasonable suspicion.

Thank you, Mr. Speaker.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

FAIR EMPLOYMENT OPPORTUNITY COMMISSION

[Pause]

The Speaker: The Honourable Premier.

[Pause]

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

Mr. Speaker, it is almost impossible to turn on our computers or televisions these days without seeing some story regarding immigration, including anti-immigrant sentiments expressed by politicians, nationalists and people worried about job losses around the world. Cayman is no different in this respect and increasingly, anti-immigrants' sentiments are seen and heard on the talk shows, television, social media and indeed, wherever Caymanians gather.

Mr. Speaker, as I wound up the Budget Debate in this honourable House in November, I spoke about the benefit of immigration and the need for us to protect the rights of Caymanians, but I also warned against falling into the trap of xenophobia. I noted that Cayman owes most of what we have in development and opportunity to Immigration. It was Immigration and inward investment that allowed these Islands, and all of us, to progress as we have done these past 50 years.

I also noted, Mr. Speaker, that immigration, like fire, is a good servant but a bad master. We must ensure that businesses have the workers they need to grow and prosper and in so doing, help Cayman and Caymanians prosper and thrive; but while we appreciate the benefits of immigration, we cannot ignore the local concerns regarding it. Concerns that have challenged government after government ever since the Cayman Islands' population first started to really grow.

In the main, those concerns have been about jobs. In the early stages, those who inhabited these hallowed Halls responded to the need for control of immigration and the economy by passing the Work Permit Law in 1969, but as the number of work permits grew, so did the concerns; and by 1971, it was thought necessary to pass the Caymanian Protection Law and other related legislation, like the Trade & Business Licensing Law, and the Local Companies Control Law, et cetera.

Following several amendments over the next two decades, the legislation was revised and modernised and in 1992, the Immigration Law was passed, repealing the Caymanian Protection Law. In the ensuing years, there has probably been no other single piece of legislation in these Islands that has been amended

more times than the Immigration Law, mostly seeking to get a fair balance between employers having access to needed workers from overseas and ensuring that Caymanians are treated fairly and have opportunities for employment.

Despite all these measures, Mr. Speaker, complaints of discrimination against Caymanians in the labour force remain widespread. As I have said, these are not new, however, the complaints and resentment are growing and to date no amount of change to the Immigration Law has alleviated the concerns.

The stories about Caymanians being treated unfairly in the labour market are legion. Personally, hardly a day passes that I do not hear an anecdote of a Caymanian being discriminated against or treated unfairly with respect to employment. By being treated unfairly, I am talking about qualified Caymanians who are able to do a particular job being unjustifiably refused an opportunity to work or being passed over for a training opportunity or promotion. Indeed, at times, they may not even have received an opportunity for an interview for a job.

In some cases, we know the stories first-hand, either through constituents, family, or friends, and so we know them to be true. That having been said, I acknowledge that not every complaint is valid. We also know the stories of the people who we have helped acquire a job with employers giving them a chance, sometimes a second chance, only to find ourselves feeling disappointed when the individual leaves the employment without good reason, expecting the country or the elected Member to bear the burden of their leaving cost. I mention this, Mr. Speaker because we have to be honest with each other as Caymanians.

Nevertheless, I want to focus today on those Caymanians who try hard to find and keep employment, and who come to us feeling let down because despite their experience and their qualifications, they feel shut out of the job market. Besides complaining about this issue publicly, all that successive generations of legislators have done is to keep tweaking the Immigration Law to fix one loophole or another, so as to try to ensure fair opportunities for Caymanians.

It is time, Mr. Speaker. It is time that we cease tinkering at the edges and accept that a fundamental change is necessary if we are to address this longstanding and growing issue of discrimination against Caymanians in the job market.

An Hon. Member: Hear, hear.

The Premier, Hon. Alden McLaughlin: In an economy that is expanding and that has as many work permits as ours does, it is simply unacceptable that a qualified and experienced Caymanian should not be able to find employment.

An Hon. Member: Amen.

The Premier, Hon. Alden McLaughlin: My Government is determined to fix this issue, which is threatening to undermine the social fabric of these beloved Islands we call home.

One of the key measures we are taking is development of a Human Resources Department, whose remit will be to better regulate the labour market including access to work permits; but this will not be enough, so we are also proposing to change the laws regarding the advertising of jobs, as well as implement a National Jobs Clearing House to improve the transparency and fairness of the labour market; but this too, will not be enough and I know that we will still hear complaints about discrimination and so, when we do hear them, what are we as Elected Members able to do? Should we simply resort to tweaking the Immigration Law and Regulations yet again? I say no, Mr. Speaker.

Successive governments have tried this approach over the last 45 years and it has only lead to an Immigration Law that has become even more complex and burdensome to manage. And even more attempts at increase enforcements of the Immigration law will have limited success in alleviating the concerns of discrimination in the minds of Caymanians. There is a fine line between ensuring companies follow the law regarding the hiring of Caymanians and having an overbearing enforcement approach that discourages business. Incentivising businesses to hire Caymanians has also been discussed for some time but has never really gotten off the ground.

However, this Administration does intend during this year, to dust this off and implement plans for what has been called the Accreditation System, which will seek to reward those businesses that do the right thing regarding the hiring and training of Caymanians; but Mr. Speaker, this too will not resolve concerns of fair treatment. There is a need for an avenue for Caymanians to go when they have concerns regarding hiring practices. My Government will address this vacuum by establishing Cayman's first Fair Employment Opportunity Commissions.

Employers and immigrants have access to an Immigration Appeals Tribunal if they believe that a work permit or permanent residency application has been incorrectly refused. If you are employed and have a complaint against your employer, you have access to the Labour Appeals Tribunal, but if you are a Caymanian job seeker and believe that you were incorrectly treated when applying for a job, or bypassed for a promotion, you have nowhere to go.

The practice of writing a letter to the Immigration Board may sometimes result in the work permit application for a non-Caymanian being refused, but it rarely results in the complainant being given the job in question. Ironically, while many Caymanians look to the Immigration Law and Department for protection against discrimination, the reality is that the Immigration Law does not, in fact, specifically address discrimination

against Caymanians. There are no references to discrimination in the Immigration Law (2015 Revision).

Due to the lack of a legislative mandate for the Immigration Department, there is no official process for handling complaints of discrimination from job seekers or those seeking promotion. Hence the Department is frequently criticised for "failing to protect Caymanians" and "failing to enforce the law". We hear those complaints everywhere, including in these Chambers.

Mr. Speaker, the Fair Employment Opportunity Commission, which we propose, with its legislative framework, will fill a gap that now exists. It is not just the Immigration Law that is inadequate with regard to anti-discrimination provisions. Section 80(1) of the Labour Law (2011 Revision) states that no person (whether an employer or an employee) may discriminate against another by reason of race, colour, creed, sex, pregnancy or any reason connected to pregnancy, age, mental or physical disability." Penalty for doing so is a maximum of 12 months in prison and a \$5,000 fine. Section 80, which consists of 135 words, does not apply to Caymanians *per se*, and applies only to employees and employers—in other words, it excludes job applicants.

Women, by contrast, have had extensive protection against work place discrimination since the Gender Equality Law was passed in 2011; neither does the Labour Relations Bill in its current form significantly enhance protection against work place discrimination for Caymanians. Finally, while the Bill of Rights contains protection against discrimination, this only applies vertically, that is, between individuals and government. Specific laws are required to apply the rights horizontally, between individuals and other parties.

So Mr. Speaker, in summary, there is no current law to protect Caymanians from discrimination by employers and no process by which Caymanians can officially complaint or seek redress against instances of discrimination with respect to the work place, or the job market, to be more accurate. The Fair Employment Opportunity Commission would supplement other tools for ensuring the hiring of Caymanians while also providing Caymanians with the assurance that government and other law-abiding employers do care about Caymanian employment.

The Commission would also have the ability to sanction; exactly what those sanctions involve would need to be decided, but would likely include administrative fines on businesses that are deemed to have hiring practices that are unfair to Caymanians. The Commission will be independent to avoid possible perceptions of bias toward business; it must be able to maintain a balance and to apply the relevant aspects of the law.

As such, Mr. Speaker, it will be headed by a Commissioner appointed by the Governor, in a manner similar to the appointment of the Auditor General and Ombudsman. It is envisaged that the Commissioner will be an experienced attorney or retired judge and the

Office will be staffed by individuals with legal and investigative skills.

Mr. Speaker, I hasten to say that this will not be some form of affirmative action commission, but it will be a commission that will consider the law and determine whether the complaint of unfair treatment is valid. It will be important that the business community and public do not believe that this body is subject to political interference, but instead operates independently and in accordance with the rule of law. In addition to providing Caymanians with an avenue to seek redress when they believe they have been treated unfairly, the Fair Employment Opportunity Commission will provide other benefits.

Whilst there are Caymanians who believe that Caymanians job seekers are frequently discriminated against by employers, there is no data by which the Government or the general public can correctly gauge the real extent of the problem, the effectiveness of existing legislative and enforcement efforts or the impact of new measures to reduce this discrimination. The work of a Fair Employment Opportunity Commission would, over time, provide data regarding the occurrence of such incidents and what segments of the job market are more impacted by incidents of real or perceived discrimination.

There are no proactive measures currently to prevent work place discrimination against Caymanians nor is there a campaign to educate Caymanians as to their employment rights and/or what to do if they believe their rights have been violated. A Fair Employment Opportunity Commission would also perform these duties.

Mr. Speaker, a Commission such as we propose is not a unique idea. Indeed, many countries have similar commissions under names such as Equal Opportunity Commissions and Equal Employment Opportunity Commissions, so we are not proposing to implement something entirely novel. It is our intention to consult widely with the business community with regards to the proposed Fair Employment Opportunity Commission. We also intend, as part of the exercise regarding the creation of a new Human Resources Department that a new work permit regime operates efficiently and effectively without undue delays providing a high level of service.

As I said, this Government recognises the importance of businesses having access to quality necessary personnel, but we also recognise that we need to do something new to ensure that Caymanians not only believe that they will be treated fairly in the job market, but where they do not believe so, that they have an avenue to take their grievances. If we do nothing and allow the current beliefs of unfairness to fester and grow, we may well end up where the Bahamas were in the 1970s—with an unsettled business climate, great resentment amongst local people and business leaving our shores.

If properly set up, Mr. Speaker, within a legal framework and operated in an independent and fair manner, a Fair Employment Opportunity Commission can only be considered as something positive by Caymanians and by the business community. If a business is operating as the law requires and is treating Caymanian job applicants fairly, then they will have nothing to fear regarding the implementation of such a Commission.

Mr. Speaker, This is an important initiative and one I wanted to share with the honourable House and the public at the earliest stage possible. We will move the initiative through the machinations of the Government process, including consultations with stakeholders. The House can expect to hear more about this in the coming months.

I thank you, Mr. Speaker.

The Speaker: The Member for George Town Central.

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

Mr. Speaker, forgive me again for my newness, but when a statement is made, we have a right to reply, am I correct?

The Speaker: No.

Mr. Kenneth V. Bryan: A right to ask?

The Speaker: You have a right to ask very short questions.

[Inaudible interjection]

The Speaker: You have a right to ask a short question.

SHORT QUESTIONS

Standing Order 30(2)

Hon. Bernie A. Bush, Elected Member for West Bay North: Mr. Speaker.

The Speaker: The Member for West Bay North.

Hon. Bernie A. Bush: Under section 30(2), I would like to ask the Premier a very short question, with your permission sir.

The Speaker: Permission is granted. You have that right.

Hon. Bernie A. Bush: Thank you.

Can the Honourable Premier give this honourable House the commitment that this Commission will have more teeth than the one used in the civil service?

The Speaker: The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Speaker, we are not at the point yet where the legislation is being drafted, but the draft legislation will be circulated and subject to consultation with the broader community, including Members of the House. I think we can address whatever concerns that the Member or others have about teeth, when we come to that point.

Hon. Bernie A. Bush: Thank you Mr. Speaker, to the Premier.

[Pause]

PERSONAL EXPLANATIONS

The Speaker: None.

OBITUARY AND OTHER CEREMONIAL SPEECHES

The Speaker: None.

RAISING OF MATTERS OF PRIVILEGES

The Speaker: None.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION No.11/2017-2018 MANDATE THE POSTS OF THE CAYMAN ISLANDS' CHIEF FIRE OFFICER AND CHIEF IMMIGRATION OFFICER AS POSTS THAT CAN ONLY BE FILLED BY CAYMANIANS

The Speaker: The Member for George Town Central.

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

I rise to bring to the Floor of this honourable House, Private Member's Motion No.11, standing in my name, and it reads as such:

WHEREAS it has been proven in the past that Caymanians can successfully run the Cayman Islands Fire Service in the post of Chief Fire Officer and the Immigration Department in the post of Chief Immigration Officer;

AND WHEREAS many Caymanians believe these posts should be filled by Caymanians;

BE IT THEREFORE RESOLVED that the Cayman Islands Government consider immediately using the powers allowed by the Immigration Law (2015 Revision) under section 46A to make the post of the Cayman Islands Fire Chief Officer and Chief

Immigration Officer posts that can only be occupied by Caymanians with no exceptions, and to carry out any other Legislative changes that may be necessary to give effect to this policy objective.

The Speaker: Is there a seconder?

Hon. Bernie A. Bush: I beg to second the Motion.

The Speaker: The question is that:

BE IT THEREFORE RESOLVED that the Cayman Islands Government consider immediately using the powers allowed by the Immigration Law (2015 Revision) under section 46A to make the posts of the Cayman Islands Chief Fire Officer and the Chief Immigration Officer post, that can only be occupied by Caymanians with no exceptions, and to carry out any other Legislative changes that may be necessary to give effect to this policy objective.

The Motion is open for debate. Does the Member wish speak thereto?

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

Before I start my debate I want to say a great appreciation and thanks to the seconder of this Motion. As a Member of this honourable House, I quickly learned and understood the importance of having someone there to support you.

[Laughter]

Mr. Kenneth V. Bryan: We all know the politics of things, particularly us here in this honourable House, and I really respect and appreciate the Honourable Member and Deputy Speaker of this honourable House, MLA for West Bay North, Mr. Bernie Bush.

Mr. Speaker, I do not think this Motion has any ambiguity in it. I think is quite straight forward. I think that most of us in this honourable House would agree that the sentiment around this country is that Caymanians want Caymanians in the high posts in this country; in posts that make the major decisions that affect our lives as Caymanians. I think, Mr. Speaker, you would definitely agree with that.

I think there may be some controversy, as soon as I sit down, as to whether or not this Government has the legality to do so and I look forward to that discussion, but before they bring their arguments as to why they are not going to do this—at least I am assuming that they will. Hopefully I can be pleasantly surprised that they won't but I assume they will, let's talk about the importance of why it needs to be done.

