

**OFFICIAL HANSARD REPORT**  
**MONDAY**  
**10 OCTOBER 2011**  
**11.05 AM**  
*Fourth Sitting*

**The Speaker:** I call on the Second Elected Member for Bodden Town to say prayers this morning.

**PRAYERS**

**Mr. Anthony S. Eden, Second Elected Member for Bodden Town:** Let us pray.

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

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

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

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

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

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

**Apologies**

**The Speaker:** I have a message from the First Elected Member for Cayman Brac and Little Cayman. He has gone to attend the funeral of Mr. Linton Tibbetts in Tampa.

I have an apology for the late arrival from the Honourable Deputy Governor, [the Honourable First

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Official Member], who I think is off Island and will be here this afternoon.

I have an apology from the Elected Member for East End who had a family crisis this morning he had to deal with, and he will be here later.

And I have an apology from the Deputy Speaker, the Third Elected Member for West Bay. He is supposed to arrive sometime later in the day.

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

**The Speaker:** I have no statements from Honourable Members and Ministers of the Cabinet.

**OTHER BUSINESS**

**BILLS**

**Customs (Amendment) Bill, 2011**  
*[Withdrawn]*

**The Speaker:** Honourable Premier.

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

Under Standing Order 58, I move for the withdrawal of the Customs (Amendment) Bill, 2011.

**The Speaker:** The question is that, under Standing Order 58, the House allow for the withdrawal of a Bill, that is, the Customs (Amendment) Bill, 2011.

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

**Ayes.**

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

**Agreed: The Customs (Amendment) Bill, 2011, withdrawn.**

**OTHER BUSINESS**

**MOTIONS**

**PRIVATE MEMBERS' MOTIONS**

**Private Member's Motion No. 5/2011-12—To reduce Duty on Gasoline and Diesel**

*[Continuation of debate thereon]*

**The Speaker:** When we took the adjournment on [Thursday], the Elected Member for East End was addressing the House. He has instructed me to continue the debate because he will be unable to be here at this time. So I will call on anyone else who would like to speak.

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 call on the mover of the Motion to conclude the debate.

Member for North Side.

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

The Motion asked the Government to consider reducing the duty on both gasoline and diesel by 50 cents, which would be 50 cents per gallon. Madam Speaker, the Premier has made it clear that the Government is not going to support the Motion. In bringing the Motion I have done my duty to the people that I represent. They made representation to me and I have brought the Motion here.

Just to correct one inaccuracy, Madam Speaker; the Motion does state that in the current financial year the Government increased the duty on diesel and gasoline. The Motion was submitted on the 5<sup>th</sup> of May 2011, and was accurate at the time. Being in the minority position that I am in this honourable House, I don't have a lot of control as to when Private Members' Motions are brought forward and placed on the Order Paper, or when they are debated. But, Madam Speaker, I still believe that a reduction in duty on gasoline and diesel of 50 cents per gallon at this time would assist many of the people in this country in their utility bills and also in the general cost of living.

I regret that the Government is not going to support the Motion.

Madam Speaker, with those few comments I put the Motion to the House.

**The Speaker:** The question is: BE IT THEREFORE RESOLVED THAT this Legislative Assembly request the Government to consider reducing the duty on both gasoline and diesel by fifty cents.

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

**Ayes and Noes.**

**The Speaker:** The Ayes have it? I need to hear your voices.

**Hon. Rolston M. Anglin, Minister of Education, Training and Employment:** Madam Speaker, can we have a division please?

**The Speaker:** Yes, you may have a division.

**The Clerk:**

**Division No. 15–2011/12**

**Ayes: 3**

Hon. Alden M. McLaughlin  
Mr. Anthony S. Eden  
Mr. D. Ezzard Miller

**Noes: 7**

Hon. W. McKeever Bush  
Hon. Rolston M. Anglin  
Hon. Michael T. Adam  
Hon. J. Mark P. Scotland  
Capt. A. Eugene Ebanks  
Mr. Ellio A. Solomon  
Mr. Dwayne S. Seymour

**Absent: 5**

Hon. Juliana Y. O'Connor–Connolly  
Hon. Cline A. Glidden, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Moses I. Kirkconnell  
Mr. V. Arden McLean

**The Speaker:** Member for Bodden Town, is your microphone on?

*[no audible reply]*

**The Speaker:** I could not hear you well.

The result of the division: Ayes: 3; Noes: 7 and Absentees: 5.

**Negated by majority on division: Private Members Motion No. 5/11-12 failed.**

**The Speaker:** Leader of the Opposition, the Third Elected Member for George Town.

**Private Member's Motion No. 6/2011-12—Self-defense and Personal Protection**

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

I beg to move Private Member's Motion No. 6/2011-12, entitled "Self Defense and Personal Protection":

**WHEREAS the incidence of robberies and in particular armed robberies in Grand Cayman has increased significantly in recent times;**

**AND WHEREAS many people are concerned about their inability to defend themselves;**

**NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the importation and use without license of self-defense chemical sprays such as Pepper Spray (also known as OC Spray, OC Gas or Capsi-**

**cum Spray), Mace and Tear Gas for the purpose of self-defense and personal protection.**

**The Speaker:** Do we have a seconder?

Second Elected Member for Bodden Town.

**Mr. Anthony S. Eden:** I beg to second the Motion, Madam Speaker.

**The Speaker:** The Motion has been duly moved and is open for debate. Does the Member wish to speak thereto?

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

This Motion is brought as a result of many representations made to us about the need for ordinary persons, and in particular women, to have access to some form of self-defense mechanism or object in light of what has been transpiring in these Islands over the last few years. I don't think I need to put the House through the trouble of going through a long list of robberies and attacks on individuals that have occurred particularly over the last few years. The incidence of that is quite alarming and has created a sense of fear and concern about security that hitherto did not exist in these Islands.

Madam Speaker, there are many people, particularly women, a number of whom have spoken to me; we have had discussions about their concerns about personal safety. I know as a matter of fact that there is considerable use of things like pepper spray already in Cayman, notwithstanding the fact that the Penal Code and the Firearms Law make use of noxious gases unlawful and the carrying of any device which has noxious gases in it, or is capable of discharging them, an offence.

Madam Speaker, there is also a growing incidence of women in particular buying small aerosol tins of bug spray in an effort to have some means of defending themselves in the event that they are attacked on their way to the car or wherever, as the case may be. So we have brought this Motion by which we seek that the Penal Code, the Firearms Law, and any other relevant or consequential legislation be amended to permit the importation and use without licence of self-defense chemicals such as pepper spray and a number of others, like Mace and tear gas for the use of personal protection.

Madam Speaker, we have been given notice of two proposed amendments by Members of the Government Bench to this Motion.

*[Inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** *[Addressing inaudible interjection]* Of course.

*[Inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** *[Addressing inaudible interjection]* No, no, no, no, no, no, no, no.

Madam Speaker, there is some discussion about whether or not I can raise these issues now. But if the Members on the other side do not wish me to address these issues in my opening in this way so that they may have the opportunity to address what I say, that's a matter for them. I will be able to deal with them in my winding up. But it would be, I think, unfortunate if one of these [amendments]—which is really significant, and which effectively nullifies the Motion we have brought—is not going to be the subject of debate in this House.

But that is a matter—

### Point of Order

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, on a point of order.

The point of order is that I think the Member could be misleading the House. What we are saying to him is that an amendment is coming to this. That amendment has to be moved and then everybody can speak to it. He can speak to that amendment the same way.

*[Inaudible interjection]*

**The Premier, Hon. W. McKeever Bush:** Oh, but that's the rule; that's what Standing Orders say.

**The Speaker:** You heard the Premier. I haven't said anything from this Chair yet.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Yes, Madam Speaker, if that's the way they wish to deal with it, fine. There's no difficulty, Madam Speaker.

**The Speaker:** I am well aware of what the rules are.

And when you are going to rise on a point of order, please tell me what the Standing Order is.

