

OFFICIAL HANSARD REPORT
STATE OPENING AND BUDGET MEETING
2011/12 SESSION
MONDAY
12 SEPTEMBER 2011
3.20 PM
Eleventh Sitting

[Continuation of Eleventh sitting]

Proceedings resumed at 3.20 pm

The Speaker: Proceedings are resumed, please be seated.

When we took the suspension on Friday we were in the process of concluding the debate on a Motion brought by the Honourable Premier, which had been given full approval by the House, for adjournment so that the Motion could be considered as a matter of national importance. We are now resuming this debate, the consideration of this Motion, the conclusion of it, and lest there be any misunderstanding as to how this can be done, where our Standing Orders do not give direction on these matters we go to Erskine May's *[Parliamentary Practice]*.

On page [295], Erskine May records how to handle broken sittings. "**If a sitting on any day should be prolonged beyond the hour of meeting on the following day, no independent sitting can take place on that day; . . .**" In other words, we can't begin a new sitting. "**. . . and the House rises when it has disposed of the business of the sitting prolonged from the previous day.**"

The House can continue as though it was sitting on Friday and the business then can be concluded, or, at the conclusion of the debate, we can have a motion to do one of two things: either to negative the motion for adjournment and to continue the sitting; or move ahead and take a vote and conclude the adjournment.

So, when we concluded the decision was taken that the Premier, who was in the process of concluding his debate . . . we would leave the Motion open for the vote to be taken when we returned to the House today to hear the findings of the meeting with the Governor and the Commissioner of Police and his ranking officers.

Honourable Premier.

MOTION

Establishment of a Serious Organised Crime Unit

[Continuation of debate thereon]

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, on Friday, we suspended the House while debating the Motion to address the serious rise in armed robberies and other matters connected to crime, and we adjourned, or suspended, to meet with His Excellency the Governor and the Commissioner of Police to thus discuss the matters appertaining thereto. We met on Friday afternoon and again this morning with His Excellency the Governor and the Commissioner of Police.

The constitutional arrangement in these Islands says that the Governor is responsible for national security. And they agreed on the following points:

- 1) The Uniform Support Group (USG), which is, an armed response here on the Islands.

The current strength of the USG is some 25 staff who are currently providing 24/7 response capability dealing with firearms incidences in the Islands. The current increase of armed patrol has already been increased by providing firearm-trained staff currently in other roles to support or supplement the numbers. The proposal is to increase this number to 45 staff. This would double the operational capability within the Unit, the benefits of which would be to increase the routine patrol presence to a minimum of four armed response vehicles across the Islands.

- 2) Serious Crime Task Force.

The proposal is to double this unit size to 24 and thereby double the Royal Cayman Islands Police Service capability for surveillance and protective investigative techniques, in particular to gang and gun crime, and now armed robberies.

- 3) The new capability request (which is a Tactical Support Group).

The objective would be to create a Tactical Support Group of one inspector, two sergeants and ten constables—whose training and purpose is to undertake control of those hot spots and volatile areas—highly trained in public order, with additional training and equipment in such things as the taser and other personal protection equipment. This unit would be primarily an enforcement and compliance unit able to be deployed as a unit, or to complement any task force or skill set required to meet any current or emerging threat. This unit would, of course, be flexible enough to support the USG or the Serious Crime Task Force in uplifting staff numbers for given operations.

Madam Speaker, certainly I think all of us are satisfied that our concerns and our requests have been met. The Task Force in particular will be set up in a way that we believe, once they are deployed in the way that we are told, the criminal elements in this country will not be able to run around here with the impunity that they have been. So we feel that these concerns and our requests have been met.

Also, Madam Speaker, we have agreed to give extra funding for up to \$3.6 million (not all of which will be recurring expenditure). Madam Speaker, with the \$1 million given last week it will be a total of \$4.6 million. As I said, there are a number of items needed the Commissioner has asked for and agreed upon. Also, Madam Speaker, the matter of comp time for officers across the police service has been agreed upon, the payout thereof.

The amounts that I just mentioned, Madam Speaker, will include some equipment. So that is why we said that it is not all recurring. Some of this will be for capital. But in total, it will be \$4.6 million.

On top of that, Madam Speaker, some of us discussed this (and I forgot to mention it), but I think that I am going to—and I say this just as the Minister of Finance, now—but I am going to offer a reward to the anonymous caller (what do they call it, TIPS? Crime Stoppers?) of \$100,000 for the people who are turned in. Probably it is a chance I am taking in saying that, but I think that will supplement seriously and show our intention to get to the bottom and to wipe out, or to stop, or to frighten off any persons who would be thinking that they could do something and get away with it. Of course, they would have to be convicted. But I think that needs to be done. And so, that is one proposal I will certainly make to Cabinet tomorrow.

Madam Speaker, I have to address a matter that was raised in there. When the House or the Government vote money, and I even see that when the Elected Government gives or grant funds, there has to be some kind of stunt pulled to try and make the Elected Government look like it is not doing anything to help. Madam Speaker, I saw an article in, I think it was the *iNews*, they call it. If you read that article, Madam Speaker, you would be thinking that these funds were received by somebody else. And then they add my name into it.

I don't know where this came from. I am going to find out whether this was a statement or just a story written. But, on page 8 it says, that "The Money approved by His Excellency the Governor, Duncan Taylor . . ." and then throughout the course of the . . . they didn't put my picture up on it this time. No. if it was something they were accusing me of, something that they could flamboyantly carry on with, then they would put my picture on it.

They went on to say that "We are extremely" I think they are quoting the Commissioner there. "**We are extremely grateful to the Cayman Islands gov-**

ernment for their willingness to review the impacts on policing which resulted from the requirement to meet the FCO budget, a situation which led to a recruitment freeze, budget cuts, a reduction in policing numbers as well as leaving us unable to purchase some vital equipment.' (end of quote) "referring to" (and this is their quote from *iNews*), "referring to Premier McKeeva Bush's June negotiation with London's Foreign and Commonwealth Office about Cayman's 2011/12 budget." And I was quoting from *iNews*. [12 September 2011]

So when you read this, Madam Speaker, it is trying to leave an impression that, 1) the Governor

[NO AUDIO RECORDING]

The Premier, Hon. W. McKeeva Bush: I am the Minister of Finance, but in the run-up to the Budget being presented in around about May . . . and everyone by now must or should appreciate the budgetary constraints and the United Kingdom's authority over the Budget. We recognised at that time (but before that, of course) the problems we had and the cuts that we were expected to make. However, in February, when the cash at that time was at a substantial amount, I called the heads of departments and the chief officers together and said to them, *Look, we are budgeting for a \$15 million deficit, or have budgeted, but if we have this amount of money at this time (which was probably well over \$100 million in cash), we should not have a \$15 million deficit. So, let us turn this around and have a surplus.* The Governor agreed with those sentiments and heads of departments and ministries were hard pressed because they had things to do. But I thought it could be done.

So, as it got time to present the Budget where the Commissioner had requested about \$1.5 million more, the United Kingdom Government kept saying no to the Budget. And that's why the Budget dates I was setting were being put off, because we thought we had reached a Budget and they said "No." So, we put off the presentation and everybody had to cut their budget; departments' and ministries' budgets. The day we presented the Budget—that very day—the United Kingdom made us cut back—ordered us to cut back—when we were scheduled to be here for 5.00 (I think it was) they made us cut back at 1.00 that day. They said this is what we would do, or we couldn't go forward.

Before that, the Governor and I met at the Commissioner's request. And we agreed to give him an additional \$800,000—not the \$1.5 million, but an additional \$800,000. I had a discussion with the Commissioner on his budget and I said that we were going to give that amount now, and if the Budget turned out as I suspected, we certainly would give him more funds for staffing and other matters. Well, the \$800,000 that we gave in the Budget was taken by the Portfolio and they gave the Prison \$400,000. So, in-

stead of the Commissioner getting \$800,000, the Prison got \$400,000 out of it and the Commissioner got \$400,000 out of it. But I did not know that until after the Budget process. That was a Portfolio decision.

Our Budget performed well, performed better, as I said it should. And I did as I promised. I called the Commissioner (it must have been the Monday last week) and the Minister of Health and the Deputy Governor, or the Deputy Governor's assistant, Mr. Manderson, together. We went through what the Commissioner needed and could live with. That need was given to Cabinet and my colleagues, the rest of them, agreed on Tuesday last week.

So, Madam Speaker, I wanted to make it absolutely clear. It wasn't the Governor who did this. It was not the Governor. So when the report says that the money was approved by the Governor, I hope that everyone will read it literally, or not read it literally for what it is saying there. That is not correct. It was the Elected Government with the authorisation of the Portfolio and the agreement of the Portfolio who gave the authorisation for that spending.

Madam Speaker, I wanted to clear the air on that matter.

The other matter that I want to clear, Madam Speaker, is one from *CNS* who [ran] a one-liner (and I was hoping to have it, but my assistant has not come back with the *CNS* report) that I said that we had asked for things to be done but nothing was done. And this morning I was more or less accused of that.

Madam Speaker, I had cause to go through the *Hansard*. And there is no way they can say that that is what I said because it is nowhere in the *Hansard*. I think I gave the Commissioner every bit of support that I could under the circumstances. And where I had to complain on the crime situation, I did that. But the Governor cannot just pick up *CNS* (*Cayman News Service*) and read it and make any kind of accusation about not giving support. Because the *Hansards* of this House give a good account of what I said and what all Members had to say. And if Members would recall (the House records and Members should recall) that I said let us be judicious in what we say because we do not want to give anybody outside the impression that we are not supporting the Commissioner and the police force, and that they somehow got support from us. I think that all Members took that position.

So, I do not want to hear now anything about we are interfering. I do not want to hear anything about we are not giving necessary support. It is my constitutional duty to do so; but it is my constitutional duty also to say if I see something that is wrong. And that is what we did.

Madam Speaker, this has been a debate where all Members are in agreement. And I believe that those who are responsible for law and order, or for our national security, are now moving with what they have said they would. And we will wait to hear

from them. I think I can say also, Madam Speaker, that we have agreed that there would be a review of matters connected to the police service by an outside source. That was agreed upon. And we look forward for the Portfolio or the Commissioner taking that forward.

Madam Speaker, as I said, all Members are in agreement with this Motion, and I want to thank them. I thank the Attorney General for his bits of advice, and the Portfolio for theirs. And I want to thank you for your indulgence, and the staff, Madam Speaker, who stuck it out with us during the course of these discussions, even those in the committee room. I thank the Clerk for that.

Thank you.

The Speaker: The question is: BE IT NOW THEREFORE RESOLVED THAT all Honourable Members of this Legislative Assembly repeat the call on His Excellency the Governor (and the Commissioner of Police) to immediately recruit and deploy a serious and organized crime unit;

BE IT FURTHER RESOLVED THAT such unit be a force of real and significant strength sufficient for the purpose, and enabled by the necessary levels and types of skill and experience, to fulfill the following critically urgent purposes:

(a) to provide strongly enhanced detection, investigative and enforcement techniques;

(b) to strategically hit at and dismantle all groups, gangs and individuals responsible for the drastic increase in crime, and, in particular, crimes involving the use of guns;

(c) to provide a lead on permanent enhancement in the capability of the Royal Cayman Islands Police Service to prevent, detect and investigate serious and organised crime and to enforce the law in that regard.

All those in favour please say Aye.

Ayes.

The Speaker: Those against, No.

[inaudible interjection]

The Speaker: This is not the adjournment, we are voting on the Motion.

[inaudible interjection]

The Speaker: No, we are closing the debate on the—

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: No.

Madam Speaker, can I have a division?

[inaudible interjections]

The Premier, Hon. W. McKeeva Bush: We are voting on the Motion.

The Speaker: We are voting on the Motion before the House on meeting with the Commissioner—which we agreed we would come back and conclude—and then there will be a motion for adjournment to conclude the motion for adjournment, either continue it, or to conclude it.

Can we have a division please?

The Clerk:

Division No. 6–2011/12

Ayes: 13

Noes: 0

Hon. W. McKeeva Bush
 Hon. Juliana Y. O'Connor-Connolly
 Hon. Rolston M. Anglin
 Hon. Michael T. Adam
 Hon. J. Mark P. Scotland
 Hon. Cline A. Glidden, Jr.
 Capt. A. Eugene Ebanks
 Mr. Elio A. Solomon
 Hon. Alden M. McLaughlin, Jr.
 Mr. D. Kurt Tibbetts
 Mr. Moses I. Kirkconnell
 Mr. Anthony S. Eden
 Mr. V. Arden McLean

Abstention: 1

Mr. D. Ezzard Miller

Absent: 1

Mr. Dwayne S. Seymour

The Speaker: The result of the division is 13 Ayes, one Abstention and one absentee.

The Motion is duly passed.

Agreed by majority on division: Motion to deal with the establishment of a Serious Organised Crime Unit passed.

ADJOURNMENT

The Speaker: Now we have to vote on whether we will adjourn the House or we will continue the business of the House.

I circulated a statement from Erskine May for all Members to look at. And, under Standing Order 11(4) . . .

Pardon me.