Mr. Speaker, the Honourable Premier just got up and gave an amazing speech that set the tone of employment in the Cayman Islands. I must say it is a rather accurate tone of what it is like for employment, and this is no different than it is for members who are employed by the civil service, where most of the major decisions that affect our lives are made.

[Laughter]

Mr. Kenneth V. Bryan: Now, Mr. Speaker, every country that I am aware of has some form of regulation, policy, legislation or cultural norms to make sure that the people of that nation are in control of those positions that major decisions are made in, that affect the lives of the people within that nation. We have yet to do so, except within this honourable House and for the honourable post and position of the Deputy Governor.

Mr. Speaker, a former member of this Parliament . . . I am not aware if I am allowed to say his name but I suspect that I can because he is no longer a Member of Parliament—can I? Mr. Speaker, am I allowed to name former Members of Parliament?

The Speaker: Yes.

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

A former Member of Parliament, and I am not sure if he is supposed to be called honourable, but I will call him honourable. The honourable Ellio Solomon tried to bring a motion...

[Inaudible interjections and laughter]

Mr. Kenneth V. Bryan: Mr. Speaker, former member of this House, Mr. Ellio Solomon brought a motion to this House in the Administration of 2009 to 2013; and, in this honourable House on March 25th 2013, legislation was passed to give Cabinet the authority to make decisions on serious posts, jobs, and different trades to allow them to be Caymanian.

At that particular time, Mr. Speaker—I have the *Hansards* here and have read as much as I could digest—most of the sentiment was the attitude of how it was protecting Caymanians and this legislation would give certainty to Caymanians in certain jobs; but as we are aware, we have not taken the opportunity at this particular point, to use the authority at all. And

The reasoning behind that could be justified, based on the fact that before the government can make a decision on selecting any trade or occupation to be Caymanian only, there needs to be much research, and I agree with that, but Mr. Speaker, what we are talking about today is not a trade where there are many of those persons; we are talking about particular posts. The research that would be necessary to make a decision like that, I do not think is necessary in this particular situation. We are talking about positions where Caymanians have done very well, have created departments, ran them very well for centuries and have proven that they can do the job.

So, I do not think much of the discussion in the *Hansards* back in the 25th of March, 2013 may be relevant, only but to say—and I will come back to that, I am not going to use that ace in the hole quite yet—this is debate.

[Inaudible interjection]

Mr. Kenneth V. Bryan: Well it could be a jack, I am not sure if it is an ace, but I am hoping that it is an ace.

[Laughter]

Mr. Kenneth V. Bryan: Mr. Speaker, this Motion is more than just protecting the posts of Fire Chief and Immigration Chief; this Motion is about giving Caymanians the feel that we are willing to do what it takes to protect the culture and norms of what we stand for because, when you are in a major decision-making position in this country, based on how you are as an individual—regardless of whether you like it or not—your attitude, culture, background, and history is reflected in your decision-making processes.

The fact that you may have been raised in a Christian background will affect the way you think and come to conclusions, and I think some may say that is the reason why our culture and our heritage are dwindling so much, because so many people in decision-making positions affecting our lives today, are not Caymanians.

If we do not start from now, from today, to make decisions on protecting these types of positions that affect our lives—and I dare say, Mr. Speaker, there are only two before the House but I suspect that in the future, there will be many more coming into this honourable House. If we do not start to protect these types of positions, the same thing that the Premier spoke about in his speech earlier, about an attitude towards the business community, an attitude amongst our country of divide, will continue to fester and eventually affect our economy. Affect our economy, and not in a positive way, Mr. Speaker; Caymanians are starting to feel more and more every day that they despise expats. Sometimes you ask yourself the question: do they have a right to feel that way?

Regardless of whether or not they have the right to feel that way Mr. Speaker, we know it is not healthy for the longevity of our nation. I believe passing a Motion of this nature can only help calm the nerves of Caymanians, that we will do what it takes to protect particular posts that affect the culture, heritage, behaviour and norms of our country.

Now Mr. Speaker, when I say that, I am quite sure someone is going to say, *well, how does the Fire Department affect the behaviour of our community?* I don't think anyone would ever ask about the Immigration Department because I believe even the children in Africa agree that the Head of the Immigration Department should be a Caymanian. I wait to hear the responses on that one.

I think most of us have heard the talks and conversations about the past Chief Fire Officer, Mr. Kirkland Nixon, and the pride that he brought to that Department. I can speak from an informed position Mr. Speaker, because I was a fireman and he hired me as

a 17 year old boy, fresh out of school. What it delivered to many young men at that age was, *boy I don't know how the job market going go, but I know one thing, I can always be a fireman because I am a Caymanian.*

For the first time in my lifetime, that I am aware of, which happened in the last Administration, a non-Caymanian ran the Fire Department. Even when there were indications that it would never happen under my watch, a non-Caymanian headed that department. So Mr. Speaker, if that can happen, how much longer will it be before the entire Department will have non-Caymanians in it?

Anyways, Mr. Speaker, at this particular stage, no law protects or allows the civil service to mandate only Caymanians being in the Fire Department. So, at this particular point, it is just a cultural behaviour, which thank God, is still happening. I would encourage whoever is in charge of that Department to continue that culture for the protection of our national atmosphere and pride. If that starts to change, it is going to add to what the Premier just spoke about in respect to the country's animosity to foreigners.

Much of what I want to add to this Motion will definitely come after my closing remarks because I must agree, we are in politics, and there are going to be strategies on who wins this Debate and who doesn't win it; even though I wish I did not get into the games of things but we have to—I had to learn quickly.

I am going to try and use another 15 minutes and then give the Members of this honourable House an opportunity to give their contributions, but I want to talk about a particular question that I constantly hear, which is: *shouldn't these posts—and I say "these" meaning the ones that are currently before the House—be open to the best available talent, even if that means looking outside of the Cayman Islands?* I would agree that everyone wants the best person there because that means we are getting the best, but Mr. Speaker, I ask: "At what expense?"

We currently have a labour market that is expected to compete against the rest of the world. That means, the smartest and brightest—the Harvards, all the big universities in London and New York—we are expected to compete against them with no level of protection whatsoever. Then every single election we admit about the failures in our education system, and the failures in our succession planning, but yet still, we expect them to compete against the rest of the world.

Mr. Speaker, I do not think that is a fair environment in which to put those who want to succeed in the Cayman Islands. I think it is a disservice, to be honest. I mean, at the end of the day we are a growing society and we are globalised now and the world is practically flat again and no longer round, because of the world of technology, but we have to figure out a way to balance the fact that we are so modern and so globalised, while at the same time protecting the interest of Caymanians in senior posts in this country.

Unless Cayman is prepared to make the best there is in the world in every single post, there will always and forever be the excuse that there is someone better, from somewhere else, to do that job. Hence the reason I had to bring the Motion, Mr. Speaker.

Former elected Member of the House Mr. Ello Solomon said on the radio the other day, and it is a strong point, if the Constitution did not protect the position as Deputy Governor, would there have been some reason found for someone from the UK to be in that post? That is what I would like to ask the public. I know they would have come up with some reason why the Honourable Franz Manderson could not do the job.

Proper succession planning, identifying individuals from early, ensuring that they had the necessary training, exposure and experience allowed Mr. Franz Manderson to be—I dare say today—the best Deputy Governor that I am aware of, so I give him those congratulations here today; but whoever was in charge of that succession planning obviously has not done the exact same thing across the civil service. Now, Mr. Speaker, I think it is important that I take the opportunity to highlight the fact that all Members of the Opposition were presented by the now Acting Deputy Governor, with plans by the civil service for proper succession planning and I was happy—I am glad to hear about that—but they too, have limitations.

Mr. Speaker, it is hard to train Caymanians when the budget is not there for them to be trained. If we make it mandatory for certain positions in this country to be Caymanian only, then this honourable House will have to make it mandatory to find the finances to train them and give them the exposure necessary. In the downturn in the economy in the past half-decade, most of the budget cuts went to training; maybe that is why we don't have a Fire Chief today.

This Motion is really about forcing us to do what is right, because for those out there who are saying *well boy, if you mandate it that it is a Caymanian, you might end up putting in a Caymanian who is not prepared.* That might be true for the medium term, but when we realise that we have no other obligation but to put a Caymanian there, maybe it would force us as legislators, and future legislators to say *listen—boy—you know that Head Officer ain't doing it; we need to find a good Caymanian from now, give them the money that is necessary, send them on secondment to make sure they have the experience.*

Until we are pressured to make sure that it is a Caymanian, we will forever be going, *oh yeah, we can deal with it tomorrow; oh, we can deal with it next year,* while the foreigners in those positions, every single time they get that post in high position within two to six months, they have somebody else that they are friends right below them. Unless you want me to list out how many situations we have had with that—and I can do that in my rebuttal.

While we are sitting down saying we are going to train Caymanians, they are setting up themselves

and their friends and when they are making big decisions about us as Caymanians, their cultures, behaviours and norms are coming out in those decisions that are affecting Cayman and changing who we are as a people! That is why it is important today for this Motion to be passed Mr. Speaker; not only because the Fire Chief and the Chief Immigration Officer should be a Caymanian; because it goes down to the morale of who we are and protecting the culture of who we are as a people.

Again, to answer the question that was posed to me when I started the discussion about this: what if the best available talent is not from Cayman, and we need the best available talent? I dare say that the expense that comes along with the best available talent across the world is not worth losing Cayman and its identity! Because that is what we do! When we say, *oh the man from England, the man from Canada, the man from America, is a little more qualified than the Caymanian . . .* but does he know who we are? Does he know what we stand for? Does he have the respect? Will he come out of his driveway and see a kid passing and let the kid pass? Is that a part of his culture or is his job to get up every day, make sure he gets to work and get everything done and don't think about anybody else other than himself? Because that is how they were trained. They came off of conveyor belts, don't care about anything else; it's all about the "corporate world" or the "civil service world".

We are still a very small nation with these small elements about us that make us unique; and no matter how many qualifications and experience they have, they cannot bring that to the position, Mr. Speaker. I think we would all agree that if the best persons qualified for every post were Caymanian, let's say for argument's sake, there was a world university for Fire Officers and our Caymanian went off and came top of the class, we would feel good. We would say, *we got the smartest there is in the world and the fact that he has the cultural norms of who we are.* That is the perfect scenario.

Well, this Motion is mandating that we do that because when we mandate it to be Caymanian only, it is going to force us as legislators, as well as the Government who are the protectors of the tax payers' money to spend that money to make sure that those individuals are the best. Maybe then we will start identifying young people from when they are in schools and say *'that will be the next Deputy Governor, that will be the next Chief Immigration Officer, and that will be the next Head of Customs.'* That is what this Motion is about, Mr. Speaker!

I have to be very mindful of the time because I am a newbie and time can run fast when you are talking plenty, so forgive me if I continue to look up at the clock.

Another question that was asked by me in respect to this Motion is: why only these two posts, and not others? I think I touched a little on that earlier Mr. Speaker, but allow me to reiterate.

I must admit that there is a level of politics here, and to be frank Mr. Speaker and the Cayman public, I would like to see every post in this country be Caymanian only, but these are the only two that I think the Members of this Government, and us as Members in the Opposition, will have a very difficult time telling the Caymanian people why you didn't support this Motion. So yes, there is a little politics in particular with these two posts. I think they might get away a little with the fire post because I understand that we are having some difficulties over there, but nothing that a little delay in this Motion for maybe another year or so can't fix—but make it pass still. So I am waiting to hear their reasoning behind that.

I want to encourage the Members to think, because I know that the politics of things are going to play and the Government has probably already made up their minds as how to vote. They are not going to pause and go off and consider what I have said, they have already considered it Mr. Speaker. They have already had a caucus meeting. They have already had their little chill-chatters, which I appreciate that at least I am being considered; at least the Motion is being considered.

I suspect that that consideration is already to say "No!" to this Motion, but I want you to consider something: when you say "no", if you do intend to say "no", what message are you sending to the people of this country when you are not prepared to say *'yes, we believe a Caymanian should and moving forward, it will forever be a Caymanian in the position of Fire Chief, and Chief Immigration Officer.'* What are you telling the Caymanian people?

Here's what you are telling them: you are saying no, you do not believe in Caymanians; you are saying that you are happy to be led by non-Caymanians; you are saying that you are buying in to the crab in a bucket mentality by not wanting to see other Caymanians do well. You are hurting the morale of the national pride in this country to lead ourselves, and you are adding to the continuance of the decay of our culture and who we are by not agreeing to put Caymanians in serious posts that make decisions on our lives. And when you do that, you hurt Cayman.

I want each and every Member to think about that. There are going to be hurdles, I know there are going to be hurdles. It is not an exact science and there are civil servants out there who need help to be a little bit better, but you now what? Let's get behind them, help them, fix them, give them whatever they need to do the job better; don't say they are not prepared.

Mr. Speaker, you may have heard me ask the Premier to give indication to a timeline on a question I asked him earlier. This is because if we do not give ourselves limits and obligations by Law, we will never get them done. I think this Motion will help us with that.

Mr. Speaker, I am not sure about the protocol

of this but what I have in my hand is an old job description for the Cayman Islands Fire Chief. Mr. Speaker anything I say—

The Speaker: If the Member intends to read from the document, I would need a copy of it.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker; I don't intend to read from it but just to refer from my memory, to what is in it.

The Speaker: If it goes too deeply into it, I am going to require to see it, because I don't want you to be holding a document, claiming to be referring to it—not reading from it, but referring to it—and I still don't know I what you are referring to.

Mr. Kenneth V. Bryan: Thank you Mr. Speaker. To be on the safe side, I am going to hand the document to the Serjeant for copies, and maybe it might be prudent to give a copy to the Opposition Leader and to the Honourable Premier—

[Inaudible interjection]

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker. I would prefer to lay it on the Table of the House.

Mr. V. Arden McLean: Absolutely. If the Speaker wants a copy, it is to correct you if you are doing something wrong; give the Speaker a copy and you don't need to give us any, but if you lay it, then you have to get copies...

The Speaker: If the Member wants to read, get me a copy and then he can lay one on the Table.

Mr. V. Arden McLean: That's fine, that's fine.

Mr. Kenneth V. Bryan: Mr. Speaker, in the interest of time, I am going to try to deal with another matter until the Serjeant comes back.

Mr. Speaker, the document that the Serjeant has gone to copy talks about the role of the Fire Chief—and I am speaking generally until I get it. I bring that up because much of that role's responsibilities have to do with administrative or leadership skills and I am going to identify to you Mr. Speaker, out of the job description that 65 per cent of it has to do with leadership and administrative work. The other 35 per cent of that job description has to do with the science and experience element of being a fire chief.

The document also states that it has three Deputy Fire Chiefs, two of whom must have fire experience background in order to advise the Chief Fire Officer. The other Deputy Fire Chief is an administrative role—it need not have mandatory fire experience. Now, you may ask: why is that relevant? It is relevant because I am going to propose that because 65 per cent of that

role has to do with administration and leadership—and from all indications given to me, that seems to be the biggest problem there at the Department now—a person who is able to do the administrative and leadership skills be seconded to the Head of the Fire Department while the two deputies, who are obligated to have the fire education and experience, are there to advise on the other 35 per cent of those job responsibilities.