Member for George Town, please continue, and refrain from mentioning their motion.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, it is, in our view, important that these means of personal protection, that is pepper spray, Mace and tear gas, are available to the general public for use without the need for a licence. If we go through with the present arrangement whereby the use of any means of self-defense, really, requires the approval of the Commissioner of Police, we will, I believe, be depriving a significant portion of the community from having access to these very important—

**The Speaker:** You are now anticipating what they are going to say.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** I am anticipating nothing, Madam Speaker.

**The Speaker:** Just go ahead with your debate on the Motion that you have presented; or make that debate short and we will move to the rest of this matter.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Thank you, Madam Speaker. My Motion speaks to the importation and use without licence of self-defense chemical sprays. And it is that aspect of the Motion that I am addressing at this stage.

So, Madam Speaker, with your permission, it is an integral part of this Motion and what this Motion seeks, that there is that ability for persons to import and use chemical sprays for self-defense purposes without the need of having to make an application to any authority for the use of those sprays.

Madam Speaker, the Penal Code creates a number of offences for the use of what is called “an offensive weapon.” And it defines offensive weapons. Within the definition is the use of “noxious gases,” I believe the Law refers to them as. And that is why that Law, in particular, we believe will need to be amended if the House is inclined to support the Motion that is before us.

Madam Speaker, similarly, the Firearms Law speaks to the discharge of noxious gases and we believe also that that Law will require amendment if this Motion is to be given effect. I will come back in a moment to speak specifically to the sections of those Laws which do impact this particular issue, but I want to talk a little bit about what pepper spray is, what it does and its general use in other jurisdictions.

Madam Speaker, a bit about pepper spray (and this is taken from [Wikipedia](#)): **“Pepper spray, also known as OC spray (from “Oleoresin Capsicum”), OC gas, and capsicum spray, is a lachrymatory agent (a chemical compound that irritates the eyes to cause—**

**The Speaker:** Leader of the Opposition, do you have a copy of that that I can copy you on?

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** No, Madam Speaker, I don’t have a copy; I just have the copy I have marked up here.

**The Speaker:** Mr. Serjeant-at-Arms, please take this and have it copied, so that I can have a copy to follow what the Member is reading.

[pause]

**The Speaker:** I would ask all Members of the House, when you are going to quote from a document, please

make sure that the Chair has a copy so that I can follow you when you are quoting from the document.

[pause]

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Thank you, Madam Speaker. My apologies for not having those copies at hand.

**The Speaker:** You may continue your debate now.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, again referring from what *Wikipedia* says about pepper spray:

**“Pepper spray, also known as OC spray (from “Oleoresin Capsicum”), OC gas, and capsicum spray, is a lachrymatory agent (a chemical compound that irritates the eyes to cause tears, pain, and even temporary blindness) that is used in riot control, crowd control and personal self-defense, including defense against dogs and bears. Its inflammatory effects cause the eyes to close, taking away vision. This temporary blindness allows officers to more easily restrain subjects and permits persons using pepper spray for self-defense an opportunity to escape.**

**“Although considered a [non]-lethal agent, it [may be] deadly in rare cases, and concerns have been raised about a number of deaths where . . . pepper spray may have been a contributing factor.**

**“The active ingredient in pepper spray is capsaicin, which is a chemical derived from the fruit of plants in the Capsicum genus, including [chili peppers]. Extraction of oleoresin capsicum from peppers involves finely ground capsicum, from which capsaicin is extracted in an organic solvent such as ethanol.”**

Madam Speaker, I will skip some of the other technical bits and continue with the fifth paragraph down:

**“Pepper spray typically comes in canisters, which are often small enough to be carried or concealed in a pocket or purse. Pepper spray can also be bought concealed in items such as rings. There are also pepper spray projectiles available, which can be fired from a paintball gun. It has been used for years against demonstrators. Many such canisters also contain dyes, either visible or UV-reactive, to mark an attacker’s skin and/or clothing to enhance identification by police.**

**“The word Mace, a registered trademark of Mace Security International, is often used synonymously with pepper spray or tear gas; Mace was one of the original manufacturers of nonlethal security sprays in the US. However, not all of their products can be considered pepper spray.**

And then, Madam Speaker, a bit about its effects (over on the other page):

**“Pepper spray is an inflammatory agent. It causes immediate closing of the eyes, difficulty breathing, runny nose, and coughing. The duration of its effects depends on the strength of the spray but the average full effect lasts around thirty to forty-five minutes, with diminished effects lasting for hours.**

**“The *Journal of Investigative Ophthalmology and Visual Science* published a study that concluded that single exposure of the eye to OC is harmless, but repeated exposure can result in long-lasting changes in corneal sensitivity. They found no lasting decrease in visual acuity.”**

Madam Speaker, that’s really all I want to quote from that.

I also did a little research on pepper spray laws in the United States, and the article which I have copied, and that I am quoting from, is called the *Comprehensive Guide to Pepper Spray Laws*. [It] concludes that in the United States pepper spray is legal in all 50 states. However, certain states impose pepper spray restrictions and then they have a list, Madam Speaker. Some of those relate to purchasing and who can purchase, age restrictions, weight (that is, the size of the pepper spray canister and so forth), and some states require firearms identification cards in order for a civilian to lawfully carry pepper spray on their person on in their car. And there are also some states that have restrictions relating to the potency of the pepper spray and that it has to be less than a certain level.

And then there are some states that have conditions about safety, requiring that the pepper spray canister have safety features that would prevent an accidental discharge, like a flip top.

Madam Speaker, I thought that that background would be helpful to the House so they can see how these things are utilised in a number of other places.

Madam Speaker, there is another article which I believe the Serjeant has handed you a copy of. This is actually more from an advertisement from a website called [“pepper-spray-store”](http://pepper-spray-store). But it has a definition, really of . . . well, not a definition, a comparison of Mace and Pepper Spray, and what they conclude is this:

**“Mace and Pepper Spray are two DIFFERENT self defense products**

- **Mace is classified as an irritant and is similar to tear gas. Pepper spray is classified as an inflammatory agent and will immediately incapacitate an assailant.**
- **Commonly, Mace has no affect on criminals under the influence of drugs or alcohol. Pepper spray will take down and cause temporary pain to those under the influence.**

- **Unlike pepper spray, Mace will NOT cause inflammation of the capillaries of the eyes and skin causing temporary blindness, nausea, breathing difficulties and an intense burning sensation.”**

Madam Speaker, those are the products, really, that this Motion seeks to allow persons to lawfully carry for the purposes of self-defense and personal protection.

Now, Madam Speaker, the Penal Code defines an “offensive weapon” as (and this is the definition section of the Law, section 78 (1)— **“‘offensive weapon’ means any object made or adapted for use for causing injury to the person or intended by the person having it with him for such use by him; ‘prohibited weapon’ means any machine gun, submachine gun, automatic rifle or any weapon of any description or design, adapted for the discharge of any noxious liquid or gas”** (and that is the bit, Madam Speaker, that we would have to amend) **“and includes any blackjack, bludgeon, cross-bow, flick knife, gravity knife or knuckle duster;”** and so forth and so on.

Madam Speaker, it is the noxious liquid or gas bit of this definition in the Penal Code that would need amendment if this Motion were to pass.

Sections 80 and 81, 82, 83 and 84 really create offenses related to the carrying of and use of offensive weapons and prohibited weapons. I don’t think I need to read all of them, but those would obviously need to be subject to amendment. But section 80 says, **“A person who wears or carries any offensive weapon, not being a prohibited weapon, outside his own house and premises is guilty of an offence and liable to a fine of five thousand dollars and to imprisonment for four years.”**

So, Madam Speaker, the ladies who are now carrying around little canisters of pepper spray could be, if they are found to be doing so by the authorities, subject to a fine of \$5,000 and imprisonment for up to four years. Madam Speaker, we would clearly need to amend the legislation to remove as a prohibited weapon things like pepper spray, Mace, and tear gas, if we are to give to ordinary persons this particular means of defending themselves in these times that we are now living.

