

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**11 APRIL 2012**  
**11.50 AM**  
*Third Sitting*

**The Speaker:** I call on the Honourable Deputy Governor, responsible for Internal and External Affairs and the Civil Service to say prayers this morning.

**2011/12 Supplementary Annual Plan and  
Estimates for the Government of the Cayman  
Islands for the Financial Year ending 30<sup>th</sup> June  
2012**

**PRAYERS**

**Hon. Franz Manderson, Deputy Governor:** Good morning. 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 of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.*

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

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

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

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

**The Speaker:** I have no messages or announcements this morning.

**PRESENTATION OF PAPERS  
AND OF REPORTS**

**The Speaker:** Honourable Premier

**The Premier, Hon. W. McKeever Bush:** I beg to lay on the Table of this honourable House the 2011/12 Supplementary Annual Plan and Estimates for the Government of the Cayman Islands for the Financial Year ending 30<sup>th</sup> June 2012.

**The Speaker:** So ordered.

Does the Honourable Premier wish to speak thereto?

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

In accordance with Standing Order 67(1), the 2011/12 Supplementary Annual Plan and Estimates that have just been tabled stand referred to Finance Committee as the supplementary appropriations contained in the document just tabled, have already been scrutinised and approved by Finance Committee at its meeting on 13 March 2012. I do not need to say any more at this point, except, with your permission, to move a motion in connection thereto.

*[Pause]*

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, the motion that I am referring to is that the Estimates stand referred to Finance Committee.

Madam Speaker, section 11 of the 2011/12 Supplementary Annual Plan and Estimates document just laid on the Table of this House contained the supplementary appropriations in respect of the 2011/12 fiscal year.

Madam Speaker, purely for the sake of complying with strict wording of the Legislative Assembly Standing Orders that I have moved pursuant to Standing Order 67(2), that Finance Committee approved the supplementary appropriation set out in section 11 of the Supplementary Annual Plan and Estimates for the Government of the Cayman Islands in respect of the fiscal year mentioned.

Of course, all honourable Members will know that the supplementary appropriations shown at section 11 of the Supplementary Annual Plan and Estimates have already been approved by Finance Com-

mittee on 13 March. Therefore, Finance Committee will meet purely as a formality and I trust that the Committee will immediately approve that motion.

Madam Speaker, I am complying with Standing Order 67(2).

Finally, Madam Speaker, I wish to say to the House that the supplementary appropriations shown at section 11 of the Supplementary Annual Plan and Estimates document are exactly the same as the 181 supplementary appropriations approved by Finance Committee on 13 March; no new supplementary appropriation item has been added to the document just tabled when compared to the appropriations approved by Finance Committee on 13 March, nor has any item approved by Finance Committee been excluded from the document that has just been tabled. The supplementary appropriations in the tabled document and those approved by Finance Committee on 13 March are exactly the same.

I intend to have that Committee meeting of Finance Committee after the current business of the House has concluded.

Thank you, Madam Speaker.

**The Speaker:** The question is that the paper shall stand referred to Finance Committee. All those in favour please say Aye. Those against, No.

**Some Hon. Members:** Aye.

**The Speaker:** I will ask the question again.

**The Speaker:** The Ayes have it. The question is that the paper shall stand referred to Finance Committee. All those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The 2011/12 Supplementary Annual Plan and Estimates paper stands referred to Finance Committee.**

**Report of the Standing Finance Committee on the Appropriation changes in accordance with section 12 of the Public Management and Finance Law (2010 Revision) for the Financial Year ending 30<sup>th</sup> June 2012**

**The Premier, Hon. W. McKeeva Bush:** I propose to lay on the Table of this honourable House the Report of the Standing Finance Committee on the Appropriation changes in accordance with section 12 of the Public Management and Finance Law (2010 Revision) for the Financial Year ending 30<sup>th</sup> June 2012.

**The Speaker:** So ordered.

Honourable Premier.

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

The Standing Finance Committee agreed that I submit to this honourable House the report of the Committee on the supplementary appropriation in respect of the 2011/12 fiscal year.

The Committee met on 13 March 2012 to consider the supplemental appropriations in respect of the 2011/12 fiscal year. The Committee also met early this morning to review the report that I just tabled.

The Committee considered the supplementary appropriations for the 2011/12 year and approved all the supplementary appropriations on 13 March.

Madam Speaker, let me provide some important information about the supplementary appropriations that were approved by the Committee.

The first supplementary appropriation requested for the 2011 fiscal year consisted of 181 requests for changes to appropriations. Of those 181 requests there were 66 requests of decreases to appropriations and 115 for increases to appropriations. The value of all appropriations decreases were \$9,178,748 and the value of all appropriation increases was \$58,343,841.

Therefore, there was a net overall increase sought and approved by the Committee of \$49,165,093. This is further broken down as follows, Madam Speaker: Capital appropriations consisting of equity investments and executive assets. There were 15 requests for capital appropriation changes to equity investments and executive assets broken down as follows: Two requests for decreases at a value of \$2,402,305; and 13 requests for increases at a value of \$22,056,490. Net change requested was an increase of \$19,654,185.

Operating expenditure appropriations consisting of output groups, transfer payments and other executive assets, a total of 164 requests for changes, of which 63 requests were for decreases at a value of \$6,376,443 and 101 requests were for increases at a value of \$34,237,351. The operating appropriation requests resulted in a net increase of \$27,860,908.

Loans to be made by Government: There were two requests for changes to loans made. One was for a decrease of \$400,000. And, Madam Speaker, the other was for an increase of \$2,050,000 for a net increase of \$1,650,000. Therefore, when we combined the net increase in capital appropriations of \$19.65 million (as I mentioned earlier) with the net increase in operating appropriations of \$27.8 million, along with an increase with respect to loans made of \$1.6 million, then the grand total of the requests made to and approved by the Committee is a net increase of \$49.1 million.

Thank you, Madam Speaker.

**The Speaker:** Thank you, Honourable Premier.

## STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

**The Speaker:** I have given permission for a statement by the Premier and a statement by the Minister of Education.

### Single Member Constituencies for the Legislative Assembly

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

Madam Speaker, the Government has given significant consideration to the current national discussion on the issue of single member constituencies, against a background that this has been an issue of debate for more than a decade and much time and energy has been expended on it.

It is a very divisive issue and when combined with the politics that have been infused into the discussion, it has, and will, create significant confusion in these Islands.

The Boundaries Commission says the following about Multimember Constituencies: What are the benefits of the Multimember Districts/Constituencies? As defined within the 2010 Boundaries Commission Report, The advantages of the multimember districts may be summed up as follows:

- (1) They can more easily reflect administrative divisions or communities of interest within the country because there is flexibility with regard to the numbers of representatives per district and the size and geographic composition of the district;
- (2) They need not change boundaries, even if the population of a district increases or decreases, because the number of Representatives elected from the district can be altered;
- (3) In a scenario of achieving proportional representation, they are preferred, although not all multimember district systems produce proportional representation for political parties; and
- (4) They tend to produce more balanced representation by encouraging the nomination of a diverse roster of candidates.

They also represent a better chance to have a connection with the ruling party.

The disadvantages of multimember districts are as follows:

- (1) They dilute the relationship between representatives and voters; and

- (2) They blur the accountability of individual representatives. End of quote.

Madam Speaker, it doesn't end there. Here are a few reasons why we feel that the adoption of single member constituencies is not for us, and should not be implemented:

- (1) It will mean the possibility of increased demands on the country's limited resources, where each constituency will demand individual services and amenities at great expenses.
- (2) People who were historically used to voting for and having multiple Representatives to represent them, under the changed system would only have a single Representative. So people would be put in a worse position; for most people who live in constituencies with 4 - 3- 2- Representatives, if they move to 1, their Franchise rights will be severely shrunken
- (3) It's divisive: It will be one of the most divisive paths for these Islands, as it will divide our indigenous vote.
- (4) It will create deeply divided and insular constituencies.
- (5) It will create vast expenses—needing 18 constituency offices, 18 secretaries with associated resources.
- (6) With a different proposal from the Opposition for the Sister Islands, it will mean one country, two systems—a different one for Cayman Brac and Little Cayman as against the single member district for Grand Cayman.

This only shows the hypocrisy of what is being proposed. The Sister Islands have said "no" to single member constituencies. So to appease the PPM's Member of that district they want to give them something different. If the Opposition, or anyone, thinks that single member constituencies is so good for Grand Cayman, why then do they want something different for the Sister Islands?

Many other ramifications would follow, which the public is not now being shown.

My Government previously made a commitment to hold a referendum on the issue at the same time as the next general election. However, due to the deepening divide in the country caused by the way the Opposition, and the Independent Member for North Side, have used this issue, my Government feels it responsible to put this issue to the electors of this country.

In our maturing democracy I feel it's important that the public be given its full voice on this most important constitutional issue. In this vein, I am pleased to announce that the Government will hold a Referendum on the issue of Single Member Constituencies on 18<sup>th</sup> of July 2012.

Madam Speaker, our present electoral system has only improved over the years. We have a very high turnout of people voting.

- 1988: there were 9,455 people on the official register; 6,210 people cast votes at the polls
- 1992: there were 10,196 people on the official register; 8,346 people cast votes at the polls
- 1996: there were 10,450 people on the official register; 8,872 people cast votes at the polls
- 2000: there were 11,636 people on the official register; 8,872 people cast votes at the polls
- 2005: there were 13,118 people on the official register; 10,330 people cast votes at the polls
- 2009: 15,361 people were on the official register; a total of 12,204 people cast votes at the polls.

Madam Speaker, you will note from these figures that the number of people who casted votes has risen from 66 per cent in 1988 to 80 per cent in 2009.

My position is, if it's not broken we should not meddle with it. And, therefore, the Government will embark on a public education process on the proposal for single member constituencies which would be a significant change in a very important component of our historically strong and respected democracy.

And so, Madam Speaker, in accordance with section 70(3) of the Constitution, we believe that the referendum should be assented by more than 50 per cent of persons registered as electors in order for it to be binding on the Government.

**An Hon. Member:** How much?

**The Premier, Hon. W. McKeeva Bush:** Fifty per cent.

I am optimistic that after the people of these Islands have made themselves fully knowledgeable and informed on the pros and cons of the various systems, as they have always done, they will make the right decision on this subject.

Thank you Madam Speaker.

**The Speaker:** Are there any questions on this statement?

Were you going to say something, Honourable Leader of the Opposition?

#### Short Questions

*[Standing Order 30(2)]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, good morning, I was going to accept your kind invitation regarding questions

and just ask the Premier if he could indicate what the question will be.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, as I said, we are going on an education campaign to educate the people of this country and that question, or perhaps questions, will be made known as soon as possible, but definitely when we begin the campaign.

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, do I take it then that the question as proposed in the petition is not what is being contemplated by the Government at this stage for its referendum?

In other words, this is not a response to the people initiated referendum but this will be a Government led referendum?

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, I thought I had been absolutely clear what our intentions are. At the end of the day we are the Government and we will certainly look at all the options available constitutionally.

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

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

The Premier has actually struck a point. This is a Constitutional matter. If the trigger laid down by the Constitution is pulled regarding the people initiated referendum which the petition is still in circulation it has not yet been presented to the Government . . . but if that is pulled, the Government is bound constitutionally to do what is required, which is to hold a referendum in accordance with the terms of that specific constitutional provision relating to people initiated referendum.

So, that is why in order to avoid the muddle about this, I am asking the Premier which course his Government is proposing to follow. Is it the people initiated referendum, with simply a date in September, as that petition has actually said that it should be held by the end of October or earlier; or is what is being contemplated here now a Government led, or Government driven referendum process which is a bit different?

*[pause]*

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, as I said, I think I have made myself clear.

The question that will be posed will be certain to answer all concerns that have been raised. I must say, Madam Speaker, that I have not seen any petition. No petition has been presented to me. I don't know what is contained therein. You hear a lot about it; but I haven't seen it.

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, is the Premier then saying that what is being proposed in this statement this morning is a Government led, Government initiated referendum, under the relevant section of the Constitution, and is not a response specifically to the people initiated referendum petition which is currently in circulation?

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I think I have made it clear to the House what Government's intentions are. This is a matter of national importance and we have taken it as such. At that time when we are ready we will make it absolutely clear what we have . . . in fact . . . we will make it clear what we have said, what the questions will be when we start that campaign.

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, with the greatest respect to the Premier, he has come here this morning and made a very, very important statement to the House and the people of this country.

**The Premier, Hon. W. McKeever Bush:** Yeah and you are not satisfied with that.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** But I do not believe that he is correct when he said that he has made it clear to the House. It is as clear as mud to me what specifically it is that the Government now proposes to do.

I would ask, I beseech the Premier to tell this House and the country whether or not what is now proposed is a Government initiated referendum or is this—

**The Premier, Hon. W. McKeever Bush:** That's what you would want me to say.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:**—a response to the people initiated referendum petition which is currently in circulation.

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, what I have done is to announce a referendum on the matter of single member constituencies on the 18<sup>th</sup> of July 2012. I have said that the questions, the exact questions to be posed, questions or question, that is to be posed, will be made known as soon as possible.

I did say that the Government had previously made a commitment to hold a referendum on the issue at the same time as the next general election. However, due to the deepening divide in the country caused by the way the Opposition and the Independent Member for North Side have used this issue, as again we are hearing some—you can hear it here again this morning—my Government feels it responsible to put this issue to the electors of this country. We believe that in our maturing democracy we feel it's important that the public be given its full voice on this most important constitutional issue.

Madam Speaker, I am sorry that the Leader of the Opposition likes to stick in the mud so much that he can't see.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** All right! You win sir!

## PERSONAL EXPLANATIONS

**The Speaker:** There was a request for a personal explanation, but the Member is not present.

Please continue.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

**Private Member's Motion No. 12/2011-12—Pension Deductions Re: Public Service Pensions Law**  
*[Deferred]*

**The Speaker:** Don't we need a . . .

Private Member's Motion.

Fourth Elected Member for George Town.

*[pause]*

**The Speaker:** He has to reply; it is his Motion.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, yes, it is his Motion. What we are proposing is not to take this particular Motion, but to move on to the next motion.

**The Speaker:** Is that a motion to defer the Motion then?

**The Premier, Hon. W. McKeever Bush:** The motion is to defer, Madam Speaker.

**The Speaker:** The question is that this Motion be deferred for a later date. All those in favour please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Private Member's Motion 12/2011-12 deferred.**

**Private Member's Motion No. 13/2011-2012—High Cost of Living**

**The Speaker:** Third Elected Member for West Bay.

**Hon. Cline A. Glidden, Jr., Third Elected Member for West Bay:** Thank you, Madam Speaker.

I beg to move Private Member's Motion No. 13/2011-12, entitled "High Cost of Living" and it reads:

**WHEREAS the high cost of living is placing unbearable hardships on many of the hard-working citizens of the Cayman Islands.**

**AND WHEREAS the high cost of living is making it harder for business in the Cayman Islands to remain competitive and sustainable.**

**AND WHEREAS the high cost of electricity is a significant component of the high cost of living.**

**AND WHEREAS we see that traditional energy cost will likely continue to rise.**

**AND WHEREAS as an environmentally responsible country we should be encouraging the use of sustainable renewable energy.**

**BE IT THEREFORE RESOLVED THAT the Government take all necessary steps to:**

- (i) **Eliminate all utility imposed restrictions on a person's (individual or business) right to use renewable energy systems to offset utility consumption thus reducing or eliminating utility cost; and**
- (ii) **Implement Net Metering using the Interstate Renewable Energy Commission Model Rules for both Net Metering and Grid Interconnection.**

**The Speaker:** The Motion has been moved, is there a seconder?

Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay:** Madam Speaker, I beg to second the Motion.

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

**Hon. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

I will first of all start off by thanking my colleague, the Fourth Elected Member for West Bay for seconding this Motion. It is one that I think the hard-working people of Cayman will appreciate as hopefully giving them some options which will allow some reduction in the difficult times that we are facing as a country, specifically when we consider the high cost of living, and especially as the Motion says, when we look at the significant contribution that the high cost of fuel and energy costs have contributed to those high costs.

Madam Speaker, there are challenges that we have in being able to address that because, as we all know, we don't produce our own fuels, we are dependent on the fluctuations on a worldwide scale, being a relatively small consumer we do not have the benefit of significant bulk pricing and even challenges that we have seen with hedging. So, Madam Speaker, in the whole scheme of the cost of living, obviously as a small nation we have challenges being able to control that.

Madam Speaker, when we look at the high cost of energy and the challenges the world is going through we will see changes that have been made and options that have been given which will hopefully (and has been proven in other jurisdictions) help the consumer reduce the costs. It is important when considering the high cost of living overall, for us to consider what a high component the electricity, or as we refer to the CUC bill, as far as a monthly cost to the average Caymanian.

When we consider that that bill in most cases is second to the mortgage if not exceeding the cost of mortgages, we see how significant that would be, especially the follow through and knock on effect, the trickledown effect of that, both from a commercial standpoint as well as a residential standpoint. Also, Madam Speaker, when we look at the challenges as we struggle to remain competitive as a jurisdiction to encourage businesses to relocate, one of those considerations that a business will have is when they are looking at Cayman as a jurisdiction even with all of the other attractive components, the bottom line is going to be a significant consideration. And when we look at the high cost of utilities we see that anything we can do to reduce those costs would go a long way in making us more competitive and attractive as a destination.