[pause]

The Speaker: If you vote to negative the adjournment motion that we made on Friday, we can continue on the same Order Paper and complete the business of the House. That's what Erskine May says.

[inaudible interjection]

The Speaker: Not the same day.

[pause]

The Speaker: You cannot . . . **“If a sitting on any day should be prolonged beyond the hour of meeting on the following day, no independent sitting can take place on that day. And the House rises when it has disposed of the business of the sitting prolonged from the previous day.”** That is what Erskine May says.

So we continue on the same Order Paper as we had on Friday, or we conclude the motion for adjournment in which the House will rise and we will go home.

I will put the vote on the motion for adjournment at this time. If you vote to adjourn the House, we will go home; there will be no further business today. If you vote to negative the adjournment motion that was on the Floor of the House, we can continue the business which we began on Friday.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I don't mind . . . *[microphone turned off]*. We have to complete our business. And so, if that is your instruction, I don't mind voting “no” on the adjournment, because, in fact, the adjournment was simply to facilitate the motion coming that we just passed. So I don't mind voting that adjournment motion down.

[pause]

The Speaker: The motion for adjournment on Friday, which was made under 10(2) of the Standing Orders . . . sorry, under 12(1) of the Standing Orders . . . we need to either negative that motion to continue the business of the House, or we need to vote for the motion and conclude the business of the House.

The Premier, Hon. W. McKeeva Bush: Madam Speaker—

The Speaker: The motion for adjournment. We vote to continue the House, or we vote to stop the proceedings of the House.

Is that clear to everyone? I don't want to take the vote until we clearly understand.

The Premier, Hon. W. McKeeva Bush: Yes.

We are clear on it, Madam Speaker. We shall vote now.

Mr. V. Arden McLean, Member for East End: What are you going to vote “no” for? It is four o'clock, let's go home.

[Inaudible interjection]

The Premier, Hon. W. McKeeva Bush: No, we have other business.

Mr. V. Arden McLean, Member for East End: You have to vote “yes.”

[laughter]

The Premier, Hon. W. McKeeva Bush: Madam Speaker—

The Speaker: The motion for adjournment moved on [section] 12(1) of the Standing Orders is before the House.

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

One audible Aye and Noes.

The Speaker: The Noes have it.

Mr. D. Ezzard Miller, Member for North Side: Madam Speaker, can I have a division please?

[Laughter]

The Clerk:

Division No. 7–2011/12

Ayes: 1

Mr. V. Arden McLean

Noes: 12

Hon. W. McKeeva Bush
 Hon. J. Y. O’Connor-Connolly
 Hon. Rolston M. Anglin
 Hon. Michael T. Adam
 Hon. J. Mark P. Scotland
 Hon. Cline A. Glidden, Jr.
 Capt. A. Eugene Ebanks
 Mr. Ellio A. Solomon
 Hon. Alden M. McLaughlin, Jr.
 *Mr. D. Kurt Tibbetts
 Mr. Moses I. Kirkconnell
 Mr. Anthony S. Eden

Abstention: 1

Mr. D. Ezzard Miller

**Mr. D. Kurt Tibbetts: As they wish.*

[Laughter]

The Speaker: *First Elected Member for George Town, if I allow that they will say that I am allowing things not from the Standing Orders.*

Mr. D. Kurt Tibbetts: No.

The Speaker: The result of the division is one Aye, twelve Noes; one Abstention; one absentee.

The motion for adjournment has been negatived and we will proceed with the business of the

House according to the Order Paper which was circulated on Friday.

Negatived by majority on division: Motion to adjourn failed.

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

The Speaker: I have no messages or announcements.

**PRESENTATION OF PAPERS
 AND OF REPORTS**

**Report of the Standing Business Committee for
 the Fourth Meeting of the 2010/2011 Session of the
 Legislative Assembly**

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of the honourable House the Report of the Standing Business Committee for the Fourth Meeting of the 2010/11 Session of the Legislative Assembly.

The Speaker: So ordered.

Does the Honourable Premier wish to speak thereto?

[no audible reply]

The Speaker: No.

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

Question No. 9

No. 9: Mr. D. Kurt Tibbetts, First Elected Member for George Town asked the Premier, the Honourable Minister of Finance, Tourism and Development: What steps are being taken to improve the economic forecasting ability of the Government?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker. The answer: In accordance with the requirements of the Public Management and Finance Law, the Economics and Statistics Office (ESO) is mandated to forecast four economic indicators on a biannual basis. These forecasts are comprised of the

growth of Gross Domestic Product (GDP), the unemployment Consumer Price Index (CPI), and inflation on the current account of the balance of payments. These forecasts are presented to the Legislative Assembly in the Strategic Policy Statement.

The forecasting of the above indicators has continually been improved over the last few years mainly through the implementation of the system of national accounts for estimating GDP; the balance of payments for estimating the current account; and the use of an updated CPI basket for estimating the inflation rate, all these having been implemented starting 2007 mainly by adopting the appropriate international standards, launching of new surveys, augmenting the staff of the ESO and the technical assistance from the Caribbean Technical Assistance Centre (CARTAC).

A comparison of the actual and forecasted macroeconomic variables are presented in the [answer], Madam Speaker.

	Forecast 2009	Actual 2009	Forecast 2010	Actual 2010
Real GDP	-6.6%	-7.0%	-4.0%	n/a
CPI Inflation	0.1%	-1.5%	1.8%	0.3%
Unemployment	6.3%	6.0%	5.8%	6.7%
Balance of Payment Current A/C (% of GDP)	16.3%	17.1%	16.7%	n/a

In the forecast for 2009, growth to the Real GDP was -6.6 per cent. The CPI Inflation was 0.1 per cent. Unemployment [was] at 6.3 per cent. Balance of Payments in the current account and as a percentage of Gross Domestic Product was 16.3 per cent.

The actual for 2009 was in the Real GDP -7 per cent. The CPI Inflation was -1.5 per cent. And the unemployment was 6 per cent. And the Balance of Payment current account at a percentage of the Gross Domestic Product was 17.1 per cent.

The forecast for 2010, the Real GDP was -4 per cent. And the CPI Inflation was 1.8 per cent. Unemployment [was] at 5.8 per cent. The Balance of Payment current account, percentage of Gross Domestic Product, was 16.7 per cent.

The actual for 2010 Real GDP is not applicable at this time, Madam Speaker, because the surveys are still ongoing. Therefore, this information is not available at this time. And the CPI Inflation was -0.3 per cent, unemployment at 6.7 per cent. And the Balance of Payment, current account, the percentages of GDP, the surveys are still ongoing. Therefore the information is not available at this time.

Madam Speaker, as exhibited in the table I just read, the macro economic forecast remains reasonably on course with actual numbers. The largest variation is in CPI Inflation which is more susceptible to unexpected shocks like the volatility of international food and oil prices and larger-than-expected movements in the housing related costs.

The ESO strives to improve the data quality by increasing the frequency and scope of data collection useful for forecasting. Finally, this is enhanced with appropriate training of staff mainly through regional organisations, such as the CARTAC and at CARICOM.

Supplementaries

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

Can the Honourable Premier state how the content of his answer relates to the revenue forecast of the Government on an annual basis?

The Speaker: Honourable Premier.

[long pause]

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I am gathering some information, so if you could give me a minute please.

[long pause]

The Premier, Hon. W. McKeeva Bush: Madam Speaker, thank you.

Madam Speaker, in these sort of estimates, in certain specific instances the department would get advice from certain departments and government companies, like CIMA, Customs, and the Companies Registry. They would tell central government their estimates of their forecast of revenue and then the department would also use the Gross Domestic Product, that is, the growth in the industry, our economy, as a guide to help do the estimates.

Where there are specific areas of revenue, as I said, we would use that to tell us what the revenue is more or less going to be like.

The Speaker: Any further supplementaries?
First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you.

Madam Speaker, if the information is available (and perhaps it might not be), can the Honourable Premier give us an indication for the last three, perhaps four, years initial projections compared to actuals, what type of levels of accuracy existed?

The Premier, Hon. W. McKeeva Bush: Oh, Madam Speaker, that is a much easier one than what he said earlier, because that one he should have asked a specific question on. I will get the information for you, but you are going to have to accept that in writing.

As he knows, those couple of years have been up and down. So whoever did the estimates at the time, given the economic conditions, I would think

they had a rough time. Nevertheless, I don't have those four years with me now. But I will get it for you in writing.

Madam Speaker, I can say that when it comes to revenue, government expenditure, and the Finance Department's work, I have certainly asked for another accountant and an economist, as such, to separate ESO statistics out from purely economics, what is happening in the economy on a weekly basis. And I haven't gotten it yet, but I hope that I soon get it.

The accountant would be able, from a quick glance working in the Premier's Office (that's the person we have in the Ministry at this time), to be able to tell me on a weekly basis what cash is being spent; and what cash we have left. Right now we take some while to get it. But I think we want to get those sorts of things, you know, as a quick question to the department or to the Treasury.

So, I will ask the Financial Secretary to get that information for the Member, Madam Speaker.

The Speaker: Any further supplementaries?

Question No. 10

No. 10: Mr. D. Kurt Tibbetts, First Elected Member for George Town asked the Premier, the Honourable Minister of Finance, Tourism and Development: What is Government doing about the government accounting system and the Public Management and Finance Law following the visit of Mr. Keith Luck and his subsequent report?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Thank you, Madam Speaker.

The Government received the final report from Keith Luck on 14 April on the Review of the Financial and Human Resource Management Systems of the Cayman Islands. Since the issuance of the Keith Luck report, the Government has revised the Public Management and Finance Law in order to relax the volume, frequency, and formatting of financial reporting. This will give the Government time to further review and simplify the complexities of the law, the regulations, and its accounting and financial reporting processes and its systems.

It will also give the Government time to focus on improving the quality of current and future financial information.

The Speaker: Any supplementaries?
First Elected Member for George Town.

Supplementaries

Mr. D. Kurt Tibbetts: Can the Honourable Premier say if that report will be made public as was indicated

prior to this (not by him, but by other powers that be), and, if not, why not? And I will ask the other supplementary after he answers those, Madam Speaker.

The Speaker: Honourable Premier.

[Long pause]

The Premier, Hon. W. McKeever Bush: Madam Speaker, there are a number of things that have to be done. The report is not completed, not finished being reviewed. This is not a report on just the Finance Ministry; this is a report for the Public Service in continuing aspects of the rest of the Public Service. And there are very important things that have to be pulled out and be normalised because . . . for instance, I guess in the Public Management and Finance Law the CFOs (Chief Financial Officers) don't report to the Financial Secretary. They report to their chief officers. So there are a number of things that have to be done before it actually goes to Cabinet as a formal paper, a formal document. We have no problem about releasing it once the departments, yes, once the departments have finished previewing or examining the report.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

I want to thank the Premier for that commitment that the report will be released in a timely fashion once it gets to a certain stage.

Can the Honourable Premier tell us in general terms, perhaps, the number of recommendations that were made in that report, and if he can give us any idea of the types of recommendations that were made?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: No, Madam Speaker. I don't have that report with me now, and I can't speak to it specifically. But what I can tell him is that all kinds of recommendations have been made.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts: Thank you, Madam Speaker.

Can the Honourable Premier give us an indication as to where it is at now with regard to those recommendations, whether the recommendations have been accepted, or what process takes place to decide which of the recommendations will be accepted?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, as I said, the report is being reviewed by the various departments. And there are several recom-

mendations, and I don't have it. I don't have the recommendations pulled out, as such. But those recommendations have to be looked at, examined to see whether they are practical. And that is what the departments will do.

Some have just started on the implementation of some, like the Public Management and Finance Law changes that have been made.

The Speaker: First Elected Member for George Town, supplementary?

Mr. D. Kurt Tibbetts: Madam Speaker, my own experiences tell me, and my understanding of the system tells me, that when reports of this nature are contracted for and delivered the normal process is, first of all, for Cabinet to review and decide on whether they are going to accept or reject the report, or what parts they are going to accept. And then, after that, comes implementation when policy decisions are made.

I am not so far with a clear understanding as to what has taken place with the report. And the question is: Has Cabinet examined the report and made a decision on its acceptance? And if there is any part of the report that was not accepted, what was that?

The Premier, Hon. W. McKeever Bush: Madam Speaker, this has not been sent to Cabinet, as I said, yet.

Yes, the report was made to the Governor and me, as the Minister of Finance. And we have the departments to go through it, to look at the recommendations to see what is practical, and then we will have a Cabinet document.

The Speaker: First Elected Member for George Town.

Mr. D. Kurt Tibbetts, First Elected Member for George Town: Thank you.

Madam Speaker, can the Honourable Premier state if any timeline has been given for the decisions to be made? And if no timeline has been given, does he have any idea when the examination of the report, as it pertains to each department, might be completed?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, let me reassure the Member that as Minister of Finance and one who has found the complexities of problems to the financial system—and I speak from the financial system aspect because I guess that's why we asked for it (I certainly asked for it). But because it contains the Public Service it went to the Governor and myself. There is nobody in this House or even in the Civil Service that wants that as badly as me. But, it has to go that process so that I can get that

feedback. And I would expect that I would get that feedback and go to Cabinet within the next month.