By virtue of section 79, **“A person who imports, manufactures, sells or hires or offers for sale or hire, or has in his possession any prohibited weapon”** (and pepper spray would be a prohibited weapon) **“is guilty of an offence and liable to a fine of ten thousand dollars and to imprisonment for ten years.”**

So we would also have to ensure that persons who do import pepper spray and other forms of chemical sprays for the purposes of self-defense are not caught by these particular provisions in the legislation.

And so, Madam Speaker, it is for those reasons that this Motion is brought and I commend it and its purpose and its objective to Members of this House and ask for their support.

**The Speaker:** Thank you, Leader of the Opposition. Does any other Member wish to speak?  
[pause]

Fourth Elected Member for George Town.

**Mr. Ellio A. Solomon, Fourth Elected Member for George Town:** Madam Speaker, I beg leave of the House to bring an amendment under Standing Order 25(2) to Private Member's Motion No. 6/2011-12.

**The Speaker:** You have leave to bring the motion. Is there a seconder for the motion?  
Move the motion.

### Proposed Amendment

**Mr. Ellio A. Solomon:** Madam Speaker, in accordance with the provision of Standing Order 25(1) I, the Fourth Elected Member for George Town, seek leave in accordance with Standing Order 25(2), to move the following amendment to Private Member's Motion No. 6/2011-12 as follows:

To amend the resolve section as follows: To insert after the word "use" the word "of,".

To delete the words "without license of self-defense" and insert "subject to a license process".

Insert the word "and" before "Mace" and delete the words "and Tear Gas" after the word "Mace"

The Resolve section will now read: "NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the importation and use of, subject to a license process, chemical sprays such as Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), and Mace for the purpose of self-defense and personal protection."

**The Speaker:** Does the motion have a seconder?

**Mr. Dwayne S. Seymour, Third Elected Member for Bodden Town:** Madam Speaker, I beg to second this motion.

**The Speaker:** [*re-reading the proposed amendment*]  
The [amendment] has been moved. Does the mover wish to speak?

**Mr. Ellio A. Solomon:** Thank you very much, Madam Speaker.

I wish to state on behalf of myself and my colleagues that insofar as reading the original Motion being brought, the Government is without doubt extremely sensitive and understanding of the circumstances that we find ourselves in, in the country at this

point in time. I think, as the Member for George Town would have highlighted (without need to recap in any great detail) some of the circumstances in terms of robberies and other assaults, I think the Leader of the Opposition succinctly put it that we can understand those circumstances that face us on the ground (for want of a better expression).

That said, Madam Speaker, it has to be one that in terms of looking and trying to find ways to permit someone to defend one's self, the Government would also be taking the necessary precaution to ensure that we do not wind up, where our efforts and intentions are noble in terms of trying to provide security or some degree of self-defense, making the circumstances worse.

Madam Speaker, when we talk about items such as pepper spray and Mace, and tear gas, perhaps, because those words are used so often on television and everywhere else, someone may get the impression that those particular chemicals and devices are absolutely harmless. While I take on board some of the comments made, I would like to highlight that even though the Leader of the Opposition highlighted circumstances where there were potentially deaths, I think it is important to appreciate that that is a serious occurrence.

For example, I was reading that even in Los Angeles between 1990 to date there were at least 61 confirmed deaths directly resulting from the use of Mace and/or tear gas. And there were at least 23 arguably in question by ACLU [American Civil Liberties Union] as to whether that was also a contributing factor.

When you look at those numbers, in terms of 80, potentially almost 90 persons with respect to arguably having died as a result of this, I highlight it, Madam Speaker, simply from the standpoint that, let us not dismiss when we talk about Mace, or pepper spray, or tear gas, as something that is simply some casual device that anyone can just be handing out on the side of the road, because it does have its consequences.

If we read the original Motion that we seek to amend, the Motion specified that it would be done without a licence. When we consider being able to hand out Mace, tear gas or pepper spray without a licence, the constrictions have to be a concern. Will we say that anyone in the country should be allowed to possess Mace, pepper spray, tear gas?

For example, one of the things the Member highlighted was the fact that we want to give this to persons so they can defend themselves. If they are going to have to defend themselves, clearly we could perhaps see that one of the things that we want to avoid is having some of the persons who pose a potential threat to the individual are not also given access to the same device. I think oftentimes we hear commentary on the road, whether it's word of mouth, one-to-one, small peer groups around the water cool-

er, or whether it is going to be the talk shows, persons concerned about those who have committed offenses, whether it was molestation, rape, or other offenses. And there naturally would be concerns, I believe, for the same females the Member talked about in terms of offering some defense as to whether you would want, now, for that same person to be able to walk into a store and purchase Mace, tear gas or pepper spray.

So, putting that all into the circumspect view, we would have to see, in my humble opinion (if we want to offer that defense), that we have to make sure we are doing so in a sensible manner and not at the end of the day perhaps potentially just increasing the threat to many of those persons we say we are trying to protect.

I know where I have seen in the public, in the press and arguably on the Floor of the House today some objection from the Leader of the Opposition in terms of the addition about a licence. We believe that there has to be some sort of parameter set. Again, if there is no licensing process . . . the Motion doesn't speak to anything. It says "no license." Is that going to be straight across the board? Can anyone possess it? Even beyond those particular persons who may have committed a criminal offence? Is it for 5-year-olds? Is it for 6-year-olds? What are the limitations? Are there any limitations at all?

I believe that any way we look at it, any way we try to dice it, if we are trying to offer it we accept as a starting point that the situation in this country has reached a state where additional protection has to be provided, and that we believe there is a defensive weapon such as Mace, tear gas or pepper spray which is so powerful that it can deter the predator or the person who seeks to commit an offence, that we have to appreciate that that same defensive weapon at any point in time can easily be turned into an offensive weapon. And if it can be turned into an offensive weapon, Madam Speaker, I believe common sense alone dictates to us that we take the time and not just have a knee-jerk reaction, but be sensitive to the circumstances that we find ourselves in to make sure that we have taken a sensible approach to make sure that we are putting the parameters in place to avoid abuse.

The same pepper spray that we talk about, seemingly as if it has no value and does not require a licence, restricts persons to the point of almost absolute difficulty in breathing. So much so that when law enforcement officers are given these weapons they are given specific training on how to use them. They are sprayed (most of the time) themselves so that they can get an understanding of what the impact is, because if you use too much, you can arguably kill the person. That is a proven fact!

Picture the same weapon we are talking about for the persons we are saying need to have it in their purse for their personal protection. What happens if

that defensive weapon falls into the hands of a child, and that child sprays another child? These are the potential things that could happen. These are the things that Government has to look at very carefully.

Even if we were to assume that it falls into the hands of a child who sprays another but does not kill him, many children immediately have asthmatic attacks or other issues which increase the likelihood that you could end up with a death.

So Government therefore has an obligation, considering the landscape, considering the circumstances with respect to crime, and, in consideration in terms of our desire to do something to help those persons protect themselves, Government still has a fundamental obligation to ensure that we have taken the prudent action required of any government, and that is to ensure that we do not allow something that was well intended, perfect for the defense, to have it wittingly or unwittingly used as an offensive weapon to bring harm to anyone, and, in particular, those who we claim we are now trying to protect. So we bring it forward and say there has to be some licence.

Madam Speaker, if we look at countries like Hong Kong, which has in the same section as the prohibited weapons that the Leader of the Opposition referred to . . . in fact it goes so far to say that if you are caught with it you get up to a \$100,000 fine and 14 years' imprisonment.