Madam Speaker, it would be a bit remiss of me if I did not mention and acknowledge that there have been some ongoing attempts. We have had the electricity company (CUC) themselves putting out their "Smart" programme where they went off and spent significant resources to encourage the public in terms of conservation reductions in trying to encourage users to be more responsible and reduce that. I would hope that the statistics will show that there was some level of success to that programme.

Since then we have seen the introduction of two other programmes, one being what is referred to as the CORE programme [Consumer Owned Renewable Energy]; and the other one being the "FIT" [Feed-in Tariff] programme.

Madam Speaker, I will speak a bit to those and say that while they have their benefits, we have not seen a lot of interest or a lot of people taking up those two systems. I understand the CORE system has quite a bit of challenge and does not necessarily encourage the average user to use the system. There have been some amendments back and forth. But ultimately what we see is that that system has not been received in any significant numbers that are making any difference, really, when it comes to encouraging renewable energy.

And then, Madam Speaker, we have a system called the "Feed-in Tariff System" which is there. It is the latest one that was introduced, I think, around the time that the last agreement with CUC was signed. That agreement was there and that was an attempt to encourage consumers to generate electricity themselves.

Madam Speaker, those programmes are all attempts that have been made. There is recognition that there is an interest. We have seen those systems again modeled after other countries. I know, for example, that in Germany and Spain they both use the "Feed-in Tariff System" in addition to net metering. And the idea we are seeing around the world is that countries are recognising the need to try to encourage and allow consumers to be as creative as possible in an attempt to try to reduce those costs. Also, Madam Speaker, recognising the environmental concerns of continuing to depend wholly and solely on the traditional methods, especially in Cayman, the use of fossil fuel to produce electricity, if we can encourage the use of renewable energy sources, as responsible citizens we have a recognised need of trying to be more environment-friendly and moving more towards the provision more of a renewable energy instead of wholly and solely depending on fossil fuel.

Madam Speaker, the Feed-in Tariff system that we have, the way that system operates is that if a consumer or a business would like to generate electricity with any traditional renewable energy sources being either wind generated electricity or by solar generated electricity, the system allows for those cus-

tomers to install a system on their home or business. They [would then] have an agreement with CUC, the power provider in Cayman, and the owner of the distribution network, that CUC will buy that power from them at a fixed price. That is a negotiated price. CUC will then use that electricity which is generated and sell that back to the consumer and other consumers at a price as well.

Madam Speaker, that system for those people that want to make the investment and who want to go out and spend money on a system that is going to generate nothing to do with generating for themselves, but generating strictly for a commercial basis, using renewable sources and selling to CUC, we currently have a system in place that would allow that.

What is proposed in this Motion is a system that would allow a home owner to produce electricity for its own use and whatever electricity that is not used in its own facility would then be sold on to the grid, sold on to CUC at a rate equivalent to the rate that is charged by CUC. Hence, what we have is "net metering."

In a household that generates electricity in the daylight hours when no one is at home using the majority of its electricity, it would be selling that electricity to CUC at the agreed rate that it would also be purchasing back electricity. So during the day (if I use my house for an example) I would be allowed to generate electricity, sell it to CUC, and if I just use round numbers, I would sell it to CUC at twenty-five cents a kilowatt hour; I would build up a credit so that at night when the sun goes down, or the wind dies down, and I am not generating electricity, and I have to feed off of CUC that I am also getting it back at twenty-five cents, with the idea being that it would end up netting as close as possible to what I am producing in the day and not using that some other consumer would use, versus what I am going to be using at night, would end up making as close as possible to the bill—my bill at the end of the month being zero.

Now, the challenge that we currently have is that there are some restrictions, Madam Speaker. And I only recently found out. I will give a real life example. So, I was talking to some individuals who have made the investment and gone for renewable energy. Some of them have done it simply because they feel that they are more environmentally conscious there is a whole green initiative and they have gone out and made significant investments in systems. And when I say significant, Madam Speaker, we are talking about systems that range in the hundreds of thousands of dollars at this time.

I spoke to one of the individuals who was providing these systems on homes and I said, "Can you come and work the scenario out on my house?"

And he came and did an assessment for me and said, "Mr. Glidden, based on your consumption you require a system that is going to cost you around

\$100,000. To be totally 100 per cent, based on your peak capacity you will need a system that is going to cost \$100,000 that will fulfill all of your needs, including storage facilities.”

So I said, “Okay, \$100,000 . . .” we did a quick calculation based on a CUC bill of around \$20,000 a year. That would work out taking me five years to repay (if you add interest . . . like I said the numbers are working around depending on the cost of money) but between four and six years you would get a return on your investment. So I looked at it quickly and while I said \$100,000 seems significant, but if you are . . . I mean, that’s a pretty safe scenario to present to any of the financial institutions.

If I am going to spend \$100,000 I am going to repay it in five years, and then after that I am going to be saving myself \$20,000 a year in perpetuity. The systems now have a guarantee of between 25 to 30 years.

That is a good a relatively safe business model. So I looked at him and said, “Well, I spoke to my wife. Maybe this is something we should consider.” And then he said, “You can’t because there is a restriction. The Government has put a restriction to say that you can’t put 100 per cent, even if you want to spend \$100,000, you can’t put 100 per cent because there is a restriction on the amount of renewable energy that you can produce.”

So I went back and I spoke to them. They said, “Well, it’s not really a restriction on the amount of renewable energy you can produce, but if you want to be connected to the CUC network there is a restriction on the amount.”

So, this Motion, Madam Speaker, as you will see, is to eliminate the utility imposed restrictions on residential or commercial. Further on in my contribution I will get to the justification that has been used for that restriction. But you will see that that system that is referred to is totally different but complementary to the Feed-in Tariff system that is already in place. So we are not proposing to eliminate that.

For those people that find it necessary, or would like to continue on the Feed-in Tariff, some people may argue that the Feed-in Tariff model is a more attractive model because there is no guarantee that fuel will continue to rise, and that if you lock into an agreement with CUC to purchase power at this current rate and the cost of fuel reduces, you are still going to be selling at a higher rate and that that is going to be more beneficial for you.

So, Madam Speaker, this Motion in no way intends to challenge those individuals—very few of them, if any—that have so far taken up the Feed-in Tariff model. What we are saying is that for those who are not interested in going in on a commercial basis, they simply want to use solar panels, they simply want to use small windmills if they can . . . because, Madam Speaker, the other thing that has happened is that

technology has changed significantly and we don’t have the traditional large, tall, unsightly windmills. We have them installed on homes now and you are not even able to see them. But when we have a roof with solar panels that aesthetically works and simply they want to use it to generate for themselves, but again during the day they are saying that they do not generate in the day. The option that exists now, Madam Speaker, is that you have to spend money on batteries so that you can store that electricity that is generated in the day.

On that system which I just referred to (the \$100,000 system), somewhere around 40 per cent of the cost of that system was on battery storage. All right? So, instead of it being a system of \$100,000, it would be a system of approximately \$60,000. It even makes it more attractive for the average residential customer, depending on what their usage is. So, smaller homes, obviously, would have a significant smaller capital outlay. But if we are able to reduce the storage requirement you are going to be cutting that system almost in half, because of the cost of batteries.

What this Motion is proposing is that when I generate in the day and I am not using it because I am at work, and, I am storing it so that when I come home in the evening I can then pull the power from my batteries, we are saying that should not be necessary. We should be able to sell that on to the customers who need it in the day, and then you buy it back at night at the same rate. So you are getting the same benefit, but without the use of storing.

Madam Speaker, that creates significant benefits all around because just like CUC did when they talked about having, encouraging . . . because some people are confused, I’m sure, when they hear CUC saying that they want to reduce usage and they are trying to encourage people to be more efficient. But CUC’s argument is that it saves them money with expansion. It saves them money with maintenance. It saves them money with expansion not only on generation capacity but also from transmission and distribution capacity.

So, in this same way, instead of CUC having to continually upsize their motors when they become redundant and spending more capital costs and thereby transferring higher costs onto the consumers, you are saying that if you encourage a few thousand users to be generating electricity that’s less electricity that CUC will have to be responsible for generating. And so, that will offset any costs, except we acknowledge that it will not offset the cost to CUC’s bottom line because they are not going to be getting paid for that additional generation.

But for us, Madam Speaker, who are here with a responsibility to the citizen and the people of the Cayman Islands, not to CUC specifically, as a business, as a company, of course, as a good corporate citizen, of course; but when it comes down to it, if

we are able to reduce the cost to the consumer by allowing the consumer to generate and sell back their power to CUC during the times when they don't need it, instead of having to store it, that can only be seen as a good thing, Madam Speaker.

Now, that was a comparison between the current systems that we have in place, which, as I mentioned earlier on, gives credit to the individuals who recognise and . . . like I said, it's an ongoing discussion as to which system will work best. So, Madam Speaker, having taken into account that system and now looking at the potential and seeing the worldwide trend, the worldwide move to encouraging more renewables, even things like duty concessions . . . and in different parts of the United States we see concessions being given, rebates, carbon credits being given. We are still doing this on a small scale, Madam Speaker, so we are looking at systems that could even when we talked about government subsidising or assisting in some way, if we were able to end up through the use of renewable energy allowing home users to reduce their bills by 50 per cent (let's say it's not 100 per cent, but even if it's by 50 per cent) for a relatively small capital outlay we should be encouraging that, Madam Speaker.

One of the restrictions that we would be eliminating by this is under the current model . . . well, two of those. Under the current model there is a restriction in the amount of capacity that each one of them can provide themselves, and the other one is a restriction from a capital standpoint of the heavy capital investment in batteries for storage purposes. Whereas, on this system we are saying sell that power back to the grid (you don't need to store it), and when you need it you buy it back from CUC at the same rate; hence the term "net metering."

Madam Speaker, the system is well used around the world. It isn't something new. Obviously, there were concerns before about safety issues. And if you notice, the Motion actually sets in place a standard. It's using the Interstate Renewable Energy Commission Model for net metering and grid interconnection. We will see that this is a tried and tested . . . we will see that in the great United States that as a part of the Energy Policy Act of 2005 there was a requirement that all public utilities are now required to make available upon request net metering to their customers.

We see the world moving in a trend saying, *Yes, it's great to have Feed-in Tariffs; yes, it's great to have the CORE system; and yes, we see CUC themselves looking at renewable energy* and they have gone on a solicitation process trying to solicit renewable energy. Madam Speaker, we see this as complementary to all of the previous efforts and attempt to allow consumers to make long term financial investments and choices, relatively small, that would allow

them to have sustained savings when it comes to energy.

Madam Speaker, we are in the Caribbean. We all know that we have somewhere around 320 days on average of good, real strong sunlight. And we should be encouraging the use of that sunlight, especially now that the systems are being reduced in cost. The average household, if encouraged and incentivised, could very easily have systems in place. But the real restriction now, Madam Speaker, (as mentioned), is the restriction . . . because most of them are not going to go for a system that would allow them to fulfill all of their requirements. So, if they still want to be connected to the grid, if they still want to be connected to CUC there is a restriction on the amount that they can actually generate.

Madam Speaker, I assume there will be some concerns and some challenges which I do not plan to go into at this point in time. But I know there is an argument as to [what] I mentioned a little while ago, that one of the concerns would be that if you don't limit the amount that someone could be expected to generate themselves, but still have them connected to the grid, that you would end up forcing the power company to have to keep reserve capacity in the event that they would use them. Madam Speaker, we are not talking about large scale production. With the FITs we may have someone producing 10 per cent of the capacity. And CUC has to be prepared that if they lose that 10 per cent of the generated capacity from the renewable system, that they have the capacity to make up.

What we are talking about are household demands here. Or even if we talked about commercial that decided to do it, in the scheme of things you are probably talking closer to 1 per cent on a large commercial. And on a residential, even less than 1 per cent. So any failure on a system, whether it is my home or the Elected Member for East End, who I know will respond . . . I think we have had this discussion before. Those homes, the chance of those having a catastrophic failure within the home and causing any significant impact to the reserves of the power company is very, very small.

So, Madam Speaker, while we have heard those arguments before, and we have heard why it can't be done and why it shouldn't be done, and how it is going to have to be subsidised and how it is going to be, there is statistical data to show that that is not real. And the time has come, that if we are able to do this and to encourage, while there may over a long period of time some reduction to the revenue that CUC currently has (because they are going to be generating less), ultimately the country and the consumers would benefit significantly and we would be encouraging the possibility of employment opportunities and entrepreneurial opportunities as well because people will now get into the business. They will be doing it, they will obviously ramp up. We have busi-

ness owners doing it now on a smaller scale but due to the limitations in place they are limited by what they can actually do.

This Motion seeks to take away those restrictions on the limitation. It seeks to encourage individuals now that say, *I can benefit from the generation, I can reduce my costs at the end of the month for a sustained period of time and I can have renewable energy thereby reducing the dependence of Cayman on fossil fuels* and thereby making us more environmentally friendly as well as saving costs and providing jobs, employment opportunities for those individuals who are going to be out there installing the systems.

Madam Speaker, I look forward to the support of the Government and of the whole House, actually, on this Motion. I also look forward to the contributions of my other colleagues.

**The Speaker:** Thank you, honourable Member for West Bay.

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

Member for East End.

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

It is customary that the Government would respond to a Private Member's Motion, but I guess it's because my good friend, the Third Elected Member for West Bay, is a Member of the Government and that is the response; the proposal, the introduction and the response all in one.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, I said "customary."

Madam Speaker, the Third Elected Member for West Bay knows that I am and have always been a supporter of renewable energies. I championed that cause long before I came to this honourable House.

There are a number of things that I would just touch on real quickly that the Member said that I think I need to correct him on. And it's not anything controversial.

I think he did say that FITs was introduced when we did the last [Agreement](#). I would point out that it really was not. We did not have the time. But what we did do was put a provision in the licence to require that it be done in their distribution licence. Under 32.5 it says: "**Within three months after the effective date of this Licence,**" (which didn't come into play I should say) "**the Licensee will propose to the Authority the principles, prices and limits (if any) to be applied in the purchase of non-firm renewables power from independent Generation Licensees, which either provide power exclusively for the Li-**

**censee or for both the Licensee and on-site usage. To reduce dependence on fossil fuels and encourage renewables, the Licensee may propose (with justification) that such purchases of power take place at prices at or above those of its most economic short-run alternative" (which means) "(the Licensee's avoided cost), a cost that would be passed onto Consumers. If such purchases would increase consumer costs, the Licensee's proposal should recommend whether to impose a limit on such energy, and whether such a limit would vary over time. If the Licensee recommends such a limit, the Licensee shall justify the proposed limit and identify the Licensee's current avoided cost and how it would be calculated in the future. After review and consultation with the Licensee, the Authority will recommend to Government an appropriate policy framework for purchase of non-firm power from renewable resources."**

Now, Madam Speaker, I believe that was done in February of last year sometime, wherein there was a joint [press release](#) from the ERA and CUC where it said, "**The Electricity Regulatory Authority of the Cayman Islands (the "ERA") has, effective February 1, 2011, approved revisions to the Consumer Owned Renewable Energy ("CORE") program,**" (like the mover of this Motion was talking about) "**replacing the avoided cost of fuel reimbursement formula with a Feed-in Tariffs structure (FIT). The new structure, developed in conjunction with the ERA and recommended by the Caribbean Utilities Company, Ltd. ("CUC") has been approved by Cabinet. FITs provides for significant incentives to consumers who generate energy from renewable sources and also reflects current practice throughout North America and Europe for the incentivisation of consumer generated renewable energy."**

Madam Speaker, a little further on, the press release said, "**The FIT programme will run initially as a pilot programme for a year starting February 2011 and ending January 2012 or until the quota of 1 MW of capacity has been filled on a first come first serve basis. The introductory rate for the FIT programme will be CI 37 cents per kiloWatt hour (kWh) for customers generating renewable energy, which is fed into the grid. Applicants for FIT should expect to be able to start exporting energy to the grid within 30 days of completion of the application to CUC, subject to approval by the Central Planning Authority."**

A little further on, it says, "**The CORE customer will be billed monthly at the normal retail rate (currently at CI 30 cents per kWh) for their total energy consumption and will now be credited monthly at the FIT rate (37 cents per kWh) for the total output of their renewable generation system to the grid. At the end of each calendar quarter,**

**CUC will make a payment to each CORE participant for any accumulated FIT credit balance on their account.”**

Madam Speaker, it goes on to say, **“The FIT contract agreements, including those executed during the one year pilot programme will be for a term of 20 years to allow the owner of the renewable energy system to receive a reasonable return on the CORE customer’s capital investment. Consumers are responsible for making their own arrangements with suppliers of renewable energy systems for their installation and inspection by the electrical inspector.**

**“The maximum permitted size of the individual renewable energy systems will be the lesser of the CORE customer’s peak demand for existing systems measured over a period of up to twelve months, where that information is available, or estimated peak demand for new connections, with a maximum of 20 kiloWatts (“kW”) for residential systems and 50 kiloWatts (“kW”) for commercial systems. There is no difference between the residential FIT rate and the commercial FIT rate. However, in order to provide opportunity for both residential and commercial systems under the pilot FIT programme, commercial customers shall be initially limited to 70% of the 1 MW of capacity installed.”**

And then it went on to quote the Managing Director of the ERA who said that, **“the development of renewable energy systems in the Cayman Islands for electrical generation is critical to reducing our dependence on diesel fuel products, and the FIT program is consistent with ERA policies and that of the recently formed Government National Energy Policy Committee.”**

And then the President of CUC said, **“We are pleased to introduce the Feed In Tariffs to existing and new CORE customers who may generate energy through renewable- means while having the opportunity to interconnect with and benefit from the reliability of connection to CUC’s electricity distribution system. We look forward to an increase in the amount of renewable energy available to our system as we introduce some diversification of energy sources and displace fossil fuel used and its associated emissions.”**

And the current Minister said that, **“the Government wholeheartedly supported the FIT- program as it dovetailed into the National Energy Policy, as a means of encouraging consumers to reduce their utility bills while doing a small but important part in becoming more environmentally conscious.”**

Madam Speaker, I read all that to say that that is basically in a nutshell what the Third Elected Member for West Bay was saying. However, he did say

(not in these words) that the jury is out on which is more beneficial to the consumer.