Now, there may be some technicalities to why that can't work, but for me the concept behind is that we have seen a recent example of when we didn't have someone ready for the post, we seconded Ms. Samantha Bennett—Mr. Speaker, please forgive me, am I allowed to refer to persons by name that work in official positions in the civil service?

[Inaudible interjection]

Mr. Kenneth V. Bryan: Post? Okay.

The Speaker: It is more appropriate to do it by post.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker; I appreciate that.

The Speaker: And honourable Member, remember there are limits to what—and I am only saying this for your edification and the other Members can close their ears—there is a limit to what can be done, because an elected person is not in charge of the civil service.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker but I fear that you are getting involved in this debate.

[Inaudible interjection]

The Speaker: Involved as I might be, I am doing it for your good.

Mr. Kenneth V. Bryan: Thank you Mr. Speaker, I appreciate that. I wasn't . . . I hear the hmms and awws but I know that that is going to be a part of the Government's position and I will deal with that accordingly, hence the reason I suggested what I suggested; but please forgive me, Mr. Speaker.

Before we went off track, I was speaking about the Head Collector of Customs post. We had a vacancy there and in the previous Administration under the civil service, there was a secondment from the Immigration Department where I believe, a Deputy Chief Immigration Officer was seconded to head the Custom's Department for a short period of time until a very well qualified and strong leader was identified, whom I dare say, I am very proud of today; that Deputy Immigration Officer was then sent back to her post at the Immigration Department.

I brought that to connect to the relevance of the job description and I was speaking to you before—I admit that there might be some complications to this, and

I know the Acting Deputy Governor is listening—but my theory Mr. Speaker, was that if you see the chart on page 4 in the Fire Department [organisational chart], where there is a Chief Fire Officer, then there is a Deputy Chief Fire Officer for Air Drone Department, a Deputy Chief Fire Officer for Domestic, and a Deputy Chief Officer for Administration; so we have someone there to assist in the three main areas of the Chief's responsibilities.

Mr. Speaker, I referred before to 65 per cent of that role being administrative and leadership. For those who have a copy, you can see that there are 12 different topics where the principal accountabilities of the Chief Fire Officer will be, and just based on two different categories one being fire education and experience and the other being leadership and administration. Only 35 per cent of these principal accountabilities would fall into the category of fire education and experience and the other 65 per cent are administrative and leadership.

So my theory is: why could there not be a Caymanian seconded—I have to get back to the principle of this, Mr. Speaker—until we find someone who can merge both of those elements, being the fire education and experience and the leadership and administrative, to make the whole of the Fire Chief that we see on page 4 of the organisational chart?

These types of strategies need to be taken in order to protect the Caymanian lifestyle, because you need to make orthodox moves to ensure that you continue the little bit of culture that we still have left and when I say culture, I don't mean banging drums. Culture can be a norm of a department. It can be how we keep our Christian heritage. It could be the way I walk down the road. It is a human behaviour, a human habit of a group of people; that is what we are protecting Mr. Speaker.

With the global market changing and we being so global and open with our immigration policies and hiring practises, we are changing who we are as a people so, it takes little strategies like what I suggested just now, to keep protecting us. It takes strategies like this Motion to force us to pull our pants up, and put the money where it is necessary to train Caymanians to be in these posts.

Mr. Speaker, let me wrap up because I am excited to go into the next round, which I suspect is going to be interesting; I will listen ever so carefully to what other Members of this honourable House will have to say in respect to this Motion, but before we say anything else, I think it is important that every Member of this House understands the magnitude of what you say, in respect to the national picture of who we are and what is happening with the protection of us as Caymanians, because this Motion goes further than just the Head of Immigration and the Head of the Fire Department.

It talks to more than that, so I encourage you all to be mindful, because we are talking about chang-

ing the hearts and the feelings of the people; their nationalistic attitude of feeling being proud to be Caymanian. This Motion is about that. Even if you want to disagree, be cautious about how you do it because you could kill the spirit of the people if you are not mindful how you do it. And I will say this, Mr. Speaker—and hope I do not come off cocky—but, I am going to do my job to call out anybody who comes up with any nonsense as to why Caymanians cannot be in these positions.

With that being said, I will sit, wait, and listen carefully to what has to be added to this contribution.

Thank you, Mr. Speaker.

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

The Honourable Acting Deputy Governor.

[Pause]

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

Mr. Speaker, I rise to add my contribution to the debate on the Private Member's Motion to mandate that the posts of the Cayman Islands Chief Fire Officer and Chief Immigration Officer be posts that can only be filled by Caymanians.

Mr. Speaker, it is a good feeling to be able to add my voice to what I believe is a unanimous aspiration of all who sit in this honourable House, whether elected or who hold ex-officio roles. We are unified in our desire and commitment to ensure maximum Caymanian participation within the civil service and, in particular, within its leadership roles.

Fortunately, Mr. Speaker, we have a solid track record of achieving just this outcome. Across the civil service, some 74 per cent of positions are filled by Caymanians and in the two Departments in question, the participation of Caymanians is highly demonstrated with Immigration having 99.4 per cent participation of Caymanians and the Fire Department having 98.5 per cent Cayman staff complement. So, to be clear, that which unites us in aspiration, maximising Caymanian participation within our civil service, is being largely delivered within our civil service and, in particular, within the two uniformed Departments under discussion today.

Mr. Speaker, where I hope we will continue to be unified in our aspirations, is to insist that any person who holds a position within our civil service generally, but more specifically in the leadership of public safety and national security agencies, be suitably qualified and experienced to carry out their mandates. Why are these qualifiers so important? Why do the heads of these organisations need to be suitably qualified and experienced?

Mr. Speaker, the Member for George Town Central had a great deal of discussion about the need for us to be protecting positions. I respectfully submit,

that this may be putting the emphasis on the wrong subject matter; the protection we owe, Mr. Speaker, is to our citizens and to securing our borders.

We must protect the opportunity for Caymanians to hold positions of leadership in our civil service and we need to recruit, train and promote qualified persons to hold these very important roles, so Mr. Speaker, the protection that we ultimately owe—as our purpose statement will refer to within our five-year Strategic Plan for the civil service—is to make sure that we are improving the lives of those we serve; and in such important roles involving safety and security, this can never be more important of a mandate.

As the honourable Member for George Town Central has referenced, the Chief Fire Officer role in particular—and I understand he Tabled the job description—is a very large role; I would just say sir, that, the very document relied upon by the Member for George Town Central speaks to the fact.

The role is responsible for some 168 personnel, an annual budget of \$11.5 million, providing emergency services to three airports, the control of five active fire stations, including our domestic fire and rescue services across our three islands; being able to control and maintain significant equipment and facilities that are charged to that Department; and, above all else, maintaining the safety of individuals in these Islands, including those who have the privilege, such as us, to call the Cayman Islands our home, and the many who visit our shores. A very, very, important mandate.

As I have alluded Mr. Speaker, these roles are critical to the safety and security of our Islands. Moreover, we owe it to the men and women who are our first responders to ensure that they are under capable leadership which keeps them safe. We owe it to all of our employees to ensure that they have good leadership, even the best leadership, given the responsibility of senior leaders to mentor and shape future leaders.

The Private Member's Motion before us calls for legislative action to mandate that these two roles are filled by Caymanians, Mr. Speaker. Our commitment to maximising the participation of Caymanians within our civil service—

The Speaker: Honourable Premier.

**Moment of interruption—4:30 pm
Suspension of Standing Order 10(2)**

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 that Standing Order 10(2) be suspended to enable the business of the House to continue beyond the hour of 4:30pm.

The Speaker: All those in favour, please say Aye; those Against, No

AYES and one audible NOES

The Speaker: The Noes have it.

[Laughter]

Mr. Kenneth V. Bryan: Mr. Speaker, can I have a division?

[Crosstalk]

The Speaker: Honourable Members, honourable Members, I heard more Noes.

[Inaudible interjection]

The Speaker: Yes but—no, no, it is not voted on yet. The vote is not taken; I heard it but I have not declared it. I am in your hands as sure as the House is in your hands.

Please, can I have the division?

Division No. 11

AYES: 14

Hon. Alden McLaughlin
Hon. Moses I. Kirkconnell
Hon. Juliana Y. O'Connor-Conolly
Hon. Roy M. McTaggart
Hon. Joseph X. Hew
Hon. Tara A. Rivers
Ms. Barbara E. Conolly
Mr. Austin O. Harris, Jr.
Hon. D. Ezzard Miller
Mr. Alva H. Suckoo
Mr. Kenneth V. Bryan
Mr. Anthony S. Eden
Mr. Christopher S. Saunders
Mr. V. Arden McLean

NOES: 0

Absent: 4

Hon. Dwayne S. Seymour
Hon. Bernie A. Bush
Capt. A. Eugene Ebanks
Mr. David C. Wight

[Pause]

[Crosstalk and laughter]

The Speaker: I heard a 'no' coming from you, though.

[Inaudible interjection and laughter]

The Speaker: —un-parliamentary in the House.

[Laughter]

Mr. V. Arden McLean: And you use it so many times with Alden.

The Speaker: That is why I know it is un-parliamentary.

[Laughter]

The Speaker: The results of the division: 14 Ayes, and 4 Absent. The Motion is carried; the House continues.

Agreed: Standing Order 10(2) suspended.

The Speaker: The Honourable Acting Deputy Governor.

[Inaudible interjection]

The Speaker: Not once.

Mr. V. Arden McLean: Not once?

[Laughter]

Hon. Gloria M. McField-Nixon, Acting Deputy Governor: Thank you, Mr. Speaker. I was not sure what was happening there and exactly how that would reflect on my own performance assessment.

Mr. V. Arden McLean: He didn't want to listen to you.

Hon. Gloria M. McField-Nixon, Acting Deputy Governor: Mr. Speaker, the Private Member's Motion before us calls for legislative action to mandate that these two roles are filled by Caymanians.

Mr Speaker, our commitment to maximising the participation of Caymanians within our civil service is already supported by a legal mandate. The legislation which is applicable in this instance, Mr. Speaker, is not the Immigration Law to which the Motion alludes, but rather, the Public Service Management Law (PSML). We have an overarching responsibility within the civil service to ensure, first and foremost, that we appoint the right people with the right qualifications to civil service positions. The totality of qualifications, skills, knowledge and experience a candidate brings to the table are the determining factors in an appointment decision.

At the same time, Mr. Speaker, it is right to ensure that suitably qualified Caymanians are given every opportunity and even a preference, in filling these roles, and we already have legislation—the Public Service Management Law—that does just this. The PSML and Personnel Regulations currently provide an enabling mechanism for Caymanians found to have broadly comparable factors to be given preference for civil service roles. The PSML section 41(7) states: “...but

where, after applying the criteria, two or more persons rank broadly at the same level, Caymanians shall be given preference.”

The underpinning personnel regulations, section 26, provides that: “**When in compiling the shortlist under section 41(6) of the Law a Caymanian and non-Caymanian are found to rank broadly at the same level, the Caymanian shall be given preference**”; and the Public Service Management Law, section 41(7)(b) provides that “to establish the preferred candidate, the interview panel can consider the personal knowledge of the person on the interview panel as declared to the panel, which allows for the known competencies of the local candidate to be considered in the process.

Mr. Speaker, I would now like to speak to the specifics of each position mentioned in this proposal in turn, because the situation is not the same in both cases. Firstly, as it relates to the role of the Chief Immigration Officer, do we need to mandate that a Caymanian fill this position? Mr. Speaker, to my recollection, the only time this position was held by a non-Caymanian in recent history was for a short interim period to facilitate succession planning for Mr. Manderson, the then Chief Immigration Officer designate and our current Deputy Governor.

Even with all of the recent challenges at the Immigration Department, we have been able to find Caymanian talent within the organisation to maintain the critical work of this department; we have also been able to attract Caymanian talent outside of the civil service while the Government pursues a strategic reorganisation of the Labour and Immigration regime. It is expected that the role of Chief Immigration Officer will evolve in scope and responsibility over the course of the next 12 to 18 months as a result of strategic reorganisation to create the Human Resources Department. When this work is complete and the roles of leadership positions of the organisation are defined, we remain optimistic that we will be able to find suitable Caymanian talent to fill these positions.

It is in that vein that I would like to highlight the recent appointment of Ms. Sharon Roulstone as Interim Director of the new Human Resources Department, which is under development. The fact that we are able to recruit a highly qualified Caymanian to this position, demonstrates our collective determination to find Caymanian talent for critical positions, and to be flexible in how we source Caymanian talent to meet our objective, even when this means recruiting from outside the civil service. What we do not compromise on is that, while we might demonstrate flexibility in the ways that we source Caymanian talent, we insist and maintain the need for persons to come with the qualifications to meet the demands of that role.

Mr. Speaker, this example is not an exception. We have continued to make great strides in filling senior roles within the civil service with qualified and experienced staff; mostly by internal promotions, I would

add; for example, in the 2016/2017 financial year, we had three Deputy Chief Officer roles that were filled by Caymanians, including: Ms. Tammy Ebanks, Cetonya Cacho and Ms. Deloris Gordon. We had the Director of Education Services filled by Ms. Lyneth Monteith and a Deputy Chief Advisor role filled by Dr. Tasha Ebanks-Garcia and other senior positions including the Clerk of Courts by Ms. Shiona Allenger, two Deputy Collectors of Customs by Mr. Jeff Jackson and Kevin Walton; Deputy Commissioner of Police by Kurt Walton; Chief Internal Communication Officer by Aubrey Bodden; Deputy Director of Community Rehabilitation by Lisa Malice; and the Chief Financial Officer (CFO) within the Ministry of Community Affairs, by Mr. Joel Burke.

Recently, we were pleased to announce the appointment of our newest Chief Officer, Ms. Teresa Echenique to the Ministry of Community Affairs, so Mr. Speaker, all 13 of these senior level roles have been filled by highly accomplished Caymanians, continuing in that tradition.

I would like to speak about the roles of the Chief Fire Officer where there is currently a non-Caymanian serving in the post, as we realise there has been a lot of debate about why this is the case. The fact is, prior to making the current appointment the Ministry responsible for Fire Services conducted three recruitment exercises. In the first two recruitment exercises the decision to not hire a Caymanian within the Fire Service had to do with the fact that the candidates putting themselves forward scored low in the testing and interviews, whilst others did not meet the minimum requirements of the post.

It should be acknowledged that a contributing factor is the depth and breadth of firefighting experience and other experience necessary for the Chief Fire Officer's role, which is in turn necessary to continue to lead our firefighters, to meet the regulatory standards necessary to preserve life, and also to maintain, for example, our Islands' Aerodrome Services' category one aviation regulatory status so, the pressures to respond to increasingly complex and technical demands presented by our higher density and larger physical properties, and other developments within these Islands means that this role and the function of this Service is only becoming more complex, not just from a leadership perspective but equally, a technical perspective. As a result, the pool of applicants from which the role can pull, is narrow and resides within the Fire Department itself or similar fire services.