India has it as legal; no licence required. Iran, illegal; Belgium, illegal; Denmark, illegal; Finland requires a licence; Germany, legal, as long as it's with animals, but not humans; Hungary, illegal; Ireland, illegal; Italy, illegal; Iceland, illegal; Latvia, legal; Netherlands, illegal; Poland, legal; Romania, legal; Russia, legal; Slovakia, legal on animals not on humans; Spain, legal; United Kingdom, illegal.

And let's come to the West: Canada, illegal; California, legal but with restrictions; Massachusetts, legal but with restrictions; Oh, sorry, Massachusetts also requires a licence and with other restrictions; Michigan, legal with restrictions; New York, legal but recordkeeping required; New Jersey, legal with restrictions, particularly restrictions against felons; Washington, legal with restrictions; Wisconsin, definitely tear gas illegal.

So we see, Madam Speaker, that even as we look to benchmark ourselves in terms of what other countries are doing, forget about the specific geography, forget about the size of the country, let's accept that we are all have situations that have reached a point where we believe that we need to do it; let's act on that premise. Let's not even challenge that today.

We see that larger countries, dispersed in terms of geographic location, resources that extend beyond ours, with a myriad of different things and [re]sources, whether it is police officers, healthcare facilities, still end up in a position where the prudent move has been in terms of either, in many instances it is illegal or at least they have taken the middle road in

terms of a prudent move or a compromised position to say that if they are going to do this, they do it in such a way that it requires a licence so they don't end up with the pepper spray, the Mace—that we want to allow our gentlemen and ladies to use to protect themselves—ending up in the hands of the person who the lady is afraid of when walking home at night. Let's not arm them as well.

Let's not put it in their hands. Let's not have it just fall subject to the point where, as we read in the Motion brought by the Leader of the Opposition, that technically a 5-year old could go into a store, a 12-year-old could go into a store and buy Mace, or a 14-year-old could buy pepper spray. I sure hope that that is not what we are going to accept in this honourable House. That every individual who now has access to any store in this country from 10-years up or even younger, can walk in because there is no licence, there are no restrictions, they can simply walk in and say, *I'd like to buy a can of Mace, please, or, I'd like to buy a can of tear gas, or, I'd like to buy a can of pepper spray*; that, Madam Speaker, is what is being moved in the Motion by the Leader of the Opposition.

Therefore, the stance that the Government and I, [and] the seconder of the [amendment], take is that that cannot be what is best for the country. It has to be that if we accept as a starting point that crime is an issue and that we need to offer some protection, then, let us do so; but let us do so with sensibility, with prudence, to make sure that it is not going to fall into the wrong hands.

Madam Speaker, even on the point the Leader of the Opposition raised that there were some persons walking around right now with tear gas, it doesn't change the fact that (if they are walking around with tear gas in the country today), I would like to stress for the record, it is illegal. And, if they are walking around with other things labeled under the law as illegal, then it is illegal.

That said, we look at the challenges when we talk about importation that right now . . . and I contacted the Civil Aviation Authority. I tried to gather some information even in terms of the importation. It was interesting how it would even have gotten here, because in terms of tear gas or Mace or pepper spray, many of these items fall under the (and let me see if I can get the nomenclature correct) “dangerous goods” category.” And this “dangerous goods” category cannot even be shipped on a regular plane. You are not allowed to walk onto a plane with an item labeled under “dangerous goods.”

So, if you go the TSA [Transportation Security Administration] website, the security agency website, whether that's Europe or the United States, you are going to see that this is listed as a dangerous goods category item. It is a security risk to even carry on the plane. So, if there is tear gas in the country, as the Leader of the Opposition has highlighted, and there are people walking around of which he is aware, other

than it being illegal, I am interested to find out how it got in here because it is a dangerous goods category and in all instances it is a case where it has to be shipped on a specific cargo plane.

Let's just say that we went with the Motion as brought by the Leader of the Opposition, and that there would be no restrictions. Felons could come out of prison, just got out, whether they were rapists, child molesters, they could walk in and say, *I would like to buy four cans of Mace*. That's what they would be able to do if there were no licences and no restrictions. Or, that the 10-year-old or 14-year-old could go and buy it because there is no licence and there is no restriction. Let's give us that world that would come about as a result of the Motion being brought by the Leader of the Opposition. In that world we would still have the challenge of how do we get it here. How do we get it here? Is it a case where we are saying that every individual could hop on a flight, go to the United States, in one of those particular states in which you can purchase it, and just get on the plane and bring it? Cannot do it!

We see, again, that even insofar as the licensing we have to look at this in a circumspect view. Not a knee-jerk, irresponsible view, but a responsible view, a circumspect view, one that has prudence which proves you are a good, prudent government, where you understand and appreciate the concerns on the ground. You are going to take the actions to make sure that someone doesn't take what was well intended, defensive, and makes it an offensive weapon harmful to children and harmful to the person that you claim you are trying to protect.

You see, Madam Speaker, that is the difference. Too many times in this country we suffer because of knee-jerk reactions. And as well intended as it is we do not take the time to give it the thought that we have to. Oftentimes it is not possible to remove all of the risk or all of the evil; but definitely highlight and say what our intention is. What is it that we are trying to achieve? What is the evil that we are trying to remove—and in this case persons potentially being attacked—and how do we help them to defend themselves? But then let's look at all of the other evils and see what we can mitigate, reduce or eliminate altogether off the table.

Do we want felons to have it? Do we want the 5-year-olds to have it? And when we list all of those things we have to ask ourselves then, what, then, as a prudent Government do we do to mitigate, reduce or eliminate those risks from off the table? So, therefore, despite the objections of the Leader of the Opposition, as I have read in the papers, and his anticipatory objections today to the licence, a licence is required!

And it is not because the Government is trying to humbug something and kill it and delay it, pour cold water over it, or water it down, as the Member has said in the press. No! It is a matter of doing it because a prudent Government says, *I am not going to allow*

*what is well intended and a defensive weapon to be turned into something ill-intended, and an offensive weapon against the people of whom we are trying to protect.*

So, whether it is the issue of the importation by individuals, we see that we cannot do it legally on our own. You don't put it in your purse. You don't put it in your bag. Anyone who has done it and gotten away with it has taken a serious risk. It is a "dangerous goods" category item. It has to come on its own flight. And even the flight that it's coming on, if it's cargo it has to be fully aware. In fact, they have companies, for example, such as Dangerous Goods of America. You go to those companies to get those items packed specifically for shipment. It is not something that you just wrap in paper with duct tape around it. No; it has to be specifically packed. And that is because somebody recognises the potency, the real fact that this is not a toy. This is a weapon! Therefore, it has to be packed properly.

We have to ask ourselves then, if individuals cannot just travel to some other country where it is legal and bring it in, then how will it come in? Somebody has to give a company here a license that says you are allowed to import this item which is harmful under the "dangerous goods" category, so that whether it is the Dangerous Goods of America company or any other company around the world that wants to ship it to the Cayman Islands, that they can feel comfortable shipping it to a company authorised by the Government to import, handle and distribute those goods.

Again, we find ourselves where the Government clearly has an obligation to say let us licence this. Who will be able to import it, store it, and therefore distribute it? And, if you are going to have multiple distributors where you have one distributor that imports it, stores it and they are going to retail it out, then what about the outlets who sell it at retail? Will they not require some licence in terms of this same [item] that the United States of America says is a "dangerous goods" category item? I would sure hope so, Madam Speaker.

Without belabouring it, I would allow other Members to be able to comment on this. But I believe suffice it to say, Madam Speaker, in summary, in a call to wrap up and to address any concerns I may not have addressed now, that the Government understands and fully appreciates the spirit and intent of the Motion being brought by the Third Elected Member for George Town, the Leader of the Opposition, and the [Second Elected] Member for Bodden Town. The spirit and intent of that Motion is not one that passes us. We are sensitive to that, and we appreciate that. We appreciate the move to be able to do something about it.

But, that said, we have an obligation to every single citizen in this country, including our children. And the males and/or females that we say we are try-

ing to protect, we have an obligation to them to do the right thing. And it is the fundamental reason why we talk about licence.