I can guarantee Members of the House, I think I did that before when we talked about it, that it will be made public.

The Speaker: Are there any further supplementaries? [pause] Are there any further supplementaries? [pause] Are there any further supplementaries? If not we will continue to the next item of business.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I have notice of two statements from the Premier.

Price Survey done on Cayman Brac and Little Cayman

The Premier, Hon. W. McKeever Bush: Thank you, Madam Speaker.

Madam Speaker, I rise to make a statement on where we have reached with the review in Cayman Brac, the cost of living.

Madam Speaker, all honourable Members of this House will know that the Government held a ministerial retreat on Cayman Brac from Wednesday evening, 31 August, to Saturday evening, 3 September. The retreat was attended by all honourable Ministers of the Legislative Assembly and honourable Members of the Legislative Assembly that make up Government's backbench, chief officers, key financial officers and other senior civil and public servants from all ministries of government and entities that fall under the responsibility of government ministries.

From the Elected Government's viewpoint and that of the civil and public servants' perspective, the retreat was a resounding success. On Saturday afternoon and evening, a public town hall meeting was held. At that meeting the group turnout of the public at the Aston Rutty Centre learned of and appreciated [the] tourism plan for the Sister Islands.

Honourable Ministers of Government and honourable Backbench MLAs also fielded questions from the Brac public in attendance and took note of important comments made at the meeting. One of the important comments made at the meeting was the very high level of prices on Cayman Brac as compared to prices on Grand Cayman. The example given was that the price of a certain size box of Kellogg's Corn Flakes was approximately \$6.00 on Grand Cayman, whereas on Cayman Brac that same size and same brand of corn flakes was priced at approximately \$16.00.

The complaints of very high prices in Cayman Brac were widespread among the audience, and there

were many pleas for Government to do whatever it could to assist with reducing such high prices. The audience made it clear that it was not advocating that Government even think of introducing price controls.

Madam Speaker, I and the Honourable Deputy Premier told the audience that the Government would initiate a survey of prices in the Sister Islands. I am very pleased to report that on Tuesday, 6 September, two staff members of the Economic and Statistics Office (ESO) visited Little Cayman to record prices on that island. On 7 through 9 September the two staff from the ESO visited Cayman Brac for the same purpose.

The staff from the ESO used the same basket of goods price tested on Grand Cayman for the recording of physical goods on Little Cayman and Cayman Brac. As on Grand Cayman prices in respect of services will be collected by phone or such information will be faxed to the ESO.

The ESO is currently preparing a suitable format for the release of the results obtained. As soon as this is available I shall make the information public. But it is important for me to say, Madam Speaker, that the Department acted quickly in getting that survey done and accomplished. And we will soon have a better knowledge of what really is happening in Cayman Brac as far as prices are concerned.

The Speaker: Are you going to present your second statement at this time?

Dragon Bay Project

The Premier, Hon. W. McKeever Bush: Madam Speaker, in February 2009, unbeknown to the people of this country, unbeknown to the Members of the Legislative Assembly, and without any public discussion, the previous Government signed a huge development agreement committing the country to millions of dollars in the form of concessions. This, Madam Speaker, is a gross violation of the openness and transparency mantra which was the watchword of that Government.

The PPM Administration supported the development but did not see it through to completion and, as such, the country could not get the benefits of the concessions they were giving away. Now, Madam Speaker, we are being admonished to do what is necessary to make the development go forward.

Madam Speaker, the PPM (the Opposition), can't have their cake and eat it too. They cannot expect to enjoy the benefits of projects but not offer their support for those projects. ¹On Wednesday night the First Elected Member for Cayman Brac [and Little Cayman] read an article from a publication which implied that this Government was not assisting that de-

veloper. The developer has, in fact, made contact with our Government and the matter that is outstanding pertains to the developer's desire to have freehold title; in other words, for the Government to sell him over 300 acres of land commonly known as the land occupied by the SafeHaven and the Ritz Carlton developments.

Madam Speaker, while there are some in the Government who will support this development there are others who will not. Government has facilitated the developer and I, myself, am proud of the Ritz Carlton development. But the question is whether to sell these two properties outright to the developer, and do we have support for such a move? That is the question that the Government is confronted with.

Madam Speaker, the Opposition has raised the matter and has implied that we are not assisting development projects in these Islands. However, I must remind them, and the Member for Cayman Brac [and Little Cayman], of the fact that they gave these concessions but hid them from the public; and, of course, that they themselves refused to grant that freehold agreement over the property in question.

The developer has made a proposal to the Government in regard to the parcels of land that comprise the Ritz Carlton and the previous SafeHaven lands. The lease agreements on these properties have already been extended to 99 years. The proposal from the developer is that these leases will be converted to freehold for an upfront payment of \$10 million with an increase in stamp duty of 2 per cent on all transactions in perpetuity. This would increase the rate of stamp duty from the current 7.5 per cent up to 9.5 per cent on each transaction. Total revenue is estimated (this says 6 but the estimate says 300) to exceed \$300 million over the years.

Madam Speaker, I also want the public to understand the hypocrisy of the Opposition. As much as they talked about MOUs (Memorandum of Understanding) there was no announcement of an MOU by them. There was no social impact study completed, there was no environmental impact study completed, and there was no economic impact study completed. They will say that they completed a Heads of Agreement. That's the same thing. But, Madam Speaker, what makes it worse is that that was done in the fourth quarter of 2008, and no impact studies were completed. This was done in secret without public discussion, without public participation and, again, without this honourable House being informed of this.

Madam Speaker, I am now calling on every Member of this House, in particular the Opposition, to not beat around the bush, but say publicly whether or not they support the crucial need to convert this lease to freehold. I ask each of them: Do you support the sale of these two properties to the developer, which are now under lease [for] 99 years? The Government needs a clear and unambiguous answer to this matter

¹ See the *Official Hansard Report*, 7 September 2011, page 322.

from the Opposition and, in fact, Members of this House.

While considering your response to this question I want you all to bear in mind the following clauses which were included in the PPM Government's agreement of February 2009, with the developer, in regard to the Dragon Bay Development, and which still stands.

Moment of interruption—4.30 pm

The Speaker: I need to interrupt you, Honourable Premier, at this time. We need a motion to continue the business of the House after the hour of 4.30.

Suspension of Standing Order 10(2)

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I beg to suspend Standing Order 10(2) in order to complete the business on the Order Paper after 4.30.

The Speaker: The question is that Standing Order 10(2) be suspended to allow the continuation of business on the Order Paper after the hour of 4.30.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: Sorry to interrupt you. Please repeat your last sentence, and then go ahead.

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker.

Madam Speaker, as I said, while considering their response to the question I want all to bear in mind the following clauses which were included in the previous PPM Government's agreement of February 2009 with the developer in regard to the Dragon Bay Development, and which still stands as of today. It reads, "Government . . ." and, Madam Speaker, by the way, I am laying on the Table of this honourable House the development agreement; the main agreement for one and all.

The Speaker: So ordered.

The Premier, Hon. W. McKeeva Bush: It says:

1. "Government hereby agrees to the grant to the Developer a Variation of Lease in respect of the existing lease on the property substantially in the same terms as set out in the draft Schedule to Variation of Part of Lease annexed hereto as

"Schedule II" so as to provide for a lease in respect of the Property with a term ending ninety-nine (99) years from the date of execution of the instrument whereby such extension is granted. Such extension shall be subject to the Developer paying to Government, as rent in respect thereof, a sum or sums of money to be agreed between the parties based on the current value of such extension.

2. "The Government hereby agrees to do everything within its lawful authority to support and assist the Developer in obtaining the necessary licenses and approvals (including granting the necessary coastal works license) for the redevelopment of the North Sound coastline along the eastern end of the Property substantially in the manner depicted by the Draft Master Plan annexed hereto as "Schedule III". Such [re]development will include reclamation and excavation of the coastline, construction of adequate and appropriate shoreline protection and remediation and/or replacement of the existing damaged mangrove island located immediately to the east of the Property.

"In furtherance of this objective, Government hereby further agrees to grant to the Developer leases in respect of Block 17A Parcel 5 and Block 12C Parcel 362, being the two mangrove islands lying offshore from and adjacent to the Property, substantially in the same terms as set out in the two Draft Lease Agreements annexed hereto together as "Schedule IV.

3. "Government hereby agrees to grant of waivers and reduction of Import Duty on construction materials in accordance with Schedule VI" annexed hereto so to allow the project to be developed viably and expeditiously. Schedule VI - Import Duty Reductions refers: Pursuant to Clause 7 of the Main Agreement, the following import duty reductions or waivers are granted:

- Reduction of import duty on materials for construction of hotels and related facilities including golf to ten per cent (10%).
- Import duty waiver on all pre-opening and opening supplies for hotel subject to Fujigmo providing detailed pro-forma for the Cayman Islands Government (CIG) to indicate what, if any, items they may agree to provide this waiver.
- Reduction of import duty on all residential construction materials to ten per cent (10%) for eight years (8) from the date of execution of the Main Agreement provided that Fujigmo [that is, Dragon Bay] will be required to allow local vendors to bid and are obligated to use local vendors if their

prices, timing and quality are the most competitive.

- Waiver of import duty for construction materials to build new schools [on that property, of course].
- Waiver of import duty for construction materials to build a church or churches [on that property].
- Waiver of import duty for construction materials to build public beach facilities [within the Dragon Bay Development].
- Waiver of import duty for construction materials for public roads and related elements provided that wherever such roads are privately owned the public will have access and full access and Fujigmo will be liable for installation, upkeep and maintenance of the same.
- Waiver of import duty for construction materials for new Port Authority marina.
- Waiver of import duty for:
 - i. “Alternative energy equipment, materials and operating supplies;
 - ii. Recycling equipment and other eco-friendly initiatives;
 - iii. Reduced emission vehicles to be used within the resort including electric or solar powered boats.

“*Provided that the list of any construction materials for the above purposes must be first verified and approved by the Portfolio of Finance and Economics.

4. “Government hereby [That is, the last Government] agrees to do everything within its lawful authority to support and assist the Developer in obtaining the necessary permissions, licenses and/or approvals from the Airports Authority or any other relevant body or agency for the purpose of the Developer obtaining a dedicated space within the current and proposed expanded modified Owen Roberts Airport Terminal for the exclusive use of the Development [that is, the Dragon Bay Development] for the landing and processing by Immigration and Customs of owners, tenants and residents of the Development and for the promotion of the Development.

5. “Government hereby agrees to do everything within its lawful authority to support and assist the Developer in obtaining the necessary permissions, licenses and/or approvals from the Airports Authority or any other relevant body or agency for the exclusive use of a Dock/Landing facility at a suitable location within or in close proximity to the Airport lands (as defined by the

Development Plan 1997 (2006 R) so as to allow for water transportation to and from the Development.

6. “Government hereby agrees to do everything within its lawful authority to support and assist the Developer in obtaining, where necessary, reasonable and competitive rates for the supply of [waste] water treatment and the supply of non-potable water by the Water Authority to the Development. Government shall recommend to the Water Authority and/or any other relevant body or agency that such rates shall be such that the cost of supply of such services to the Development is the same as, or less than, the actual cost of the developer producing those services for itself.

7. “If the Water Authority is not able or willing to provide such non-potable water to the Property within the necessary timeframe, Government will do everything it its power on under its lawful control to assist the Developer in obtaining any necessary license to the Developer so as to allow the Developer to produce such non-potable water itself for use within the Development.

8. “Government hereby agrees to do everything within its lawful authority to support and assist the Developer in obtaining at least 50 work permits for the purpose of creating the development and for staffing of any hotel development within the Property, provided that the same can be justified by way of a business staffing plan which shall be submitted along with the applications for such permits.

9. Government hereby agrees [That is, the last Government.] to do everything within its lawful authority to support and assist the Developer in obtaining the necessary permissions, licenses and/or approval (including waiving of Import Duty) for the importation and installation of alternative energy generating equipment and related materials and operating supplies and for recycling equipment and other eco-friendly operation and reduced or zero emission vehicles to be used within the Development (including electric or solar powered vehicles and boats). Subject always to the provisions of the Electricity Regulator Authority Law (2008 Revision), Government further agrees to do everything within its lawful authority to support and assist the Developer in obtaining the necessary permission or authorization so as to allow the Developer to produce electricity by way of alternative or renewable means and to supply and charge for the same only within the Development.”

Madam Speaker, those are matters contained within that Agreement which, as I said, the public never saw or heard of, but was done without any public input, with no economic study, no environmental impact study, or no social impact study.

Madam Speaker, the Ritz project is a proven project, one that has delivered thousands of jobs since construction, hundreds of millions of dollars into the economy through building and spending. It has raised the level of the Cayman tourism product and helped put us on the map as the number one destination in the region. It has already been supported by all previous administrations since that project started some 14 years ago.

The developer has said that the development is ready to go forward today with new investment, but it needs Government's help. Government is not likely to ever get the land back, Madam Speaker, because the land is already committed for 99 years. Under the Strata Title Law, which governs the properties, if Government wanted to repossess the land at the end of the lease, they might be obliged to purchase each strata title from the owner of each unit and land from each landowner under the lease. That is one train of thought.