Mr. Speaker, it should not be forgotten that like Immigration, the Fire Service has a history of distinguished Caymanian leaders which has been recognised and dates back to the 1970s, when we had Mr. Kirkland Nixon appointed as the Fire Chief; that tradition continued with Mr. Roy Grant, and Mr. Dennon Bodden. We should also state that, while there was succession planning in place, there was clearly a breakdown that occurred with these gentlemen being in very close retirement age of one another so, in very

quick succession, we went through three Caymanian Chief Fire Officers.

Why has it been so difficult to find a qualified Caymanian for the position of Chief Fire Officer to continue this proud tradition? To begin with, we have to acknowledge that over the medium term, there is a significant gap in the succession planning within our services, and most pronounced within that Department. The three leaders in question, as I said, were relatively close in age and therefore, the immediate successors exited the organisation within short periods of time of each other, either through normal retirement or, in the case of some, through medical retirement and not enough had been done to prepare potential successors from the lower ranks—we acknowledge that. However, this situation is not a static situation; while there is no quick fix, there is much that can be done and is being done to correct the situation.

Mr. Speaker, I am advised by the Ministry of Financial Services and Home Affairs that ongoing training and development for staff at all levels is a priority; to this end, between December 2015 and December 2017, the Fire Services has invested \$175,000 in training for more than 60 staff in areas such as incident command, apparatus operations, strategic emergency and crisis management and fire prevention. In addition, opportunities for leadership-focused training were provided through the annual IPAC Leadership Conference, the Cayman Islands Society for Human Resources Professionals Conference, leading to improving Human Resource (HR) Management capabilities and the International Association Fire Chiefs Conference (IAFC).

Special focus has been placed on cross-training for staff between the aerodrome and domestic divisions in order to expand the skillsets of staff and to improve the capacity of the service to respond to emergency incidents. In addition, staff have been invited to join working groups and to take part in various initiatives that would build their management acumen, like the procurement team that was responsible for the purchase of the new rescue launch in 2017, which provided a hands-on opportunity to apply government's procurement policy and become familiar with government's procurement systems.

As per the recommendations of the recently completed PricewaterhouseCoopers review, the Ministry responsible will be working with a Fire Chief and a senior management team, to implement the National Occupational Standards (NOS) within the domestic division of the Fire Service and these would be embedded within the job descriptions; gaps in capacity and competence will be identified based on the prescribed standards and targeted training offered to officers who require it.

Focus will also be placed on the development of a comprehensive promotion strategy with clear criteria for advancement. The Ministry advises that the plan is to conduct open promotion boards for the roles of

Deputy Chief Fire Officer, Senior Divisional Officer and Divisional Officer by the end of the third quarter of 2018. As you would be aware, having had the benefit of expert consultancy advice, the Ministry and the Fire Service are working to set out a clear plan of action for the way forward to develop a world-class Fire Service.

Mr. Speaker, we welcome the continued scrutiny of Members of this honourable House and of this community, to ensure that we are building a world-class Fire Service with world-class opportunities for Caymanians to advance within the ranks. The Deputy Governor and the Ministry responsible invite the community to hold us to account that we make progress against this plan; at the same time, the Ministry responsible will have internal support through the Portfolio of the Civil Service and the leadership development programmes that are a part of the five-year strategic plan for the civil service. Already, senior staffs from the Fire Service have participated in the first leadership seminars.

I am also pleased to advise that five members of the Fire Service have successfully completed Associate Degrees through the Civil Service College which includes qualifications specifically in leadership and management. We will be working to ensure that the Ministry has a formal plan for ensuring that these new skills and qualifications are utilised and built upon as part of succession planning for the Fire Service.

It is making significant strides including recruiting staff that already possess degree specifications so, whereas the general entry level for this profession was generally quite low, meaning that quite a bit of investment in training had to be done, including academically, for persons to have reasonable prospects to hold senior leadership roles, we are seeing in more recent recruits, persons who already possess academic qualifications that would allow them to be able to focus on their technical competencies and on acquiring management and leadership experience. As we also have as a challenge within our overall civil service, we will come alongside to see what opportunities exist for creating fast streams where people demonstrate high potential.

In closing, it is an established fact that our current legislation, the Public Service Management Law, makes appropriate provision for ensuring suitably qualified Caymanians are given every opportunity and advantage to be appointed to civil service positions, including the critical roles of Chief Fire Officer and Chief Immigration Officer.

It is true, Mr. Speaker, that we prioritise above all else, that successful candidates must have the best balance of qualifications, skills, knowledge, and experience for the positions; in our journey towards a world-class civil service, we can expect no less. In the two critical roles that are the focus of this Motion, where safety and security are paramount, were we to fail in ensuring that we have suitably qualified appointees, the price we would pay would simply be too high.

I also pointed out that in relation to the post of Chief Immigration Officer, which is also a very large

role, seeking to mandate that a Caymanian must fill this role is perhaps a case of legislating for a problem that does not exist.

In the case of the Chief Fire Officer, I understand by the efforts made by the Ministry to identify suitably qualified Caymanian candidates, that there are significant strides being made. I acknowledge the deficiency in succession planning which has contributed to the current situation where there is not a pool of candidates immediately available to take up the role, and I have given commitments to ensure that the Ministry takes the appropriate actions and that they are supported centrally by the Portfolio of the Civil Service (POCS) in the five-year strategic plan to advance on that area.

Mr. Speaker, the reality is that we already have strong legislative support for promoting and hiring qualified Caymanians. Even if this proposed legislative change had been in place, it would not have remedied the challenges that prevented hiring a Caymanian in the last recruitment exercise; so, Mr. Speaker, the proposal would, in one case, be a solution without a problem, and in the other case, it is not an actual solution to the problem which exists.

I know this raises a lot of debate, but I am bound to point out that the Civil Service is the responsibility of the Governor who has delegated that responsibility to the Deputy Governor. That is why the Deputy Governor has dual designations, namely: Deputy Governor and Head of the Civil Service and the roles and responsibilities are prescribed by the Constitution and the Public Service Management Law.

Therefore, Mr. Speaker, for the reasons previously identified, not the least of which is our ultimate responsibility to safeguard our borders and the people of these Islands, we cannot recommend that this honourable House support the Motion as it exists, to mandate that the posts of the Cayman Islands Chief Fire Officer and Chief Immigration Officer be posts that can only be filled by Caymanians; but we can, have, and will continue to ensure that we are providing the opportunities, and that where persons are generally qualified, that preference is given to ensure that the tradition of filling these positions with Caymanians can continue.

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]

The Member for North Side, the Leader of the Opposition.

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

Thank you, Mr. Speaker.

Mr. Speaker, it is always troubling when politicians have to resort to these kinds of motions, because the standard caveat is, "the Civil Service is the consti-

tutional responsibility of the Governor, who has delegated it to the Deputy Governor” and therefore we should have no say.

However, it is us politicians, who have to take the criticism and who have to go out and defend these unfortunate positions we find ourselves in, which often times are no fault of the people sitting in these hallowed Chambers; but because the Governor and the civil service have that cloak of armour and protection, where the public has no access, no opportunity to criticise or punish them as they can do to politicians, when the public believes that the politicians are not doing enough to make sure that Caymanians are getting opportunities.

Mr. Speaker, while the Opposition does not subscribe that what is proposed in the resolved section under the Immigration Law is a way to solve the problem, at the very least it gives the opportunity to hear what is being proposed by the civil service to address the matter. We believe that there is sufficient legislation already in place. We believe that in addition to the Public Service Management Law there is provision in the Public Authorities Law that says that when two people are equally qualified and one is a Caymanian, the Caymanian must be given the opportunity.

On this side we subscribe to the Immigration Law, which of course the Governor, the Government and the civil service decides and the law does not require them to comply with the work permit provisions of the Law; but the Immigration Law basically states and the intent is that all jobs, every single job created in this country belongs to a Caymanian unless—and then the Law lays out a whole litany of things that have to be done to prove that you don’t have a Caymanian to fill the job.

There is no such requirement for appointments in the civil service. The public has no way of knowing what process it goes through, other than you see an occasional ad in the paper, but what us politicians mostly have to listen to are the complaints of the civil servants who believe they are being passed over and the Caymanians who cannot get into the civil service.

We promote succession planning. The Member for East End and I have always advocated for the removal of the Public Service Management Law section that requires people who are part of a succession plan, who act in a position repeatedly with good performance appraisals—because they are not told the first time they act, that they will never get the opportunity again. A pretty good judgment of whether somebody did a good job acting for the person above him while they were gone, is if they are offered the job to act the next time the post is vacant through vacation or whatever—because if the person did not perform well in the first chance, they should not be given a second chance.

We hear all this touting of succession planning and we have cases where people as deputy, act for directors and /or Chief Officers, but when the time comes to recruit for that position they are told that they have to

compete and it has to be open competition; and they do not start off with any advantageous position or the assessment of the people who are applying for the job does not appear to place any weight or additional points on the person who has successfully acted in that position.

The sad thing, Mr. Speaker, is that if we continue to talk about this global, world-class civil service that we want, and we are going to force Caymanians to continue to compete with the world rather than with ourselves, there is the likelihood that you will always find somebody else applying for the job, who is more qualified or more experienced than the Caymanian. I have no problem with Caymanians competing with Caymanians! But when you tell me that they have to compete with the whole wide world, when you see that some of the positions that people are being recruited for within the civil service, the person that is given the job over a Caymanian does not always have the specific, exact qualifications that the position asked for.

In the case of the recruitment of the non-Caymanian Chief Fire Officer specifically, again, the Member for East End and I questioned that appointment extensively in several Finance Committees. We were given the assurance that the biggest part of that person’s mandate was to train a Caymanian to take the position. I believe that recruitment happened, according to the ad I have here—

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: The 15th February, 2015—three years.

Now, Mr. Speaker, while we may say that the people within the fire service were lacking in certain academic qualifications to be trained to be Chief Fire Office, while they may be lacking in the skills of fire detection, fire preventing and all that sort of stuff, they were Caymanians who applied for that position who had exceptional academic qualifications—including a law degree—and exceptional performance in the service over years. No, sir!

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Well, I have a copy of the application.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Well, we were told that they did not have academic qualifications, you know.

From where I sit Mr. Speaker, the problem is that we often find it easy to accommodate minor shortcomings of non-Caymanians to give them jobs, but we do not seem to be providing the extra opportunity for Caymanians who have the capacity to be trained up.

I recall, I do not have the Hansards in front of me—I am speaking from memory and at my age, that is sometimes not as trust-worthy as it used to be, my old memory; but I think we were told, that one of the reasons that specific person was recruited was because of their extensive experience and knowledge of training other fire officers.

The question is why don't we have a Caymanian trained up today? Because, Mr. Speaker, \$175,000 sounds like a lot of money but when we divide it by 50 officers, that is \$3,500 per person and that doesn't buy a lot of training in this day and age. We recognise and congratulate the civil service in the things that it is doing well, and the number of Caymanians that we have in high position. That is well and good and we congratulate the Portfolio of the Civil Service and the Deputy Governor, in particular, for some of their recent successes in the last three or four years. That bodes well for the plans for the civil service.

However, Mr. Speaker, our concerns lie in the fact that, as I said earlier, while we hear a lot about succession planning, many civil servants who were given opportunities to act, complain that when the time comes for them to be given the position that they have spent five, six, seven, eight, nine, ten years training for, they suddenly find that there is an academic requirement added, like a law degree, which did not exist before, which was not part of the competencies required for the predecessor. And we have heard the civil service probably incorrectly but globally, described historically in Cayman in the 60s, 70s and 80s: you had to be a member of the United Church to get a job in the civil service.

[Inaudible interjection and laughter]

Hon. D. Ezzard Miller, Leader of the Opposition: In the 80s, 90s, and the first part of this century, you had to be a qualified accountant; that was the most important qualification. Today, the most important qualification is a law degree.

[Inaudible interjection and laughter]

Hon. D. Ezzard Miller, Leader of the Opposition: One of the things that I would like to see the civil service do a little bit more of is competencies and gap analysis. And if the person who is acting in a position has any shortcomings, there is a clear assessment of what the gaps are, and the person is allowed the opportunity to fill those gaps and get those qualifications, for example, in the Fire Service or in the Immigration Department.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Oh, I know what I have to add here. It is imperative that Caymanians feel that they are given every opportunity and, while we may have all of these best intentions in

the world, we may have documentation. If we have one Caymanian in the civil service who feels they are not given the opportunity and do not know very clearly why and what their shortcomings are, in terms of either academic qualifications or experience for that position and they feel that they are being passed over and being used to fill gaps, because when the person goes on leave and they need somebody in a hurry, they put them in and they got to run the show, they got to take all the crap and they do not have the expertise, they say; then, two years later, we see that somebody is brought from some other department or from overseas to put in the position.

If you are part of a succession plan and you are acting in a position and you are being judged and measured against somebody else who has never acted in that position, you should start off with some additional points. But what I get from those civil servants who are aggrieved, is that they are beginning to feel that having acted, they are put at a disadvantage not at an advantage. Whether that is real or not, as long as it is the perception, we need to make the efforts to correct it.

So, Mr. Speaker, we believe that some good things are being done in the civil service. We believe that when we have to go to this extreme and recruit a non-Caymanian and undertakings are being given that that person is only being brought in for a special period of time; that all efforts are being done to train a Caymanian to take over that specified time. It was our understanding when the Chief Fire Officer was hired, that that should have taken about two years, so we are one year late, right?

If they did not have somebody who applied for the job, the government has had at least one year since appointing this person, to identify the Caymanian who is capable of being trained and made sure they got the training.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: Yeah, yeah, well I made that clear, that the position that I find myself in is that I am walking on thin ice, because I do not have the ability within these hallows to even criticise the Governor in her decisions, and I understand that the elected Members of this honourable House have no authority other than what the Constitution provides, where you have administrative authority for the implementation of policy. Most of that is likely confined to you having to work with the person that they give you, not necessarily have an opportunity to select the person that you would like to work.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: And something that I believe we need to address within the civil service is, in particular, that people who work with

elected Members of Cabinet should have some authority and input into the decision of who is going to manage their policies because I spent four years up there; I know how they operate. They look at you and, 'Yes, Mr. Minister, no problem'; you go back two weeks later and ask, 'Is that thing we talked about two weeks ago done?' 'Mr. Minister, are you sure you asked us about that?' So, we find ourselves in this unfortunate position where we have to take the criticism from the public, because the public expects us to do something about it—more so the Cabinet than even us—but, in truth and in fact, there is very little you can do.