Now, one has to understand why the jury is out on it, Madam Speaker, because what we have introduced in Cayman is a system which employs two metres; what you generate you sell back onto the grid at 37 cents. What you consume you buy at 30 cents, per kiloWatt hour that is.

Now, under the net metering, it is a different system. You only have one metre. So what happens is that what you put back on reverses that metre as opposed to it going forward. So the jury is still out on it. When you have FITs you are locked into a long term contract—20 years in this case. You know how much you are going to be paid whether the cost of electricity goes up, fuel or otherwise, or not. So it is structured. You know that you are going to get 37 cents for every kilowatt hour that you put back onto that grid. And you can calculate, you can determine what your return is within those 20 years. But, of course, at the end of that you then have to renegotiate that with the supplier, the core supplier. Not the CORE in this case, but the supplier of electricity in that neighbourhood, that country.

Madam Speaker, I personally like FIT. That is a personal choice as to which one works better. When you do net metering . . . and, Madam Speaker, I know this is going to be somewhat technical and over some heads and that kind of stuff—not to call anybody stupid or ignorant or anything of that nature, but these things are very technical. The Third Elected Member for West Bay will quite understand what I am saying. Not that others won’t, but he most of all.

With net metering you are only getting the same amount that you are being charged. You are only getting paid back the same amount that you are being charged by that utility company. So, if the cost of electricity goes up, or it goes down, it rides with it on net metering. And there are some who believe that that is the best way to go.

However, there is evidence that much of what you generate will not go back onto the grid anyway. So FIT, being that when you send it back onto the grid, you are being paid more than the voided cost for the utility. You get more out of it; it’s more structured. You know exactly what you are doing and how much you are going to get back.

In the scenario, example that the Third Elected Member [for West Bay], the mover, talked about his home, that could very well fluctuate all over the place, the payback on that. I think he used \$100,000 as an example. The rule of thumb is somewhere between three and five years, which is why the mover was so interested then. He can see pay-off within that time. Now, if we had FITs, he would know exactly when it is going to pay off because that is exactly what he is going to be paid—the 37 cents, or whatever we negotiate at this time. That is whether fuel drops or

increases, or the rates are renegotiated. It does not matter. That is what a fixed cost is.

Now, under the net metering, what you are going to get, if the cost of electricity drops by virtue of the fuel, the bottom dropping out of fuel . . . Madam Speaker, I recognise that the mover has said in his Motion that **“AND WHEREAS we see that traditional energy cost will likely continue to rise.”** I totally agree. In the case where it rises, he may pay it off much quicker in net metering. And then you may have a longer period where you are getting your returns off it.

*[Inaudible interjection]*

**The Speaker:** Member for West Bay, you are going to have a chance to reply to him.

Member for East End, please continue.

**Mr. V. Arden McLean:** So, Madam Speaker, why I believe that it is more beneficial to consumers . . . because what is going to happen is that deferred amount of electricity that renewables are going to bring in, somebody has to pay, like the mover talked about, for that reserve to be made available in case those homes . . . and I agree, Madam Speaker, many of those . . . it will not reach that point where . . . it cannot reach that point where it affects CUC that much where they would have to, if it drops off, that they need spinning reserves, because there are certain formulas that are already in place that they need to have spinning reserves on all the time and available capacity.

So, those things I don't get overly excited about. I think that there are sufficient provisions in place to prevent shedding of load, or whatever the case may be, or you get a shutdown on your total system for small amounts like we are talking about. I don't support that thought process. I am not going to get into that even.

What I support . . . and the mover can respond to this, or the Government can. What I support is because FIT is more beneficial where the ERA has the authority and the right to negotiate with CUC, CUC has a right to propose and the ERA renegotiate, re-propose or counter-propose, which was what was done in 2011. What I believe in is that we should start looking back at the FIT programme. The FIT programme is very important, because that avoided cost, plus more is being paid to consumers who go into this. And it is in the interest of the environment and if you are environmentally friendly then that is what we should look at as opposed to net metering.

The mover talked about it being complementary. Madam Speaker, I appreciate all that but it is not as beneficial to the consumer. Now, I know what is happening in this country and many of the people who have gone ahead and introduced, installed renewa-

bles . . . there are people in this country, at least one individual . . . no, a few individuals who have 100 per cent installation of renewables. But what they presupposed was that there was going to be a net metering system programme in place. Therefore, they wired, they put the system's equipment in place for net metering.

Now, because Government has introduced FITs (Feed-in Tariff) system, that system cannot work with the net metering. It cannot work because FITs requires two metres; net metering only one. So, you have to dismantle the entire wiring system and change it out. So those are the people who are promoting net metering. I am not prepared to say that that is the origin of this, because the mover did not say that. This is my position; that those are the people who are promoting net metering.

Madam Speaker, I appreciate the reason why it is. But it is for their own personal reasons. I know the place in West Bay, some dive place down there. They had the same thing. But I believe they have migrated some of theirs or changed some of theirs over to accommodate the FITs programme.

Madam Speaker, I believe that what Government needs to do is go back at this programme that was put in place a year ago, because it is now expired. It is now expired and I believe that we need to do it over.

One of the things (talking about those who promote the net metering for their own personal agenda), Madam Speaker, the mover talked about us being in the Caribbean, and wind and solar. That is so true, Madam Speaker. But what people have to understand are a couple of things. One importantly, renewables are not cheap. It is very, very, very expensive. And only the rich and famous can do 100 per cent. The ordinary customer in this country is probably around 1,000 killoWatt hours per month, somewhere within there. The majority of the customers in this country fall within that band, somewhere down below, around 1,000 killoWatt hours per month.

Now, Madam Speaker, I am not prepared to say that some renewable methods cannot work. But it is people who have hundreds of thousands of dollars to play with that can put these things in that are interested in the environment. My dearly departed friend, Frank Banks, had this desire to make his contribution to the preservation of the environment. And that didn't happen after he became a lawyer and a partner. Frank Banks lived with that. He grew with that, that we as human beings were destroying the environment.

Madam Speaker, even after he got sick he insisted that his house be completed with total renewables. That house was commissioned weeks before he departed. I think that was possibly one of the happiest days of that man's life. He passed on to the next world knowing and having seen the pictures of us all

there commissioning his house, knowing that he had made his contribution to society and mankind.

Lots of it has to do with, and it's all about, the environment. It is all about emissions and the lack of dependents on fossil fuel. Fossil fuel is becoming short on supply, if you can believe the reports we are getting, and if you can believe that the Middle East is going to engage in war and take out one of the largest suppliers of fossil fuel; if you can believe that America has a reserve that they refuse to pump; if you can believe that America continues to pump money into renewables and they are not getting any results, then, Madam Speaker, it is so confusing in this world, but, yes, Cayman has to play its little part.

Carbon footprints can be sold for billions of dollars, Madam Speaker. I know as a Minister I was approached by one of the major manufacturers of lighting in the world trying to get me to exchange the Cayman Islands' carbon footprint, the carbon credit from the footprint of this country for 100,000 fluorescent lamps. You know? One fluorescent lamp can last for five to seven years, but then we wouldn't have the credits left. And these things are billions and billions of dollars that manufacturers and countries will pay for. And we are in good stead with ours.

I know, Madam Speaker, that CUC recently sent out solicitation for 13 megawatts, I think it is. But renewables are so unpredictable. Mind, Madam Speaker, I support it, you know. But they are so unpredictable because technology has not advanced good enough for us as yet. It's coming. I totally agree.

Wind, Madam Speaker, is something like 40 per cent efficiency. Solar may get a little more. You may get 45 per cent; you may get 50 per cent efficiency. Waste-to-energy is a little higher because it's direct, like burning garbage and the likes. That kind of stuff is much higher. Fossil fuel is 100 per cent, or 98 per cent ground air efficiency. So, the solicitation process at CUC as of right now, which is encouraging the consumers to follow suit. To get 13 megawatts if you have to install . . . right now when . . . the maximum generation you can get out of one windmill is somewhere around 1.8 to 2 megawatts installed and you are going to get 40 per cent efficiency out of that.

Technology is moving on with the provision of change in blade and that. But what people also have to understand is . . . and, Madam Speaker, this is not criticising it, this is warning people that it changes your entire landscape. Sea solar we have, which is not developed. I think the mover and I went to Boston to look at it. It is a pipe dream. On a model scale it works, but it has never been tried on a commercial scale. I believe in Bermuda we did a turbine at the bottom of the sea for the currents to turn the blades. There are a number of things being tried.

So we need to encourage it as much as possible. I don't know what the Government's position is because the first Resolve says, "**(i) Eliminate all utili-**

**ty imposed restrictions on a person's (individual or business) right to use renewable energy systems to offset utility consumption thus reducing or eliminating utility cost."**

Madam Speaker, before leaving Cabinet office in 2009, Cabinet had a non-duty provision on all renewable equipment to encourage people to go into renewable energies and trying to generate their own electricity. I don't know where that is at, at this stage. I am sure the Third Elected Member for West Bay will make us know in his response if that is still the case (or I hope he does), if he knows. Or maybe the Government can make us know.

Madam Speaker, I see where the Member is coming from but I am afraid that we cannot afford to, because of a few individuals (in my view, this is, Madam Speaker) . . . as the Member said it is complementary so we would run those two systems parallel. And I don't have a problem if the Government wants to do that, but I hope we do not go to the point where it is only net metering because the consumer will not benefit as greatly as FIT.

**The Speaker:** Member for East End, do you have much more to go?

**Mr. V. Arden McLean:** No, Madam Speaker.

In England they have introduced Feed-in Tariffs. For instance, in their case for Feed-in Tariff they said: "**Issues of Climate Change and Energy Security have been placed at the top of the government's agenda. In 2007, the government reached a consensus that the time for discussion and rhetoric was over and action on these issues needed to be taken – this translated to an actual change to UK emission-reduction targets, increasing from 50% to 80% reduction of the 1990-baseline emissions by 2050. To reach this target a major shift in policy is needed. This is why Feed-in Tariffs (FITs) have been included in the 2008 Energy Act. This addition to the Energy Act means the government has the remit to deliver FITs.**"

And their definition of "FITs" is: "**A FIT is a payment for energy. It is likely to be a payment greater than the standard power price that is paid to generators using 'emerging technologies' and often from renewable sources. These generators are paid for every kilowatt-hour of electricity they generate, or, for electricity that is exported to the distribution network.**" (This is the part.) "**FITs have been introduced in over 40 countries and they follow many different models. The way that the energy industry works, from energy generation, to transmission, to supply, differs from country to country. This is why there is no single solution FIT or a simple template that a country can adopt and implement.**" [[Feed-in Tariffs for the UK](#)—An analysis

of Feed-in Tariff models and an evaluation of their suitability for the UK electricity market (March 2009)"]

I said all of that, Madam Speaker, to say that to say that if we want to have two and the Government's Executive and Cabinet approves it, then fine. But let's not get rid of FITs because it is very attractive to customers. It is one the most attractive programmes available.

The mover talked about in Germany . . . this FITs was introduced in Germany. Madam Speaker, this thing has been going on for a long time. The Carter Administration in the late 70s was the one who introduced this thing in America. Net metering was similarly introduced a long time ago. It depends. The jury is still out on which one to use.

In my view, FITs will benefit the consumer much better, much more. And that is my view. The mover believes that net metering is better. So, I believe that what needs to happen, and I repeat again, what needs to happen is that Government needs to go back at this and include the ERA, which is what the licence has said. The ERA needs to get CUC to make their recommendations again and they and the ERA sit down and look at it. Make proposals to Cabinet again, because I believe that the room is there.

Madam Speaker, I do not support the provisions of putting net metering in for just a few individuals. The small consumer who can afford to put in the renewables, like wind or whatever, will benefit more from FITs over a longer sustained period of time, and it will be fixed; they will know exactly when they are going to pay it off, what it is going to cost them, what the provisions are with their contract. And then at the end of that, usually they are for long periods of time.

Lastly, Madam Speaker, I will just read the definition of Feed-in Tariffs: "**Feed-in Tariffs is an economic policy created to promote active investment to promote active investment in and production of renewable energy sources. Feed-in tariffs typically make use of long-term agreements and pricing tied to costs of production for renewable energy producers. By offering long-term contracts and guaranteed pricing, producers are sheltered from some of the inherent risks in renewable energy production . . .**"

So, in a nutshell, that is what Feed-in Tariffs are about. It protects people. Net metering does not. It does not protect the consumer. But, Madam Speaker, if it is on a limited basis we should have no restrictions. If it is on a limited basis, then fine.

But I should also warn or inform the mover that some of these same people who promote net metering don't even have a certificate of occupancy for their homes, because Planning cannot approve it because they don't have the intellectual resources available to monitor it. And things like hydrogen. Madam Speaker, that is an extremely volatile proposition in

anyway, and the production of hydrogen to use as renewable.

Madam Speaker, we have to be careful. It is extremely . . . some of this is extremely volatile. Some of this is dangerous. Some of it . . . and I am not trying to frighten anyone. Much more of it is good for the environment, is good for the consumer, is good for the individual, is good for the citizen, is good for the resident. The majority of it; 95 per cent of it. Let's not be discouraged by that 5 per cent, if that's what it is that we have to be careful with.

I encourage renewables, Madam Speaker. Thank you very much.

**The Speaker:** Thank you, Member for East End.

I am going to call for the luncheon suspension at this time until 3:00.

**Proceedings suspended at 1.33 pm**

**Proceedings resumed at 3.45 pm**

**The Speaker:** Proceedings are resumed, please be seated.

## **PRIVATE MEMBERS' MOTIONS**

### **Private Member's Motion No. 13/2011-12—High Cost of Living**

*[Continuation of debate thereon]*

**The Speaker:** When we took the lunch break the Member for East End was just concluding his debate on the Private Member's Motion No. 13/2011-12.

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 his debate.

I am sorry; I did not see the Deputy Premier.  
Honourable Deputy Premier.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker, for this opportunity. It is going to be perhaps one of the shortest contributions ever, just to go on record to say that the Government supports the Motion that is brought by the Member for West Bay—some of which we are already doing—and we are hoping to come up with our energy policy later this year which will encompass much of what the Motion says.

So, we thank him for his time and his support and look forward to going to the implementation stage.

**The Speaker:** Third Elected Member for West Bay.

**Hon. Cline A. Glidden, Jr.:** Thank you, Madam Speaker.

Madam Speaker, I just want to address two points that my friend, the Representative for the district of East End made. But before doing so I would like to thank the Minister with responsibility for support and look forward to continuing to working with her and the Government on the energy policy in moving forward.

Madam Speaker, just to be clear on the issue in regard to feed-in tariffs, the Member for East End made some reference and, as he rightly said, it is all a matter of opinion as to which system works best. The facts are that the system he is referring to as being a better system has been in place for a little over a year. It has not had as much interest, and that could be for many reasons. So, I am agreeing with him that we need to continue to work together to encourage and support initiatives for renewable energy.

But he made reference, saying that it was a better system. And while we understand that “better” is relative, because, while he made mention of the fact that right now (using the numbers he used) CUC will pay someone 37 cents per kilowatt hour . . . that is fine as long as the price of electricity is at 37 cents or less. The term used was “awarded cost.” As long as that remains . . . but with the price of fuel more than likely going up persons will be locked into a rate of 37 cents for the next 20 years and CUC will adjust their rates upward with the cost of fuel. So, CUC will be buying for 37 cents from—

*[inaudible interjection]*

**Hon. Cline A. Glidden, Jr.:** *[Addressing inaudible interjection]* Well, the cost to the customer will be increased more than 37 cents, so CUC will be buying from the customer for 37 cents. But they will be charging that same customer more. So, at that stage it is not better for the customer, it is actually better for CUC.

Under the system that we are proposing, the Net Metering system, if the rates go up, or if the rates go down, it is going to be offset from a customer standpoint. If the customer has a 50 per cent reduction or a 100 per cent reduction, from a customer standpoint that system will be better. Right?

So, I just wanted to make sure. Obviously, like the Member said that while it is neither here nor there the idea of having a choice, all we are proposing is a complementary system that they can . . . and as this Government is into choices, we have seen where we have given additional choices with Cable and Wireless, the telecoms. And again, we propose to give as many different opportunities for consumers to reduce their rates and to continue to be able to also reduce the dependency on fossil fuels, as the Member said.

Madam Speaker, the other point that I wanted to make is that he made reference to the fact that only the rich and famous can do 100 per cent. I think this is a bit of the concern, a bit of the fallacy, that we have. As I mentioned earlier, he said that the system’s renewables are expensive, and he is right. The prices are being reduced and one of the challenges is the cost of storage, which this Motion is proposing to do away with, which will reduce the initial capital outlay.