And again, this particular amendment that we are bringing doesn't say that the licence has to be given by the Commissioner of Police. There is nothing that dictates that. It is not saying who should do it; it's not saying it should be some long, drawn out process that is going to take an eternity and a day to happen. It may be one as simple as saying: *Here are the persons who are restricted.* It could ask for your identification in confirming that you have not committed a criminal offence. It might be a process that is very streamlined.

But clearly there has to be some process. There has to be some licence when we are talking about bringing in a dangerous good from another country, shipping it here, storing it, retailing it out, to make sure that it doesn't fall into the wrong hands. And, as I have mentioned, just what we have seen in terms of countries where it is legal and with restriction where police officers are using it who are trained. They are deliberately sprayed with the item so they can understand what the victim has to deal with to avoid death. Even then we see that there are 61 confirmed deaths as a result of Mace and tear gas, and 23 still in dispute by ACLU as to whether or not it was a contributing factor.

Madam Speaker, with that, I will take my seat and allow other Members to offer comments or questions they may have on the amendment.

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

Leader of the Opposition.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, although the [amendment] by the Fourth Elected Member for George Town signals the intent of the Government from two weeks or so ago, I cannot but still be disappointed at the position which the Government is taking.

Madam Speaker, if the [amendment] sought to set out a set of reasonable restrictions in relation to the use of pepper spray and Mace . . . I should say, Madam Speaker, that I have no real objection to the proposal to delete "tear gas." That's fine. If that is the way it is felt, that's okay by me.

If the [amendment] really sought to place restrictions on the use of this and not to kill the original Motion altogether, I could perhaps go along with that. But I believe that that reference just now by the Fourth Elected Member for George Town is simply an afterthought—this issue about restrictions and so forth. What the Government is in fact proposing, and what the [amendment] says, is a licensing process. So we are going to get back to the position we have now with

firearms and the ease with which a firearms licence can be obtained in this country.

Madam Speaker, the argument put forward by the Fourth Elected Member for George Town about arming the criminals with things like pepper spray and Mace is the same argument that was put forward a few weeks ago in the committee room by the Commissioner of Police in relation to firearms. So I know where the line of argument comes from. Or at least I think I know where it comes from. I don't know for sure, but it's a very similar argument.

The thing with that argument, Madam Speaker, is this: I don't know that criminals bother to apply for licences for the weapons they use to commit crimes. Of all the murders that have taken place in Cayman over the last few years, name one that took place with a licensed firearm. In fact, Madam Speaker, would that we could get to the position where robbers and criminals who were attacking the innocent victims in this community were resorting to Mace and pepper spray. But the reports in the media are replete with incidents where the weapon of choice was a firearm.

The kind of criminals we are talking about, Madam Speaker, don't go about with Mace and pepper spray. And if they want to go about with Mace and pepper spray they will get it illegally the same way they get the firearms. So, Madam Speaker, that, in my respectful view is an argument that simply does not hold water.

What the Fourth Elected Member for George Town has proposed is the continuation of provisions in the Law which penalise and criminalise the innocent victim from taking what I believe to be reasonable measures to defend herself. The effect of the [amendment] will be to nullify the intent, purpose and objective of the Motion which I moved and my colleague, the Second Elected Member for Bodden Town, seconded.

What is going to happen is that the situation is going to remain exactly as it is now where we have significant numbers of people, mainly women, who are walking around with the means of protecting themselves in their handbag in the form of pepper spray or Mace. If they were to be required to use it, they would commit another criminal offence, because the possession of it is one, the use of it is another. While the criminal, potential criminal, because he or she (mainly he, but he or she) doesn't care about the Law or that the legislation is at liberty to wield any form of weapon, firearm or otherwise, to perpetrate the crime that they intend to perpetrate.

What is being proposed here, Madam Speaker, is to create another bureaucratic hurdle, a set of bureaucratic hurdles, which will limit, restrict significantly, the number of people who are able to take this most reasonable measure to protect themselves, to defend themselves.

I wonder if the Fourth Elected Member for George Town has looked at the number of instances,

as I have, just based on the press reports and wondered whether or not if that victim had had pepper spray in their possession that would have prevented that young lady from being assaulted, that older lady from being robbed. Madam Speaker, we are at a point, it seems, where the Government is so afraid to do wrong that they can't do right.

If we sit and analyse each instance we can always find risks in whatever measures we take, particularly when it comes to issues like this. And I, for one, would never suggest that there are not some risks inherent in anyone having this in their possession. But what about the significant risks which are run every day and every night by the innocent in this community who fear going from their car to their house? Who fear going from the restaurant back to their car at night with no means of protecting themselves, defending themselves in the instance of attack?

Madam Speaker, the original Motion that we moved is entirely reasonable. We thought a long time about it and we did take time to consider the matter and to research the matter. We deliberately included the provision that this be available without licence because we know what will transpire if the [amendment] put forward by the Fourth Elected Member for George Town succeeds. And that will be that a year from now, two years from now, we will still be in the same position we are at now where people, and particularly women in this country, are as defenseless as they are now unless they do what many are doing and just ignore the provisions in the Law and buy the pepper spray and carry it anyhow.

Madam Speaker, we are not talking about some huge canister of pepper spray or Mace. These things are about two ounces. Some of them are attached to key rings; some of them look like pens. I know a number of persons who go to Miami, buy them, put them in their suitcase and bring them home. It is as simple as that. It is presently illegal to do so. But that doesn't prevent the purchase and importation of these implements for the purposes of self-defense.

So, Madam Speaker, the Government has the numbers and no doubt the Motion will be amended as the Government wishes. But I go on record in this House to say that the Fourth Elected Member for George Town and the Third Elected Member for Bodden Town have by their [amendment] and the Government by its vote will have ensured that people, particularly the women in this country, remain as defenseless after this Motion passes as they are at present. I hope that they are willing to live with the consequences of that.

Thank you, Madam Speaker.

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

Honourable Minister of Education.

**Hon. Rolston M. Anglin, Minister of Education, Training and Employment:** Thank you, Madam Speaker.

After 11 years I am very used to the theatrics. So I encourage the new Members to not let those theatrics of the Leader of the Opposition get to them.

Madam Speaker, I have been through a lot in the House. But I must say for the Leader of the Opposition and the seconder of the Motion to come to this Legislative Assembly and say that this is a well thought out motion flies in the face of all logic. But more importantly, it flies in the face of the evidence that the Honourable Leader of the Opposition has provided the House, for he distributed this morning some very useful information that runs in large measure directly contrary to what they are proposing.

Madam Speaker, the fanciful and theatrical way in which the Leader of the Opposition has so eloquently sidestepped how serious this move is, is nothing short than deserving of a Tony. This is not about protecting women in this country; this is about political posturing. This is about playing on the minds and fears of people during an upsurge in serious and violent crime.

If I listened carefully to the Leader of the Opposition as he just responded, I would swear that what is actually happening in this country is that we have a criminal plague to the magnitude that, once the sun sets, we have a plethora of females and others being attacked and assaulted to the point that this House should take the step to signal to Government that we should allow what they acknowledge as a very serious substance to simply be available to anyone, to all and sundry.

Madam Speaker, he spoke of statistics. Every Member of this House well knows, that the vast majority of the crimes that we are talking about, are armed robberies, one of which had a perpetrator callously and heinously without provocation shoot one of the intended victims. The Government or no Member of this House will ever get up and say that that incident was not a very serious incident and isn't one that should anger all of us, and one that the community should not be outraged about. We are all outraged, Madam Speaker, at the upsurge in the use of illegal firearms in the perpetration of many armed robberies in this country.

But, Madam Speaker, how we respond is as equally, if not more, important than the circumstances in which we find ourselves. This is quoting from a document that was circulated by the Honourable Leader of the Opposition himself. "[Pepperspraylaws](#)": **"Purchasing - residents of some states must purchase pepper spray from a licensed pharmacy or licensed firearm dealer. Additionally, some states require that the purchase of pepper spray must be done in person."** In other words, it can't just be done my mail order or Internet.