Now, I did not support Mr. Ellio's Motion because I do not believe we should spell out that certain jobs are for Caymanians, because I believe what that says is that those are the only jobs Caymanians can do and therefore, these other jobs should never be allowed for Caymanians. My position is—and I would encourage the Government to adopt this position now, since I am talking to the Elected Cabinet—that every job in the Cayman Islands belongs to a Caymanian unless somebody can prove that no Caymanian is available to fit that position.

And some of these boards need to tighten up their approval process and ask some questions! The government gives them the tools and the legislation to act with. Was it three years ago, Mr. Premier that we put in the fine for misinforming the Board about Caymanian applicants? I don't believe a single person has been fined since that law was put in place. Not to my knowledge. I find it hard to believe that not a single Board during that period of time was misinformed about some Caymanian applications, which is why I encourage people who come to me, when they are applying for jobs, to copy the application to the Board; but again, that can be so overwhelming to the Board that it gets lost anyway.

I don't believe the answer is us writing more legislation. I believe that the answer lies in the enforcement of current legislation and implementation and interpretation of existing legislation to the benefit of Caymanians, because I believe that is where we are falling down. I agree with the Honourable Deputy Governor about the importance of having a qualified person for protecting and the security and all the stuff that goes along with it, but that is not the complaint about why the Caymanians were not given the top managerial positions. The short fall by the Caymanians seem to be that they don't know enough about managing people and budgets and other things; other than saving lives and protecting our people.

Another thing that the civil service needs to consider: if you bring in a non-Caymanian and place them in a position above a Caymanian in an organisation and the Caymanian starts to ask questions to get learning from that person, it can become insubordination and the Caymanian can be punished for "aggravating the boss" about things; but if you do it the other way around, if you put the Caymanian in the top

position, position and bring in the expertise to fill in the gaps that they don't have, when the Caymanian asks that employee under him for the information, he has to be forthcoming with it.

There is greater opportunity to get knowledge transferred if we bring the expertise in to support the Caymanian, as opposed to bringing the person in above the Caymanian to train them because, as the Premier announced this morning on the formation of his Commission—which I support—our forefathers' belief when drafting Immigration legislation and the Caymanian Protection Law, that people were going to come to this paradise from somewhere else and train Caymanians to hurry back home, is not working.

I do not know about anybody else Mr. Speaker, but if you see Ezzard Miller leave Cayman to go to work somewhere else, I am going there because Ezzard is going to be better off, you know? Well, the community where I go to work might get some benefit from me doing a good job, but I am not there to benefit that community; as they try to tell us, they are here to benefit us. They are here because they are better off here, than where they are coming from! Because only someone who thinks everything floating downriver is gold, would migrate from a bad set of circumstances to a worse set of circumstances or from a good set of circumstances to a bad set of circumstances on their own volition.

Most of us migrate because we are going to improve our lot in life and that of our families, so when we are asking people to come here and they find out what a paradise this is, to ask them then, to train a Caymanian in short order so they have to go back, is not going to happen; and that is another thing that I don't understand. All of the Caymanians that I know, who migrated for education, employment, or another reason, had one ambition in life: to come back to Cayman. If they did not get back until they were dead, they always talked about coming back to Cayman. Somehow, the people who come here do not want to go back to where they were!

[Laughter]

Hon. D. Ezzard Miller, Leader of the Opposition: What they want us to do, and what they lobby us to do is to change the law for them to stay here forever.

[Inaudible interjection]

Hon. D. Ezzard Miller, Leader of the Opposition: So, Mr. Speaker, I implore the Portfolio of the Civil Service to continue and improve on what they are doing because we have to ensure that the perception of Caymanians—particularly Caymanians who go to other jurisdictions, get higher education and compete against these same people in their jurisdiction, get better marks than them in school, and somehow they can come down here and get a better job than we can get in our own country.

There is a growing emotion in this country within young, educated Caymanians beginning to believe more and more that they are not being given the opportunity that they believe they should have in their own country; and as the leaders of the country, we have to do everything in our power to try and change that to get back where it was in the 70s and 80s, when Caymanians believed that they could be successful in their own country and succeeded.

Mr. Speaker, I believe it is somewhat sad, that a Motion like this has to be brought to Parliament, but it does give the opportunity for Members to vent their frustrations on behalf of their constituents. I encourage the Portfolio of the Civil Service, the Deputy Governor and the Governor, to be more deliberate in their succession planning and to find ways, in particular, to ensure that persons who perform successfully in an acting role get the opportunity for the job when it becomes vacant.

Thank you, Mr. Speaker.

The Speaker: I crave the indulgence of Members for a brief suspension. Please, we do not have to leave the Chamber.

Proceedings suspended at 5:25pm

Proceedings resumed at 5:35pm

The Speaker: Please be seated.

Thank you, Honourable Members for that brief suspension. Does any other Member wish to speak? Will the Serjeant call the mover of the Motion, please?

[Crosstalk]

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Last call, does any other Member wish to speak? *[Pause]*

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

The Speaker: Sorry. Honourable Premier.

Hon. Tara A. Rivers, Minister of Financial Services and Home Affairs: I was trying to get your attention.

The Speaker: Sorry. The Honourable Minister for Financial Services.

Hon. Tara A. Rivers: Yes, sir, Mr. Speaker; sorry, I was trying to get your attention there—thank you. I was standing but—

The Speaker: I did not see you.

Hon. Tara A. Rivers: That is okay, Mr. Speaker; my contribution to this Motion will be very short. I rise primarily because part of the subject matter—being the Cayman Islands Fire Service—now falls under my remit as Minister with responsibility for Home Affairs, however, as was very ably articulated by the Acting Deputy Governor as well as the Leader of the Opposition, that remit does not in essence include the hiring, firing and personnel-related matters, as such.

Nonetheless, as was put by the Honourable Leader of the Opposition, Motions like these put us, elected Members, in a difficult position because we have clear responsibilities to the electorate which has entrusted us to act in their best interests. Part of that is to advocate for issues that are of concern to them, and Mr. Speaker, as the Mover of this Motion indicated, these are concerns not only of his constituents, but I would dare say all of our constituents—opportunities for Caymanians and, in particular, opportunities for Caymanians in the civil service.

Mr. Speaker, as I said, I am here to represent the Government as it relates to what we are responsible for in this regard. Our primary responsibility as Legislators in this House is to create legislation which is informed by the policies of the Government at the time and that is to carry out what we perceive to be the mandate of the people; and we know that our people are concerned about their prospects for jobs and opportunities in their own country.

I want to speak unabashedly and say, certainly on behalf of myself and I would dare say on behalf of every Member of the Government, but also every Member of this Chamber: we want what is expected in any country which is, that you have the opportunity to succeed in whatever your chosen profession is, as long as you are willing to put in the work, the commitment, the drive and the dedication needed in order to be successful, so the issue of succession planning, as we heard from the honourable Deputy Governor, is a policy that they are putting forward from the civil service side. We as a Government certainly support that and on many occasions, we supported in the most vociferous of manners in our discussions and deliberations within Cabinet.

What we can do, as elected representatives and in particular, as Cabinet and the Government—as I said before, and this is for the benefit not so much for the people in this Chamber, because I think we all get it, but for the benefit of the listening public: we can't hire, we can't fire, we cannot encroach on the clear constitutional carve out that is enshrined with respect to the responsibility of the Governor and by virtue, as it is delegated to the Deputy Governor; and that is dealing with matters of the individual hires within the service.

What we can do is put priorities based on what our policy priorities are as reflected in the budget so what we do and have done, and Mr. Speaker to address one of the concerns specifically addressed by the

Mover of this Motion, when he said we need to put emphasis and resources into training our people to ensure that we are doing more than talking the talk about wanting to ensure the success of our people, I want the record to reflect that certainly, with respect to the Fire Service as it relates to budget and the importance of training and development, as it is reflected in the budget that was approved in this Legislative Assembly, the budget first put forward by the Government clearly indicates and shows the importance that this Government places on training.

Just as a comparison of the annual budget allocated to training—and that is just the one-line item related to training and I am sure there may be other training aspects within and embedded in the other line items but in the particular provision allocated to ensuring that there are sufficient resources to ensure that the members of the Fire Services are trained, there was at least a 34 per cent increase in one year over the January to December 2017 budget, which was that of \$240,000, to January 1st to December 31st, 2018 to roughly \$322,000 so Mr. Speaker again, this represents at least a 34 to 35 per cent, if you round up or down increase in one year alone.

We are not just talking about doing what we can as the elected Government to support the training and development of our Fire Service. The expectation is that we will have competent, qualified and sufficiently trained officers who will then take on the role at the highest levels; that is the expectation that has been expressed directly to my Chief Officer in terms of what the Government expects.

The budget has been approved, we have fought for the increase in the budget and as Minister I presented the plans to my colleagues. My colleagues approved and the budget has been allocated. That was just the one-line item; there have been other increases for the Fire Service reflecting other areas of deficiency. So, as it relates specifically to the area of the Fire [Service]—again, keeping my contribution narrow to the remit that I am responsible for.

We are certainly aware as the Mover indicated in his contribution, that there are some concerns within that organisation. We are looking to address those concerns head on and certainly, as the elected Government, we have put sufficient resources behind it to get the job done. I can say to this House—and to anyone who knows me in this House and outside this House knows—that I will certainly do all that I can to push to see that the plans that have been put in place to deal with these deficiencies that we have highlighted as being areas for improvement, actually happen; because, as I said very clearly to my team: *I do not like going to bat, having to stand my ground for what I feel are the budgetary needs based on what you have expressed to me, to turn around and see that things have not been delivered.*

However, there is that quandary, in terms of the roles and responsibilities. My responsibility as Minister

was to ensure we got the funds. The Government's responsibility was to support that, which they did, which we have done, which we have. It is now the responsibility, as the Deputy Governor said, with the working of the Portfolio of the Civil Service, the staff of the Ministry and the Department themselves to carry out the plans and as much as possible, I will ensure that I continue to do what I can to see that those plans are carried out to the extent.

As it relates to support from us from a budgetary perspective, I have indicated as I have done and delivered already, in this budget, I will continue to do so going forward. As long as we continue to work in partnership, because this issue that is being raised here, is an issue that requires a partnership as it relates to Government putting the money behind to fund succession planning training—which we have done. Now it is up to the civil service to do their part in carrying out the mandate which they know needs to be done.

Mr. Speaker, I want to highlight that it was interesting to hear from the Leader of the Opposition when he spoke about hoping that the civil service would do a gap analysis as it relates to the individual positions, looking at what and where the deficiencies lie, and what should be done I guess on a case by case basis, in order to deal with that.

On that point, I just want to inform this Chamber that as an outcome of the review that was recently completed with the assistance of the external advisor, working closely with the Ministry and the fire service, that is exactly what already started to happen. That is exactly what is planned, with respect to having a gap analysis on the capacity and competence identified on a position-by-position basis with targeted training being put in place or intended to be put in place; and as I said, the budget is there to support that for the officers who require it, and there will be greater focus placed on the development of a comprehensive promotion strategy with the clear criteria for advancement and succession planning.

That was the policy steer which was given very clearly to the Ministry and that is what has been built into the plan of action as it relates to the work in the Cayman Islands Fire Service; so, to the Leader of the Opposition, just to say that it was comforting to hear you echo and in essence, support, exactly what we have now started to do and intend to do in this coming Administration to address some of what we all know to be long-standing concerns in the Fire Service.

Mr. Speaker, I would like to and could say more; it is one of these situations where you know you have to speak with a level of caution but at the same time I want my colleagues on both sides of the aisle in this Chamber, as well as my constituents in West Bay South many of whom are members of the Royal Cayman Islands Fire Service, many of whom I know personally and some of whom I interact with quite regularly, that as the elected Government we will do what we can and certainly I will do what I can, as the Minister

with responsibility in this area, to continue to advocate for the necessary budgetary support. I will continue to do what I can to work with the team in the Ministry and in the Department to hold them accountable as best as possible, for delivering on what we know needs to happen to address some of these issues.

The fact is that I agree with what has been articulated here: the way the Immigration Law is structured—the premise, the policy of the law—every job in this country should be for a Caymanian, unless a Caymanian is not available to do that job. That is also a policy steer that I feel we need to be careful when we actually just decide on cherry-picking certain positions, as to what message you send about other positions.

We are not the only country grappling with this issue of globalisation. As an economy, we are probably more susceptible to—shall I say—the opportunities, as well as the threats of globalisation; the way our economy is structured, our primary industries, our unique—in many respects—situation where we have more jobs than we have actual citizens of the country to fill in the labour force. So, by the very virtue of our existence and how we have defined ourselves because yes, this did not just happen in happenstance, these decisions were taken strategically many years ago as it relates to how we were going to continue to develop as a country.

We will always have to be able to compete internationally without leaving our shores, so we must always want our people to be as successful as possible and that drive and determination can never be quelled. We have to be careful with respect to some of the policy decisions that we want to take either in reaction to what we think are some injustices that may be done—and as we heard today, the Government recognises. That is why we have the Fair Employment Opportunities Commission; we recognise that these issues exist, but on the other hand we cannot send a message that says “the only qualification that you need is to be Caymanian”.

That is the danger when we have these discussions. We have to always think: all things being equal, the Caymanian must and should be given preference and first opportunity in our own country, but it is that “all things being equal” that is very important. We have to understand as Caymanians, we need to be as hungry as the rest of them, we need to be as motivated as the rest of them, and we need to be as competent as the rest of them. And that requires a drive and a determination and a willingness to do what we need to do to succeed and that threshold will differ depending on what position we are striving to achieve.

There is not a bright-line test as to what that would or should be for each position but certainly, Mr. Speaker, as it relates to believing and supporting the principle of ensuring that Caymanians can achieve in our own country, absolutely. And as a Government, we are doing what we can to ensure that and as it relates to specifically to the Fire Service, as Minister I will continue to push to see that the hard-fought budget that we

approved is actually spent in the ways it should be spent to deliver on what the Government’s mandate is—to address some of these short-comings which include training, development and promotion of our people.

Thank you, Mr. Speaker.

The Speaker: We will take the evening suspension until 7:00pm.

Proceedings suspended at 5:55pm

Proceedings resumed at 7:09 pm

The Speaker: Please be seated.

We resume our sitting. I think I called on the mover of the Motion —

[Inaudible interjection]

The Speaker: The Minister of Financial Services completed.

The Honourable Premier.

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

Mr. Speaker, I was hoping to avoid having to debate this Motion but I have been driven to my feet by the Leader of the Opposition’s very interesting debate.

Seriously Mr. Speaker, before I actually go into some of the concerns that I have, the Motion in its current form is technically defective and could not properly be accepted by this House because it seeks something the House cannot possibly agree to.

It provides in the resolved section: “**BE IT THEREFORE RESOLVED that the Cayman Islands Government consider immediately using the powers allowed by the Immigration Law (2015 Revision) under section 46A to make the posts of the Cayman Islands Chief Fire Officer and the Chief Immigration Officer posts that can only be occupied by Caymanians with no exceptions. . .**”

If I pause there, Mr. Speaker, under the Immigration Law there is no power under section 46(a) or otherwise, which permits the Elected Government to make the post of civil servants posts that can only be occupied by Caymanians with no exceptions; in fact, the Immigration Law specifically provides that that particular section does not apply to the civil service, so the Motion is technically defective. It seeks a resolution which this House cannot possibly agree to and, were we to agree to it, it would have no effect.