The developer has made a proposal to this Government (the current Government) for the sale of the land for \$10 million upfront today and an additional 2 per cent stamp duty on every future transaction. This means that over the life of the lease it is estimated that Government will receive some \$300 million in stamp duty if conditions improve and properties are sold.

We have been informed by the developer that the project is ready to start and can begin employing Caymanians right away. I think that is one of the parts that the First Elected Member for Cayman Brac [and Little Cayman] read into the *Hansard* the other night. Alternatively, the project can stall. We can lose the opportunity for jobs and investments. We can even see the closure of the golf course. That is the information from the developer.

Madam Speaker, the question to the Opposition, who raised this matter and accused the Government of not helping local developers, is: Do you support selling outright the lease to the developer for the amounts he has offered? That is what they need to tell the public. Now, let's see if their criticism of this Administration is founded on a genuine feeling of support for the project or just political finger-pointing and grandstanding.

Do you want to sell that property? That is what you need to answer.

An hon. Member: No.

The Premier, Hon. W. McKeeva Bush: Well then don't get up here and blame this Government because that is what is outstanding. They gave the de-

veloper everything that he asked for in that Agreement. I read the Agreement, the Agreement is tabled. Now, Madam Speaker, let them say what they may, but it is all there in the open.

The Speaker: [Honourable Leader of the Opposition].

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Thank you, Madam Speaker.

Madam Speaker, I would like to ask the Honourable Premier a couple of short questions under the relevant Standing Order, with your permission.

The Speaker: Yes, but make them questions and make them short like you have indicated please.

Short Questions [Standing Order 30(2)]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, can the Premier say what the balance is of the term remaining in respect of these leases to which his statement refers? And, can he say whether or not the developer has paid to the Cayman Islands Government the requisite sum to have the term of those leases extended back to 99 years?

The Speaker: The question is asked about the relevant Standing Orders . . . 30(2). I should have asked the Leader of the Opposition to state the Standing Order, but that is the correct Standing Order, 30(2).

The Premier, Hon. W. McKeeva Bush: Madam Speaker, as I read the statement, it says their agreement extended all [of] the lease up to 99 years. I don't know what the balance of the lease is; but I can find out and I will, you know, give it to the Member in writing.

[inaudible interjection]

The Premier, Hon. W. McKeeva Bush: I am not sure where the developer stands with that either, but I can check on it. He was dealing with the Financial Secretary on the matter of payments.

The Speaker: Thank you.

One last question. You said two, and I allowed them. Go ahead. One more. That's three.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: I didn't know I was being so circumscribed, Madam Speaker.

The Speaker: You said two questions.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: I said a couple of short questions, Madam Speaker—"couple" broadly interpreted.

The Speaker: There are still only two in a "couple" as far as I know.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Yes, Madam Speaker.

The Speaker: But . . .

[Inaudible interjections and laughter]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, can the Premier say whether or not he appreciates that the reason why the Administration of which I was a part agreed to an arrangement in terms of this main Agreement (which he has laid on the Table of the House), which did not involve the outright sale of the Crown property, is because we do not believe in principle that that is the way that we ought to treat Crown property and because we oppose generally as a matter of policy the sale of government property, Crown land, in these particular circumstances?

The Premier, Hon. W. McKeever Bush: Well, Madam Speaker—

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: No, because I can't very well figure out what he had in his mind. And if they were truthful to the country and truthful to me, then as Leader of the Opposition [he] would have come here and talked about it. They would have made their impact study, economic impact study, and they would have made their various studies and then I would have known. But I don't know what they had in their mind, Madam Speaker. I really don't.

But from what I read too, it didn't say that they were not going to do so if they were re-elected.

The Speaker: Thank you, Honourable Premier.

Can we move now to the next item of business please?

PERSONAL EXPLANATION

The Speaker: I have a request for a personal explanation which I have granted to the Member for North Side.

Rebuttal to Statements made by Fourth Elected Member for George Town, 7 September 2011

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

In accordance with Standing Orders and your permission having been granted, I crave the indulgence of this honourable House to make a personal explanation.

Madam Speaker, during the verbose, Scripture-filled prose, intellectually informed and passionless contribution to the debate on 7th September by the highly educated, academically qualified and experienced Fourth Elected Member for George Town, he inadvertently made a fraudulent slip with his facts and I quote from the unedited *Hansard* of this Legislative Assembly.

"You see they don't talk now. He is on the radio again, the same Member for North Side, criticizing, talking about the fact that—Oh, corruption, interference. That is what you hear all the time. But I bet you the Member for North Side was not saying that, Madam Speaker, when it was the situation, whether it was this Administration or otherwise and his son being hired at the UK Office.

"No! No, no, no, you are not going to hear that. Or you are not going to hear the Member talk about when it would have been years ago that the same Premier put him in charge of the Quincennial operations and the scholarships, and one of the recipients was his family member. You are not going to hear about that! Because that is not convenient.

"No, what you hear is about interference of certain individuals in the process and how corrupt they are, but they don't talk about that.

"I am going to give him something else for him to talk about. You see, Madam Speaker, behind the scenes and the public needs to know, because you see the truth hurts. The truth hurts! And the true situation is that what you have are individuals who are willing to exploit the system. And I mentioned it one day *sotto voce* here on the Floor of the House.

"Here it is! Here it is! Have the public go back and look in the archives, even with the not-so-independent Member for North Side. What is the situation? Wasn't it the same past Minister for Health who gave him a contract with the Health Services Authority? At least \$80,000. There was a contract given.

"Wasn't it the past Minister responsible for Works from East End that gave the same Member for North Side a contract with respect to the Matrix?" [*Hansard*, 7 September 2011, page 280]

Madam Speaker, it pains my soul to have to criticise such wonderfully accurate use of the English language; his university English language teacher would jump for joy to see such speech writing skills on display. However, I have to correct the facts and only on the minor unimportant little matter—like accuracy.

Firstly, Madam Speaker, let me deal with the facts surrounding my son, Denison Miller, and his employment at the UK Office. He migrated to London in

2007 to further his education and experience. He was given a three-week summer placement at the UK Office in July 08. He was hired as a Temp Receptionist in November 2009 and asked to stay on permanently in December 2009 (to start January 2010). Recently, he was asked to take on the role of Higher Executive Accounts Officer, retroactive to start of budget year.

Madam Speaker, Denison applied on his own for the job at the UK Office, and there can be no record of me asking any politician to give my son a job as any political favour—because I never did so. So, the Fourth Elected Member for George Town is being rather inventive in his account.

But Madam Speaker, this is hardly surprising for someone who seems to believe that by stringing together a bunch of words like a tossed salad he is actually stating facts or making a meaningful contribution to debate. I can only trust, Madam Speaker, there is no plan to victimise my son based on the deliberate misrepresentation that the member has trotted out. I can only hope that there will be no action taken against him because of any particular position or stand I take in this Legislative Assembly.

Secondly, let me deal with this notion that my son received a Quincentennial scholarship, or any other kind of scholarship from the Cayman Islands Government. The Cayman Islands Government has not contributed one single cent to my son's education. His mother and I paid for him to attend private pre-school, private kindergarten, private primary school and private high school. We paid for his flight training, that is, private pilot licence, his instruments licence, his multi-engine licence, his commercial licence and his instructor's licence as well as his Twin Otter type rating.

We paid for his A+ Certification and his Microsoft Certification. We paid for his Bachelor of Aeronautics Degree from Emory Riddle University. We paid for his graduate Diploma in Management in the UK and we are currently paying for his MBA.

Looks to be qualified to be a receptionist or higher Executive Officer, I would think.

Now, Madam Speaker, let me deal with the inaccuracies concerning myself. I was never put in charge of any Quincentennial scholarships by the Premier, and most certainly was never at any point during the twenty-three months I served as Chairman of the National Quincentennial Committee, involved in any decisions about scholarships. Nor am I aware that any family member of mine received a Quincentennial scholarship. Where did the Fourth Elected Member for George Town get his information? He invented it, served it up in with his self-indulgent and intellectually inaccurate presentation and would have people believe that it is a fact.

The fact is, Madam Speaker, that I was never at any time given a contract with the Health Services Authority by any past Minister of Health. I successfully competed against other companies, including interna-

tional companies, through a proper, Request for Proposal tender process for consultancy services by the Ministry of Health when the Second Elected Member for Bodden Town was the Minister. The consultancy service was for a review of the Governance Model of the Health Services Authority and a review of the Health Insurance Law and regulations.

I was never given any contract by the past Minister responsible for Works from East End with respect to Matrix. And I challenge any "City man" to produce any contract I was given by the Member for East End.

Now Madam Speaker, the Fourth Elected Member for George Town talks about truth as if he has a monopoly on the word. In reality, Madam Speaker, the Member has less than a passing acquaintance with the truth. But this never stops him, Madam Speaker. As long as he is waxing verbose in defense of his UDP Government and to protect his position on the Government Bench, then the Member will never let truth or facts get in the way of his diatribe.

Madam Speaker, in our family we were raised with the clear understanding that the truth will set you free. But what hurts me and my son are the deliberate pathological mendacious statements, particularly by those persons who use torn Bible leaves and paraphrased quotations from the Bible as gift-wrap on their twisted account of events, to try and make them look and sound authentic and true.

Self-aggrandisement, self-certification, self-elevation and perfect voice inflection can never substitute for facts. They can never produce hard, cold truth out of deliberate reconstruction of events to suit one's need to deflect points made in constructive critical debate.

Now, Madam Speaker, please allow me to make it abundantly clear to all Members of this House that my children, wife and parents, as well as my siblings, are off limits for any reference in any debate in this House. Any attempt to malign them in any way will be met with the Chisholm's motto "*Feros Fero.*"

Thank you, Madam Speaker, and I trust that, as the ultimate minority in this Legislative Assembly, I will continue to enjoy the protection provided by the Chair from this behemoth majority who snicker, clap and giggle as they encourage the Fourth Elected Member for George Town to flirt with that line between moral, ethical and common decency, and personal vitriolic attacks during debate on issues in this House.

The Speaker: Thank you, Member for North Side.

Let's proceed to Government Business.

[Inaudible interjections]

The Speaker: Please refrain from commenting at this particular point. We have moved on to another point of business and I am trying to get it started.

The Clerk: Government Business—

The Speaker: Go ahead.

GOVERNMENT BUSINESS

MOTIONS

Suspension of Standing Order 24(5)

The Clerk: Government Business; suspension of Standing Order 24(5) to enable a Government Motion to be dealt with during the current Meeting.

Hon. Rolston M. Anglin, Minister of Education, Training and Employment: Madam Speaker, I beg to move a motion to suspend Standing Order 24(5) to enable a Government Motion to be dealt with during the current Meeting.

The Speaker: The question is that Standing Order 24(5) be suspended to enable a Government Motion to be dealt with during the current meeting.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 24(5) suspended.

Mr. D. Ezzard Miller: Madam Speaker, can I have a copy of the Motion that the House has just been suspended to deal with?

The Speaker: It is the usual motion that accompanies a paper on any Organisation for Economic Co-operation and Development (OECD) statement.

[Inaudible interjection]

The Speaker: The Standing Order has to be raised to allow the motion to be brought in this Meeting, not necessarily today.

Mr. D. Ezzard Miller: All I am asking, Madam Speaker, is if I could have a copy, or indicate which motion it is. I don't have a copy of a motion being brought by the Government.

The Speaker: Can we proceed please? We are going to Bills.

BILLS

FIRST READINGS

University College (Amendment) Bill, 2011

The Clerk: Bills, First Readings. The University College (Amendment) Bill, 2011.

Hon. Rolston M. Anglin: Madam Speaker, I beg—

The Speaker: Minister of Education.

[Inaudible interjections]

The Speaker: Please read it again, Madam Clerk.

The Clerk: Bills, First Readings. The University College (Amendment) Bill, 2011.

The Speaker: Thank you.

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

Gender Equality Bill, 2011

The Clerk: The Gender Equality Bill, 2011.

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

SECOND READINGS

University College (Amendment) Bill, 2011

The Clerk: The University College (Amendment) Bill, 2011.

The Speaker: Honourable Minister of Education.

Hon. Rolston M. Anglin: Thank you, Madam Speaker.

I beg to move the Second Reading of a Bill shortly entitled The University College (Amendment) Bill, 2011.

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

Hon. Rolston M. Anglin: Thank you, very much, Madam Speaker.

Madam Speaker, perhaps it is a Monday on the heels of a very long last week, which I think up until on Friday we worked until 6.40-something. So, just to say, that all of us should exercise patience, certainly when it's past 5.00 on Monday. Besides, Madam Speaker, just to add a little bit of levity to an oth-

erwise dry evening, perhaps it is cultural fatigue setting in after Members enjoyed turtle meat lunch.

[Inaudible interjections]

Hon. Rolston M. Anglin: Madam Speaker, let me also just cover very quickly the move to waive Standing Order 24(5) (which I did just a few minutes ago), that the words were carefully crafted on the Order Paper to say “during this meeting” and not “this sitting.” So there is going to be a motion coming and that waiver is to cover a motion that is going to be coming to the Legislative Assembly.