But, Madam Speaker, even when we talk about relatively large households, 4,000 square feet with a bill between \$1,500 to \$2,000 a month; or if we talk about smaller systems below \$1,000 per month, either one of those systems is financially feasible as far as financing at all of our lending institutions. And I will give the numbers again. Even if we get to a system that at \$1,600 per month works out to \$20,000 a year, even when he refers to the system costing \$100,000, without the need for storage—batteries specifically—that system will now be down closer to \$60,000. But even at \$100,000 at a repayment of \$20,000 a year, any individual, small or large, can get that financed at our institutions.

If we use a household that is half that size that has a \$50,000 requirement, that \$50,000 per month will seem like hundreds of thousands or significant monies to do it, and that is the restriction. But what we see, Madam Speaker, is that that in many cases that is a car loan. And if the person is already paying a bill every month to CUC or annually they are paying \$20,000 and they go to the bank and say, *Here is the \$20,000, we have a direct deduction that is coming out. But instead of that, for the next five years I want you to pay off this loan*, and after that it is a savings of \$20,000. That is not a system designed for just the rich and famous. It is a system designed for all citizens of the Cayman Islands (relatively speaking) that can be scalable across the board.

So, when the Member makes reference saying that the only people who can afford the systems would be the rich and famous, there was a point in time . . . and he went back to Mr. Banks and made reference to the need for having the financial ability to do that. What we are saying is: *Let’s reduce those barriers. Let’s make it affordable for all citizens so they can get a system in place that allows them to have a sustainable system which will reduce their power cost in such a way that will repay the capital outlay, but that will also allow them to have a continued savings on an ongoing basis.*

Madam Speaker, there was mention of storage. And again, he is right. People have attempted to try to get . . . he mentioned hydrogen and what we are saying is, let us not force people to try to find alternative ways of storing. Let us allow them during the day when they are producing that electricity, instead of having to try to store it—whether using hydrogen or nickel cadmium or batteries or whatever we are going

to use—instead of worrying about storing it let us sell it back to CUC. They do not need to store it. They sell it back for equal rate that when they are purchasing back, it offsets the cost.

Madam Speaker, the Member made his contribution and I understood from what he was saying that while he is not in favour of net-metering, that in whole he supports, he sees it as being . . . I got from what he was saying that it was no issue as long as you do not touch the FITS [Feed-in Tariff System] programme, that you continue to implement and work with the Feed-in Tariff System. And also, the need for alternatives and choice and the word that he used was that it was a matter of opinion and “the jury was still out” as to which system was better.

So, based on those comments I am looking forward to having the support of all Members and that we can go forward unanimously looking forward to the best interest of the consumer, and, again, finding a way that collectively we can try to improve the lives of all the people we have been privileged to represent.

So, Madam Speaker, I thank you for your indulgence and I thank Members for the contributions made.

**The Speaker:** Thank you, Honourable Member.

BE IT THEREFORE RESOLVED THAT the Government takes all necessary steps to:

- (i) Eliminate all utility imposed restrictions on a person’s (individual or business) right to use renewable energy systems to offset utility consumption thus reducing or eliminating utility cost; and
- (ii) Implement Net Metering using the Interstate Renewable Energy Commission Model Rules for both Net Metering and Grid Interconnection.

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

**Ayes.**

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

**The Premier, Hon. W. McKeever Bush:** Can we have a division?

**The Speaker:** Madam Clerk.

**The Clerk:**

**Division No. 28/2011-12**

**Ayes: 10**

Hon. W. McKeever Bush

**Noes: 0**

Hon. Michael T. Adam  
 Hon. J. Mark P. Scotland  
 Hon. Cline A. Glidden, Jr.  
 Capt. A. Eugene Ebanks  
 Mr. Dwayne S. Seymour  
 Mr. D. Kurt Tibbetts  
 Mr. Anthony S. Eden  
 Mr. V. Arden McLean  
 Mr. D. Ezzard Miller

**Absent: 5**

Hon. Juliana Y. O’Connor-Connolly  
 Hon. Rolston M. Anglin  
 Mr. Ellio A. Solomon  
 Hon. Alden M. McLaughlin, Jr.  
 Mr. Moses I. Kirkconnell

**The Speaker:** The result of the Division, 10 Ayes, 5 Absent. Private Member’s Motion No. 13/2011-12 is accordingly passed.

**Agreed by majority on division: Private Member’s Motion No. 13/2011-12 passed.**

**Private Member’s Motion No. 14/2011-12—  
 Research and Library Assistance in the Legislative Assembly**

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

**Mr. Dwayne S. Seymour, Third Elected Member for Bodden Town:** Thank you, Madam Speaker.

Madam Speaker, I rise to bring Private Member’s Motion No. 14, Research and Library Assistance in the Legislative Assembly:

**WHEREAS there is a growing number of Caymanian graduates of the Cayman Islands Law School, who have successfully completed their Professional Practice Course but who are unable to get the required Articles of Clerkship to allow them to complete their qualification as an Attorney at Law of the Cayman Islands;**

**AND WHEREAS there is a recognized need for research and library assistance in the Legislative Assembly;**

**AND WHEREAS there is the need for professional assistance on many of the working committees of the Legislative Assembly;**

**BE IT THEREFORE RESOLVED that the Government take all necessary steps to provide an intern program in the Legislative Assembly that can be used as credit towards the Articles of Clerkship Requirement for qualification as an Attorney at Law in the Cayman Islands.**

**The Speaker:** Does the Motion have a seconder?  
 Fourth Elected Member for West Bay.

**Capt. A. Eugene Ebanks:** Madam Speaker, I beg to second the Motion.

**The Speaker:** The Motion is open for debate. Does the Member wish to speak thereto?

Third Elected Member for Bodden Town.

**Mr. Dwayne S. Seymour, Third Elected Member for Bodden Town:** Thank you, Madam Speaker.

Madam Speaker, since coming to this honourable House some three years ago, I have heard many Members from the Government side and the Opposition side making reference to assistance in the Legislative Assembly, and one has wondered why it has not been done as yet. I know definitely this honourable House needs the help and assistance.

This came about in hearing many stories for years now from law students about the stress in finding a company to article with that would hire them. I heard of the difficulties from family members and other friends who had done their professional practice course and were not able to find a company to article with. Definitely, Madam Speaker, this piqued my interest. I am very thankful to the Fourth Elected Member for West Bay for seconding this Motion.

I referred to some of the other systems around the world. We can go to the Scottish Parliament's Research and Information Group. The Scottish Parliament has four founding principles agreed by the Consultative Steering Group established by the Secretary of State of Scotland in 1997. The group sought to develop proposals for the working methods of the new parliament based on guiding principles that would result in an effective and accountable parliament.

The third principle, Madam Speaker, most influences the work of the parliament's research and information group: The parliament must be open, information must be readily available and the public should be informed and given an active role in influencing the parliament itself.

Madam Speaker, this Research and Information Group (otherwise known as the RIG), was created from the union of the SPIC (Scottish Parliament Information Centre) with parts of the parliament's Information System Group in October 2001. The SPIC started with professional library staff in October 1998. They were on secondment from the Library of the House of Commons and their remit was to staff and resource an information centre ready for the first meeting of the new Scottish Parliament in May 1999.

The newly appointed staff started to arrive basically at the end of February. By the beginning of May, 23 staff were available to provide the initial Information Service. Madam Speaker, in May 2001 discussions were held with a view to bringing together the internal information provision role of the SPIC and the parliament's external-facing information service. This was agreed and the RIG came into being.

Madam Speaker, the mission of the RIG was to raise the standard of debate, to sharpen the focus of scrutiny, to improve the quality of the legislation, to promote awareness of and knowledge about the parliament itself, to empower the people of Scotland to engage with the parliament.

Their objectives were to provide high quality research services tailored for members of the parliament, the parliament's committees and parliamentary staff; to provide appropriate information and document services for the MSPs and parliamentary staff; to promote public information and understanding about the parliament; to facilitate public participation in the work of parliament; to improve contacts between RIG and other parts of the parliament; and to establish awareness of the RIG services across the parliament; to keep all RIG services under review in relation to the changing needs of the parliament and with the aim of continuous improvement in services and service delivery.

Madam Speaker, the research service team provides impartial, accurate and timely research services to support the business of the parliament. The information service team provides resources and reference services to users to match their information requirements, reference inquiry work, documents supplying, acquiring and organising and sending out official publications, weekly information bulletins, and also with the *WHISP* (which is What's Happening in the Scottish Parliament); the Scottish Parliament's bibliography; ordering catalogs and classifying of material, indexing the parliament's publications, book leasing and inter-library loans; Internet based current awareness service; management of electronic information resources; newspapers, including 100 local Scottish titles; journals, including e-journal on the Intranet; editorial-ship of the parliament's website and Intranet; management of the parliament's print contract.

Madam Speaker, the research staff would also provide public inquiry and visitor services; answer inquiries from the public on matters relating to the parliament received by telephone, letter, fax, email or in person; develop and operate the visitor's centre shop; organise tickets and visits to see parliament at work, both in Edinburgh and when it travels around Scotland and other visits; organise events and activities with committees external groups, et cetera; publish information on the web and in hard copy; provide information on access to parliament for non-English language speakers.

Madam Speaker, one of the parts that really interested me most was Education and Outreach, organise a visit programme for schools and educational groups; deliver outreach services, including other non-English speaking communities; provide education resources for teachers and students in a variety of formats; host seminars and training sessions for teach-

ers and youth workers, and for partner library staff; provide each partner library with published information from and about the parliament and answer their inquiries.

Madam Speaker, I remember one of the Members mentioning Pages, and this information came from both sides. I think it was the Member for East End who I heard mentioning it most in here about assistance from Pages. In the [\[Senate Page Program](#) of the] Canadian Parliament, in preparation for sittings prior to each Senate sitting, Pages are responsible for numerous tasks. Madam Speaker, I mention the word "Pages" remembering that we are talking about research and library assistance. So, I am just trying to draw reference on how other persons are used in parliament in different capacities and that it is very necessary.

**"Upon arrival, Pages distribute files, including Bills, Journals, Order Papers, Debate of the Senate and House of Commons to all Senators and officers in the Senate Chamber. Pages are also responsible for any special requests pertaining to the day's sitting after finishing various other tasks."**

At the sittings, **"Pages greet Senators as they enter the chamber. As the sittings begin, Pages take their designated stations that include: Parade: A Member of the Senate Protective Service and the Usher of the Black Rod lead the procession, which includes two Pages into the Chamber at the beginning of every sitting."**

**"North and South Doors: Pages are designated at these positions to assist Senators throughout the sitting by fulfilling their requests, opening doors, distributing documents, relaying messages, and so on. These Pages are also responsible for ringing the bells, which announce the beginning and the end of each sitting, as well as votes, timekeeping et cetera."**

**"Reading Room and Workstation: One Page is designated to each position to facilitate the requests of Senators and to keep these rooms tidy. These Pages are a link between Senators' offices and the Chamber throughout the sitting."**

Committees: Madam Speaker, these committees were once **"described by Muriel McQueen Fergusson, the first woman Speaker of the Senate, as the 'heart and soul of the Senate,' committees are at the core of Senate work. Pages play an important role in ensuring smooth proceedings of the operation and facilities of Senate committees. Pages greet witnesses and aid the Clerk with document reproduction, distribution and management, and also attend to the needs of Senators."**

Madam Speaker, again, we see that in the Canadian Parliament there is an Outreach Program (which we have been talking about for many years now), in terms of going into the schools and trying to

get young people more aware and involved in the legislature and politics, et cetera.

**"Throughout the year, youth from all across Canada travel to Ottawa to participate in various youth programs. While in Ottawa, they gain a greater awareness of federal politics and are privileged with the opportunity to visit the Senate. Pages are often invited to greet student groups in the Senate chamber and to explain their role in the Senate of Canada. These outreach programs include Forum for young Canadians and Encounters with Canada."**

**"Since the Pages themselves are responsible for a wide variety of tasks within the program, a great deal of time is spent working together on various projects. These projects include publicity, advertising, alumni, and so on. While the Pages work under the direction of the Usher of the Black Rod, they have the opportunity to coordinate the program and ensure its success."**

Madam Speaker, in this honourable House I can remember you always referring, whether it was behind closed doors or on the floor, to the library of the House and how important the library was. For something like this to work we would have to ensure that our library is up to date and our research material is readily available, whether electronic or hardcopy. And whether it be the House of Commons or otherwise, they put great emphasis on the library of the House of Commons to get their research papers from.

Madam Speaker, in Trinidad and Tobago their mission is to provide parliamentarians with procedural advice and essential professional support services in order that they may carry out their responsibilities as legislators in an informed and efficient manner.

Madam Speaker, there are many countries that we can get examples from around the Commonwealth. But in particular, the mission of Trinidad and Tobago is to continuously provide knowledgeable timely nonpartisan and high quality information resource services to all Members of Parliament, their research staff, all officers of the Parliament and their staff, by ensuring that books, journals and other printed materials are available to Members of Parliament in support of the legislative functions, responding efficiently to requests from Members, officers of both House, other authorised users for documents that the Senate and the House representatives and their committees use.

The library maintains specialised databases of general material related to parliamentary procedure, parliamentary questions and motions, Hansard debates, periodical and newspaper articles. The library also offers services in the following areas to the Members of Parliament, staff, and the general public in some instances: information, reference and research, bibliographical technical library services and publications.

Madam Speaker, in doing my research to support this Motion I also found that there is a Professional Skills Development course for parliament research staff. One was held 15<sup>th</sup> March 2010 at the Centre for Democratic Institutions in conjunction with the Institute for Peace and Democracy. The overview of the Professional Skills Development course held in March 2010 was specifically developed with research and technical staff. The course focused on comparisons of the development of parliamentary governs in Australia, Indonesia and Timor.

Madam Speaker, I think a course like this, a professional skills development for parliamentary research staff, would be very beneficial to any persons who are chosen as research and library staff.

Madam Speaker, when we bring a motion such as this, you know it involves a lot of the way that government is structured where the LA falls directly under the Deputy Governor and he acts as the Chief Officer (if I might say) in terms of the spending that can be done at the LA. Definitely, if we brought in these assistants there would have to be some stipend for these law students. And we know that the Deputy Governor is charged with overseeing the finances for this honourable LA.

We also know that definitely we will need the assistance of the Legal Advisory Council. This body, Madam Speaker, decides what justifies and what it entails article wise.

Madam Speaker, normally a person or a law student who completes their PPC (Professional Practice Course) is required to work alongside a lawyer. And I will humbly say that I am sure that the Clerk of this honourable House has seen this Motion and she too is a qualified lawyer. Madam Speaker, our utmost endeavor is to give our young local law students the ability to be called to the Bar. That is our goal, but this cannot be done until their articles are complete, as you cannot become an attorney until your articles are done. I think we all know that.

Madam Speaker, we have some situations, sadly so, where some law students have been looking for approximately two years trying to find a company to be paired with, trying to find a company that will employ them so that they can article and they have not found any yet. We see this route as an opportunity for students to build credit and we would definitely hope that the Legal Advisory Council would assist us in trying to develop a programme.

While trying to bring this Motion, we spoke to some of the law students and they are encouraged with anything that can be done to assist them or credit them towards being articulated, as some (as I said earlier) cannot find any company willing to take them on so that they can get articulated.

Madam Speaker, I humbly call on the assistance of the AGs Office that this work is allowed to be credited and will be beneficial to the law students.

Madam Speaker, this is not the entire solution but it will assist in speeding the students' ability to be called to the Bar.

I humbly put this on the Floor, Madam Speaker, and hope that other Members will comment. I look for the support from all.

Thank you, Madam Speaker.

**The Speaker:** Thank you, Third Elected Member for Bodden Town.

Does any other Member wish to speak?  
Leader of the Opposition.

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

If I may, I will offer a short contribution on behalf of Members of the Opposition in relation to this Motion, Madam Speaker.

Madam Speaker, without wishing to create any unnecessary difficulties for the Member, it has occurred to us on this side (before I get into what I wish to say substantively) that the Motion actually falls foul of both the Constitution and the Standing Orders which prohibit the bringing of a motion by a Member other than a Minister of the Government which has the effect of increasing the revenue of the Government. And the relevant sections are section 77(3) of the Constitution and Standing Order 24(2) of the Standing Orders.

I am not going to belabor those issues, Madam Speaker. I would just invite the Member in due course to propose the necessary amendment and to use what is the standard language in this House of saying "that the Government consider" taking all necessary steps to provide an intern programme and so forth and so on. I do not wish to see his Motion fail but I do believe that it needs to comply with the technical requirements of the Constitution and Standing Orders.

Madam Speaker, the honourable Member has raised an issue which is really a major concern to all of us. September will be 30 years since the Law School was established, and I believe by now the track record of those who have gone through the system ought to be pretty clear. Every system produces good lawyers and every system unfortunately produces some who are not so good. But overall I believe that the standard of those who have come through the Law School is considered to be quite high. But notwithstanding all of that, Madam Speaker, here we are with more than 500 lawyers on roll with a myriad number of law firms, with law firms where even in these hard times (the major law firms) partners are still earning millions and millions of dollars every year. And we are still struggling for those who come through the Law School to get articles.

Now, the system has changed significantly over the years. Madam Speaker, when I was in the second class at the Law School in 1983 (long time

ago) . . . and back then the system was five years as well but it was five years all in. You did the Attorney at Law course and what is now called the Professional Practice course. It was not a separate course at the time in the five years, and you went to school simultaneously four mornings a week and we worked four afternoons and one full day. So, we did five years of articles as well as five years of academic study. The system has changed and is now broken down into a degree programme; Professional Practice course and 18 months of articles.