As the Acting Deputy Governor has pointed out, the relevant legislation that deals with civil service matters, is the Public Service Management Law and even in that instance, Mr. Speaker, neither the Elected Government nor the Legislature, can declare civil service posts to be Caymanian only or otherwise. That power is reserved under section 55 of the Constitution

as a special responsibility of the Governor, so the Motion seeks something that the House cannot possibly do—the House cannot possibly agree to it. Having said that Mr. Speaker, as the Leader of the Opposition has said, the Motion does provide a platform to talk about broader concerns—

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: No; broader concerns with respect to what is happening or not happening in relation to employment of Caymanians in the civil service possibly and more broadly, the public service and specifically with respect to promotions and training opportunities.

I think in many respects, I can agree with the Acting Deputy Governor that the civil service has made great strides with respect to training, promotion and employment of Caymanians; but as she has acknowledged, and I have had this discussion with her and the Deputy Governor a number of times—as the old people say, “over and over”—the practices with respect to succession planning are nowhere near as good as they need to be. In some respects, we are going backwards within the civil service. There was a time when not only the Chief Fire Officer was Caymanian, but so was the Director of Prisons and the Commissioner of Police. All of those posts now are held by non-Caymanians and so, we have to acknowledge that, certainly with respect to those particular posts, succession planning has failed and I believe that the Acting Deputy Governor has acknowledged that there are problems with that.

The fundamental disagreement which I continue to have with the Deputy Governor about the present succession planning regime is this: as I understand it, their idea of succession planning is that you identify a suitable person or persons who appear to be capable, with the right training and experience, to assume the post in question when the current holder demits it at retirement age or expiration of the contract or whatever the case may be; and you put them in training and they go through the paces, they shadow, they do training courses, they do whatever it is they have to do; but then, when that faithful day comes that the office is vacant, they have to apply for the job in the same way that any other applicant does.

I talked to a number of Human Resources professionals about this. That seems to be a hybrid of two concepts: one is open recruitment, on the one hand, where you advertise the post, people apply and the best candidate wins. With true succession planning, which identifies someone for the post and, assuming that you go through your paces successfully, you achieve the goals which are set for you, the position is yours at the appointed time. What the civil service tries to do, I think unsuccessfully, is to create a hybrid of the two, which is highly demotivating—

[Inaudible interjection]

The Premier: For many civil servants who say, *why should I go through these paces, only to have to compete with the whole world for this particular position?* So, it is neither chalk nor cheese and I believe you need to be one or the other.

[Inaudible interjection]

The Premier: Now, they disagree with me and it is not my constitutional responsibility, but it is my responsibility—constitutional or otherwise—to keep pointing out things that I believe are militating against us getting in place Caymanians who are able and willing to do the job in these particular posts.

Now, what I worry about in some of the contribution from the Member for George Town Central, is that we have to guard against “dumbing down” the requirements for key positions just to ensure that a Caymanian gets the job. That is not the way to go. What we have to aim to do—

Point of Order

Mr. Kenneth V. Bryan: Mr. Speaker. I stand on a point of order.

The Speaker: What is the point of order?

Mr. Kenneth V. Bryan: Mr. Speaker, the Premier just said that I am dumbing down the qualifications; at no point in my contribution did I say any such thing or allude to “dumbing down” the qualifications—as a matter of fact, I said the opposite.

The Speaker: Premier?

The Premier: Mr. Speaker, I am sorry if the Member—that is not a point of order but . . . (laughs).

I am not suggesting he used those particular words, but what he represented over and over again, would have that effect of saying that you have to get a Caymanian for the job, regardless of whether that Caymanian is able to do the job or not, because you are going to require a Caymanian in that post and whether they meet the technical requirements or have the qualifications, a Caymanian has to go in that post.

I am saying that we have to guard against that consequence, which is what his Motion calls for. It doesn't say that it should be a qualified Caymanian and let me read it: And WHEREAS, many Caymanians believe that these posts should be filled by Caymanians—that's it; so the qualification is to be a Caymanian. All I am saying, is that we have to guard against saying that that is the only criterion, the only qualification that is necessary.

What we have to do, is put in place measures to ensure that whatever the requirements of the job are, Caymanians have the opportunity of acquiring those

qualifications and that experience, because what has made Cayman successful is that we are good at what we do and we can't put people—let us use this example: we cannot put people's lives and property at risk simply because, regardless of whether the person has the relevant qualifications and experience, a Caymanian has to be the Chief Fire Officer. What we have to do is put in place the proper systems that ensure that Caymanians do have those qualifications, the relevant experience, so that they are able to do the job. That is all I am trying to say.

So, Mr. Speaker, as I said, for those reasons, in addition to what has already been put forward by those who have spoken on this side before me but, in particular, the Acting Deputy Governor, the Government obviously cannot accept the Motion in its present form, nor do we believe that the best interests of these Islands and its People, would be served by insisting, at this stage, that those positions—particularly, the Chief Fire Office, because we already have an Acting Chief Immigration Officer—must be filled by a Caymanian.

Before I sit down, just let me underline what the acting Deputy Governor has said about the Chief Immigration Officer position: that position has been—how shall I say—in a quandary, for a number of years while the holder was on required leave. The position is filled now by an Acting Chief Immigration Officer whose substantive post is one of the Deputy Chief Immigration Officers.

All of that is in transition as we move towards a Human Resources department which will take over many of the administrative functions currently performed by the immigration department and there will be some role changes, without question. Other aspects of what immigration does now, particularly the border control bits, will move to the new Cayman Border Force Agency. As I say, all of those things are in flux at the moment but there is no reason to believe that Caymanians will not head up these new entities. In fact, that is the determination that we have and I know it is shared by the Deputy Governor and the Acting Deputy Governor. We are all working towards that particular goal.

I will just finish by saying, Mr. Speaker, I doubt there was anybody more disappointed than I was, because I was the Minister at the time, when sadly we were driven to the conclusion that we had to bring in a foreign Chief Fire Officer—that was the first time in the history of the Cayman Islands Fire Service. So no one is keener than I am, that we get back to a position where a Caymanian can hold that post, but I also know, because I was so upset about it that I insisted on seeing the scores of those who had done the test in the two previous recruitment exercises and faced with the scores that I saw, there was no way I could even begin to make the case that there was a choice other than the one which was eventually decided upon and that is that we had to go with one of the foreign applicants.

So Mr. Speaker, I understand; we share the concerns, and I do believe that the Member for George

Town Central is motivated by the right things in trying to address this issue but I do hope, based on the explanations we have been able to provide, that he will understand—aside from the technical issues with his Motion—that now is simply not the time to take this particular step.

Thank you, Mr. Speaker.

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

Mr. V. Arden McLean: Thank you, Mr. Speaker. I shall not keep the House very long.

The Speaker: Thank you.

Mr. V. Arden McLean: I was hoping that I didn't have to get up; I was hoping that the Premier would after all this time, clarify why there is a particular designation for that position to be Caymanian, because that has been thrown around here for a very, very, very long time and used as some means of crutching up some other argument. The Constitution requires the Deputy Governor position to be a Caymanian.

The Speaker: Yes.

Mr. V. Arden McLean: Yes.

Mr. Speaker, I think I will start with that one. When we were preparing to negotiate the Constitution, we had a Governor in this country that was good for nothing.

[Inaudible interjection and laughter]

Mr. V. Arden McLean: You need stronger ways of expressing it? Because I can find those.

Mr. Speaker, we found out that he was proposing to England through Ian Henry, who was the primary negotiator and Susan Dixon, who was the secondary, we understood that he was going to propose to them to include in our Constitution that England send a Deputy Governor with the Governor.

The Premier, and all of us, decided one of the fights that we were going to take up in those negotiations was to ensure that position be filled by local knowledge; and that was the fight we had, to ensure that was taken up by a Caymanian and we eventually settled for it to be a senior civil servant or former civil servant. Mr. Speaker, I make no excuses for having fought for that. We also fought to have England provide us with three names for Governors coming and we would be involved in the choosing of the governors.

The Speaker: Honourable Member, that is all true but it has nothing to do with Immigration and Fire Service, so I am asking you to get back to—

Mr. V. Arden McLean: Well, I figure it has to do with immigration; they are coming in—border control. And it will burn our country down.

[Laughter]

The Speaker: No, you cannot stretch it that far.

[Laughter]

Mr. V. Arden McLean: Well, we gah' be careful how we spread the fire if you are stretching it. Anyway, Mr. Speaker, a little booming of levity is good for us.

Mr. Speaker, I believe all of us and all those before us, in this honourable Chambers and outside, have always fought for Caymanians to have top leadership positions in this country. I cannot fight unless those people are qualified; the fight must include being properly qualified.

To that end, like the Leader of the Opposition said, I have fought to remove and re-structure this thing called succession planning within government. I do not think, like the Premier, that it is what we need to ensure that Caymanians get to the top positions. Certainly, I will agree with the Premier and the Acting Deputy Governor that we have made great strides, but there is much to be done. My call—

The Speaker: Honourable Member, be careful of repetition of other Member's argument. Standing Orders.

Mr. V. Arden McLean: Mr. Speaker, I never understood that to be of other people's. It's of me. (Scoffs)
It's of me.

The Speaker: Oh. It is of you repeating what they said.

Mr. V. Arden McLean: No; of me repeating what I said.

The Speaker: No, no.

Mr. V. Arden McLean: That is what it is about. I can't repeat what I said.

[Giggling]

The Speaker: No; is of other Member's argument.

Mr. V. Arden McLean: Mr. Speaker...

The Speaker: So I will give you some latitude, but it is 7:30pm.

Mr. V. Arden McLean: Mr. Speaker, I would like to know—twenty people in here to debate—and I would like to know how in this world, no one will traverse some of the grounds that the others did.

The Speaker: Most of the time they don't.

Mr. V. Arden McLean: They do, yes.

The Speaker: They don't, and if they do, they do not do it as often as some other Members and therefore they have a little bit of latitude, as I am giving you right now.

The Speaker: Yes, Mr. Speaker, I understand that you are aware of how it works. I am very aware of that. I have been here for seventeen years out of your thirty-two.

Mr. Speaker, my call to Caymanians in the work place and particularly so, in the civil service, is to start improving themselves on their own. The one problem, challenge, that I see we have in this country—and it is not only in the civil service, in the private sector, too. We get into the job, there are five people ahead of us and we relax; we say, "*well, will never get that job*" and we do not try, then, to improve ourselves.

There are many instances I can explain, where—that happened with me in my previous profession, in CUC. Peter was top, Bruce was the General Manager, Richard Hew, I was down below vice-president, but we were being trained to take over the top positions. Richard Hew was one of my best friends but we were competing for the top spot.

The Speaker: Honourable Member, I am glad to hear that but—

[Laughter]

The Speaker: The Bill is different.

Mr. V. Arden McLean: Mr. Speaker, it relates to succession planning in the fire service.

The Speaker: Please.

Mr. V. Arden McLean: And I am trying to use an example so people will understand. Is that too hard to understand?

The Speaker: A thousand times we have heard it, so we understand it.

Mr. V. Arden McLean: Really, Mr. Speaker, without being too disrespectful to the Chair.

The Speaker: Member for East End, you are onto a good subject. Debate the Motion that is dealing with immigration and the Fire Service and stick to that. That is all I am saying.

Mr. V. Arden McLean: Mr. Speaker, I would like to know how Caymanians get in the top position in the civil service if they do not progress there; how do we explain that unless we use examples, whether that is in the private sector or in the civil service.

I was putting a challenge out to the Caymanians in the civil service and I was using a personal example and something seems to be wrong with that. It really makes me wonder if I am out in space, and that may be the case but, Mr. Speaker, what I am trying to explain, sir, which seems to not gain traction with your good self or maybe with other Members too, is that... like the private sector, if civil servants sit around and merely do what they are paid to do and do not try to improve themselves, they will never reach the top.

Every time the opportunity arises, it will pass them by because the same way people see that you come to work late, they also see that you came early and they also see that you took the initiative to engage in some kind of studies on your own time. I cannot say that that is entirely what is wrong now with the Fire Service or Immigration. What I do know, is that the fire service personnel are extremely capable of outing fires and they understand that. Have they been trained to understand and conduct Administration? And I believe that is where their shortcomings are.

Now, the employer has certain responsibilities in preparing one to do those things. The reason I have fought all my political career for the succession plan to be a much more robust plan within government. The private sector that I came from, I witnessed, I lived succession planning wherein two or three people are chosen to be developed, which is jointly done between the employer and the employee because the employee has to contribute to it as well; such as going to classes at night or when you have to go overseas, we do it. The employer pays for the tuition and you must contribute your time. And at some stage, that employer has two, three, people that know their business, that they can promote and they can create new positions in the efficiency of their business.

I do not see the civil service doing that well enough; maybe it is done behind the scenes, but if it was, we certainly would not have the fire service in the situation that it is in, wherein we cannot find one Caymanian able to take over the fire service after some of them having been there for twenty-odd years. The question that I have now, since this argument is now hot and heavy and at the forefront; and the qualifications for the Chief Fire Officer now include a Bachelor Degree in Fire Science, is: which one of the current fire service personnel is currently in school studying for a Bachelor in Fire Science? I have not heard anything about that.

If no one is capable of entering a college to do that which one then, is being trained to get qualified for college entry because we are here for naught, to put a Caymanian there and they are not qualified, we are here for naught. Like the Premier said, the Motion says Caymanian; we should not promote our Caymanians for them to fail. Let us prepare them in order that we know they will be there for a long time and let us prepare the next generation of employees to take over in time.

You cannot have succession planning and then those you are training have to compete with everybody else who has more experience than them. Our problem is we are competing with all others when we should be competing amongst ourselves. And then we reach this point, and I believe the Member for George Town Central has all good intentions, maybe a little premature. Maybe the Motion is worded wrong in that he should have been asking Government to ensure Caymanians are trained within a specified time to take these positions over.

If it were me, that's the position I would put on the Government and the Government would be hard-pressed not to accept it if it is a reasonable timeframe; but of course, that's because of being here for a long time. Based on the statistics that the Acting Deputy gave, both of those Departments seem to be almost full Caymanian—98.5 per cent or something like that.

However Mr. Speaker, what really got me with the Acting Deputy Governor's contribution was this inference, or maybe not inference—stated position, maybe, somewhere in between there—that we are not allowed to enquire into anything to do with the civil service. That was made very clear. Well, the Constitution says that even the Finance Committee can call anyone to enquire into anything to do with the civil service, but like we all know, it is us who the electors come to and if we are not getting any response from those who would otherwise clarify the situation, our only recourse is right here.