**"Age Restrictions—some states impose restrictions on the age of the buyer to 18 years of age.**

**"Weight—some states restrict the size of the pepper spray canister to a certain size.**

**"Permit—some states require a Firearms Identification Card in order for a civilian to lawfully carry pepper spray on their person or in their car."**

Madam Speaker, this isn't some little toy that we are talking about. I know within their heart of hearts the Opposition Bench must see the sense in what is a very sensible amendment. What we should be doing down here today, Madam Speaker, is acknowledging that when you take the intent, the spirit of the original Motion, and incorporate the amendment we are coming up with a better product that is going to adequately serve the community and our constituents. Are we going to say in our heart of hearts, as Members of this House, that we agree that it should be open so that someone who is 10-, 11-, 12-, 13-, 14-, 15-years old, can actually acquire this very dangerous product, irrespective of how small or how concealed the particular canister may be? To have it, is to have it!

Now, this well-thought-out position that the Leader of the Opposition has said they took so much time to ponder and consult over included things like tear gas which, in its general sense, is much more about riot or crowd control. Yet, that too is included here.

So now, under this formulation we could potentially have an innocent teenager who really doesn't know any better. Let's assume the best now. We are going to paint two positions: A teenager who innocently doesn't know any better who, for fun and jollies, buys a canister of tear gas, goes to the next party that he or she is, or is not, invited to and decides that for fun, instead of pulling the alarm, which might have been something that would have been cool to do some time ago, decides to innocently disburse some tear gas.

Madam Speaker, that alone tells me that this proposal, while I believe well intended, is certainly ill thought out. What the Members are telling this House is that we should allow a situation where any person can now get into the business of distributing what all sides of this House have acknowledged is a very dangerous substance, which has proven to directly contribute to the death of human beings. Is that reasonable? No matter what the background, no matter what the police record you can now be a legal distributor of Mace, tear gas, and/or pepper spray? Not only can you be a distributor, there is no restriction on who you can distribute it to.

The Leader of the Opposition quite neatly danced around the whole subject of licensing and who would license. And, in a backhanded sort of way, asked the mover of the amendment to tell us what this licensing would look like. What will it be? Madam

Speaker, a well-thought-out motion coming to this House in its original form would have contained that. If he is so concerned about bureaucratic hurdles the Opposition bench would have come to this Legislative Assembly with a much more well-thought-out list, first of all, that should have excluded tear gas in the first instance. And should have come to the House with what would have been a sensible and seamless proposal that would not allow these bureaucratic hurdles that they are now so worried about.

I can think of many formulations of a way in which we can allow importation and allow persons who are desirous of getting a canister of pepper spray for personal protection. This does not have to become bureaucratic unless we, the Legislative Assembly, allow it to become so. Whatever the Government does it has to come back here as a Bill, Madam Speaker. So if they were very concerned about that, if this was truly a genuine attempt to allow for adult females, in particular—anyone, but adult females in particular—to be able to lawfully get pepper spray for personal protection, then why didn't the Opposition simply come with a proposal as to how that would happen?

The proposal could be very simple. It could very well be that we restrict it, just as some states do—as his own research has unearthed—to only pharmacists to carry. We may say that only pharmacists can carry and we see where the natural tie in would be, so we would then go through a simple process where pharmacists are allowed to import the good.

We could have it as simple as someone having correct ID and a police record. That doesn't sound like any bureaucratic hurdle that is going to become so cumbersome it is going to cause the spirit of this Motion to fall into disarray and it never comes to fruition and allows women to remain defenseless. That is a simple regime.

And I cannot speak for all Members on that point, but I can say from a personal perspective that I would have had no issues whatsoever in something that seamless and that simple. What I would also have wanted would be a formal system of inventory. I want to know how many of these canisters come into the country. I would ultimately also want whoever distributes to keep a list of who acquires the good. We could make it a confidential list unless there is a good reason for the Crown to have access to those records.

Madam Speaker, that is but one simple way in which this proposal could come back to this House in the form of a Bill.

What we have gotten down to now (let's just cut through the chase) is that the Opposition has come with a proposal that at its core has support in this House. The way in which they have brought it is recklessly irresponsible. No one can tell me that the Members of this House in the Opposition can feel comfortable that we should have a state of affairs where we do not have any restrictions on who can

distribute this very dangerous product. There is no way in the world that I can be convinced that the Members of the Opposition are truly that reckless. There is no way in the world that somebody could convince me that in their heart of hearts the Members of the Opposition do not believe that we should have some age restriction.

Come on, Leader of the Opposition, and Members of the Opposition bench. No age restriction on something this lethal and this important to this House, this country, this community? Note the recurring theme in their own documented research which they distributed to the House: how dangerous it is; how lethal it is; what the results are.

In their own research as distributed by the Honourable Leader of the Opposition. I quote from page 2 of two, from his document called the "pepper-spray-store" the very last paragraph. The header is: **"Using pepper spray products to keep you safer."** **"If personal use is allowed, it's also important to learn the right way to use any spray. Personal safety is one reason: the most effective self defense spray in the world can't do you any good if you don't have it when you need it, don't aim it properly, or use it incorrectly. Not only that: it isn't unheard of for a would-be criminal to attempt to sue the would-be victim over the use of self-defense spray. If you have obeyed the laws of your local, county, state governments you cannot be sued if you used your defense spray for self-defense. Get the training and education you need to make your spray work for you."**

Madam Speaker, really now, really, we come down to this Legislative Assembly, we claim that this has been a well-thought-out position, we claim that the Government's move is going to render thousands of women in the community helpless, defenseless. And that, an unknown quantity of women already have this product and we will continue to criminalise their possession of the product. No, Madam Speaker. What the Government is proposing are some simple, sensible belts and braces to a position that I think we all can agree upon.

You see, Madam Speaker, when I looked at this Motion, and when we thought it through and proposed this amendment, I thought for once we could have opposition where one side moves a particular principle, a particular point, and the other side sees sense in it, value in it, makes an amendment and then we could all agree and say, *You know what? Having taken a step back and looked at this, we all can now agree that collectively this is a better way forward. This is the best way for us to proceed. Perhaps we were a little anxious to move forward so quickly and in this fashion, and we now see that perhaps in this instance two heads are indeed better than one. So a new consensus position is a sensible way forward to ensure that those whom we authorise are allowed in a*

*very simple and sensible way to have an added way to legally protect themselves.*

I really thought that is where we could have gotten to. But where we have gotten to now, is that this amendment has been taken as a way in which, for political reasons, the Opposition is now going to get on the rooftop and cry foul, cry that the Government isn't for protecting women; that the Government, given what this amendment does, is going to cause such (and I wrote it down) "bureaucratic hurdles" that we would cause the spirit of their Motion to become rendered useless.

Let's make sure we dispel two other very important points. This whole business about would-be criminals use pepper spray, somehow suggesting that this is so innocent that this would be a good shift. Madam Speaker, there have been many armed robberies in this country. Somewhere it has been proven that the firearm in the person's possession was an imitation. Madam Speaker, no crime of that nature is one that any Member of this House is not outraged about and causes us to all be worried about our efforts as legislators. We all acknowledge that serious crime undermines everything that we try to do in this country.

Madam Speaker, we have to be careful about the message that we portray to this country, innocently or not. Certainly, there will be persons who would use a firearm, cause the shock, cause the fear, cause all the trauma that we know can go with it—in and out; the clerk or the teller, whoever, is very scared and shook up—but that gun caused that person to do whatever they wanted to do. If all of a sudden now they start running in with a little canister of pepper spray, you can believe they are not going to hold it up and say, *This is pepper spray, give me all your money.* They are going to run in and they are going to use it! They are going to use it; there is no doubt in my mind about that.