But, Madam Speaker, let me move on to the essence of the Bill before us.

Madam Speaker, the governance model at the University College of the Cayman Islands is something that I have paid keen attention to over my time thus far as Minister. I have made numerous statements in this Legislative Assembly in regard to the state of affairs at the University College as I found them. So any member of the public or Member of this House who may be interested in that, can certainly look online at the *Hansards* of this honourable House—which are kept very much up to date these days, and I congratulate you and the staff here, Madam Speaker, to say that. So I will not bore this House with those details.

What I want to do is take just a couple of minutes, Madam Speaker, to carefully illustrate the fundamental flaw in the governance model as it exists today at the University College.

Madam Speaker, as we speak, section 3 of the University College Law deals with the establishment of the College. More precisely, Madam Speaker, section 3(3) deals with the Board of Governors of the University College. Section 3(2) states: **“The government, management and control of the College is vested in the Board of Governors appointed in accordance with subsection (3).”** Let me repeat, **“The government, management and control of the College is vested in the Board of Governors appointed in accordance with subsection (3).”**

Subsection (3) reads at present: **“The Board shall consist of the President, who shall be a member *ex-officio*, and the following other members appointed by the Governor.”**

“Governor” defined in this Law means Governor-in-Cabinet. We can speak to all those other things at another time.

[Section] 3(3)(a) has been amended by virtue of the University College (Amendment) Law 2010, to now mean “a representative of the Minister of Finance.” [Section] 3(3)(b), “a representative of the Minister.”

“Minister” as defined in this Law means the Member of Cabinet responsible for education matters.

[Section] 3(3)(c), **“six members selected from lists to be obtained from bodies representing**

financial, industrial, commercial or other institutions and from professional organisations;”

[Section] 3(3)(d), **“if the Governor considers it desirable, not more than two members, called honorary members, from outside the Islands who have, in the opinion of the Governor, appropriate academic qualifications or experience (such two members not being entitled to vote at meetings of the Board); and (e) two other members, one of whom shall be from the College Faculty, and all members mentioned in paragraphs (a) to (e) shall, subject to subsection (14), be appointed for three years and be eligible for re-appointment. The Governor shall fill any vacancy which arises [in the] Board.”**

Section 3(4), **“The validity of any proceedings of the Board shall not be affected by any vacancy amongst the members or by any defect in the appointment of a member.”**

Section 3(5), **“The Governor shall appoint two members listed in paragraph (c) or (e) of subsection (3) to be the chairman and deputy chairman respectively.”**

Madam Speaker, subsections (6), (7) and (8) then go on to deal with other duties . . . well, sorry, (6) through (15) (sorry, Madam Speaker) deal with other matters as it relates to the Board.

Now, Madam Speaker, let me cover one point very, very quickly. Section 3(5) says that **“The Governor shall appoint two of the members listed in paragraph (c)”** (which are, the six members from civil society) **“or (e)”** (the section that caused there to be two other members) **“one of whom shall be from the College Faculty [section 3 (3) (e)], to be chairman or deputy chairman.”** Madam Speaker, if there ever was an absolute fundamental flaw in the construct of any organisation, this is it.

Madam Speaker, currently under the Law the President of the College is a member *ex-officio*. However, the Law allows a College faculty member to be an ordinary voting member. So, instantaneously you have an institution where the President of the institution is set up as an inferior position to the body that runs the organisation. So, the President can be on the Board, *ex-officio*, but one of his faculty can be on the Board as a voting member. Worse than that, Madam Speaker, that person can be the chairman or the deputy chairman of the Board of Governors!

[Hon. Cline A. Glidden, Jr., Deputy Speaker in the Chair]

Hon. Rolston M. Anglin: So, Mr. Speaker, the chairman or deputy chairman, having the possibility of coming from the faculty of the institution is an absolute, fundamental flaw in the construct of the organisation. How that has existed, and existed for so long, is certainly beyond me.

Mr. Speaker, let me go on to the role of the President. The President of the University College is covered by section 16, which reads: **“There shall be a President of the College who shall be appointed by the Board with the prior approval of the Minister.”**

[Section] 16(2), **“The President shall be head of the College and shall- (a) supervise the academic work of the College; [(b)] supervise and direct the academic, administrative and other staff of the College; (c) present to the Board an annual Report of the work of the College;” and (d) “perform such other duties as may be assigned or delegated by the Board.”**

[Section] 16(3), **“Disciplinary action may not be taken against the President by the Board except with the prior approval of the Minister.”** And [section] 16(4), **“In the temporary absence of the President, and in the absence or in the case of a non-appointment of a Vice President, the Board shall appoint one of the Deans of the College to act as President; and such an appointment shall not exceed six months without the prior approval of the Minister.”**

So, Mr. Speaker, we have an institution established, a tertiary institution no less. It has its President on the Board of Governors. In my humble submission it is fundamentally flawed that a faculty member can have the possibility of either being the chair or deputy chair. So, a person that he is in charge of supervising can ultimately then be his boss. Mr. Speaker, it is also the Government’s submission, that given the construct of the University College it is inappropriate to even have any other faculty member on the Board of the College.

The Board’s role is covered in section 13. **“The Board shall have power- (a) subject to directions under section 15”** (which is ‘general directions by the Minister’) **“to control and exercise general supervision of the affairs, functions, purposes, policy and property of the College; [(b)] to admit and provide for the welfare, academic progress and discipline of students; (c) subject to 16(1), to appoint such academic, administrative and other staff as appears to the Board to be necessary, on such terms and conditions (including salary, allowances and other remuneration, promotion and discipline) as the Board may determine.”**

How, Mr. Speaker, can you have a tertiary institution that has someone other than that President sit on the Board, yet have the authority to deal with [section] 13(1)(c)? Let me read that again. [The Board of Governors shall have the power] **“Subject to 16(1),”** (which speaks to appointment of the President, which I covered just a couple of minutes ago), **“to appoint such academic, administrative, and other staff . . .”**

So you have a faculty member who can sit there and take part in the appointment of academic,

administrative and other staff as appears to the Board to be necessary, and on such terms and conditions. How in the world would we expect this sort of construct to survive any reasonableness test, in particular a test for a tertiary education institution? This is our national tertiary institution that is owned by the Cayman Islands Government to determine courses of study and admission standards, to conduct examinations and make rules for maintaining academic integrity.

These are still the roles of the Board [section 13(1):

[(f)] to award diplomas, certificates and other academic distinctions;

[(g)] to award degrees and administer bursaries and scholarships tenable at the College or elsewhere;

[(h)] to receive on behalf of the College donations, grants or other monies;

[(i)] to make rules for the remuneration of staff and other members of the College;

[(j)] to create or abolish such departments or academic programmes within the College as the Board may consider necessary or expedient;

[(k)] to enter into agreements or arrangements on behalf of the College with other institutions of further or higher education for the provision of instruction, or the granting of degrees, diploma, certificates and other distinctions; and

[(l)] to make rules for furthering the work and interest of the College.

[Section] 13(2), **“Subject to the approval of the Minister, the Board shall have the power to: (a) acquire or dispose of property; [(b)] fix fees; and [(c)] determine the annual budget for the College.”**

Mr. Speaker, it is obvious to the Government that this very construct from its inception was fundamentally flawed and not in keeping with what is good governance in any realm, much less a tertiary institution.

Now, I am certain there is going to be someone who is going to jump up in here to potentially play some politics with me and to start talking and trying to dance around these stark facts that I have just outlined that are contained in this Bill. So, in case there may be any Member that is minded so to do, let me first draw their attention to the Schedule to the Bill. The Schedule on page 12 of the [Law] says there should be an Administrative and Academic Committee. And it shall comprise, **“(a) the President, as Chairman; [(b)] the Vice President or Vice Presidents appointed under section 17; [(c)] three members of the Board, as determined by the Board; [(d)] the Heads of Departments; [(e)] the Deans of the College; [(f)] a Faculty member elected by the Faculty; and [(g)] subject to paragraph 2, a student representative elected by the students.”**

This, Mr. Speaker, is the body in this institution that should serve (and I say "should" because I am going to come to that in a minute) as the key spoke that embodies staff involvement in setting direction for the University and ensuring that there is the critical, not taking any gamble, ensuring that faculty representation and the faculty have a strong voice in the running of the institution. Because, Mr. Speaker, let me continue on with the Schedule.

Section 2, "The President may require the student representative on the Committee to withdraw matters pertaining to examinations are to be considered.

"[(3)] "The Committee may also include such senior members of the academic or administrative staff as the Board may decide.

"[(4)] The Committee may invite other members of the College or persons outside the College to attend its meetings on an *ad hoc* or regular basis, for the purpose of giving advice to the Committee on matters within their competence:

"Provided such persons shall not have the right to vote in the proceedings of the Committee.

"[(5)] The powers of the Committee shall not be affected by any vacancy in their number.

"[(6)] A quorum of the Committee shall not be less than fifty per cent of the total members.

"[(7)] The President shall assign a member of the administrative or academic staff of the College to be secretary to the Committee."

And the all-important, **"[(8)] Subject to this Schedule, the Committee shall have the power to make rules to regulate its own procedure and conduct of its meetings."**

Now, very importantly—most importantly—so what power does the Administrative and Academic Committee have? Contained in section 19 of the current Law, 19(1), **"There shall be an Administrative and Academic Committee of the College, established in accordance with the Schedule"** (which I have already read).

[Section] 19(2), **"The Administrative and Academic Committee shall have the responsibility for considering, approving or submitting for approval by the Board, as required, recommendations on all matters pertaining to the functioning of the College, including- (a) curriculum policy, development and implementation; [(b)] appointment, promotion and discipline of staff; [(d)] examinations and certification; [(e)] award of bursaries and scholarships; [(f)] planning, budgeting and other financial matters; and [(g)] such other matters as may be referred to it by the Board or by the President."**

So, this Administrative and Academic Committee, Mr. Speaker, is a very powerful committee. It is the committee through which staff and faculty involvement is built. If you look at the Committee, the

majority on this Committee are faculty. If you count the sheer numbers and heads that currently exist at UCCI, the three Board members are in a minority. They are still on, but they are on because they need to reflect and be there as the eyes and ears of the Board itself.

So, Mr. Speaker, when you look at what is the overall construct of UCCI, I believe that at some point in the construct of this legislation there was a concept developed about faculty serving on the Board. There then was a concept developed about the Administrative and Academic Committee. And somewhere along the way someone overlooked the fact that they needed to go back and clean up this whole issue of the faculty on the Board.

Now, this speaks to our legislation. When I did this detailed review of the governance model I did not just rely on what exists in our legislation. I sought to look at other institutions for a reference. We did a study of some 15 institutions. And, Mr. Speaker, the vast majority of them do not have faculty on their Boards of Governors. In fact, the few that did, had a very different overall construct than the University College, and they come from a very peculiar and different history. So, the few that did have faculty on, it was obvious, in looking at their documentation, that it happened over a long period of time and there was a very deliberate way and manner in which faculty wound up on their Board of Governors. But out of 15 only 5, and all of them were ex-officio and non-voting.

Let me also point that out: I couldn't find any that had our model which even had them as a voting member, much less a voting member with the potential to be chair or deputy chair of the Board of Governors.

The other thing to be clear about is that at a number of those institutions, not only is there an equivalent to what we call our Board of Governors, there is also a separate Board of Regents or Board of Trustees. In all the cases that we have looked at, Mr. Speaker, none of those bodies had faculty.

So, if you had to draw a reference, the most senior of bodies at those institutions did not have. If we tried to compare apples with apples, the equivalency out to UCCI would be that there would have been no faculty members.

Then we looked regionally. The University of the West Indies does not allow it. Northern Caribbean University does not allow it. So, we not only looked at what exists at UCCI, but we also looked carefully at other institutions and tried to ensure that the way in which we were proposing to have the governance model altered was in line with what we have seen elsewhere.

Mr. Speaker, just to round this out, we not only looked at US universities we did look at a couple of Canadian and three . . . four UK universities. What we have to bear in mind, Mr. Speaker, is that, of course, UCCI is really structured akin to a US univer-

sity. But we looked at the UK and Canada just to give us that perspective as well. And we looked at community colleges. We looked at Hillsborough Community College, Broward Community College; we looked at Harvard, Yale, Cornell, and Purdue. I am just throwing out a few names as I look through my documentation. So, Mr. Speaker, we tried to look across the spectrum, very high end, Ivy League, very well respected community colleges, regional universities, UK universities, Canadian universities.

So I hope that my presentation allows all members to clearly see how we are proposing the construct of the governance model for UCCI to function. I certainly hope that all Members can lend their support to this Bill. I do not believe it is controversial. I think it is a good, sound Bill, and is a positive step forward in the development of the University College.

Mr. Speaker, to not go on too much further, the last thing I want to add is that all of us should be very clear in our minds about what any government should have as the desired autonomy for the University College. I have really taken the view that tertiary institutions need to have as little political involvement as possible.