But I am still hearing (as recently as . . . not the last opening of Grand Court but the one preceding that) the President of the Law Society saying that the law firms cannot afford to put students through articles. And I am increasingly hearing (just this past week) that there is now a move afoot to abolish the apprenticeship programme or the articles altogether on the basis, I understand, that it is just too expensive; and that there is still significant resistance on the part of a number of the firms to hiring in some of those who completed the degree course to pursue the articles.

Now, Madam Speaker, I raised all of that in the context of this, because what I am seeing and hearing, and what I know from my own direct sources about what is transpiring, gives me great concern. I know of at least once instance where a young lady obtained her degree, did her articles at the Legal Department, was admitted to the Cayman Bar and, when she moved on to join one of the major law firms, she was told that her articles were not sufficient, that she did not have the breadth of experience necessary, that she had not been exposed to the range of subject areas and she was required to do her articles over again.

I say all of that, not to throw cold water on this Motion, for I do believe in the sincerity of the Member in seeking to do two things; one, to provide much needed assistance in terms of research to this House and to honourable Members here; and also to, as he says, give those who are struggling to get articles a basis for some more credit. Now I will tell you quite frankly, Madam Speaker, and will say to this House quite frankly, as one who spent a quarter of a century in the legal fraternity here, that the credit they are going to get for anything done here is so infinitesimal that it is going to count for naught as far as practical experience is concerned within those law firms.

I know that they will provide a source of cheap labour to the Government and to this House and provide a service which we very much need. But I do not want us to create an impression that somehow this is really going to assist those who are trying to get qualified as lawyers because—as the example I gave about the young lady who came through the legal department article system shows—experience gained in the House is unlikely to be given much weight as far

as the private sector is concerned for those who are going into the private sector.

What I do believe we have to pursue with some vigour, Madam Speaker, is this particular issue of why this late in the day, given the success stories that we have that we can point to, given the track record of the Law School and most who have gone through it, why the rich firms here are still able to say with impunity, *We cannot afford to take someone on as articles*. Now, Madam Speaker, I have been an articulated clerk—

#### **Moment of interruption—4.30 pm**

**The Speaker:** Honourable Leader of the Opposition I need a motion to continue after 4.30.

Honourable Deputy Premier.

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

**Hon. Juliana Y. O'Connor-Connolly, Deputy Premier:** Madam Speaker, I move under Standing Order 10(2) for the continuation of the debate until the conclusion of the business on the Order Paper today.

**The Speaker:** The question is that the House continues business after the hour of 4.30 pm until the Order Paper is completed. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The Ayes have it. The House will continue its business.

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Honourable Leader of the Opposition, you may proceed with your debate. Sorry to have interrupted you.

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

Madam Speaker, the bigger question for all of us here is: Why, at this late stage, do we still have to deal with this issue about whether or not someone who has come through the law school and has been duly qualified, gotten their degree and acquired their Professional Practice course certificate, is struggling to get articulated?

Now, Madam Speaker, as I said before, I know that in everything in life there are those who do very well. There are those who are average and there are those who do not do terribly well. That is just how it is. And I am certainly not suggesting that every single person who comes through the law school, you know, must be snapped up and be given a job as a lawyer in a firm regardless of how well or poorly they

have done. But I do believe that everyone who has gone through the system ought to be given an opportunity to qualify. And that the firms here have an absolute obligation to do that.

One of the great concerns that we have had for all of these years (which is why we still do not have a new Legal Practitioners Law) is because these kinds of issues have not been properly addressed. And every time we think that we have gotten it sorted out . . . I have been here long enough—almost 12 years now—and I remember the former Minister of Education, the then Honourable Roy Bodden, having to take this particular issue on, having to take the firms on about the need to continue to train Caymanians. Every time that we think we have a system in place and we have gotten the problem settled, some other new issue has arisen. And to talk, as I have heard them say in the Grand Court, that the firms cannot afford the articles programme, is just so ridiculous, Madam Speaker, that it does not even bear analysis. We should just absolutely discount it and say to them, *You've got to do it.*

We cannot tell them who to hire. We cannot tell them who to make partner. Firms must have a certain ability to decide those things themselves. But if they are here and are importing more and more foreign qualified lawyers, most of whom have very little experience, then they must be able to give Caymanian law students an opportunity to qualify themselves. That is all that we are asking. And I believe we absolutely must insist upon it.

As I said, while I believe in the sincerity of the Member in wanting to assist in this regard, I do not want us to do something that sends an impression out there—*Oh, here they are now watering down further the apprenticeship programme because making one component of it something that is entirely irrelevant to what we need by way of experience for those whom we are going to hire is going to do that.*

I really do not know, Madam Speaker (coming back to my earlier point), if they are seriously contemplating doing away with the articles programme altogether, how is it they say that we are going to train lawyers? Anyone who has become a professional in just about any field will understand that the academic training that you have, while it is a good indication of the kind of aptitude you have and how well you can analyse and write and so forth, it is in no way near enough. There is no substitute for experience, and quite frankly until you have done the best part of five years as a lawyer, you do need guidance, assistance; you do need the support of those around you because the development of judgment is a huge part of the job that you have to do. And if we are not going to allow our students to continue to have apprenticeship, have articles, where are they ever going to start?

So, I do hope this information (which I received just last week and earlier this week) about this

move afoot now to do away with articles is not true; that somebody has gotten that wrong from the sources that they are talking to. Because that, Madam Speaker, is something that I will personally fight tooth and nail as long as I can draw breath. I have no personal dog in this fight anymore. I have done my time and gone all the way through. My wife, after 10 years of long suffering and hard battling and struggling also to get articles, was admitted two weeks ago. But because of those struggles and because of being intimately involved in this system for the last 29 years, and because that is where I qualified, I have a great deal of concern, admiration, love, respect and gratitude for the opportunities that that law school has afforded me, and now my wife, and a whole range of other Caymanians. And it must be there and be around to afford more and more Caymanians to come.

We must fight in this House with unanimity, any efforts which are going to have the effect or the potential effect of reducing either the standard or the quality or, indeed, the opportunity for Caymanians to be able to come through this system. As I said, my only concern about this Motion is that we do not somehow send the impression that we are prepared to water that practical training aspect of it further.

So, Madam Speaker, I am going to support the Motion. I just want to point that out and put on record because I do believe that this is a battle that is going to have to be fought over the next few months based on what I am hearing. With those few words I indicate our support for what the Motion is seeking to achieve.

**The Speaker:** Thank you, Honourable Leader of the Opposition.

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

Honourable Premier.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, the issue which this Motion hinges around is one that has been going on for some time. In fact, over the years we have all spoken about it.

Some time ago, Madam Speaker . . . and before I get to that point I would wish to say that the Motion will help to address two particular areas. There is no doubt in my mind over the years, the need for research to be done. That is one aspect that would be assisted by the initiative.

Anywhere you go, parliaments have people who help them there to do research, carry out certain obligations to their parliamentary work. Unfortunately, in these Islands over the years people think that people elected here just need to come here and do what somebody else outside tells them to do. They do not think that we are here to carry out responsibilities across the board and that being able to carry that out effectively requires tremendous research a lot of times

because nobody wants to get up on particularly fundamental issues without having any information. And sometimes it is demanded on the spot. You can do so much before you get here in preparation, but it is demanded on the spot. And so I think the initiative will help some of that to an extent.

However, the whole issue which the last Member who spoke drew reference to, is one that has been a vexing issue for many of us. In my time I have tried to get employment for people, lawyers who have some years in—not just graduated, but who have years standing—and we find that for reasons given they are just not employed. Sometimes they will tell you that it is a junior post. What gets me is that when they say it is a junior post and the person says, *Well, I am willing to take a junior post because I need to work*; they still cannot get the job. It is obvious what has been happening.

A long time ago, when I heard the Member who just sat down talking about wealthy firms, a long time ago I said that we needed to look at this situation all around. I like to give the analogy of people retiring. And nothing is wrong with them retiring with good money because that is what the capitalist system is all about. And as far as I am concerned my party is right of centre when it comes to business and urging and supporting business. But when you see the country to the extent that you have 500 lawyers and the country cannot afford to build a courthouse, yet when we had 35 lawyers we built the courthouse we have. And yet some people are retiring at 40 [years], maybe younger, with \$30 million.

So, it leaves you to wonder sometimes where the balance is, if there is a correct balance. And as the Member said, there is none.

We as a Government . . . and I think Members of this honourable House will recognise and remember (and I think it has been going on for some time) the vexing issue has not been closed. But we are going to close the issue and legislation is going to come before this House before September. Because, when we had that meeting with the private sector, all of us were invited as Members, which was chaired by the Honourable Attorney General. I said that Government was going to address this and deal with this once and for all and that is what has been happening.

We have set up a group of lawyers to go through the Legal Practitioners Bill and they have been working on that. They have been working with the private sector and the Legal Drafting [Department]. And the Law Reform Commission, I believe has had input. And so they are well on their way and these issues are going to be addressed. There are no “ifs” or “ands” about it. I do not know what tomorrow may bring, but I do know that we have an obligation to address and deal with this and settle this matter once and for all.

Madam Speaker, I said in the Budget [Address] that legislation would come this year, and we are well on the way to having that. The Honourable Attorney General has assisted in this matter. As I said, the Drafting Department under him has done a tremendous amount of work with Mrs. Theresa Lewis-Pitcairn and Mr. Michael Alberga has been involved, and Sherri Bodden-Cowan. Those were the persons who we set up to get this done. So, we are not lagging while this has gone on. We are still trying to make sure that we do the right thing because there are many attendant issues to this; it is not just the matter of articling. And it is a bad situation to find that you have young lawyers who are not getting articles.

I don't know that we can tell people who to make a partner, except that Caymanians should be partners. How do they get it? Maybe that must be left to the business law firms. But certainly we must say that Caymanians must be partners and we must say that they should be articulated. And so, we are not going to do otherwise. We are not going to do anything to hamper our financial industry and the legal profession that is attendant to it.

You cannot cut off your nose to spite your face (an old adage), but we have to fix this problem. And I believe that that has come home to those in the private sector, from what I can hear. They understand that no longer will it be left to the whims and fancies of an immigration policy and work permits and so on. No, no, no. I don't want to hear about that! I am going to make sure that the law says what can happen. It must be guided by law—not the Immigration Law, by law.

Madam Speaker, the issue of cost and whether the matter is rightly before the House, I would think that the Speaker would have agreed because of the way the Motion is put. The issue of cost is not a direct one that challenges Government. The issue of cost in this matter is a collateral one. It is a collateral issue.

*[inaudible interjection]*

**The Premier, Hon. W. McKeever Bush:** Well, who says? They may do this pro bono. That's the matter. Suppose they want to do this pro bono, they would get credit for it. So, I say that the issue of cost is a collateral issue.

The thrust of the Motion is what counts. The thrust of the Motion is that law students be provided with an opportunity to do research which would then count towards articles. As I said, the Motion does not say that Government must spend this money or any money. So, I say that the issue of cost is a collateral issue in this matter. They would get credit.

However, Madam Speaker, should you decide that that is the route to go at this point, then I would so move the motion because under the relevant Standing Order (which I think is 25(4)) . . . as I said I do not

think so. I do not think it needs one, but if the House feels that that is the way to go, well we are prepared to do that. But I do not think so because it has not named any cost.

It may be something there. What I am saying is that in putting this initiative forward at least Government is doing something about it and standards will be maintained. We are not going to dilute the work of articles. I think what is being proposed is to strengthen it and to help them. They become qualified. It would help them and count towards their articles. Of course, Madam Speaker, in all of these matters, as I understand it, the Legal Advisory Council decides qualifications and so forth. So, it would have to pass that stage as well.

There is no cold water to be thrown on this effort in any shape or form. What I will say to the Member is that we have a group that has done a lot of work and we cannot take away from that what Cabinet has gotten done so far through that group. We are yet to set the policies to come from Cabinet, of course, and when they present their full findings in a complete bill form, then Cabinet will make the right decisions in regard to the upward mobility of young Caymanians in the issue.

*[inaudible interjection]*

**The Premier, Hon. W. McKeever Bush:** *[Replying to inaudible interjection]* Sorry?

*[inaudible interjection]*

**The Premier, Hon. W. McKeever Bush:** Well, you chose to come in, my son. I understood you were doing well. You just chose to come this way.

*[laughter]*

**The Premier, Hon. W. McKeever Bush:** You can always go back and practice and leave us be, you know.

*[inaudible interjection and laughter]*

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I heard the word about standards being maintained. I just want to say that there is no risk in this effort. I think it is laudable. As I said, the only thing I can say to the Backbench is that the legislation is on its way. We have work yet to do as they have to finalise. We have to work again with the private sector, but there is not going to be any diluting of the issue as to where articles should be for Caymanians.

Thank you very much, Madam Speaker.

**The Speaker:** You did say you were going to move the Motion. I think out of an abundance of caution we

should. It is a simple amendment that the Government takes . . .

**Amendment to Private Member's Motion No. 14/2011-2012**

**The Premier, Hon. W. McKeever Bush:** As you said, Madam Speaker, perhaps out of an abundance of caution . . . under [Standing Order] 25(4) I move that the word "consideration" be inserted after the word "Government" in the resolve section [to read as follows:] "BE IT THEREFORE RESOLVED that the Government consider and take all necessary steps to provide an intern program in the Legislative Assembly that can be used as credit towards the Articles of Clerkship Requirement for qualification as an Attorney at Law in the Cayman Islands."

I want to thank the Member for their work. As we listened to the Member we heard that he did extensive work on this. And I want to thank both Members, the Third [Elected] Member for Bodden Town who moved the Motion and the Fourth Elected Member [for West Bay] who is the seconder of this Motion.

**The Speaker:** Thank you.

Shall we deal with the amendment first before I continue the debate?

The amendment seeks to amend the resolve section of the Motion and the amendment reads as such:

BE IT THEREFORE RESOLVED that the Government consider and take all necessary steps to provide an intern program in the Legislative Assembly that can be used as credit towards the Articles of Clerkship Requirement for qualification as an Attorney at Law in the Cayman Islands.

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

**Ayes.**

**The Speaker:** The Ayes have it. The motion is accordingly amended in the Resolve section.

**Agreed: Amendment to Private Member's Motion No. 14/2011-12 passed.**

**The Speaker:** We can continue the debate at this time on the amended Motion.

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

**Private Member's Motion No. 14/2011-12—as amended**

*[Debate thereon]*

**Mr. V. Arden McLean:** Madam Speaker.

**The Speaker:** Why did you . . .

**Mr. V. Arden McLean:** I was not recognised, Madam Speaker.

**The Speaker:** I'm sorry, Member for East End. I nodded in your direction and I assumed that you had understood that.

*[inaudible interjection]*

**Mr. V. Arden McLean:** When I realised it, it was afterwards. That is why I sat so quickly.

Madam Speaker, I would not miss the opportunity to defend lawyers.

*[inaudible interjections]*

**Mr. V. Arden McLean:** This is the only time in my life that I will ever get the opportunity to defend a lawyer, because the shoe is always on the other foot. And I should declare my interest.

*[laughter]*

**Mr. V. Arden McLean:** Madam Speaker, the Leader of the Opposition said that he does not have a dog in the fight, well I do! And I have plenty dogs; but those dogs are not born yet—future generations in this country. And those as of now, too, many of them out there suffering as a result of the travesty that their older counterparts have brought upon them. This is the only place—the Cayman Islands. When I retire I am going to write my memoirs and the title of it is going to be “Only in the Cayman Islands.”

Madam Speaker, it is only in the Cayman Islands that you will find what is supposed to be a noble profession feeding upon itself. Feeding upon itself by the older ones of the tribe eating the young ones—cannibalism—to prevent the young ones from growing up to take over. This is the only country in the world where you will find the legal profession doing that. They have a moral obligation and they train not. They do nothing to assist our young Caymanians coming out of school, but I am going to deal with all of it here this evening.

*[inaudible interjections]*

**Mr. V. Arden McLean:** Madam Speaker, like the Premier said, this thing has been an emotive issue for many years.

Let me first of all thank the Third Elected Member for Bodden Town and . . .

**An hon. Member:** It was the Fourth.

**Mr. V. Arden McLean:** Fourth Elected Member for West Bay, Captain Eugene. No disrespect to them, Madam Speaker, for bringing this. Whilst I do not necessarily support it, I believe it is a noble intention. But if it is a noble intention it still remains a band aid on a bullet wound that has been created by that profession out there.

Madam Speaker, when I say I have reservations about supporting it, let me explain: It should never have come to this. I have always supported students in the Law School—and the Third Elected Member for West Bay can attest to that—[of] students coming here to do research, or part-time, or in the ministries to support them so that it can broaden their horizons and their abilities to understand the law whilst they are in school.

Madam Speaker, the Third Elected Member for Bodden Town and the Fourth Elected Member should not—neither should any one of us—have to think of ways to help the young Caymanian lawyers who are already qualified in this country! We should not have to! When we hear some of them who say they have been here 35 years—three five!—they come here driving one little beat-up Volkswagen—

**The Premier, Hon. W. McKeever Bush:** Yeah, with a pair of Keds on.

**Mr. V. Arden McLean:** And they left retired, young people!

**The Premier, Hon. W. McKeever Bush:** Chris Johnson was one of them.

**Mr. V. Arden McLean:** And then they come out and talk about what this country needs is a new breed of financial services providers.

What happened with your breed? What did you do?!

Then they say that what the Immigration Law needs to do is to be amended to integrate Caymanian lawyers into the financial services industry.

*[inaudible interjection]*

**Mr. V. Arden McLean:** *[Addressing inaudible interjection]* Yeah, yeah, yeah, yeah. We are going to soon call his name—don't worry—because this incenses me, Madam Speaker.