The Leader of the Opposition is quite right—when you look at the size of the canister that a lot of these come in, they are tiny. Absolutely tiny! To look at them you would not dream that they could get more than a little squirt out of it. But they are serious. They are put together well. It is a very serious product and the pressurisation system is outstanding. So, Madam Speaker, let's be very careful about how we play our politics in the House. All right?

At the end of the day, if even one life, as the Fourth Elected Member for George Town has given evidence to the House, that how many have been directly . . .? Sixty-one deaths in one city alone have been directly connected to the use of this product.

Another comment made was about this whole issue about wielding the form of weapon that they want. I think the Honourable Leader of the Opposition is quite right. And he said this early in his debate on the original Motion, that right now criminals seem to be wielding any weapon of choice because they are

all, or at least the vast majority that we have been made aware of as legislators, are indeed illegal firearms. So, I do not think anything is going to slow that down other than us continuing to take the measures that we have financially supported with the RCIPS and continuing to ensure that we as legislators push as much as we possibly can and weigh in on the whole issue of serious crime, weigh in on behalf of our constituents.

Madam Speaker, this whole issue of pepper spray is one that the Government has had representations on. And this debate didn't just start during this particular upsurge. If we are truthful all of us will acknowledge that this whole issue of pepper spray, its use and having access to it . . . the rage in this debate, really, in my mind gained a lot of traction during what I tend to identify as the first surge of the real rash of violent crimes involving handguns which was in the earlier part of the 2000's. It reached its climax with one particular murder.

So, this call and this feeling that we need to have some forms of legalised personal protection that we can, and that we should give our citizens access to is one that has been brewing. I know and feel that I can confidently say, that the previous Administration came under pressure to authorise it during their term. I do believe, as much as we try to pretend that we all don't live in the same 22-mile long island, they would have had the same cries that we (who were the Opposition at the time) had and, equally, the cries that they are now hearing are the same cries that all of us in this House are hearing.

In that vein I say that I congratulate the Members of the Opposition for bringing this particular issue to this forum for us to debate. But we have to get to the stage where we can put the political differences aside, take the politics out of these issues and try to come up with a sensible way forward for our constituents, and, that for a change this country can see us being in harmony, in oneness in some serious, serious issues.

But I know what is at stake here, Madam Speaker. So, I am not fearful of what they are going to get up and say after I take my seat. But certainly, this is an issue that we need to clearly explain to this community much more thoroughly than has been done to date, notwithstanding the fact that this forum is one that is popular. But there are many other forums that we need as legislators to take to our public, ensure that the public clearly understands what we are getting into and what is going to be a way forward that achieves the principle of the Motion, but also ensures that the very important belts and braces that this amendment is seeking to bring to bear, are incorporated with the way forward. That has to be a sensible compromise, a sensible way for us as a Legislative Assembly to proceed.

Madam Speaker, The matter of personal protection is one that I believe the House is clearly in

sync with. There are those of us who have varying views on the whole personal acquisition of firearms. That's probably the one that would cause the greatest difference of opinion. But I think on many other fronts this Legislative Assembly is very, very close, if not of one mind, in the way forward that we need to navigate. I dare say that when this whole matter is going to be considered, I think there are some very other useful tools that we might want to incorporate in this whole debate. We also ought to ensure that we incorporate into the debate the whole business of private security firms and their officers and exactly how we might be able to allow them to also benefit and also be a part of some sort of regime that does not—

**The Speaker:** Minister of Education, you are anticipating the other Motion that's on the Order Paper.

**Hon. Rolston M. Anglin:** Oh! Oh ho, Madam Speaker, that is how much of one mind the House is on this point. I hadn't even realised or looked down to recall. I knew there were a bunch of motions in.

*[Inaudible interjection]*

**Hon. Rolston M. Anglin:** I say, Madam Speaker, therefore, that once we are sensible about that motion as well, that that ought to be another one that we should be of one mind with and support.

*[inaudible interjection]*

**Hon. Rolston M. Anglin:** Madam Speaker, anyway, I am going to leave my good friend, the Member for East End, alone this afternoon.

Madam Speaker, I offer my support to the spirit of everything that's being debated in terms of enhanced personal protection. I offer my support to the amendment. I ask Members if we can possibly find a way in which we can at least have one motion that comes out of this where the Legislative Assembly is at least sending out a clear message to the country that we will not continue to be divided on important issues simply because at one particular point in time we are the Opposition, and at another particular point in time we are the Government.

*[applause]*

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

**Mr. Anthony S. Eden:** Thank you, Madam Speaker. I know it's approaching the lunch hour, so I will be very brief.

As I listened this morning, and seconded this Motion, I can assure my good friend, the Minister of Education, that it was not anything about politics. And what I am going to say is that I appreciate the amendment by the Fourth Elected Member for George

Town, whatever we need to do to get together and talk about this as a Legislative Assembly. And I promise the Minister of Education that I am not going to get on a rooftop, whichever way this goes. I haven't done it in 20 years; I am not going to start now. But if we could at the break just sit down and talk about this and whatever we need to do to make this work . . . it is too important to these Islands that we get into this whatever we are going on with.

This was designed originally to try to help those people who are helpless. And for whatever reason, Madam Speaker, that was my intention. And I am sure, in talking with the mover, that we can sit and be able now to show the people out there that this non-sense has got to stop where Government and Opposition on something as important as this . . . I beg and beseech, through you, Madam Speaker, all of us, let us sit down at the break and see what we can do to make this workable; whatever we need to do.

Thank you.

**The Speaker:** And on that note, I will suspend the House until . . . I think, if they are going to argue, a quarter to three.

*[Inaudible interjections and laughter]*

**Proceedings suspended at 12.55 pm**

**Proceedings resumed at 3.27 pm**

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

**Proposed Amendment to Private Member's Motion No. 6/11-12—Self-defense and Personal Protection**

*[Continuation of Debate thereon]*

**The Speaker:** When we broke for lunch, the Second Elected Member for Bodden Town had just concluded his brief contribution.

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 call on . . .

Third Elected Member for Bodden Town.

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

As we are debating the amendment to Private Member's Motion [No. 6/2011-12]—Self-defense and Personal Protection, I heard the Second Elected Member for Bodden Town. I agree with him. We need to come together and work out these important matters for the good of the country.

I must say that I am a bit surprised that the amendment brought forward has risen to this kind of

climate. When we looked at the original Private Member's Motion, we saw some areas—although in support of this concept—that needed to be tightened up to protect us as parliamentarians and the Government moving forward.

As we have heard here today, Madam Speaker, from many presenters on this side and on the other side, the pepper spray and other defense or protection items have to be used very carefully and should have some kind of control so that it does not fall into the hands of people who we are afraid it will fall into.

I would have thought that when we brought this amendment both sides would have happily agreed that we would try to work to do something together, although it doesn't seem to be the notion of these 15. I don't know what took place in the past, Madam Speaker, but I looked at this as a simple amendment that was protecting both sides and actually saving us from some embarrassment in terms of when we look at tear gas. There is nowhere in the world that we can be serious about allowing tear gas in the hands of regular citizens. All of my life growing up and in my background that I know about it, tear gas has always been used to control crowds in terms of riots, used by riot squads.

Although we appreciate where the Honourable Leader of the Opposition was going with this Motion, we thought we had better save us some embarrassment and try to put some amendments in place. And that was the only intention. I am quite surprised that it has reached this level of debate. I guess I shouldn't be, as this is politics. And both sides have to win their point. I know I always want to win.

Madam Speaker, I am sure that we can find a non-bureaucratic process to obtain these items such as pepper spray, et cetera. Some of my colleagues mentioned some processes earlier in terms of whether it is by police record or just showing a driver's licence to ensure that you are over the age of 18, that it didn't have to be so cumbersome that people would be scared to even try to pick up.