In fact, one of the things that would prohibit us from ever getting any high-ranking accreditation even in the United States is just the way in which our boards are appointed, because they are appointed by Government and not independent boards which then survive in perpetuity along with the President, its Board of Trustees (or Regents), Board of Governance, its academic committees, and, of course, the all-important alumni association.

So, really, in the scheme of things, UCCI is still in its embryonic stage. But I believe in this stage it is very, very important for us to look closely at the governance model and ensure that we are setting it up long term to be an independent body. That is what tertiary institutions everywhere should be—truly independent bodies for the administration of tertiary and further education and dialogue in the community and to be a vibrant, vibrant member of the community in which we live.

Mr. Speaker, with those hopefully very brief remarks, I hope I can count on the support of all Members of this honourable House.

The Deputy Speaker: Thank you Minister.

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 I will ask the Honourable Minister if he wishes to exercise his right of reply.

Hon. Rolston M. Anglin: Mr. Speaker, just to really thank all honourable Members for their tacit support for the evolution of UCCI. Certainly, Mr. Speaker, I believe this is a good day for UCCI and bodes well.

I will break from my normal very conservative stance in terms of interaction and take the advice of one Member of this honourable House and will go up to the College and visit and discuss this matter with faculty, because I understand there is a little angst there amongst some quarters. So I will have to go up there and sort them out.

[Inaudible interjections and laughter]

The Deputy Speaker: The question is that a Bill shortly entitled the University College (Amendment) Bill, 2011, be given a second reading.

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

Ayes.

The Deputy Speaker: The Ayes have it.

Agreed: The University College (Amendment) Bill, 2011, given a second reading.

Gender Equality Bill, 2011

The Deputy Clerk: The Gender Equality Bill, 2011, Second Reading.

The Deputy Speaker: Honourable Minister for Gender Affairs.

Hon. Michael T. Adam, Minister of Community Affairs, Gender and Housing: Mr. Speaker, I beg to move the second reading of The Gender Equality Bill, 2011.

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

Hon. Michael T. Adam: Yes, Mr. Speaker, thank you.

The Gender Equality Bill, 2011, is an important and progressive piece of legislation for the Cayman Islands. This Bill seeks to provide for the elimination of gender discrimination in employment, training and recruitment, and to promote the payment of equal remuneration to male and female employees who perform work of equal value. The Bill also aims to protect against discrimination in other areas such as, access to goods, services and facilities, as well as discrimination through job advertisements, application forms and interviews.

Issues such as discrimination by professional partnerships, qualifying and vocational training bodies and employment agencies, as well as sexual harassment in the workplace, are addressed within this legislation, while the driving purpose behind creating the Gender Equality Bill 2011 was to ensure that the Cayman Islands had in place relevant local legislation that would enable the United Kingdom to extend the

Convention of the Elimination of All Forms of Discrimination Against Women, otherwise known as CEDAW to us.

I wish to state for the record of this honourable House that the Government is supportive of all efforts that work towards promoting gender equality in our country.

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: Hear, hear!

Hon. Michael T. Adam: In fact, the 2009 UDP Manifesto outlined that the UDP was, and I quote: “. . . committed to achieving gender equality” (end quote) and that we intended to (quote): “. . . take this commitment beyond fair wages and ensure that women in our society are offered equal opportunities in every aspect of life.”

Mr. Speaker, this Gender Equality Bill is a modern piece of legislation that will improve the quality of life for women who often are the main victims of discrimination because of their sex, gender, pregnancy or marital status. Furthermore, the provisions within the Law would also be applicable to men who experience discrimination in different forms and to a lesser extent.

Mr. Speaker, the document up for debate today is a well-considered instrument that has been in development for over a year. It is the combination of collaborative work between private individuals and key government and non-governmental agencies.

Mr. Speaker, I know that there are those listening who will question why we even need a Gender Equality Law. They think that the Cayman Islands is a modern country which affords equal opportunities to men and women. Well, on the surface that is true. But when we drill down and actually look at the statistics that are available to us, it becomes glaringly obvious that men and women in the Cayman Islands are not afforded equal opportunities, nor are they on a level playing field when it comes to income and other areas.

For instance, the 2009 Labour Force Survey conducted by the Economics and Statistics Office shows that males make up 50.5 per cent of the labour force, and females 49.5 [per cent], showing near equal participation. Yet this equality does not translate when it comes to income. Females make up the majority of the two lowest salary brackets in this survey—83.3 per cent of persons making less than \$800 per month were women; and 63.5 per cent of those making less than \$1,600 were also women. Being confined to the poorest of the poor is extremely challenging, especially for women who often times are the sole breadwinner of their families and do not receive any, or adequate, financial assistance from the father of their children.

Mr. Speaker, on the opposite end of the spectrum, men comprise 65.5 per cent of the persons mak-

ing \$7,200 or more per month, whereas women only represented 34.5 per cent of this highest level of income earnings. It is, however, notable and encouraging that women and men are closer to being equally represented in the middle income brackets in this survey.

Mr. Speaker, not only are women under-represented at the highest salary brackets in our country, but they are also more often than not, paid less than men for doing the exact same work. Information obtained from the 2005 Occupational Wage Survey that was conducted by the Department of Employment Relations, depicts high levels of gender discrimination when comparing the monthly salaries of men and women performing the same occupation.

Of the 87 occupations in which salary comparisons could be made between the males and females holding the same positions, there was only one occupation that paid an equal monthly salary to males and females performing the same work. Mr. Speaker, of the remaining 86 occupations, in 60 of these, men reported a higher monthly average salary than women, while women reported a higher average salary than men performing the same work in 26 occupations.

The provisions in this Bill will no doubt be an opportunity for women and men to seek redress of discriminatory practices such as these. While there may have been differing opinions in the private sector in regard to the Gender Equality Bill, I think it is safe to say that we all recognise the need to support the spirit of this legislation.

For example, one of the five drivers considered as essential for Cayman's future success outlined in the Future of Cayman Agreement between Government and the Chamber of Commerce, is to “enhance the quality of life” for our people. And one way to do that is to strive towards the listed objective of “enhancing and embracing diversity.”

Although our country has a proud history of prominent women in the workplace, this new legislation will encourage gender diversity by giving men and women equal opportunities in all but a few jobs that may legally qualify for exception.

Mr. Speaker, additionally, it has been said many times that Cayman must compete with the wider world, both for business and for its workforce. I strongly believe that if the Cayman Islands is viewed as a jurisdiction that is actively striving towards gender equality, then this Law will assist in enhancing our image as an attractive place to work and do business.

Mr. Speaker, when Chief Magistrate Margaret Ramsay Hale spoke at this year's University College of the Cayman Islands Conference, she clearly illustrated the point that diversity in the workplace positively impacts businesses' bottom line. She stated that Deloitte had conducted international research which showed, **“the top 500 multinational firms, which had at least three women on their boards, saw a**

16.7% return in equity; average companies saw just 11.5%. The greater the number of women, the greater the difference; those with the greatest number of women on their boards had 53% greater return in equity than those with the fewest.”

Thus, not only is it a positive step towards achieving gender equality when women are represented in increased numbers at the higher levels of decision making, but it is also a positive financial move for companies to embrace because it benefits them financially.

Mr. Speaker, I would now like to provide you and honourable Members of this House with some background on this piece of legislation and highlight some of the main features of this extensive Bill.

While it is only recently being discussed in the media, this Bill is the final product of many years of consideration and work. After the acceptance of the Cayman Islands Policy on Gender Equity and Equality was accepted in 2004, the Government communicated to the FCO (Foreign and Commonwealth Office) that we wished for CEDAW, the Convention of the Elimination of All Forms of Discrimination Against Women, to be extended to us through the UK. However, the FCO responded that we would need to prepare local enabling legislation before CEDAW would be extended.

Mr. Speaker, in November 2006, the issue of having CEDAW extended to the Cayman Islands was raised in the Legislative Assembly by way of a ²Parliamentary Question, and legislative research and development began in 2007.

The process of drafting legislation that would address gender discrimination issues and uphold the principles of CEDAW took place between September 2008 and November 2009. In 2009, Cabinet approved the release of a discussion draft of the Bill to be released for public consultation during the period of December 2009 through January 2010.

Mr. Speaker, during the public consultation process, the Ministry responsible for Gender Affairs received responses from individual members of the public as well as organisations such as the Cayman Islands Human Rights Commission, Cayman Islands Law Society, Cayman Bar Association, the Ministry of Education, Training and Employment, the United Church in Jamaica and the Cayman Islands, and the Young Business and Professional Women’s Club, Stalking and Sexual Harassment Task Force; all of whom provided excellent feedback and suggestions in the drafting of this Bill.

Mr. Speaker, in addition to considering the comments received from agencies and individuals, the Bill was also formulated based upon the quality of opportunity and treatment in employment legislation of the International Labour Organization (ILO) member

states in the English-speaking Caribbean and the United Kingdom Equality Act 2010.

Mr. Speaker, there should be no doubt, therefore, that this Bill is a culmination of a collaborative effort of many years among concerned stakeholders and has been thoroughly reviewed by the Honourable Attorney General and the Ministry responsible for Gender Affairs. At the same time, we are well aware that this legislation entails a new way of thinking and doing business. As such, Government is committed to carrying out a wide-ranging public education campaign to ensure that businesses and the public are ready for the new law before it comes into effect on the proposed date of 31 January 2012.

Mr. Speaker, not only does the Government see this Bill as an immediate measure to promote gender equality, but we also view this Bill as one step closer to joining the scores of countries around the world that extend CEDAW’s spirit of non-discrimination to female citizens and residents. Following the passage of this Bill, the Government will make the necessary requests to the United Kingdom in order for CEDAW to be extended to the Cayman Islands.

Mr. Speaker, CEDAW is often described as an international Bill of Rights for women. It consists of a preamble and 30 articles. In plain language, it is simply a human rights instrument that provides the framework to identify what constitutes discrimination against women, and which sets up an agenda for national action to end such discrimination.

Mr. Speaker, over 90 per cent of the 190 members of the United Nations are party to CEDAW. And I quote, **“The cornerstone of CEDAW is a principle of equality between men and women and the prohibition of discrimination of the rights of men and women being the corollary of equality.”**

Mr. Speaker, The Convention defines discrimination against women as **“...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”**

Mr. Speaker, the Gender Equality Bill seeks to provide for protection against gender discrimination in employment based on the grounds of sex, marital status or pregnancy, or any characteristic based on gender which generally pertains to persons of a particular sex, marital status or pregnant state.

The Bill defines “gender” as **“the cultural, economic, social, and political characteristics, roles and opportunities through which women and men are socially constructed and valued.”**

Mr. Speaker, while private households and private educational authorities are given exemption in regard to who they hire, they are not exempt from dis-

² Parliamentary Question No. 24, 2006/7 *Official Hansard Report*, page 566

crimutory practice once an employee has been hired. The Bill also prohibits an employer from discriminating against persons on the grounds already mentioned, as I listed above, in relation to advertising and selecting persons for employment, or in the terms and conditions in which employment is offered.

Mr. Speaker, there is, however, the possibility to provide an exception where sex or marital status is a genuine occupational qualification as outlined in clause 5. An example of that would be in hospitals, prisons or other establishments where a person requires special care or supervision to be done by a person of a particular sex. Another would be when married couples are required to be house parents at a camp facility or children's home.

Mr. Speaker, clause 6 of the Bill allows for future steps to be taken to improve gender equality by empowering the Governor in Cabinet to make an Order to prescribe special measures to promote equality of opportunity in employment based, and for such special measures to be deemed not to be discrimination.

Clause 7 deals with sexual harassment which constitutes discrimination based on sex within the meaning of section 3. Based on the feedback received from the private sector, I am proposing at the committee stage, on behalf of the Cayman Islands Government, amendments to the Bill which would redefine "sexual harassment" as follows: "Sexual harassment means unwarranted conduct of a sexual nature against an employee by an employer or another employee- (a) in the workplace; (b) or in connection with the performance of, or recruitment for, work which is threatened or imposed as a condition of employment of employee or which creates a hostile working environment for the employee being conduct which has a purpose or effect of violating the dignity of the employee or intimidating, degrading, humiliating or offending the employee."

Mr. Speaker, furthermore, the amendment proposes that in deciding whether sexual harassment conduct has the effect referred to above, the following must be taken into account: (a) the perception of the person against whom the sexual harassment is alleged to have been committed; (b) the other circumstances of the case; and (c) whether it is reasonable for the conduct to have that effect.

Mr. Speaker, clause 8 provides for equal remuneration to be paid to men and women performing work of equal value for an employer. And the burden of proof to establish that equal remuneration has been paid rests with the employer.

Clause 9 prohibits a partnership from discriminating against a person in the arrangements made for the purpose of determining who should be offered a position as a partner in the firm.

Clauses 10, 11 and 12 prohibit discrimination by an authority or body that is empowered to confer, qualifications needed for the practice of a profession

or trade, and prohibits discrimination by vocational training bodies and employment agencies.

Mr. Speaker, clause 13 prohibits discrimination in connection with the provision of goods, services and facilities.

Clauses 14 and 15 prohibit discrimination through advertisements or application forms or interview processes in relation to the grounds of discrimination in this Bill.