Mr. Speaker I want to encourage civil servants to study. Set the goal for the top and don't worry if it takes a little while and there are people in front of you, at some stage it will be yours, or you will move on to something better, and that is how it works. There comes a point in a human life, where you start getting diminishing returns on the job and you go look at another one, but in the meantime, develop yourself. All of us had to go through that. Then the civil servant can look back at their time spent and say to all and sundry, "You see my glory, you don't know my story." That's how it works.

Mr. Speaker, I am hopeful that the Fire Chief that is there will be gone within time but under the conditions he was brought in—to get somebody up to scratch to take over the Fire Service; and I hope that happens, but every now and again the Civil Service becomes a little lackadaisical because somebody is in the position and no one follows up on it or the training is not forthcoming. I hope that's not the case in this one.

I should say I was very glad to see Ms. Echenique confirmed recently—that one was very quick—because at one stage the civil service was Hollywood: nothing but actors.

[Laughter]

Mr. V. Arden McLean: A lot of acting.

Mr. Speaker, I understand the Member's feelings. I understand what he is trying to do. I do not know if how he is doing it is the right way to do it; the Government has now said that they are not going to accept it because of how it is, but it is an honourable attempt, and I say to the Member for George Town Central: this is how this House operates. I have lost more battles in here, than I care to remember. Few I have won, especially, when the UDP government was in power.

[Laughter]

Mr. V. Arden McLean: Those are facts. Those are facts. The current Premier and I have lost many battles, but it did not stop us from the fight. The Member for Savannah and I have lost many battles here.

The Speaker: Honourable Member, I bid you please—

Mr. V. Arden McLean: But we consider them honourable.

The Speaker: Get back to the Motion.

[Inaudible interjections and laughter]

The Speaker: That is not anywhere in the Motion so please, get back to the Motion.

Mr. V. Arden McLean: Mr. Speaker, really, you know. I am trying to congratulate the young man on bringing it.

The Speaker: Honourable Member, please. If you do not have any more to say, sit down. Take your seat.

Mr. V. Arden McLean: You cannot tell me to take my seat when I am debating.

The Speaker: I can't? Don't make me to go to the Standing Orders.

Mr. V. Arden McLean: On what grounds?

The Speaker: On the grounds that you are not debating this Motion.

Mr. V. Arden McLean: Mr. Speaker, did this young man not bring this Motion?

The Speaker: He brought the Motion, you said that. You said that several times and others have said it and now you are repeating it again.

Mr. V. Arden McLean: But everyone knows that he brought it. I am trying to encourage him.

The Speaker: If everybody knows he brought it, then everybody knows that.

[Laughter]

Mr. V. Arden McLean: Mr. Speaker, really, you know. I just do not know what I have done—

The Speaker: Honourable Member, please take your seat. Does any other Member wish to speak?

Mr. V. Arden McLean: I say you need to stop this, you know.

Mr. Speaker, if I may.

The Speaker: Do you have more to speak? You have more to say?

Mr. V. Arden McLean: If I may; if I may. If I may.

The Speaker: Please debate the Motion.

Mr. V. Arden McLean: Mr. Speaker. . .

[Inaudible interjections]

Mr. V. Arden McLean: I would like to—

The Speaker: Well, you know, that is what he said just know—everybody knows. Everybody knows I am talking about relevance.

Mr. V. Arden McLean: Mr. Speaker, can I ask why I am being stopped from debating?

The Speaker: Honourable Member, the standing orders of this House say that you cannot be repetitious; that you should be relevant to the matter at hand. That is what the standing order says.

Standing Order 41(1) specifically says: “**The Presiding Officer, after having called the attention of the House, or of a Committee, to the conduct of a Member who persists in irrelevant or tedious repetition, either of his own arguments or of the arguments used by other Members, may direct the Member to discontinue his speech and to resume his seat**”—and no one can say that I have not been calling attention to the Member for repetition. Too much of that goes on in this House, while we talk about *we are not starting on time and we are not starting on time*.

The fact is, Honourable Members, that much time is wasted by repetition and the games that people play on benches. It is nearly 8:00 o'clock and if I should say so, when you all should have been debating your motions you were debating questions, and I gave plenty latitude in it but I should say here that I am, at this point, disappointed that we are just at this point when we have eight or nine motions to deal with.

Now, honourable Member, Standing Order 41 tells me what I can do. I have brought to your attention, besides the Standing Orders for relevance; I am sticking to Standing Order 41 at this point.

Mr. V. Arden McLean: Mr. Speaker, if I may, on a totally different thing: since you are ruling, which I will have to bow to, will the Chair accept point of order on repetition from all and sundry?

The Speaker: I have said earlier when the Member drew that matter to my attention that Members repeat, but other Members repeat more. I have given latitude across the board but there has to be a point where it is curtailed, so Standing Order 41 stands.

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 mover, the Member for George Town Central wish to exercise his right of reply?

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

Mr. Speaker, it seems as if this Motion has now turned into the legality of whether or not the Government Members of this House have the right, by way of constitution or Law, to insist that the posts we are talking about, can be mandated by their order. I was prepared for that argument, hence the reason I alluded to that when I started and I intend to address that. But before I address that, I want to thank the honourable Member for East End for his kind words, and I think a number of kind words came from a number of Members of the House including the Premier in respect to my intentions, and I appreciate that, being a new Member of this House.

Mr. Speaker, I think it is best that I deal with the contributions by the Premier first, not because I am in any way—

Mr. V. Arden McLean: But not repeat anything he says.

Mr. Kenneth V. Bryan: Not because in any way, particularly dealing with him in respect to him being the Premier, but I thought he did probably a skillset that I haven't learnt yet, but I intend to identify it.

In this argument, Mr. Speaker, the Members of this House are going to try to find ways to say, "*this is not my responsibility*" and ultimately, I think that's what they have said because the public is listening to this Debate because it is a hot topic, in respect to National pride in Caymanians being in posts of authority and decision making. But a very tactical move by the Premier earlier, was to read by Motion, but stops specifically at "No exceptions". And now Mr. Speaker, for those who are listening and probably watching by TV, I want to read at least the resolved section of my Motion very clearly so that everyone can understand, Mr. Speaker.

It says: BE IT THEREFORE RESOLVED THAT the Cayman Islands Government consider immediately using the powers allowed by the Immigration Law(2015 Revision) under section 46(a)—which we will

argue in a second, whether or not they are allowed to do so—to make the posts of Cayman Islands Fire Chief Officer and Chief Immigration Officer posts that can only be occupied by Caymanians with no exceptions; but the last sentence is a very important one, and he specifically avoided it for a reason, says, "—and to carry out any other legislative changes that may be necessary to give effect to this policy objective."

I specifically put that in there because I expected they would say that under section 46(a), they don't have authority to do so because a very good man, Mr. Orrette Connor, highlighted to me the discrepancy within the Immigration Law when it came to civil servants so basically that line says, *if that part of the Law doesn't cover it and doesn't give you the authority, then do whatever you need to do, legislative-wise, to make the changes to do so.*

They may argue that they can't do that either Mr. Speaker, so I turn their attention now to the Constitution, because they say that they do not have any authority and the Honourable Minister, the Premier, the Acting Deputy Governor and, I believe the Honourable Opposition Leader, have alluded to what is considered—and I may argue with it a little here—that, we don't have the authority to hire or fire and I agree we cannot hire them, but I think that this honourable House the Members of which the people have elected, has the authority to tell them at least what kind of person to hire, not which one! But we should have the authority to say, "*Listen, if you are going to hire someone, make sure it is a Caymanian.*"

I am now going to refer to the Constitution, which is the highest order of this country. If the section that I quoted, because I am a newbie, is not good enough Mr. Speaker, by no means could the Government not come and say, "*Mr. Bryan and this honourable House, we see the intent, we think it is a good one, we will accept with amendments.*" They do so when it is necessary for the Government to do so, when they want to accomplish a goal of their own, so we know that it is possible.

Mr. Speaker, I don't think the procedures say that I would have to present the Constitution because I think everyone in this House has one. Would that be correct? Okay. I understand that I can read from the Constitution. In section 16, it says: "**16.—(1) Subject to subsections (3), (4), (5) and (6), government shall not treat any person in a discriminatory manner in respect of the rights under this Part of the Constitution.**"

In subsection 4 it says: "**(4) Subsection (1) shall not apply to any law so far as that law makes provision:**

(b) with respect to the entry into or exclusion from, or the employment, engaging in any business or profession, movement or residence within, the Cayman Islands of persons who are not Caymanian;"

And Mr. Speaker I am not a lawyer, but I have had the opportunity to speak to some very experienced lawyers who say that their interpretation of that is that we as legislators whose responsibility is to monitor the governance of our legislation—and this is the highest one in the land—can discriminate in respect to employment in this country.

Now, Mr. Speaker, if the legislators of this House, if the 19 Members of this House who the Cayman Islands' people have chosen, decide to say, "*listen we want Caymanians in these particular positions,*" it can happen; and even, Mr. Speaker, if their interpretation of this Constitution is not what I just interpreted, and what other attorneys interpret this Law to mean, the Government can also make recommendations to change the Constitution to make sure that Caymanians are in these posts, so there are no excuses—none.

Now, Mr. Speaker, I think I made that point rather clear. I agree with every Member in this House in respect to saying "safety is an issue", I recognise it; I am a former fire officer myself. I understand the importance of making sure a qualified person is there and I am going to highlight again, the fact that when it is necessary to accomplish the goals that we want to accomplish, make amendments to motions and make amendments to bills and we compromise, so if it was the view point that we wanted to accomplish this, the amendments could be made. Mr. Speaker, I would say as the mover of this Motion, I would have no problem making amendments to my motion to suggest a delay in the implementation on the intent of this Motion so that the Motion can carry.

I understand they are having difficulties at the Fire Department; I speak to fire officers all the time. I reported on it before I became a politician. I spoke to the Chief Officer about the difficulties they are facing. I know that there is a plan by the Minister that by a certain timeline they have a Caymanian there, so why not pass it [and] do whatever it takes to make sure there is a Caymanian post with a qualified individual.

I beg your indulgence, Mr. Speaker.

[Pause]

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker for your indulgence. This Motion gets more interesting by the second.

Mr. Speaker, I think I was at the point where I was suggesting that we can make amendments to this Motion to accomplish its goal. I think everybody in here has already accepted what the foundation of this Motion is trying to accomplish and nobody has disagreed with that, thankfully.

Now, I stated that safety is an issue and I agree it is one we have to pay attention to because the Fire Chief position is a very important one that can put many people's lives at risk so we have to be very cautious with it; but when we fix the problem, which I know the

capable Minister—a Minister who says when she is going to do something, she is going to do it; I give her credit for that—when she is finished doing what she has to do; when people are put in place and a succession plan is there and she continues to argue for the funding for the training, that whatever date that she feels that is necessary, then the Motion can be implemented then; there is a delay, it can happen. If we choose to do so, it can happen. There are no excuses.

Mr. Speaker, I want to move on now to another interesting point that I noticed in the deliberations by everybody: that the immigration department is good, it is working quite fine, things are good, Caymanians in the ranks according to the Acting Deputy Governor. If there is no problem, why are we trying to fix it? I am sorry, Mr. Speaker, I find a problem with the fact that events have happened in our country when we thought everything was going to be okay, that department is Caymanised, we don't worry, there is not going to be a foreigner inside there; and then eventually you hear, somebody in the civil service thinks, based on qualifications, based on experience and based on a number of other things, why we can't find a Caymanian good enough for it. How can I be certain, how can the Caymanian people be certain that when all the good Members of this House are gone, that they are not going to allow somebody else to be in charge of the Immigration department. The only way we can ensure that, is to put it by way of legislation, Mr. Speaker.

The fact that everybody has agreed that immigration is not broken, makes it the perfect candidate for a Motion like this because what they are saying is that they have members in line, they have a Caymanian who is acting and things are all jolly in the immigration department; but I know this honourable House knows that there are Members who are worried that one day the immigration department may be headed by a foreigner too, and the only way we can be certain that does not happen, is by making sure that we put that position to be Caymanian only.

Mr. Speaker, I think it is important that I clarify something that the Premier said. I agree that I am new and I am going to learn the tricks and trades, it is only a matter of time; I learned one tonight, which is the fact that I did not put in qualified Caymanian, as opposed to suggesting that I am saying to put somebody who is not qualified. The top priority has to be protecting our people in important roles.

Mr. Speaker, another element that I have heard from most persons is "a solid track record of hiring Caymanians" by the Acting Deputy Governor. I do not agree with that statement at all. We have had qualified Caymanians in a number of positions in this country to do head posts and for whatever reason, they never seem to make it to the top. As a matter of fact, Mr. Speaker, some of the honourable Members highlighted the strategy of changing the goal post every time a Caymanian is about ready to take the post. Today, the qualification is one thing and a Caymanian

says “You know something? It is only a matter of time before I get the job”. When the time comes, then they say, “Oh, you need a Bachelor Degree.”

[Inaudible interjection]

Mr. Kenneth V. Bryan: Mr. Speaker, how can somebody train to be something, and prepare themselves to be something, even if they wanted to, if the qualifications to do that job today is one thing and when the post comes available to do the job and when you get there, you find out they got some new qualifications. How can you plan for that, Mr. Speaker?

Mr. Speaker, I am not sure if everybody in this House agrees with my principles from the legality of whether this can be done. I do not believe that we should tell the people of this country that we cannot do that. Whether it means that we have to write to England and say we want a constitutional change to protect certain posts in this country then we have to do that if that is the people’s will, so I do not think that is a good enough excuse.

Mr. Speaker, in respect to the Acting Deputy Governor’s contribution, something that came up to me, that I do not think she recognised, is that there is a serious problem with trust. I appreciate everything the Deputy Governor has been doing so far. I am not sure if it is necessarily him directly making all the decisions that are made. I know that he makes policy decisions that are supposed to be handed down and he trusts his Chief Officers to do the right thing and try to make sure and implement succession planning, but I do not think his idea, his theory actually follows through, because since he took the post, he has been saying that and if I am correct, he has been there now 6 years. I know he was there for the last Administration, one year now and probably a year before that so, five years to get a handle on succession planning.

How long does it take to find a Police Chief? How long does it take for succession planning for the Prison Chief? There are a number of other posts across the civil service that make decisions which are vital to the Caymanian people that I will not go into—I should have done a list. There are a number of other posts that I know the Caymanian people who are listening right now can think to themselves, *you know that would be good post, an important post, for Caymanians to fill*, that could have been dealt with; and to say that we had to sit here and trust the civil service, whose obligations by Constitution, dare I say, is to the Queen? I am sorry, Mr. Speaker, the people elected us, we are servants to the Caymanian people.

Mr. Speaker, because I am a newbie, if I am going too far or my delivery is in any way inappropriate, please let me know, okay? But this is how I speak, this is my delivery.

Mr. V. Arden Mclean: All you did was to wake him up.