They retire at a very young age. They made their millions. Good. The Premier just said that. Good. I applaud them. Madam Speaker, you can count on one hand the number of Caymanians they have helped, and they got plenty fingers to lick after they dip into the food with others. We have done nothing!

Madam Speaker, say what you want about Truman Bodden and about Jim Bodden who were formal legislators who started that Law School. Tru-

man never trained . . . How many Caymanians did Truman train? One or two? Okay.

*[inaudible interjection]*

**Mr. V. Arden McLean:** Madam Speaker, they had a vision. They did not know that I was going to have children or grandchildren, but they had a vision for Caymanians that we would start a law school and the Premier was somewhere around there too. He came in just after that. They did not know that I was going to have children or any other Caymanian was going to be interested in law. But they built the school with the hopes that the vision would materialise with Caymanians participating in their own country, and getting something out of their country.

They saw the explosion that was coming, you know. They saw the explosion that was coming with Sir Vassel and them sitting down and writing laws to . . . because we never had any place to plant sugarcane or anything like that. But they knew that if we developed our financial industry we were going to need lawyers! And we were going to need accountants! All of them were. Every one of them.

That, Madam Speaker, was the vision, the objective of the Law School. And that should still remain today. And I am not going to be here as a legislator to kill it. If it is necessary for us to legislate, that is what we have to do to ensure that the future generations of this country benefit from their country.

Are we reaching the point where Caymanians are not supposed to be lawyers? Oh no. Oh no-o-o. No, no, no. We ain't getting to that point. We are not going to reach that point, Madam Speaker. Not as long as there is breath in my body.

Madam Speaker, one of the things about Caymanians is that we like to say our people are our greatest assets, and we are a very passive people. I am not saying we need to get out in the street and create riots or anything. But we need to stand firm and look into the future for a second and ensure that legislation is put in place to protect future generations. That is key! Everybody that comes here . . . it's like the song by the Eagles, *The Last Resort*. "[You] call [someplace] paradise and you kiss it goodbye." They bring their neon signs and they stick them up and we do not know whether they are hiding or they are running from the law someplace else. But they are going to tell us how we must do it in Cayman—*This is how it must be done*. And we do not stand up!

Madam Speaker, everything we have ever done in this country somebody influences us to change it to suit them. And every time we do something to change it back to suit us, we are radicals and we do not support business, and we do not do this and we do not do that, because that is how it used to be and that is the way it should stay. And the biggest culprits of cursing us and crucifying us and nailing us

to the cross are the token Caymanians who are bought! They are the ones who do it to us! They take us to the street, they hang us on the cross, but most importantly, they drag the cross—they do not even make us drag it. They bear the burden to ensure we go on it! That's what they do. And then they make a couple of dollars and they get excited and then they are gone.

Madam Speaker, the Premier said that legislation is coming soon, I hope so. I am going to say this to this country: Don't bring it here if it is not in the best interest of the Cayman Islands! I do not want to hear anything about Dubai, Hong Kong and all of them there. I don't want to hear anything about it. We are here now and this is here and now—and this is our country and it must be protected.

Madam Speaker, I think the Premier referred to some meeting we had, with the Honourable Attorney General chairing it, over by Reliable in October 2010. Madam Speaker, I said in that meeting, and I have said publicly since, that we know—*we, us, us ya, from right ya*—we know how many partners in the law firms in this country that we have made Caymanians. The question is: How many Caymanians—how many of *we*—have they made partners? That is the question! That is the root of this thing!

We have how many—28 now?—young Caymanians out there from all walks of life in this country. And I met my good friend back from England yesterday (the daughter of the Fourth Elected Member for West Bay)—

**Capt. A. Eugene Ebanks:** Jeana.

**Mr. V. Arden McLean:** Jeana. Good friend of mine. She is in England trying to get her solicitors, I think, or something like that.

That is what we as Caymanians have to do in this day and age when we have one of the largest financial industries in the world. That young Caymanian, who is an accountant, by the way—CPA, who decided to change her profession—believes the odds of her getting a job are better served by her going to England and getting qualified. Can you imagine that? Brilliant young Caymanian and has to be cutting open a can to try and eat for a living? No, this has got to stop!

*[inaudible interjections]*

**Mr. V. Arden McLean:** It has to stop, Madam Speaker!

Madam Speaker, let's look at it. This one is for the Attorney General. I don't know what he is going to do about it. Madam Speaker, when the Law School started . . . you heard the Leader of the Opposition say he was in the second year. So, that would have been '84. Eighty-three or whatever it is. Eighty-two it

started so he said in '83 he went in as a student. That programme, as I understand, was a five-year programme. However, each of the students were required to find a job so that they could parallel their internship or articleship with going to school, which is what the Third Elected Member [for George Town] is saying after the fact. You could not attend the school unless you had articleship.

Now, Madam Speaker, this, what I am about to say is serious and is dangerous to this country. And I am going to name some names. Yes, Madam Speaker. I am going to name all of those students who went there then (some of them, at least; I cannot get all of them).

Madam Speaker, the late Frank Banks (the Frank that I was speaking about this morning), Sammy Jackson, Alden McLaughlin, Brian Hunter, Wanda Ebanks, Keva Reid, Andrew Reid, Carla Reid, Wayne DaCosta, Wayne Panton, Peter Stafford, Dwight Panton, Karen Thompson. Are you all recognising those names? Waide DaCosta, Gene DaCosta, Ms. Eileen [Nervik], Mr. Woody Terry, the Deputy Premier. Those are the majority, Madam Speaker, who went during that period that they served their time in school and worked too. At midday, I believe, they would leave school and go to work, and then on Friday they would work and then the only time they would get time off was to study. That is my understanding of it.

Madam Speaker, the names I just named, try to think of them. One is on the bench, the majority of them made partner or are successful sole practitioners! Tell me why it happened, Madam Speaker. It happened because they had experience in tandem with their schooling, with their academics.

Now, I do not know who decided to change it to an honours programme, but after it was changed the requirement changed and you had to get articleship after you had finished the four years (I think is what it is now).

*[inaudible interjection]*

**Mr. V. Arden McLean:** Three years.

Madam Speaker, I tell you I am not good at that law thing, but I have to try and help lay it out.

Madam Speaker, I want you to think of all of these: The late Frank Banks—Partner; Alden McLaughlin, was a Partner; Brian Hunter—Partner; Wanda Ebanks (I don't know what her [married] name is now but something like that)—Partner; Wayne Panton—Partner; Peter Stafford—Partner; Andrew Reid—Partner; Eileen Nervik—on the Bench; Sheena Westerborg and Keva Reid—very successful in the loan practitioners thing. Every one of them was successful because they recognised that they had the requisite experience to move on into those companies.

Now, since they have produced the honours programme they will not give them the opportunity to get experienced and then not one of them can become a partner.

You know who else was on that one? Sharon Pierson.

**The Premier, Hon. W. McKeeva Bush:** Roulstone too.

**Mr. V. Arden McLean:** And [Sharon] Roulstone too. She has her own law firm or something like that. And Karen Thompson has her own law firm. Sammy Jackson has his own law firm; Keva Reid has her own law firm; Waide DaCosta has his own law firm.

**The Premier, Hon. W. McKeeva Bush:** Morris.

**Mr. V. Arden McLean:** Morris Garcia has his own law firm. Dwight Panton has his own law firm in Canada or something.

Madam Speaker, since they have changed it, I tell you they came to destroy with their words of wisdom. Not one of our lawyers has succeeded because they keep changing the goal post! The gentleman, Peter Jackson . . .

Is that what his name is, Alden?

*[inaudible interjection]*

**Mr. V. Arden McLean:** The Clerk of the Courts set up programmes where he took Caymanians—I can name at least four who went there; Sammy, Sheena, Wanda, Keva—all of them. And he rotated them throughout government—Land Registry, Legal, Registrar General, the Attorney General's office—*[Addressing the Attorney General]* (This was long before you.)—police, courts, and they got their requisite experience and today they are good lawyers.

But they understand (this breed that came here 35 years ago about whom I was speaking earlier), that if they move the goal post for our young Caymanians they are not going to get the requisite experience and they can say that they are not any good. That is what they have done! Every one of them—barring none!

*[inaudible interjection]*

**Mr. V. Arden McLean:** *[Replying to inaudible interjection]* Don't you tell me what I mustn't do.

*[laughter]*

**Mr. V. Arden McLean:** I've had enough of it, Madam Speaker.

I don't know if I will ever have a grandchild, but I am closing the door on that unborn child if I do

not do something about this; if we don't do something about it. They are closing the door on them before they are born! And Truman [Bodden] and Jim Bodden opened it before my children came about! No, Madam Speaker; uh, uh, uh, uh, uh, uh. We need to shut it on somebody else.

We painstakingly put the laws of this country in place to supply us, to help us, because we do not have enough arable land to grow bananas and sugarcane—which is what the Caribbean is known for, and that is how the economies were built—we did it through finance. We painstakingly put it in place and now we want to send it Hong Kong. Can you believe so? We want everybody in the world to have that! They do not have to come to Cayman either.

You think it is fair to my grandchildren and great-grandchildren? That is not fair! Neither is it fair to any Caymanian of the future or of the present. And we are here trying to bring one little old motion about getting Government to bring them down here to help them? We should not have to be doing it. They have a moral obligation to their own profession. They come here with limited experience and sit here and train them so that they can become partners making \$750 and \$1 million within one year (or a couple of years), and Caymanians are struggling!

I must sit and take it and do not speak up on behalf of my children and my grandchildren and great-grandchildren? N-o-o-o! And like me you don't have to! You don't have to like me. I got my children and my wife to love me. You can like who you like; matters not to me. I am going to say what I have to say in my country.

Madam Speaker, you want to see the gall and the audacity of them? Just last week, Madam Speaker—they think people do not notice you know. Okay? Walkers is shutting down part of their business, because it is not profitable, I guess; I don't know. And Maples picked up the people. They pre-supposed that we are going to approve the work permits! That's how they are! And we must sit here and have 20-odd Caymanians out there on the street and trying to scrape to make a couple of dollars?

Not only that, they are the ones kicking the Caymanians out and the foreigners on work permits over by Walkers can pick up their briefcases and walk straight across the road and go on into another job! I want to know if Walkers' lawyers had "key employee" status. Because, if it is it is for over there; it is not at Maples! Get rid of them! The "key employee" is over! You've got to send them home!

Madam Speaker, now you understand why I am so incensed with these people. We got one right ya—Appleby! The only soul left in there is Brian Hunter. Not one Caymanian in there nearly.

*[inaudible interjection]*

**Mr. V. Arden McLean:** How many in Walkers?

*[inaudible interjection]*

**Mr. V. Arden McLean:** Wayne is gone. I don't know who else is there. He was the only partner who must have been there. You know . . . and you must say nothing!

I see the Third Elected Member for West Bay trying to do law. He better try to leave Cayman. That is what he had better try to do.

*[inaudible interjection]*

**Mr. V. Arden McLean:** That is the only way you are going to survive. You mean to tell me the only way for Caymanians to survive in Cayman is to leave it? I never heard of that in my life! Why they don't go to Bermuda and do it! Tell them to go to Bermuda.

Getting back to the thing in the newspaper, I want to know what the Attorney General is going to do about it. I want to know what the Immigration Board is going to do about it. I am waiting with bated breath.

Madam Speaker, they did not come here as key employees to go work at Maples. That is not the objective of a key employee. There must be some special thing that that company had for them to get key employee designation. All of a sudden now they go to Maples as key employee and then Maples says, *Well, it is too expensive to hire two of them coming out of law school.* Too expensive? Madam Speaker, when they are walking away with \$10 million, \$12 million to \$15 million a year of shares and have companies all over the world? Madam Speaker, who do they think they are fooling?

Madam Speaker, I never one day . . . like the Premier and the Leader of the Opposition say, I can't tell them who to promote. I am saying you must give Caymanians opportunities! That's all! I am going to give them an example of what "opportunities" means so that they will understand whether we can do it or not.

Madam Speaker, on my second trip to sea I was a little oiler cleaning oil off the swamp down there, a young boy, 19 or something, 19 to 20. Neville McCoy was Chief Engineer. The day we were getting into port he came down and handed me an envelope. I put it on the counter on the maneuvering deck, took it to my room. Didn't touch it, Madam Speaker. But he said to me, "You are going to need this." I did not know what it was. Madam Speaker, when I got upstairs to my room I put it on the counter and forgot it and the next day I opened it. It was a letter to the US Coast Guard and the Liberian Council recommending me to do my licence. Opportunity! That's what it was, Madam Speaker.

You are going to tell me we are so predisposed to become accountants? N-o-o-o. The same

way we can become accountants, we can become good lawyers. The only thing I see going on for this country in the financial industry is that you have people like McTaggart and Dan and the Smalls and . . . what the other ones are? I don't even know. Some of those partners in the accounting firms—Linburgh Martin, Taron Jackman—those guys. Don Seymour. Madam Speaker, I do not want to introduce that pigmentation of skin you know.

*[inaudible interjection]*

**Mr. V. Arden McLean:** But you know sometimes it bothers me. And I question whether or not the American method of Affirmative Action does not need to be put into place!

Madam Speaker, let me tell you something; there should be no need for that in this country because we are indigenous. You know . . .

*[inaudible interjection]*

**Mr. V. Arden McLean:** *[Replying to inaudible interjection]* I need a tablet, yes.

Madam Speaker, sometimes I get emotional about this thing. Because, it becomes a millstone around my feet and it drags me down into areas I do not want to go to in this country. I really do not want to go there, Madam Speaker, but they are giving us no alternative.

But you know it is our fault. It started way back when. Is it necessary for us to legislate to ensure that Caymanians are given opportunities? I don't know. But I question why we have to be here at this time in our lives trying to beg someone to give our Caymanians an opportunity. Why?

Why? I have never said that every person who graces the halls of the law school will be a partner.

We have one managing director out here, Madam Speaker, who has a disdain for Caymanians and he is kind of short too, like Napoleon. You hear? He's got that syndrome.

*[inaudible interjections]*

**Mr. V. Arden McLean:** Madam Speaker, I try to avoid those types of people because they aggravate the soul and they make me want to do what I do not want to do. I ain't worried about the sin because I can get washed in the Blood of the Lamb afterwards.

*[inaudible interjections]*

**Mr. V. Arden McLean:** But many of them, Madam Speaker, have got to understand that the generation that is coming up behind me (and us in here), is not

going to be as passive and as tolerant about their rights being taken away.

You heard what I said, Madam Speaker? But then, Madam Speaker, they will tell you that it is not their fault. That is true. Since it is not your fault now it is our time to legislate on *unna!* What are you going to say then? That there is no need for legislation? Then do the right thing and hire young Caymanians into the law practices. Give them the opportunities.

Then, like the Leader of the Opposition said, we hear they are proposing to get rid of the articleship. Madam Speaker, you know what they are going to say then? They are going to go even further and say that they do not have any experience. That is my fear of doing this here. If this goes towards credit they are going to say: *Well, it's not a required experience.* Madam Speaker, not one of those article students needs to come into this legislature. Not one! Take *um* out there.

Madam Speaker, if you want to learn to cook you need to go into the kitchen, *ya nah!* If you want to dive you need to go in the sea or in some water. Madam Speaker, why don't these people understand this? They walk away with millions of dollars out of these law firms—these here law firms in the Cayman Islands—so much so that not one of their children goes to our schools. They send them overseas to boarding schools. Thank God they can. But why can't the Caymanians do the same thing?

Madam Speaker, so much money they make that they can send their children for special training to ski to qualify for the Olympics. Madam Speaker, when was the last time you saw snow down West Bay beach?

*[inaudible interjection]*

**Mr. V. Arden McLean:** We can't do it! But we are ensuring that no Caymanian child will be able to do it either! That's *nah* right! Madam Speaker, that's *nah* right.

Madam Speaker, I have no envy of these people. I have no envy of people like Dan Scott and the McTaggart boy and the Smalls and all of them. Not one envious bone is in my body! Riches are to me like caffeine is to 7-Up. Okay? So, I do not have any envy in me. I am concerned about . . . I want to see them take the money home because every dollar they take home, they need to spend three or four to make it. That's the dollars that I am concerned about.

But the law firms are being stingy with engaging Caymanians to take home the one dollar! They want it all for themselves. And I must sit here as a legislator and eat crow? That's how it's done? Is that how it is? The most powerful office in this country—and we must sit down and everything they tell us we must follow suit?

There is a new breed, unlike the breed that came here 35 years ago and did nothing. There is a new breed of legislators coming. Madam Speaker, you all saw them here the other day as youth parliamentarians. There is a new breed! I encourage all of those who came here and who has Cayman status to take advantage of the time you have now. The new breed is going to legislate on *unna*. But we have an obligation, the 15 of us in here, to legislate now too! We have a responsibility to stop the madness, to stop this idea of outsourcing our law, to stop them preventing Caymanians from making a living!

Madam Speaker, you see the press secretary—what his name is again?

**An Hon. Member:** Charles.

**Mr. V. Arden McLean:** Charles Glidden. He has a young daughter. I don't know whether she is a good lawyer; I have never seen her in my life. But she is not given the opportunity. Now she has to go and start a law firm with two other Caymanian lawyers. Incidentally, the three of them were kicked out from Appleby.

Make *um* . . . what are they going to do, sue me? That's what they did! They kicked them out!

Not one Caymanian who has gone there, except Brian, can make it. Why?