Part 3 of the Bill outlines particular exceptions that are made for charities and religious bodies.

Part 4 of the Bill provides for the offences relating to gender discrimination that include inducing a person to unlawfully discriminate and victimisation of persons who make claims or provide evidence or testimony as a witness.

Part 5 of the Bill outlines the establishment of a Gender Equality Tribunal to hear and determine discrimination complaints. The Tribunal is not to be subject to the direction or control of any other person and its five members are appointed by the Governor in Cabinet. The members are to include a chair person, that is, an attorney at law of at least ten years' standing, and four other persons who have experience and qualifications in gender, social development, human rights, or labour or a related field.

Clause 34, findings of the Tribunal, states that once a claim is substantiated by the Tribunal they shall notify the complainant and the person against whom the complaint was made in writing of its findings and issue directions requiring the person to stop the discrimination and take remedial action with a specific time period, or require the person to pay compensation limited to no more than \$20,000 to any person aggrieved by the discrimination.

The Tribunal may also make an award for costs. Additionally, if the complaint is frivolous or vexatious, the Tribunal shall order the complainant to pay the costs incurred by the Tribunal and the person against whom the complaint was made. A person who fails to comply with the direction of the Tribunal commits an offence and is liable on summary conviction to a fine of \$5,000.

Mr. Speaker, the passage of the Gender Equality Bill, 2011, and subsequently requesting the extension of CEDAW, will underpin the principles, vision and aim of the Cayman Islands³ National Policy on Gender Equality that was accepted in the Legislative Assembly in 2004. Furthermore, the passage of this Bill would be a supportive action towards the realisation of one of the eight United Nations Millennium Development Goals, which is to promote gender equality and empower women.

Mr. Speaker, I am assuming that this Bill will receive full support in this honourable House. In concluding I wish to commend and thank all the parties

³ Government Motion No. 3/04, 2004 *Official Hansard Report*, page 190

who provided feedback and constructive criticism to this Bill, and to all the staff involved over the years in bringing this piece of legislation forward. I would also like to thank the Deputy Premier, the Honourable Juliana O'Connor-Connolly, JP, for her comments and analysis of the Bill when she was previously responsible for Gender Affairs, prior to it moving to my Ministry in July 2010.

Mr. Speaker, in addition, I would like to thank the Chief Officer and staff of my Ministry, and the staff from the Honourable Attorney General's Chamber, the [Legal] Department and Government Information Services (GIS) who have been working on this legislation and those who are developing the public education campaign.

I would like to end with the words of Alice Paul, a famous American Attorney who was a suffragette and activist. She, along with other stalwart women, led the successful campaign in the United States of America that resulted in the passage of the 19th Amendment to the US Constitution which gave women the right to vote in 1920. She said, "**I never doubted that equal rights was the right direction. Most reforms, most problems are complicated. But to me there is nothing complicated about ordinary equality.**"

Mr. Speaker, I too believe that striving towards gender equality in the Cayman Islands is the right direction. While there will definitely be a shift in the way that we think and do business as managers and companies, I believe that the rewards we will get by trying to ensure an equal future for our daughters and sons is worth every ounce of complication that we may encounter on this learning curve.

At our core and from our Christian heritage we know that there is nothing complicated or fundamentally wrong with supporting gender equality in our country. It is the right thing to do. And we owe it to the future generations of employees of this country and to every Caymanian woman and man and resident of this country to provide a means of protection from gender discrimination.

Thank you, Mr. Speaker, and Members of the Legislative Assembly, for listening to my remarks. I now recommend the Gender Equality Bill, 2011, for the favourable consideration of this honourable House. I look forward to a lively debate on the Bill and ultimately its approval by honourable Members of this House.

The Deputy Speaker: Thank you, Minister.

Does any other Member wish to speak?
[pause]

I recognise the Second Official Member.

Hon. Samuel W. Bulgin, Second Official Member: Thank you, Mr. Speaker.

I rise to offer support to the Bill before this House. As the Honourable Minister pointed out, this

has been a work in progress and it is, indeed, quite refreshing that we are now at that stage where, hopefully, Mr. Speaker, we can convince or persuade the UK that we are in a position to receive the Convention and give effect to it.

Mr. Speaker, the Cayman Islands has been attempting for years to get to the point where we can demonstrate successfully to the UK that we have the requisite legislative framework in place to receive and give effect to CEDAW. However, each time we think we are there we have been told by the UK that there is something else required. And we have continued, Mr. Speaker, to labour away at it to demonstrate in good faith that it is our intention to do all that is necessary to ensure that this important Convention becomes part of our domestic law.

So it has been quite a work in progress. Indeed, there is no guarantee that with the passage of this Bill that we will have the Convention extended to us. We are hoping that will be the case. And the reason for that, Mr. Speaker, is that there is no one piece of legislation, there is no bespoke legislation which tells a jurisdiction that it is qualified to have CEDAW extended to the jurisdiction.

What we have here, so far, is a number of pieces of legislation, a confluence of legislation which we are hoping to use to demonstrate that we are at that state where we can properly receive the Convention. We are hoping that the legislative framework, Mr. Speaker, would be complemented by all the administrative steps that need to be put in place. The Honourable Minister spoke about a further period of sensitising. We will probably use that to have further consultation or conversation, for that matter, between stakeholders in the private sector, look up our data collection framework for the purposes of our reporting requirements and so on.

We need, where necessary, to engage probably the Human Rights Commission and others just to make sure that we have all necessary administrative arrangements in place to complement the legislative framework.

I mentioned, Mr. Speaker, that one of the difficulties in demonstrating that we are in a position to receive the legislation is because there is no one piece of legislation that basically qualifies you to say you are ready to receive the Convention. The irony of it, the Minister and his support staff will tell you, is that there are other jurisdictions that have far less than what we have had so far, but somehow the Convention has been extended, or they managed to become signatory to the Convention, or have the Convention as part of their law.

But be that as it may, if you look at our current legislative scheme, Mr. Speaker, it is clear that the Cayman Islands have been committed to the cause from way back. We have on our books the Labour Law and we have The Protection from Domestic Violence Law, [2010]. We have Guardianship and Cus-

tody of Children Law, we have a human trafficking law [Trafficking in Persons (Prevention and Suppression) Law, 2007]; we have the Married Women's Property Law. And my favourite piece of legislation, Mr. Speaker, is the Sex Disqualification (Removal) Law [(CAP 157)], which was passed as far back as January 1964.

It tells you the trend of thought of those who were in charge then. And, with your permission, I would just like to read section 4 of it, which I find extremely interesting. Well, [sections] 3 and 4, with your permission, Mr. Speaker.

"3. A person shall not be disqualified by sex or marriage from the exercise of any public function, from being appointed to or holding any civil or judicial office or post, from entering or assuming or carrying on any civil profession or vocation or for admission to any incorporated society . . . , and a person shall not be exempted by sex or marriage from the liability to serve as a juror or to pay any tax." Quite instructively!

Section 4 says: **"4. (1) A Judge or Magistrate before whom a case is or may be heard may, in his discretion, on application or otherwise, exempt a woman from service on a jury by reason of the nature of the evidence to be given or of the issues to be tried."**

". . . by reason of the nature of the evidence . . ." So, clearly, Mr. Speaker, there was quite a great degree of sensitivity at the time about the sort of evidence that this Island was prepared to allow to be led or distilled in instances where females sat on a jury. But it shows the commitment of the Cayman Islands over a number of decades to protect the rights of ladies and to embrace the sensitivities and civilities that go along with that, Mr. Speaker. And these Islands are to be commended for such a step.

But the more important point in reading that is that it demonstrates the point I am making, that this has been a work in progress and we are not quite sure, we are hoping that with the passage of this piece of legislation that the Cayman Islands would have done enough to allow the Convention to be extended to us.

Mr. Speaker, the legislative framework will soon be underpinned or reinforced for that matter by the constitutional framework. Next year we will have a Bill of Rights being rolled out and in that we will have further protection against discrimination, among other [things]. So it is hoped that with that sort of a robust constitutional framework, a robust legislative framework and the administrative framework as well, that we can demonstrate to the world that these Islands are at a place where it is now ready to join others on stage as ready to receive its medals for protection of gender matters.

Let me also observe that the Honourable Minister mentioned a number of disparities which still prevail in our jurisdiction. He mentioned wages and other disparities. It is correct to say that there are disparities

within the jurisdiction. It is also correct to also point out that we have come a long way. We have done exceptionally well in my view. We have a fair amount of females in influential positions in the private and public sector. We have them as Cabinet Ministers; there are female Cabinet Ministers. We have Speakers, we have had Magistrates. We have Chief Officers.

[Inaudible interjection]

Hon. Samuel W. Bulgin: *[Replying to the interjection]* Over a period of time, yes, we have had them.

[Inaudible interjection]

Hon. Samuel W. Bulgin: *[Replying to the interjection]* Yes. Over a period of time we have had female members of Cabinet and in senior positions in government, Chief Officers. We have had females in senior positions in the private sector. So, we have done well.

There is work to be done, but I think the song says, "We have come a long way." And by the passage of this piece of legislation we would be further demonstrating to the world that we recognise that there is other work to be done and that we are committed to the cause.

But in terms of gender equality and civil liberty, although the Bill of Rights is not yet in effect, Mr. Speaker, we can also take comfort from the fact that over the years we have had an extremely robust judiciary as well which has showed that it is quite vigilant in protecting civil liberties. And it is correct that the judiciary has come in for some mention in recent times. Mr. Speaker, I think I just need to make it clear that as Attorney General I really do not share the misgivings about the judiciary. Quite the contrary; I have full faith and confidence in our judiciary, full faith and confidence in our police service, full faith and confidence in our prosecutorial service.

We have had disappointments. But—

[inaudible interjection]

Hon. Samuel W. Bulgin: *[replying to inaudible interjection]* No!

But less than a year ago we were all singing the praise of the judiciary when we had verdicts in the Estella Scott [Roberts] matter, and we had similar verdicts. So there are times when persons are disappointed with the results, but the system works. The system works. And it is because it works why our judgments are being cited all over the world as precedent. Our judges, our courts are well respected throughout the world. And they have demonstrated that sort of vigilance in dealing with civil liberty matters as well.

So we can take comfort from that. And I am sure that that will be the case for a while yet. So I

would like to pay homage to our judiciary in that respect.

Mr. Speaker, there are also concerns in some quarters, as the Minister mentioned, about whether the passage of this legislation is going to result in business being more costly, the sort of impact it will have on the cost of doing business. I do not fear those misgivings. For my part I certainly do not understand why it should be a problem. The legislation is meant to regulate attitudes. It is not requiring any sort of capital outlay, or any sort of capital acquisition.

I understand that some people have said, *Well, we are doing it already, so why do we need legislation?* Well if that is the case, what the legislation is really doing is codifying what has been a long practice that says you must have gender equality. And so I do not share the concern, the misgivings, about this piece of legislation driving up the cost of business.

It is a very necessary piece of legislation. It is quite important in demonstrating to the world that we are a contemporary society and that we embrace value and attitudes and that we are prepared, where necessary, to legislate to clarify those positions. So, the legislation certainly enjoys my support.

The need for a period of further public education is also welcomed. Some people find the aspect of it a bit difficult to understand or assimilate initially. My advice is that you seek legal advice. The Law was not written for lay persons. I believe it was Mr. Charles Dickens who reminded us in *Oliver Twist*, when Mr. Bumble was told that the law holds him responsible for his wife's conduct. His remark was, "If the law supposes that . . . the law is a[n] ass -a[n] idiot." And he hopes that one day the law will learn from experience.

But the legislation is long in coming. We have tried several versions of this piece of legislation, and I think this is the one that in the end will find support among not just the Cayman Islands. My understanding is that the draft legislation was discussed at a workshop in the Eastern Caribbean and the others there from the other jurisdictions were quite impressed with our draft and was prepared to hold it up and embrace it as a piece of model legislation that they could use in putting their system in place.

So, Mr. Speaker and honourable Members, I too would like to join the Honourable Minister in commending the legislation to this House.

Thank you.

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

Second Elected Member for Bodden Town.

Mr. Anthony S. Eden, Second Elected Member for Bodden Town: Thank you, Mr. Speaker.

Having travelled on this long railroad track of gender equality, I rise to say that I am pleased to see it has gotten this far. I know those who have worked on it. Ms. Ebanks-Bishop, put in a tremendous amount

of work. And I know there is a young lady sitting in the balcony, Ms. Basdeo, who will be pleased to know it has finally reached this far.

Having worked along with these ladies when I was in the Ministry of Health and Human Services, I know how passionate they were about this. I know my colleague, the Deputy Premier, and the now Minister, [Mr. Michael] Adam. And like the Attorney General said, this has been long and complicated. And there is no guarantee and certainty with the United Kingdom that this will give us access to CEDAW. But I am pleased to know that we are making these steps, however small or large they may be.

It is interesting to know that the Caymanian public next year will also be facing requirements of the Constitution dealing with Human Rights. And I wish them all the best.

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

Elected Member for East End.