[Laughter]

Mr. Kenneth V. Bryan: Mr. Speaker, I cannot say, and I think many people feel the same way I feel, that we do not have enough confidence in the structure of the system; not necessarily, in particular, trust in the now Acting Governor—because he is an amazing individual and I know his heart is in the right place—but there are a number of systems that are in place, that he may not necessarily always have his eyes on and little things can happen where a Caymanian can be undermined. I know that if it was mandated by legislation there is no way that they could undermine it. That is what I am saying.

Mr. Speaker, speaking of the Law that is in the Motion, which is 46(A), it seems to be rather hypocritical, in my view. For the benefit of the listening audience I think it is important that I read what that says because I want to highlight some hypocrisy that we create in this Honourable House so often; 46A reads:

“46A. (1)The Cabinet may, by Order designate certain professions, trades, businesses, occupations, vocations, and types of employment, as restricted areas of employment for the purposes of section 41(2) but an Order made under this subsection has no effect unless it is subsequently ratified by the Legislative Assembly.”

It is important that we highlight what 41(2) says in order to understand it.

“(2) No person shall carry on gainful occupation in the Islands, in respect of any restricted area of employment, unless -

(a) he is Caymanian;” then it goes into a list of other things, but the important point in this one is “Caymanian”.

Now, the Premier speaks about the part where it does not allow them (the Government, the Cabinet) to take this action because of section 40, Part V, of the same Immigration Law which says:

**“40. (1) This Part does not apply to-
(a) (i) a person employed by the Government of the Islands in respect of his employment;”**

So we created a Law in March 2013 that says that we can dictate to the private sector that certain posts can only be for Caymanians, but we cannot do it in the civil service? You tell me what kind of hypocrisy that is, and we expect to govern the private sector and treat Caymanians right, but we can’t do it to the civil service?

And they wonder why we don’t trust them; they wonder why I have to come here and try to bring a Motion to mandate that it be law! Because of hypocrisy like that. I dare say that based on the contributions in the 2013 Hansards, when this was passed, there was no indication to say “by the way, this doesn’t have anything to do with the civil service, it is only the private sector.” No one alluded to that, you know why? Because the public, the Caymanian people, would have said, “Well,

what is the point of the Law?” They hide their little nuances that no one wants to talk about.

Mr. Speaker, I understand that there are some firemen right now who are training for fire science and cannot get the support from the same fire chief, and this is the problem that we have. We have foreigners in these positions, where Caymanians are trying to upskill themselves to come up the ranks; when you have a foreigner there, who wants to stay there, what do you think are the chances of that person making sure that they have the opportunity to come up the ranks? Or say, *let me allocate this budget so he can get that extra certificate to come and take my own job.* What do you think the reality of that is going to be, Mr. Speaker?

Mr. Speaker, I want to bring to your attention and I think it is relevant to this current discussion, something that is in the Customs Law, and the relevance of it, is about the fact of whether we have the right to dictate whether a person should have a certain post and it goes into this discussion of whether we can hire and fire. The Customs Law (2017 Revision) reads: **“4. The chief officer, in accordance with the Public Service Management Law (2017 Revision), but after consultation with the Official Member”**—the Member being the Member of Cabinet, Mr. Speaker—**responsible for the portfolio of which the Customs Department may be part, shall appoint a suitable person who shall be called the Collector of Customs, to be the officer in control of Customs.”**

For me, Mr. Speaker, that is giving us control, so you cannot say that we do not have a say in some of our legislation to be involved in the hiring practices. Mr. Speaker our constitution—

The Speaker: Clarity: What section of the Law was that?

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker; the Customs Law (2017 Revision), Section 4.

The Speaker: Section?

Mr. Kenneth V. Bryan: Just straight section 4, Mr. Speaker.

The Speaker: And what was it you read? Sorry. I need to hear that again.

Mr. Kenneth V. Bryan: Thank you, Mr. Speaker. Section 4 says—

[Inaudible interjections]

Mr. Kenneth V. Bryan: Appointment of a Collector 2017 (Revision), so basically the appointment of the Head of the Customs Department, Mr. Speaker. And it reads as such:

“The Chief Officer, in accordance with the Public Service Management Law 2017 (Revision)

but after consultation with the official member responsible for the Portfolio of which the Customs may be a part, shall appoint a suitable person who shall be called the Collector of Customs, to be the officer in control of Customs”—the official member is the Minister of Finance.

The Speaker: No. No, no, no; the official member is not the Minister of Finance. The official member is the civil servant and we cannot—

I think I am right in this, that the official member is a civil servant and they have the responsibility. The Minister of Finance is the *Elected Member* and that is what I think everybody on this side has been saying. If you are saying otherwise, you better read that again.

Mr. Kenneth V. Bryan: Mr. Speaker, I will say that because that part is a mere small element of my discussion, I am happy to retract it. It was only to support my already strong enough argument, in my view, in respect to what I was saying—

The Speaker: No, you can't, because that is wrong—and the House has to be given correct information.

Mr. Kenneth V. Bryan: Mr. Speaker, as I said before, thank you so much, I do not mind retracting that if the word “official member” means a civil servant, and not the Minister, then I do apologise to this honourable House but, in respect to my other arguments in respect to the Constitution, unless the Attorney General or the Leader of the Government, the honourable Premier wants to dispute the challenge of what I am saying about the Constitution, I am happy to discuss that. But I know that they cannot dispute the fact that they have the opportunity, as Elected Members of this House, to—

They have the opportunity, as Elected Members of this House, to make suggestions to constitutional change if they feel fit. So it is important that we tell the people of this country the truth: that if we wanted these positions to be Caymanian-only, we have the ability to get that done. I don't think it is fair to the Caymanian people that we say, “Oh, we do not have the right to do it.” That is not good enough for me, Mr. Speaker.

Mr. Speaker, in respect to the fact that we want qualified individuals in these posts, I would dare say there are a number of Caymanians in posts in this country right now, that are not qualified to be in the post but they are still in the post—and that is not a bad thing, Mr. Speaker. What that says is that we are willing to give Caymanians the opportunity to prove themselves. That is a good thing; but we use qualifications whenever it is necessary, to a specific degree, that we do not want a Caymanian there. Why is it that [sometimes] we can say, *“Well, you know, we stated the qualifications for this position as this; you do not quite make it, but we*

are still going to give you a chance” but in other circumstances, Mr. Speaker, we do not give Caymanians a chance? Hypocrisy again, Mr. Speaker, and this is why there are trust issues in respect of the hiring practices within the civil service hence, the reason for the Motion in the first place.

Mr. Speaker, the Acting Deputy Governor also spoke about this and I am trying not to repeat it but I want to make sure that they said it, about the strong hiring practices and the history of hiring Caymanians. Nobody is saying that we expect that these departments are being filled by foreigners; what we are saying is that the highest positions in these departments should be secured by a Caymanian.

I also, would like to echo, but not repeat, the position of the Opposition Leader when he said “what is wrong with bringing those persons who are really qualified and assist the Caymanian”? If we were saying, particularly in the Fire Department, we have some officers but they all have not quite made it yet. Could we have, just from the perspective of symbolism to say we have the Caymanian as the head and maybe a more qualified person but they are the deputy because we are trying to protect our image in our people’s mindset; we are in charge of own destiny whether that is the case or not, but at least you comfort the people to believe that they have something to stand for.

Could not we have put a Caymanian at the head and potentially a deputy or two who are more qualified, who can make sure they tick off the responsibilities necessary to run the department; that is a possibility. Matter of fact, I suggested a secondment and nobody even said anything about it—not even as an option. That tells me there is no consideration even to the notion.

Mr. Speaker, I appreciate that most people who have given contributions respect my position and what I am trying to do, but I do not think it is fair for us to sell to the people of this country that this is not our responsibility—

The Speaker: Honourable member, you have made that point several times. Bear in mind Standing Order on repetition.

Mr. Kenneth V. Bryan: Mr. Speaker, thank you; I apologise for my repetition.

The Honourable Minister in charge of the Fire Department spoke about the fact that, of course you would want to have Caymanians in charge of the department she is supervising or has constitutional responsibility for; that if all things were equal it would be ideal to have a Caymanian there. I am not sure if I made myself clear in respect to that premise when I first started, but the truth is all things are not equal based on globalisation.

If I am correct, she also said that many other countries are dealing with globalisation; I agree [that]

many countries are. The thing about it is those countries who are dealing with negative effects, [i.e.] unemployment, because of globalisation, are doing something about it.

What do you think Brexit is all about? Mr. Speaker the whole concept of Brexit was the fact that people of England feared for their livelihood by way of employment. You hear about it so many times in the media. If it was not a job issue, Brexit probably would not have happened, so other countries are dealing with the fact of globalisation so, to highlight—and I know she did not do it in any malicious way in respect to conflicting my argument but more to just to make me understand—that I recognise globalisation is affecting us from an employment perspective. However, recognising it is not enough; we need to do something about it Mr. Speaker—hence the reason for the Motion.

Mr. Speaker, I just want to say in my closing remarks that I appreciate the opportunity to present it and I appreciate that everybody understands where I am coming from but I hope, and I am suggesting to the Government before just saying no, maybe there could be considerations to amendments—as a matter of fact it brings me to another point that the Premier hesitated on, Mr. Speaker. He said, *I cannot at this particular time accept the Motion in its current form* and then he went on to say because the laws do not allow it.

Now, Mr. Speaker, I do not think he agrees with my position on what I said about the Constitution element, but I do not think he can disagree about the fact that we have the authority, particularly the Government, to make suggestions to constitutional change to ultimately get the policy objective of this Motion—I do not think he is going to disagree with that; but it seems to me that he was hesitant to say that he cannot accept it in its current form. Is there a form, is there a way that this can be accepted? And if so, why was it not suggested?

Something I did not hear, Mr. Speaker, is anybody disagree that we wanted Caymanians in these head posts. Nobody disagreed with that but did anybody make any suggestions on how can we concrete the Caymanians in there, because nothing is guaranteed until it is legislation and even then, it is not guaranteed because it can be changed. We have to depend on the trust of the civil service head who we constantly, as legislators, argue about all the time but we are not willing to make it a surety for posts that are important to this country.

And if I can say this, Mr. Speaker, I think that the post of Chief Immigration Officer is probably one of the most important symbolic posts. It does not have authority like the Premier or the Deputy Governor, et cetera, but from a symbolic perspective, particularly given the fact that Caymanians feels that they are being undermined in their own country just from the knowledge of protectionism of their own, it should be a Caymanians-only post. Even if it is just in the spirit of

patriotism, to make people feel that there is a Caymanian looking out for them.

Mr. Speaker, I do not believe that my motion is defective, as has been suggested. I strategically, strategically, wrote my Motion exactly the way it is. There were actually suggestions to bring it a little different and I decided not to because I know, based on my feedback, that there would not want to support it and they would come up with excuses to not push to get this done; but Mr. Speaker, this Motion was not about me or passing it right now. The people of this country are listening; they are going to call me, they are going to call you, they are going to call all of the Members of this House and they are going to tell you how they felt about this debate. This is what this is all about, Mr. Speaker—about the people of this country.

[Inaudible interjection]

Mr. Kenneth V. Bryan: So at the end of the day, we can say whatever we want to say, and try to use any excuse we want to use, but I want to remind the Members of this House of something and I want to ask your forgiveness for my delivery. I know that sometimes my assertiveness can easily be mistaken for aggressiveness. I am just a passionate person.

I want to, in closing, in respect of my motion, make these suggestions: in every debate, in every argument, in every decision, every dispute, every parlay, every dialogue, every pow-pow, every argument, every war of words, negotiation, disagreement, discussions—no matter what way of communication you use to make a decision, there is always one thing, a human element called the gut feeling.

The Speaker: Honourable Member, are you ready to wind-up or do you want to finish in the morning?

Mr. Kenneth V. Bryan: No, sir. You give me two more minutes, I am done. Thank you, Mr. Speaker.

There is that thing called a “gut feeling”; and I know that there have been many suggestions in here as to why we should not support this Motion and given excuses why we should not support this Motion, but I say that maybe it is time to discuss with the various leaders as to say, can we make this work? Is putting the pressure on the civil service or making a suggestion for constitutional change a way of dealing with this matter? Can we do this? Because my gut feeling is telling me my people really would want this done—trust the gut feeling. Because I know, particularly with the direction of the country, that this is something the people of this country would really like to see succeed.

Mr. Speaker, I thank you so much for the opportunity to present this Motion. I hope that I have not missed anything; I am probably going to regret it tomorrow morning if there is something I forgot to say, but I thank you for the opportunity to speak. I want to thank the Members who gave contributions, the honourable

Premier, the honourable Minister in charge of the fire department, the honourable Opposition Leader, the Member for East End and the Acting Deputy Governor. I appreciate it and I hope that the Members reconsider before making a decision on this vote.

Thank you, Mr. Speaker.

The Speaker: The question is:

BE THEREFORE RESOLVED that the Cayman Islands Government immediately using the powers allowed by the Immigration Law 2015 (Revision), under section 46(A) to make the posts of the Cayman Islands Chief Fire Officer and the Chief Immigration Officer posts that can only be occupied by Caymanians with no exceptions and to carry out any other legislative changes that may be necessary to give effect to this policy objective.

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

AYES

NO

The Speaker: The Noes have it.

Mr. Kenneth V. Bryan: Mr. Speaker, I call for a division.

Division No. 12

Ayes: 4

Mr. Alva H. Suckoo, Jr.
Mr. Kenneth V. Bryan
Mr. Anthony S. Eden
Mr. Christopher S. Saunders

Noes: 12

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
Capt. A. Eugene Ebanks
Mr. David C. Wight
Ms. Barbara E. Conolly
Mr. Austin O. Harris, Jr.

Abstention: 1

Hon. D. Ezzard Miller

Absentees: 2

Hon. Bernie A. Bush
Mr. V. Arden McLean

The Speaker: The results of the division: 4 Ayes, 11 Noes, 1 Abstention, 2 Absent.

Agreed: The Motion failed.

ADJOURNMENT

The Speaker: Honourable Premier, would you please call the adjournment.

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

Mr. Speaker, I regret to say that progress has been very limited today; we have gotten through one Private Members' Motion of nine and, even with the Government's willingness to carry on tomorrow beyond the Government's business, there is no chance of us completing the Private Member's Motions that are on the agenda for this meeting.

We will not be able to run the House late tomorrow—some Members have to leave, others, including myself and a number of Ministers, have to prepare to depart for New York and then on to Hong Kong the next day and so, we will propose to adjourn the House at the usual time tomorrow.

With that, Mr. Speaker, I move the adjournment of this honourable House until 10am tomorrow.

The Speaker: The question is that this honourable House do now adjourn until 10am tomorrow, March 16th, 2018. All those in favour, please say Aye; those Against, No.

AYES

The Speaker: The Ayes have it. The honourable House stands adjourned until 10am tomorrow, 16th March, 2018.

At 8:45pm the House stood adjourned until Friday, 16th March, 2018.