And it has to be controlled too, Madam Speaker. It can't be sold by everyone. So, Madam Speaker, in my short contribution here I would just like to say again that I agree that we need to move forward and appreciate that this amendment only further strengthens this Motion.

Thank you, Madam Speaker.

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

Minister of Health.

**Hon. J. Mark P. Scotland, Minister of Health, Environment, Youth, Sports and Culture:** Thank you, Madam Speaker.

I too wish to rise to give a brief contribution to the Motion as it has been amended.

*[Inaudible interjections and laughter]*

**Hon. J. Mark P. Scotland:** Just checking to see if you all were still listening on that side.

*[Inaudible interjections and laughter]*

**Hon. J. Mark P. Scotland:** Madam Speaker, the Leader of the Opposition presented a Motion entitled "Self-defense and Personal Protection." Obviously, in the current environment that could be seen as quite an emotional topic. He gave examples (and we are all well aware) of people who are carrying around this type of protection already and who, for all intents and purposes, are probably in contravention of the Law because it is considered illegal to have that now.

So we all agree, as I think has been indicated already by my colleagues on this side of the House, that there is a need to afford vulnerable persons, whether it be women or others, some method of additional protection for themselves. And the Leader of the Opposition himself has said on numerous occasions, times have changed. And there are persons out there who would prey on vulnerable people, or who do prey on vulnerable people. So, wherever we can afford that additional protection, we are very much in support of that.

But, Madam Speaker, at the same time, we ought to accept and understand that when we give that added protection or make that added protection available to those persons who are vulnerable, it also gives it more chance of it falling into the wrong hands and being used by those who would prey on them as well, even more so.

So, Madam Speaker, it is very important. And I want to make clear that in making this amendment on this side of the House we are in no way trying to introduce any additional bureaucracy or trying to make it harder for those persons who would legally need to obtain, or want to obtain this protection. Madam Speaker, it is, in fact, to limit it to just those hands; to just those persons who legally can obtain it and who are in need of it. Certainly, we don't expect to see many criminals, as the Leader of the Opposition said, applying for licences. They don't apply for licences for firearms. We wouldn't expect them to be seeking this through legal means either.

I would venture a guess that many of them might have access to these sorts of things already illegally. So, the reason for regulating it, as the Minister of Education said, is so we can know from a legal perspective how much of it is being imported and how it is being distributed, and better keep track of it.

Madam Speaker, my colleague, the Second Elected Member for Bodden Town, spoke about working together in this regard, in this very important mat-

ter of personal protection in addressing serious crime. I could not agree with him more. All of my colleagues on this side of the House could not agree more that we need to work together in this regard.

Madam Speaker, I would venture that the example of us proposing this amendment is just that: Taking an idea which probably wasn't as well thought out as it should have been and presenting it in a workable and practical way. In fact, if you look at one of the documents that the Leader of the Opposition handed out, it talks about the United States pepper spray laws and regulations. It says, "**In the United States pepper spray is legal in all 50 states. However, certain states impose [pepper spray] restrictions.**" And it goes through a list of them, including restrictions on purchasing it; age restrictions, weight of the canisters. Some states require firearms identification cards in order for a civilian to lawfully carry pepper spray on their person on in their car.

So the idea of regulating it and having some process in which persons can obtain this and in which it can be imported to the Islands, first of all, is not a new idea. The matter of proposing this amendment, proposed by the Fourth Elected Member for George Town, seconded by the Third Elected Member for Bodden Town, is, in my opinion, strengthening the Motion and making it workable and practical, making it so we can afford that protection to those vulnerable people who are seeking it.

Madam Speaker, with those brief comments, I just want to lend my support to the proposed amendment to the Motion.

Thank you.

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

First Elected Member for George Town.

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

Madam Speaker, in listening this morning and this afternoon to the Honourable Leader of the Opposition present the Motion, and listening to the Fourth Elected Member for George Town bring the amendment, and hearing everything else, it is obvious to me that in general terms everyone is in concert with the intent. I just think we are stuck on an issue which the Government Bench has brought as a very important issue whereby they are saying that the original Motion was basically too open-ended and did not have the checks and balances that it should have had.

I am sure that while everyone is in agreement, it has come time for us to look seriously at allowing the importation and use of these gadgets and whatever else, and that it has to be done in a certain fashion which is with as little risk as possible.

Now, before I go any further, I look across and see the Minister of Education. And I just want him to know that I am too old in this to try to deal with political posturing. So I would ask him to rest assured that this is not the case here this afternoon.

Madam Speaker, if we look at the original Motion and we look at the proposed amendment, where we have the little difference, in my view, is that the original Motion stated: ". . . **to permit the importation and use without license of self-defense chemical sprays . . .**" et cetera. The amendment proposed says, ". . . **to permit the importation and use of, subject to a license process . . .**"

The way the debate is, I believe I fully understand. But the way the amending motion came, it is . . . and the mover of the amendment can certainly clarify in his winding up whatever the real position is. But the way the amendment has come across, it is as if you will physically have to license both the importers and the users.

Now, I think that is where all of this has kind of come from. And I don't think that's what the Government wants to say, that those who will be allowed will have to actually get a licence to purchase. I think what is being said, and I think what everybody will agree with, is that it can't be open-ended. There has to be certain criteria set, certain restrictions regarding age and all of those matters relating which are relevant to that and which would set a certain type a cadre of people to be able to purchase, once they qualify based on the criteria.

As I said, Madam Speaker, what I believe is simply the same way the original Motion is deemed not to have been sufficient, the amendment, by saying that "subject to a license process" both the importer and the user, is on the other end apparently too restrictive. I am saying, Madam Speaker—and I say this sincerely—I am satisfied in my personal mind, that all of us want the same thing to happen, so somehow or the other let's get past this. But I believe it is fair to say what I just said, that the amendment, if taken literally, just like the original Motion was taken literally, may well go too far when it was deemed that the original Motion didn't go far enough.

*[inaudible interjection]*

**Mr. D. Kurt Tibbetts:** *[Addressing the inaudible interjection]* That is exactly my point.

Madam Speaker, one could assume from the original Motion that all of the matters that have been brought up and expounded upon are matters that could have been dealt with whenever any action was being taken. But the Government is saying that the way the original Motion is worded is too open-ended, when, in fact, they would be dealing with it and they could do and propose whatever with all that they are saying now whenever the Bill is brought.

But I want to reiterate that we have gone this route. I believe everybody is on the same side. But again, the way the amendment is worded, indicates that the user would have to get licensed.

*[inaudible interjection]*

**Mr. D. Kurt Tibbetts:** The importer, we know that. And we expect that to be the case. But the user, simply in my view, based on what I have heard and what I feel personally, you would simply set criteria for what would allow someone to be able to purchase whatever is agreed upon that could be sold over the counter once criteria is met. I think that is where everybody wants for us to get.

Now, we have an original Motion. We have a proposed amendment. We have the Leader of the Opposition leading the original Motion, and we have the Fourth Elected Member for George Town leading the amendment. I believe, Madam Speaker, unless I am told different during the course of the debate, that what I have just said is maybe not in exact terms, but in general terms, where we are all trying to get. My point, therefore, is, let's just get there and get this one over with.

Thank you, Madam Speaker.

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

If not, I call on the mover of the Motion to conclude the debate on this amending motion.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, with your permission, I think we are going to take the adjournment of the House until Wednesday.

**The Speaker:** In that case, I would ask for a motion for adjournment.

## ADJOURNMENT

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

I move the adjournment of this honourable House until 10.00 am, Wednesday next.

*[Inaudible interjections and laughter]*

**The Speaker:** That's the day after tomorrow?

*[Inaudible interjections]*

**The Speaker:** The question is that this honourable House do adjourn until Wednesday, October 12<sup>th</sup>, at 10.00 am.

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

**Ayes.**

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

**At 3.51 pm the House stood adjourned until 10.00 am, Wednesday, 12 October 2011.**