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

I certainly rise with one objective, and that is to support this Gender Equality Bill. However, there are some areas that I would like to point out which I have some concerns with. Before doing so, I heard the Honourable Attorney General say how he has absolute confidence in the judiciary, the prosecution, and the police service to prosecute such, I believe he said inequities, against gender or certain sexes. I believe that is what he meant.

I'm glad he has confidence in that whole thing, because there are many people in this country who don't. I come in contact with them every day. I suspect that he may not be as privileged as I am to come in contact with them. But certainly, there are many instances of domestic violence one way or the other; one side or the other that does not go the distance that it should, in particular when it comes to abuse against men which is quite prevalent, whether you like to believe that or not.

[Inaudible interjection]

Mr. V. Arden McLean: Mr. Speaker, the Member said that maybe men are too macho to report it. I know of many cases that have been reported. I think it is the people to whom the reports are made that dismiss it as being frivolous because they like to consider what was done in return to the woman more serious. So, I would challenge the Attorney General's confidence in that arena.

Mr. Speaker, I do not wish to ridicule the judiciary, the police or the prosecutors in this country. I certainly don't. And I certainly am not going as far as the Commissioner did recently. I am not going that far, because that was a little bit too far. But that is my

opinion. So, I shall leave that right there because of the respect that I have for the separation of powers in this country.

An Hon. Member: And also Standing Orders.

Mr. V. Arden McLean: And the Standing Orders as well.

Mr. Speaker, one of the areas in this Bill that I have concern with . . . and the Minister may very well be able to explain these areas to me when he does his response, [is clause] 4(3), [where it] says, “**Subsection (1) does not apply to employment - (a) for the purposes of a private household; or (b) by a private educational authority.**”

Subsection (1) says, “**(1) A person who is an employer, shall not in relation to the recruitment, selection or employment of any other person, discriminate against that other person on any ground specified in section 3(2)-”** which says, “**(2) The grounds referred to in subsection (1) are - (a) sex, marital status or pregnancy; or (b) any characteristic based on gender which appertains generally or is generally imputed to persons of a particular sex or marital status or pregnant state.**”

My concern, Mr. Speaker, is: Are we saying that you can discriminate against a man to do household work? Or you can discriminate against a man in a private educational facility? Or a woman? Which one is it?

Is it because . . . I guess women are more the sex that has really lent itself, I believe, because of that caring attitude towards teaching, that there are more women teaching, females in the teaching profession than men. Are we saying that in a private educational authority [this] can discriminate against one side or the other? Or, do you think I can't do household work too?

I just need that explained.

[inaudible interjection]

Mr. V. Arden McLean: Does not apply.

Mr. Speaker, another area that I have some concerns with [is] [clause] 18: “**Nothing in Part 2 affects— (a) the ordination of priests, ministers of religion or members of a religious order . . .**” and the likes, all the religious stuff which pertains to ordination and appointment and performance and what have you. Is it that the churches can discriminate now too?

Well, I know some of them have been doing that a long time, but are we putting it here and justifying it and legalising it?

Mr. Speaker, I notice that I brought up some responses. I know that. But I have to do what I have to do too, and I ain't afraid of getting run over by a truck when I walk out in the road.

Mr. Speaker, the other section where I have some concern is with the Gender Equality Tribunal. [Clause] 24 says, “**In the exercise of its functions, the Tribunal shall not be subject to the direction or control of any other person.**”

[Inaudible interjection]

Mr. V. Arden McLean: Mr. Speaker, subsection (2) of [clause] [25] says, “**The members of the Tribunal shall be— (a) an attorney-at-law of at least ten years' standing who shall be the Chairperson; . . .**” I wonder if we are truncating this out there because of the difficulty we have in getting people to sit on these things. I know one of the difficulties this country has had over the many years that I have been here is the labour tribunals in trying to get lawyers to sit on those as chairpersons and specifying years of standing and experience.

So I wonder if ten years is not pushing it a little bit too far, and how many people with ten years' standing will want to sit on this tribunal.

Now, the lawyers . . .

[inaudible interjection]

Mr. V. Arden McLean: *[Replying to inaudible interjection]* Yeah, that's a life sentence for a lawyer; for any human being ten years in law.

[Laughter]

Mr. V. Arden McLean: Mr. Speaker, the other part is that whilst I respect a tribunal being what it is, the only other directive that I see in here is that Cabinet can make . . . and Mr. Speaker . . . I have lost my mark here, but . . . and it may be, Mr. Speaker, that these learned friends in here on both sides will get up and tell me that a tribunal should not be under the direction or otherwise of Cabinet or anyone else. So, that may be the answer to that, Mr. Speaker, but the eligibility for reappointment is available. But “**The appointment of a member shall be for a period of not more than three years . . .**”

Mr. Speaker, maybe three years is reasonable. I don't know. But I do know that asking for ten years' experience eliminates many of the young Caymanian lawyers who I am sure have interest in these things. And I am sure if those years were less it would broaden that field that would be eligible to chair, this tribunal.

Now, the Minister may very well get up in his response and address all of those issues. So I trust that he will. So, yes, Mr. Speaker, I support the Bill. But I would appreciate the Minister touching on those issues that I discussed.

Thank you, sir.

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

If not . . .

The Leader of the Opposition.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Mr. Speaker, I just wish to add a few words to the discussion that has gone on in relation to this very important piece of legislation, a Bill for a Law to provide for the elimination of gender discrimination in employment, training and recruitment and so forth.

Mr. Speaker, when I was Minister, one of the things that I had a responsibility to do was to invite the United Kingdom Government to extend CEDAW to the Cayman Islands. But as the Attorney General has pointed out in his discussion, there were always some other hurdles, some other obstacles to them actually going through with that. I hope that this is the final hurdle and that that Convention can be made to apply to the Cayman Islands, not just in relation to its impact here, but in relation to the way we are recognised internationally as far as issues of civil rights, human rights, are concerned. It does have a great deal to do with the perception that people internationally have of these Islands and the way that we operate.

[Hon. Mary J. Lawrence, Speaker, in the Chair]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, discrimination on the basis of gender has been alive and well in Cayman for a long, long time. It was institutionalised up until quite recently in the public service, no less.

I remember very well when the bold step was taken to place male and female employees within the public service on the same terms as it related to their pension and whether or not the benefit of the pension could be passed on to spouses of female public officers. I know that only too well. My mother spent 36 years in the public service, retiring in 1987. And I know a lot about the battles she fought in those days in the public service which was, by and large, a very male-oriented organisation.

That was a time, when she started there in the 1950s, when very few women worked out of their home in these Islands, let alone in the public service. So I was brought up in a culture where these issues were discussed all of the time. I was brought up in a household where the importance of gender equality was very much an issue and very much talked about. And I have two sisters who, I believe most people around will know, have not done too badly academically and career wise. One is a doctor and one is a principal in the high school. And that was, in large part, exactly what happened to me because of the attitude of both of my parents to these issues, that they were entitled to as good an education and to as-

pire as to high and demanding a career as any male. That was the environment that I grew up in, and that is what I firmly believe in.

It is amazing, quite frankly, that we are all the way in 2011, and here we are still having to pass a Gender Equality Bill, because this is still an issue. It is astounding, actually; but it is a reality.

The Attorney General alluded to, and maybe the Minister did, but I wasn't in the Chamber for the entire part of his presentation to the tangential issue of the Bill of Rights, which is part of the new Constitution and which will come into effect next year. Now, Madam Speaker, I know there are people generally and there are specifically still some Members of this House who have real reservations about the adoption of a Bill of Rights for these Islands and implementation. And I still hear occasionally, certainly, one of them complaining, moaning, worrying about the impact of this on the Cayman culture.

Madam Speaker, I have never been shy about this. There is absolutely no room in the world, let alone these Islands, for the maintenance of a culture which says that it is possible, it is right to discriminate against a certain class of people or a certain category of people on the basis of race, on the basis of sex, on the basis of just about any of those types of issues or matters. And it is important, it is critical to these Islands and its reputation and the kind of culture, the kind of community and the kind of society that we want to develop, for us to send the unequivocal message that discrimination on this sort of basis is just absolutely, totally wrong.

The importance, Madam Speaker, of this Bill in this context is this: The Bill of Rights, as we have them drafted and as they have been adopted, applies only vertically. That is, they apply between the government and the subject, the citizen. They do not have application between employer and employee, between educational institution and student, for instance (unless it is a government school, obviously). So it is still important that we have these tangential pieces of legislation which govern relationships between citizen and citizen, employer and employee. But the Bill of Rights is important, Madam Speaker, because it sets a certain tone; it sets a certain context, and it helps to develop the kind of culture. That is, a culture which affirms the importance of human dignity and affirms the wrongness of discrimination.

So, Madam Speaker, I believe it is important that we understand perhaps as this evolves and as, increasingly, we come to understand the importance of this particular issue, that there will be other pieces of legislation which are developed to ensure that fairness, equity and non-discrimination are part of the ethos of this community.

Madam Speaker, section 16 of the Cayman Islands Constitution Order 2009 subsection (1) reads, "**16. (1) Subject to subsections (3), (4), (5) and (6), government shall not treat any person in a dis-**

crimINARY manner in respect of the rights under this Part of the Constitution.

“(2) In this section, ‘discriminatory’ means affording different and unjustifiable treatment to different persons on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, age, mental or physical disability, property, birth” (and then the very controversial item or phrase) “or other status.”

Madam Speaker, I am not going to get into that controversy about what “other status” could include. I have been down that road far too many times over the past number of years. But I just read that provision to say that this Bill which is before us, even though that’s been in the works for a long, long time, is a natural part of progression of and development of a culture of respect for human rights.

While there are still those who have abiding fears and concerns because of experiences that they have seen in other places, I do believe, Madam Speaker, that while we need to ensure that things do not get completely get out of control where the whole system becomes crippled because of all sorts of frivolous claims and charges and so forth, any modern, civilized society, must respect human dignity, and must have regard for human rights. And no country is going to be respected internationally which does not have this respect, doesn’t have this culture, and doesn’t have a system, a constitution and a system of government and laws which affords all humans, regardless of gender, regardless of orientation, regardless of colour, basic human rights.

And so, Madam Speaker, I am pleased to see this Bill come. I wish to congratulate the Minister. I want to congratulate those who I know feel passionately about this, who have helped to develop this piece of legislation. Two, three of them whom I know have been around a long time, I see present in the Chamber today. I also want to pay tribute to the efforts of the legal drafting team who I know have worked very hard at this for a very long time.

So, Madam Speaker, I am happy to—

[Inaudible interjection]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: *[replying to inaudible interjection]* I’m Sorry. I thought I did.

And to thank the Minister for bringing this piece of legislation and for ably presenting the Bill in a way that I think all of us would be able to follow. And so, Madam Speaker, it is my not just my duty, but it is my pleasure to say on behalf of the Opposition (although some of them have indicated their support already) that this has the full support of the Opposition. Thank you.

The Speaker: Thank you, Leader of the Opposition.

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

Minister of Education.

Hon. Rolston M. Anglin: Thank you, Madam Speaker. I will be extremely, extremely brief.

Madam Speaker, I rise to congratulate the Minister and his team in the Ministry and all those who have worked diligently on this piece of legislation that has been, as all Members have said, a long time in the making and getting it thus far.

Madam Speaker, obviously, when I wear my hat as the Minister responsible for Labour and Education, there are a number of significant sections in this Bill which speak to non-discrimination in specific workplaces and professions, and professional bodies, and vocational training institutions. And, Madam Speaker, obviously those institutions and areas were named for a good reason.

Madam Speaker, obviously there will be no piece of legislation that is ever perfect. So there has been much dialogue, much feedback on many aspects of this legislation over the years. Obviously, in my prior terms in the legislature, I would have heard them from a slightly different perspective and a bit from afar. Now, as a Minister in Cabinet, obviously those concerns take on a completely different context. But certainly, as we look at an ever evolving society, we recognise that whilst people and institutions and organisations shouldn’t have to have legislation force them and cause them to behave appropriately, for some reason we still have a necessity to legislate certain matters. And this is a very important matter that the House is crafting legislation for.

As I reflected on certain experiences and observations that I have made throughout my career, certainly before getting into politics, I am reminded of some practices that do exist in these Islands that, certainly, would cause any right-thinking person, any fair-thinking person concern. Obviously for me, a number of those things have taken on a slightly enhanced importance. And I will admit that by now, being the father of three daughters.

So, Madam Speaker, this legislation is one that the country needs, the society needs, and I certainly can offer my colleague, the Minister, my support for the legislation. I congratulate him and all those who have been involved with the effort to get the legislation to this point; my sincere and heartfelt thanks. And I guess it’s also appropriate to say, even before the vote is taken, congratulations.

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

I have had a note that it is proper to adjourn the House at this time, at 7.00. So I will call for a motion for adjournment.

ADJOURNMENT

The Premier, Hon. W. McKeeva Bush: Thank you, Madam Speaker.

I want to move the adjournment of this honourable House until Wednesday at 10.00 am, God willing.

The Speaker: The question is that this honourable House do adjourn until Wednesday, 14 September, at 10.00 am.

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

Ayes.

The Speaker: The Ayes have it.

At 7.00 pm the House stood adjourned until 10.00 am, Wednesday, 14 September 2011.