A million French men got to be wrong! It's Hew Moses who continues to stifle our Caymanians! God regret the day that they gave him Cayman status. And then that old Governor giving him . . . he is the former Governor. I never said anything about this one.

[laughter]

**Mr. V. Arden McLean:** What was his name? The tall one?

**An Hon. Member:** Dinwiddy.

**Mr. V. Arden McLean:** Dinwiddy! *Din-cryie!* Had enough of it! Whether *unna* want to move me from parliament or not, this is my country and I am going to speak! Not one of them who come here, tries to help Caymanians.

And we have to come down here 'bout-give *um one little half thing, it might be they don't charge us*—when they are out there making millions monthly? And we must try to scratch out a living for our lawyers who spend four and five years in school to try and get an education? Looks like we are heating up water out in the sun!

I'm sick of it, Madam Speaker. Glad I got the opportunity today to do it. I thank Dwayne, the Third Elected Member for Bodden Town, for bringing it *ya* because I wanted to do it the other day.

I am so disgusted with my country, and the way we are going down the road and the people who

are carrying us down it. Not one of them can point at one sacrifice they made for this country! Not one! Tony Travers, he made his millions. He never made one sacrifice. Not one! It was my father and my forefathers who made the sacrifices. He never made one sacrifice to get his millions—hundreds of millions of dollars. Not one of *um!*

I'm sick of it!

Then they come telling me about who I am and what I am. Tell *um* don't come into my face. I've had enough of this, Madam Speaker. Show me. Madam Speaker . . . your forefathers made the sacrifice for us. Yours and mine! And all of these in here too! What have they done to walk away with every riches in the world? Nothing! They give us \$1 million to go and build a library. Now, for Christ's sake!

[inaudible interjection]

**Mr. V. Arden McLean:** That's the sacrifice? That is no sacrifice! But then we must succumb to them.

Madam Speaker, I told *unna* the honeymoon was over. All I am guaranteed is the mid of May next year. That's all I am guaranteed. I don't even know if I am guaranteed that because life is so short you don't know.

[inaudible interjection]

**Mr. V. Arden McLean:** But I am going to hyperventilate on somebody between now and then.

[laughter and inaudible interjections]

**Mr. V. Arden McLean:** Madam Speaker, I do apologise to your good self and all the other Members. You know . . . I mean . . . I don't know what my children are going to become, Madam Speaker. One is an auto mechanic (good auto mechanic). The other one is saying that he wants to do electrical engineering.

Should I shut the door on the two of them and say, *Well, that is the only thing you can be; you can't change to law?* No! No, no, no. Uh-uh. There must be something where they can see that as a profession that is going to sustain them and their families for the rest of their lives. And the way this is going, these people have shut the door on Caymanians.

See how they pushed Theresa out the other day? I don't know what happened. It is not my business. But that is the problem. If it is not on our own doorstep it is not our business. That is why they've been emboldened by the behavior of us! Everybody knows what is best for us but us. How is that possible? They tell us that we can't do this, we can't do that.

Madam Speaker, I am going to bring that song for you on a CD. And I would encourage all of us and Caymanians to listen to it closely. It is by the Ea-

gles; "The Last Resort." Try to find it and listen to it. You hear? Madam Speaker, it speaks volumes about what is happening in this country. It is an American song about Providence.

You know, Madam Speaker, I think the time has come. We did it with the Immigration Law. Some of the stuff is not working. We are amending it. We have to do it with something else too. That Legal Practitioners Law . . . they went the other day and they self-imposed (what's the name?) a code-of-ethics. Why? Because, *Oh, the legislators are not doing anything and we need to show them; we need to bring pressure upon them so that we can get our code-of-ethics, and England requires it or we can't be recognised in England.*

Sure, Madam Speaker, I understand they really need a code-of-ethics the way they are going on. They need that! They need that! Is there any ethics in what they are doing to Caymanians? Somebody needs to tell me. We really need to legislate one for them. Yeah. The quicker we get that one in, the better.

They think that they can do it. And they stand in our courtroom and make mockery of us. MOCKERY! They insult us. That's why I don't go back! As a Member of Parliament I am invited each year. I don't go back because I watch their demeanour. When the Attorney General stands between them, you can see the disdain they have for him. They look down on him and cut their eye and twist their mouth when he is saying something.

*[inaudible interjection]*

**Mr. V. Arden McLean:** *Ya nah!*

That's what they do. I hope they don't do that to me. I know they do it, but they do it behind my back. *Nah* make me see it because I'm going to stop them.

I don't care who they are. I have no place to go. There is a lot of beach sand in East End and that is where I will be buried. And when I am gone, *unna* may look back at the Hansards, but that is all *unna* will have. You all will not have me to beat up. I am going to say what I have to say now. The people of East End entrusted me with this position and I am going to defend them!

I got an East End young lady too, Nathania Pierson, or Rankine (whatever her designation is under). Madam Speaker, pushed out. The poor child has to go out there and try to scratch a living in opening her own little firm and develop her experience at the same time. Madam Speaker, this is what is happening to our people. Every day all day they kick us and they walk on us.

**The Premier, Hon. W. McKeeva Bush:** We heard it now. Stop.

**Mr. V. Arden McLean:** And nobody, we do nothing about it. Our fault!

The Premier said he is bringing the law; tell him to bring it. I am waiting patiently with bated breath, so I can see how well we are going to put them into control. They need to do something.

**The Premier, Hon. W. McKeeva Bush:** They voted for you and Alden.

**Mr. V. Arden McLean:** Poor old Third Elected Member for West Bay, I do not know if he will ever get to practice. I hope he does. I wish him luck.

But the odds are against you.

The odds are against him, that Member, Madam Speaker. The odds are against every Caymanian. We are becoming . . . we are no longer indigenous; we are becoming endangered. That's what we are. Everybody come with their neon signs.

**The Premier, Hon. W. McKeeva Bush:** Ah Jesus. Hear me Precious Lord.

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

Madam Speaker, I support the Motion, but I do not think it is going to survive. I would not encourage them to come here, I would encourage the students but I would not encourage those law graduates to come here. I really wouldn't because they are going to find that as another excuse to murder them, to throw them under the bus. And the buses that those big law firms are driving around in are like caterpillars; got about 20,000 legs on them. Every time you think he comes off, you go *bu-bup, bu-bup*; hit you again, *bu-bup bu-bup*; hit you again.

**The Premier, Hon. W. McKeeva Bush;** Oh Lord.

**Mr. V. Arden McLean:** That's what they do!  
Madam Speaker—

**The Premier, Hon. W. McKeeva Bush:** Yeah.

**Mr. V. Arden McLean:** Madam Speaker, I wish it well. I hope it works. I doubt it. I hope the Honourable Attorney General has something to say about it. I think we should change that to "students." I really think we should change the Motion to "students" and demand that the law firms engage the articleships.

Thank you very much, Madam Speaker.

**The Speaker:** Thank you, Member for East End.

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

Fourth Elected Member for West Bay.

**Mr. V. Arden McLean:** Come on Eugene.

**Capt. A. Eugene Ebanks:** Thank you, Madam Speaker.

Madam Speaker, as the seconder of this Motion, I too would like to make a short contribution.

Madam Speaker, unfortunately, at this stage we are here to defend the law students and law graduates of the Cayman Law School in order that they might be able to secure employment within their own country.

Just to give you an insight of what the law students are about, they do a three-year undergraduate degree followed by a one-year professional practice course. Graduates are well underway to becoming qualified attorneys with a wide array of subject area studied each covered in great depth over a one year period. The final stage in the qualification process is to complete an 18-month article programme to put the theory into practice in a real world setting, which involves vigorous training in the main areas of legal work undertaken by a particular law firm.

Now, Madam Speaker, this is where the problem starts. They go through all of this schooling and then they run against a brick wall where they cannot get acceptance into a law firm to get their articles.

Madam Speaker, Caymanian graduates of the professional practice course in recent years had much difficulty in securing these article positions despite firms continuing the practice of employing expatriate workers in the same position. And, like the Member for East End said, Madam Speaker, there are over 20 graduates from the Cayman Law School who are unable to secure articles. Madam Speaker, when the graduates are not given this opportunity, their professional career comes to a standstill as they await the opportunity to move into the article clerk post which is a requirement to advance and become a qualified attorney at law.

A possible disadvantage to consider is the perceived value of such a programme. There must be a consistent high level of training and supervision capable of standing up under scrutiny and able to be measured and delivered at international standards.

Madam Speaker, PPC [Professional Practice Course] students have experience in manual and in electronic research techniques utilising such software as Lexis Library and Westlaw. As such, they are familiar with the key elements of gathering data, analysis, testing and drawing conclusions. Politicians in their analysis are under extremely tight constraints to get all areas of their duties fulfilled on a timely basis as constituents demand constant attention.

While there is some assistance in the LA staff contingency, it is limited with only a few staff members having specific legal research expertise. Such outsourcing would be beneficial to both reduce the current workload of the staff, as well as to provide a minimal stipendiary rate. The research assistant graduates would prove extremely valuable in bringing the

most crucial elements of a particular issue to the forefront, saving precious time. A possible disadvantage is that there is no similar research software and so there would be an initial training curve to accommodate this, Madam Speaker.

Madam Speaker, many of the PPC graduates are mature students with a working knowledge of the business world and systems. An interim programme would encompass a wide variety of legal areas; from current issues such as the change of retirement age to constitutional issues, and ongoing immigration reforms, all of which would prove beneficial in a dynamic legal environment. Besides raw data gathering, trainees would be exposed to interfacing with professionals in the relevant committee area, developing and enhancing their interpersonal team building and communication skills.

Madam Speaker, despite years of attempted negotiations with local law firms to rectify this unfortunate situation, there remains an unprecedented number of unemployed law school graduates who often have to resort to other career options when their progression through the legal qualification process comes to a halt due to the lack of opportunity in the private sector. While the Government recognises that there is a great deal of competitiveness in this particular industry, other creative solutions being attempted by other countries are not being manifested in the local market. For instance, many London law firms are partnering to offer a trainee seat in each firm for a period of 6 to 12 of the requisite 24 months, giving that trainee exposure to different corporate cultures, while reducing the liability and cost for each firm.

Madam Speaker, the Government has recognised that there are a number of highly relevant areas of expertise that they can offer to graduates on a rotational basis. The Legislative Assembly—the birthplace of all Caymanian law—is in an opportune position to offer this leading body of knowledge to any law graduate. It is foreseeable that this programme, once implemented, will become the employer of choice with graduates preferring to gain this experience over that of the private firms.

It is also foreseeable that the other practice areas not covered directly within the LA's work environment will be supplemented by rotational work experience in such relevant governmental divisions as the Courts Office, the Attorney General's office, the Solicitor General's office, the Office of the Director of Public Prosecutions, the Cabinet Office and the Financial Services Secretariat.

Madam Speaker, article clerks in such comprehensive structured programmes are usually supported by a team of senior associates who are committed to their professional development, and work side by side on the Cayman Islands' most important cases and transactions, gaining invaluable exposure and expertise on the rotational basis in a number of

seats based on the firm's area of practice. Article clerks tend to be formally articulated to a partner of the firm who acts as a mentor and coach to the article clerk for the duration of the articles. Practice areas may include investment funds, corporate law, employment, commercial litigation, criminal law, private equity, Islam law, insolvency, insurance, property, intellectual property and taxation.

Madam Speaker, I think that whatever legislation needs to be put in place to ensure that the graduates of the Cayman Law School are given the opportunity to take their rightful place in our society, should be given. And with that, Madam Speaker, I will thank you and ask for the support of the whole House for this Motion. Thank you.

**The Speaker:** Thank you, Fourth Elected Member for West Bay.

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 Health.

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

Madam Speaker, being cognisant of the hour, and bearing in mind that several other Members have already spoken to this and nearly exhausted what can be said to this Motion, I just simply want to rise to show my support for my colleagues and commend them for tabling this Motion.

As I said, it has certainly sparked quite a lively emotional and passionate debate, particularly on the part of the Member for East End. And, Madam Speaker, he has highlighted issues which I think are not all relevant to this particular Motion but are certainly issues that have been outstanding for a long time in this country; but issues, Madam Speaker, which I am proud to say as a Member of this Government, that we have not only taken the time to become aware of, but also issues which we are now working to find solutions for, as the Premier spoke to with the review of the Legal Practitioners Bill and the amendments which are being drafted or prepared now for that Bill.

Madam Speaker, speaking briefly to the Motion this afternoon which speaks to taking the necessary steps to provide an intern programme in the Legislative Assembly, this is something that as a caucus and a group we have spoken about on many occasions. Madam Speaker, the practice of interns in parliament is certainly not a new idea either. In several parliaments around the world interns are used to research issues, including pending bills and motions.

Madam Speaker, in our context these interns might be most useful for Backbenchers, whether they

are Government or Opposition, because (in the case of Ministers) within our ministries we already have some policy advice and so some research could be done in that regard. But even there, Madam Speaker, on occasions when Members may want to go into more political type debate in their deliberations on Bills, sometimes we find that the research provided from the civil service perspective is not as political as Members may feel it should be, because civil servants will say that they are remaining more neutral.

So, I would find that these interns could be very, very useful, Madam Speaker, to us as Ministers as well, but, in particular, as I said, to the Backbenchers, Members of the Opposition or the Government.

Madam Speaker, interns in the UK and the UK Parliament and the US Congress and Senate compile information for members and keep track of newspapers and media. In the UK Parliament and the House of Commons, in particular, interns are assigned to Members. They actually work in their office. In the US and the UK there are some interns who are paid. In many cases they are volunteers because of the tremendous experience and exposure that these interns can gain by working with parliamentarians on a daily basis.

Madam Speaker, as I said, there is a need which has been expressed by Members over the years for research and library assistance here in the LA; need for assistance on many of the working committees that we have here. Often we form select committees and the work takes a long time or gets stalled because of the lack of resources. Interns assigned to these committees could also help tremendously in this regard. As I said, Madam Speaker, the expertise and the experience they gain would be invaluable to them.

These interns could be used for office support. They could be used to research and prepare briefings, monitor parliamentary proceedings, draft speeches and press briefings. Madam Speaker, these are very important activities that these interns could assist with.

In some instances, in the UK Parliament as well, these interns are used for constituent case work support, including managing telephone and email correspondence for Members of Parliament. So, these are examples of the duties that these interns could get involved with.

Madam Speaker, as I said, a programme like this would do much for the research assistance and gaining valuable experience. If the programme is designed in the right way, as the mover said, obviously with the assistance of the Legal Advisory Council and all of their entities that would have to put it together, this would go a long way in not only helping them to gain valuable experience, but it would help to give them credit towards their articleship as well.

I think the mover made it clear that this is not to replace the articleship programme so that we are absolving the law firms of their responsibility to provide articles, but this would be just another way of them gaining some credit towards that. Some credit, Madam Speaker, not, as I said, this would not be deemed to be the entire articleship programme for article clerks.

Madam Speaker, I believe a programme like this would go very far in providing assistance, as I said to MLAs, and in some ways even improve the level of debate that we have here in the Assembly. Because, sometimes the debate in the LA is based merely on a political argument as opposed to clearly debating the motions or the bills which are put forward based on a lot of research which then helps to educate the public as to the bills or the motions which are being debated. Having interns like this to provide that level of research and assistance in preparing some of the speaking notes for Members for debate would be very, very useful.

As I said, the mover of the Motion, I believe, did not have the intent for this Motion to fix all of the problems as to gaining articleship. The programme is asking the Government to consider providing the students or the ex-students with the opportunity to gain credit for articles while providing valuable assistance to MLAs that will improve the level of debate and the work being done here in the LA.

The problems which the Member for East End spoke about are very longstanding and there is no need for us to go through them again this evening, Madam Speaker. We all agree that those are problems which have been around for a long time. We are working to address those issues. I am confident that the amendments that we will bring to the LA in due course will be, as the Member said, to the benefit of the Cayman Islands, in particular the young Caymanians and future Caymanians who want to get into the field of law so that we do not have the issue that we have now with 28 young Caymanians who cannot find articles while we have over 500 other lawyers here as licensed lawyers here on Island.

So, Madam Speaker, with this brief contribution I again want to commend the Third Elected Member for Bodden Town and the Fourth Elected Member for West Bay for tabling this Motion. And, as they said, and as other speakers have said, I hope that it gains the full support of every Member in this House. Thank you very much.

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

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

Honourable Attorney General.

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

Madam Speaker, I am conscience myself of the time constraints, but I just wish to add my voice in support of the initiative being proposed by way of this Motion.

We all recognise, Madam Speaker, that it is not the panacea to the problems that we are encountering with our graduates completing their qualification on the way to becoming attorneys. The truth is, though, Madam Speaker, that the Motion recognises that something needs to be done. And what is being proposed is a laudable effort to try and mitigate the problems that these graduates are experiencing.

Of course, it is recognised, Madam Speaker, as other speakers have said, that what is proposed is that the period served in the Legislative Assembly would be taken into account. A student will get credit for that, and it would count towards their period of articles.

The usual procedure is that once a person has been given articles they have to keep a dossier of the type of work done. And at the end of it all, the principal would have to go through and ensure that the work that has been done fits into a particular sort of matrix and would then certify that in his or her view, as principal, that work qualifies the person to having been recognised as completed the period of articles.

The Legal Advisory Council which is really the standard setting body for these sorts of arrangements, would of course need to look at what has been done, see how it fits into the expectations of the Legal Practitioners Law and the accompanying regulations and make a determination as to whether it would qualify as a period of articles and if abridgment needs to be given to the 18 months that the person would otherwise be required to serve.

So, Madam Speaker, as the Chinese say: "The journey of a million miles begins with the first step." For a lot of these people this is a first step, really. And once it is structured appropriately it is recognised that the Clerk of the House herself is an attorney on the rolls and so that is a useful indication.

Madam Speaker, it is unfortunate because what has happened and what has been happening over the years is that there are persons who have invested a lot of money and time in trying to become qualified as an attorney, at great expense, only to find themselves sometimes stuck half way through this initiative and cannot get an opportunity to complete their studies. And that is most unfortunate; sometimes no fault of theirs, Madam Speaker.

It is not everybody who can get an honours degree. People can get a mere pass degree for any number of reasons. It does not mean that they are going to become bad lawyers. It does not mean also that persons with honours degree are going to become excellent lawyers. It all depends on the person's

aptitude. Having said that, Madam Speaker, there is recognition that the standards have to be maintained. So the usual quality assurance checks will have to be in place and that is being done by the Law School and also the Legal Advisory Council.

But I think where we regrettably find ourselves in this country is that we need to have a more unified profession. We need to have a more harmonious profession. There needs to be greater synergy, greater bonding, and greater camaraderie among lawyers. I certainly am speaking for myself, Madam Speaker. I do not like the fact that lawyers market themselves as members of the financial services industry. We are lawyers. We are members of the legal profession. That's what we are.

*[inaudible interjection]*

**Hon. Samuel W. Bulgin:** That's what we are. And I think the sooner we get back to that situation where we recognise ourselves as members of a profession, a noble profession, as some Members have mentioned this evening.

*[inaudible interjection]*

**Hon. Samuel W. Bulgin:** It is a very noble profession and that is what we are. And there is a reason for that as well, Madam Speaker, because it is part of a lawyer's DNA that you look out for younger lawyers and train them. There is a sense of obligation for you to take on young lawyers, trainee lawyers, and train them and ensure that they become good at what they are doing. That is how lawyers are socialised. So, there is a moral imperative, there is a professional obligation to do all of that.

I do appreciate, Madam Speaker, that there are firms and sole practitioners who do have financial constraints, and it is not unique to the Cayman Islands that people are experiencing cash flow problems. There are some firms who are trying their best playing their part in taking on article clerks and trying to assist. But what is clear is that more needs to be done.

Madam Speaker, my chambers over the last couple of years has articulated some 12 or more young lawyers. And some of them are people who are not interested in the other side of the business, the mutual funds and the insolvency and the investment funds and so on. These are people who want to do other things. Of course, there are others who want to be more on the commercial side. But the truth is that we recognise that there is an obligation to assist these people. And so, we find it necessary from time to time.

Just today we interviewed a young lady who has been waiting since 2009. She graduated from the UK and has been sitting at home since 2009 trying to get articles and has not been able to. So, we decided

today that we will interview her with a view to taking her on.

So, as the Honourable Premier mentioned, it is a vexing issue for all of us, and it has been lingering for too long and I think that a lot needs to be done. What is being proposed is an effort, a laudable effort, I might say, to mitigate the problem that we are experiencing in this area.

Madam Speaker, let me also say that there was some issue about whether articles were going to be abolished. The truth is that that is not something that was advocated by the legal profession. That came out of a discussion that a number of us had about the difficulties that some people were experiencing and whether there is a recognition, or need, to try and help or mitigate the problem by having a hybrid scheme whereby if some people prefer to do articles and can get articles they would be allowed to continue to do articles, or you have an alternative arrangement where people spend five years at the law school (as was the case I was told, earlier on), and, having completed that, they are then entitled to go and practice. Now, that is not a unique situation although, unfortunately, there are some in the profession here who would want to pour cold water on that.

What it does, Madam Speaker, is that you do your degree course for three years and then you do two years practical course. Norman Manley's [Law School] calls it a certificate of legal education. And it is less chalk and talk and more practical oriented and the tutors are judges, practicing attorneys. Those people would come in and do tutorials and lectures. But you have to do actual drafting, actual legal work, a lawyer's work. There is also a legal aid clinic where you have to attend each week, where you have real clients with real files, you sit down and do the interviews, do the drafting, the pleadings and everything, all the way to court, except that you do not stand up in court and present the file; a qualified attorney would do that.

So, you have that sort of exposure. And during that period as well you have to spend a period of attachment in a law firm, and you have to attend the court and you have to get the court office to sign off the documents to show that you attended court. You have to do a certain amount. So, it is real time experience. And that is sort of the training that we had in the Caribbean: Norman Manley [Law School] in the Bahamas and so on. I do not see anything wrong with that.

So, that is what was being floated. And I still think, Madam Speaker, that, it might very well be a good thing because you might want to have an arrangement where, once you walk out of law school you really do not have to be at the benevolence of someone. You do not want to have to be at the mercy of somebody to determine whether you are going to be able to get qualified, and, worse yet, get a job. So,

that is something that the Government might still want to consider, in my view. Not everybody supports it but I think it is something that needs to be explored further and I think Mr. Michael Alberga is drilling down a bit further into that particular proposal, Madam Speaker.

The Bar Association, I am told and I am aware, is also trying to look at a pilot programme along with assistance from others that might help to hopefully and finally address the issue of articles for those who wish to be articulated. So, a number of initiatives are being pursued, Madam Speaker. And what is being articulated here this afternoon is one other such initiative which certainly can go a long way to assisting with that issue.

As I understand, the work that will be done here includes looking at legislation, doing comparative analysis, writing briefs for MLAs who want to debate a particular issue and, with the advent of a Bill of Rights and legislation that is going to be human rights oriented, what better opportunity, in my view, to have that sort of skill set available to legislators. So, it is an invaluable effort if it can get off the ground. But legislators have rightly said that that should not be the be-all and end-all. That should be a sort of a means of allowing other things to wither on the vine and those who have obligation to train lawyers be required to do so.

So, I am hoping that we can get some sort of finality to this issue and it would be disappointing if we have to legislate what should be, as I said, a common understanding among professionals, something that we should consider as a moral obligation. But it has been lingering too long and something actually needs to be done about it. I am hoping that at the end of it all that good sense will prevail.

So, I want to commend those who have continued to provide articles for students; those who have recognised that something needs to be done. I want to commend those who have been working on the draft Legal Practitioners Bill. And at that stage, Madam Speaker, I am hoping that we will have more to say about it.

One other thing that I am hoping will be in that Bill is that we will get to a situation where we have a built-in legislative provision which says that someone has to have at least five years or more post-qualification experience to be able to practice here so that that entry level can be preserved for Caymanians. I cannot for the life of me, understand why someone from outside with three years qualification can be brought in and passed off as an expert in a particular area. That certainly does not make a lot of sense to me. They can find a local person here, train them and allow them to become an expert as well. So, I think all of those things need to be taken into account and I am hoping, Madam Speaker, that all of these things will be taken on board and at the end of it all we will have a piece of legislation that will help to regulate and clar-

ify the role of what needs to be done. But most importantly for my part, that we will have a unified legal profession.

I am certain that we will have a lot more to say when that Bill is being debated and others here will have a lot more to say about it. But for now, Madam Speaker, suffice it to say that once this is properly structured and is properly managed, I certainly would wish to give it my blessing.

Thank you.

**The Speaker:** Thank you Honourable Attorney General.

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.

**Mr. Dwayne S. Seymour:** Madam Speaker, thank you. I do recognise the hour of the night, and some have commitments. I will try to wrap up as quickly as possible this amended Private Member's Motion No. 14.

Madam Speaker, the value of having some learned professionals in this honourable House, and also long-serving Members, should not go without being mentioned. I thank them for their comments and advice as we try to move this Motion forward.

Madam Speaker, in hearing all the Members speak here today, this actually goes much further than just having a research and library assistants come into the LA to try to get articulated. Madam Speaker, I must say that I have a friend who graduated some months ago (I will not call her name). This young lady is not searching to do her articles. She has been called to the Bar and cannot find a job. Madam Speaker, no one will hire her. There should be no new work permits in this area. That is my humble opinion. Imagine, after spending three years doing your undergraduate degree and one year in the PPC, then being articulated. And in this humble and precious country that we love we cannot find employment for our qualified Caymanian lawyers? My gosh, what are we coming to?

Madam Speaker, the importance, in my belief, of the law students coming to the LA . . . the LA is the place where laws are made. Most of the laws that they will be dealing with when they are in practice eventually will be stuff which comes from here. And where better to get some experience but at the LA where laws are made that they will have to eventually use?

Madam Speaker, I heard some of the Members say, and rightly so, that we should not have to come to this where we need to find these little piece-meals to try to get our young Caymanian lawyers in to try to get them articulated. But it is our obligation as a Government and as elected Members to do all that we can, all that is seemingly possible, even though the

effort seems small, to try to have different avenues for law students who want to be articulated.

I am proud of only being here three years and bringing this Motion forward. I am thankful for the guidance of the long-serving Members and the Attorney General. Madam Speaker, what I heard the Attorney General mention earlier, in the system that he thinks we should have here where students should be walking away from law school being qualified where they do not have to be at the mercy of any one company to qualify them, is a statement I must applaud. But when will we get there? Will we ever get there, Madam Speaker?

Madam Speaker, this grandfather-ship must stop. And some of the Members mentioned earlier how many Caymanians have gotten partnership into these companies. We understand what is going on, but it is for us as legislators, sadly so, that it has to come to this—where we have to legislate to ensure that our Caymanians break that glass ceiling. But it seems that with everything we do, they keep moving the goal post.

I heard the Third Elected Member for George Town, the Leader of the Opposition, mention something earlier which was very scary. It was something that he heard at the Grand Court opening. I hope it is only talk, because I too will be ready to lend my support to fight against any indication that the law firms are not willing to articulate our law students anymore because of affordability.

With the amount of bonuses that they take home at the end of the year, Madam Speaker, it has long been my layman's thought that all of us should go through the situation that this country is going through together. And with 2,000 persons unemployed, could some of these corporate companies—not only the law firms—not take \$25,000 and just hire one Caymanian until we pass through this economic hardship? Madam Speaker, that is only my layman's thought; but I think I am right. But we are not feeling that kind of love. We are not seeing it from anywhere.

Madam Speaker, I am trying to wrap up as quickly as possible but I am saddened by some of this information that I am hearing. Do we have to subject our young Caymanian lawyers to be run overseas with horrendous cost when they could benefit from the same thing right here on their beloved Island? That is a shame, Madam Speaker.

Our mission is for these research and library assistants to come down and provide assistance and gain credit. The Member for East End mentioned that he did not think that the law students would get much credit for doing articles at the LA, Madam Speaker. But I have my hopes up that the Legal Advisory Council will come up with a working solution that is worthy of good credit.

Madam Speaker, you know some of the Members mentioned earlier that our young Caymani-

ans coming behind us are not the same and not as passive. I think I probably socialise with them most, and let me tell you, Madam Speaker, they are not like us.

*[inaudible interjection]*

**Mr. Dwayne S. Seymour:** It is pure young people I hang out with.

*[laughter and inaudible interjections]*

**Mr. Dwayne S. Seymour:** Madam Speaker, as I am cognisant of the time, I would like to thank all for their contributions. Thank the Premier and the Deputy Premier and other Ministers and MLAs and the Attorney General. I would also like to thank the Honourable Deputy Speaker, Honourable Cline Glidden, for his assistance in bringing this forward.

Madam Speaker, I would like to end by saying to the seconder, the Fourth Elected Member for West Bay, thank you very much and thank you for your contribution. From a little acorn seed grows an Oak Tree.

Thank you

**The Speaker:** Thank you, Third Elected Member for Bodden Town.

The question is BE IT THEREFORE RESOLVED that the Government consider and take all necessary steps to provide an intern program in the Legislative Assembly that can be used as credit towards the Articles of Clerkship Requirement for qualification as an Attorney at Law in the Cayman Islands.

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

**Ayes.**

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

**Agreed: Private Member's Motion No. 14/2011-12 passed [as amended].**

**The Speaker:** We have one other matter before I call for the adjournment motion.

Minister of Education, are you going to do your statement now at this time?

## STATEMENTS BY MEMBERS AND MINISTERS OF THE CABINET

### Child and Student Safety

**Hon. Rolston M. Anglin, Minister of Education, Training and Employment:** Thank you, Madam Speaker. And I thank you for allowing this statement to come at the end, but it is one that I think all Mem-

bers of the House would have an interest in—Child and Student Safety.

Madam Speaker, the Ministry of Education, Training and Employment is aware of the article carried on *Cayman News Service* on Tuesday, 3<sup>rd</sup> April 2012, entitled "[Ex-offender could be working at school.](#)" Subsequently, by CITN that evening, the Ministry became aware of the matter referenced in the *CNS* article on Monday, 2<sup>nd</sup> April 2012, and immediately commenced an investigation.

The Ministry has not received any official complaint from a parent or school in relation to this matter. And no incident reports were received by the Ministry.

Madam Speaker, the health, safety and protection of our children is of utmost importance. We have therefore acted with urgency to investigate and report on this matter. My Ministry's investigation has determined that for a period of nine days when in June through July 2011 there was indeed an individual employed by a sub-contractor working on a construction site on one of our school campuses who was a convicted sex offender. In accordance with the usual practice there was a construction zone isolating the construction site from the rest of the school campus. The sub-contractor has confirmed that the individual spent three and a half days on the construction site at the time when school was in session and a further six days when school was not in session.

Madam Speaker, I am able to report that the Department of Education Services does have a number of relevant protocols in place in relation to other contracted services. The tender process currently in use for main contracted services includes buses, janitorial companies and kitchen equipment servicing, currently requires companies to submit police records for all of their relevant staff in order for them to be considered eligible for contract award. This also applies to any proposed change in employees during the term of a contract. In other words, the contracting company must receive the department's approval before they change any employee. In addition, all employees of companies providing security services at our schools must be now licensed by RCIPS and be subject to their scrutiny.

The Ministry will mandate police checks for all other contracted services prior to commencement of services and retroactively include construction workers currently employed in ongoing projects on school sites.

In relation to construction projects the normal requirements is for separate construction zones to be established, therefore isolating the construction from the main school campus. In addition, construction workers are not permitted to enter a school site without the express approval of the project manager and the school leader.

In the interest of strengthening these measures, the Ministry will with immediate effect include the above-mentioned practices and others deemed necessary for the safety and protection of students as part of a new school and student safety requirement for contract award for future construction projects:

- Require police checks for all persons volunteering in our system, whether on school sites or not.
- Write to all construction contractors engaged in current projects to require a new school and student safety requirement with immediate effect and reinforce the need for full compliance.
- Write to government schools in order to support them in ensuring the full implementation of these school and student safety requirements.
- Write to all private schools, earlier centres and tertiary institutions to provide information and request compliance with these school and student safety requirements expected by the Ministry.

The Ministry will also immediately begin the process of developing regulations under the education law to extend and strengthen existing child and student protection measures for persons with direct access to children, and to make it illegal for persons with certain offences, including sex offences, to be on school sites or school buses. This will then mandate all schools, earlier centres and tertiary institutions to put in place policies and procedures to give effect to these standards. In other words, we will have a uniform national standard for the protection of our children.

Madam Speaker, the Ministry takes the safety of our children very seriously. Outside the contracted services I am able to report that all perspective employees are police checked as part of the Ministry's pre-employment process.

In addition, to the specific actions I have committed to undertaking through this statement, I also wish to inform you that my Ministry has well advanced plans for major new initiatives, the "Safe at School" strategy. This will have a much wider impact on our children's safety and wellbeing. It aims to develop safe supportive schools free from risk and harm.

In closing, Madam Speaker, I wish to reiterate my Ministry's commitment to ensuring the security and safety of children in every learning institution across our Islands, both public and private.

Thank you, Madam Speaker.

**The Speaker:** Thank you, Minister of Education.

## ADJOURNMENT

**The Speaker:** I call on the Premier now for a motion for adjournment.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, before I move the adjournment, I had spoken, or wrote, to you in regard to a matter. If I do not hear from you I will not have leeway to do so later on.

**The Speaker:** I have told you, Honourable Premier, that that is not possible on the Floor of the House.

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

**The Speaker:** I am not going to argue the matter—

**The Premier, Hon. W. McKeeva Bush:** I'm not arguing, Madam Speaker, but you have to respect people's rights, you know. And in this instance I have a right.

**The Speaker:** I do respect your right.

**The Premier, Hon. W. McKeeva Bush:** Well, you are not right now!

**The Speaker:** And I am right. I am right. And I have ruled on the matter and I am not going to reverse the ruling.

**The Premier, Hon. W. McKeeva Bush:** And I am taking your ruling, but I am going to tell you . . . I am going to test it because I do not think you are right.

**The Speaker:** Well . . . I am waiting for the adjournment motion.

*[inaudible interjection]*

**The Premier, Hon. W. McKeeva Bush:** About the ruling. She does not want me to put the paper out to Ezzard. That's the ruling.

Madam Speaker, as I said, I will test it because it is absolutely wrong. Therefore—

**The Speaker:** The House is hereby adjourned and . . .

**The Premier, Hon. W. McKeeva Bush:** You can't move the adjournment until I move—

**The Speaker:** Don't tell me I cannot move the adjournment!

**The Premier, Hon. W. McKeeva Bush:** I am moving the adjournment asking that the House be adjourned, Madam Speaker.

**The Speaker:** Well, you move the motion now.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, I am going to move the adjournment on this House for a date to be set.

**The Speaker:** The motion before the House is that this House do hereby adjourn for a date to be set. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**At 6.48 pm the House stood adjourned sine die.**