

**OFFICIAL HANSARD REPORT**  
**FRIDAY**  
**18 NOVEMBER 2011**  
**10.42 AM**  
*Third Sitting*

**The Speaker:** I call on the Honourable Deputy Premier, the Honourable Minister of District Administration, Works, Lands and Agriculture to say prayers this morning.

### PRAYERS

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** 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

#### Apology

**The Speaker:** I only have one message. The Elected Member for North Side is absent today. He is taking care of his constituency business in regard to the Pirates Week Festivities in that district.

I have no apologies for any late arrivals and I notice there are several empty chairs here this morning. I would remind Members again that the business of this Parliament is paramount. It is what they are paid to do, and on the few days of the month that we meet I expect Members to be here and in their seats when I walk through that door.

Thank you all.

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

**The Speaker:** I have two requests for statements this morning: one from the Deputy Premier, which I will take first; and another from the Premier himself.

#### Food and Nutrition Security Workshop

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** Thank you, Madam Speaker.

Madam Speaker, the Ministry, being my Ministry, District administration Works, Lands and Agriculture in collaboration with the Caribbean Food and Nutrition Institute is organising a two-day workshop that will sensitise policy makers of the Cayman Islands on the importance of food and nutrition security and to garner their commitment to develop a policy for the country.

The workshop will take place November 24-25, 2011. However, November 24<sup>th</sup> 8 am – 12 pm has been reserved as a sensitisation session for senior policy makers of the Cayman Islands. The objectives are specific to this workshop:

1. To sensitise stakeholders regarding:
  - a. the key food and nutrition problems in the Cayman Islands;
  - b. the strong intersectoral links among food, nutrition, agriculture, trade, education, et cetera;
  - c. the rationale and importance for food and nutrition policy for the Cayman Islands.
2. Initiate the process for formulating a food and nutrition policy and a national coordinating committee council for food and nutrition within these Islands.
3. To initiate plans for the development of a national food safety policy.

Thank you.

**The Speaker:** Thank you, Madam Deputy Premier.

Honourable Premier, your statement now.

**Framework for Fiscal Responsibility (FFR)  
Text of the Document**

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

Madam Speaker, the Government recently published for the edification of the public, the text of the Framework for Fiscal Responsibility (FFR) document, as presented to us by Her Majesty's Government in the United Kingdom. This has been an ongoing discussion since we had to borrow \$309 million. I wish to note at the very outset, that while this Government will shoulder the responsibility for bettering the situation giving rise to the FFR proposals, we cannot, and will not, accept responsibility for causing this grievous fiscal situation that the Cayman Islands Government now finds itself in.

The Opposition will no doubt (as they have been doing) continue to use their favourite tactic of playing on the public's sympathy. They like to suggest, amongst other things, that we are trying to blame them for our failures. The fact is, Madam Speaker, that it is indeed their recklessness in handling the public purse when in office, that has got us to where the UK is pressing us so hard in terms of fiscal responsibility.

**Point of Procedure**

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, Point of Procedure. May we have a copy of the Statement please?

**The Premier, Hon. W. McKeeva Bush:** It's not here yet? They told me it was sent down.

**The Speaker:** *[Addressing the Serjeant-at-Arms]* Would you check, please, with the Clerk and make sure it is here?

*[pause]*

**The Speaker:** Sorry for that delay. The Serjeant will distribute the [copies] now.

Mr. Premier, please continue.

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, I was saying that the Opposition will no doubt continue to use their favourite tactic of playing on the public's sympathy. They like to suggest, amongst other things, that we are trying to blame them for our failures. The fact is, Madam Speaker, that it is indeed their recklessness in handling the public purse when in office, that has gotten us to where the UK is pressing us so hard in terms of fiscal responsibility.

Imagine that Cayman, with our proud heritage of never having been grant-aided, never getting anything from the UK, Madam Speaker, should now have such restraints pressed upon us!

*[Inaudible interjection]*

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, I am sure you are hearing the Leader of the Opposition (and I will get to the point he raised). But the Members (and indeed him) of the Government that he brags about should hang their heads in shame.

*[Inaudible interjection]*

**The Premier, Hon. W. McKeeva Bush:** *[Replying to inaudible interjection]* Well, Madam Speaker, that is left to be seen. He said they never took anything. I don't know who took anything. But if there are no audits who can tell that anything was taken?

*[Inaudible interjection]*

**The Premier, Hon. W. McKeeva Bush:** Again, Madam Speaker, you are hearing him say *do the audits*. You heard what the Auditor General said, Madam Speaker, that there is hardly any paper to do an audit on. Yeah, they did their work real good. Do not tempt me this morning because I will be ready to answer any of their remarks, Madam Speaker.

**The Speaker:** And I would ask the Members of the Opposition to cease making remarks while the Premier is speaking. You will have an opportunity afterwards to ask questions if you wish.

Mr. Premier, please continue.

**The Premier, Hon. W. McKeeva Bush:** Instead, Madam Speaker, as you are hearing, they try to divert attention from their own malfeasance. They talk about our approach to procurements and about our funding of church development activities. This is not what the UK is concerned about.

*[Inaudible interjection]*

**The Premier, Hon. W. McKeeva Bush:** *[Replying to inaudible interjection]* That too.

The UK is not concerned about funding church activities. While the *[Caymanian] Compass* editor and others seem to have great problems with the Government partnering with churches to get good facilities (that is, hurricane and/or emergency shelters and afterschool programmes), I will say that this Government will continue to do so within reason.

I did meet with the Minister for the Overseas Territories this past Monday (Mr. Bellingham, Madam Speaker), and we didn't talk about such expenditures.

He affirmed that a properly developed business case evaluation of the much-maligned cruise facilities project would satisfy their procedural requirements. The process to produce such an evaluation is well underway with KPMG, I should say, Madam Speaker, doing the business case and the value for money audit, and is central to our assessment of the capabilities of the developer, and the overall viability and sustainability of the project.

I repeat, the Minister made no mention of the \$4 million spent in support of churches' infrastructure development, and scholarships. That doesn't cause them serious concern. I think that the Minister understands and appreciates the central role of churches and of education in strengthening the social fabric. They seem to agree that such support from Government is valuable social investment.

*Nah!* Four million dollars, Madam Speaker? No, that is not where the concern is. It is in fact the \$100 million dollar schools, and the impending costs for their maintenance, and a building for over \$90 million without the funds to do so, that the UK cites among the examples of past mismanagement. If anyone scratched their head at the foolishness of the building designs and contracts, let them now look at these costs combined with the millions that will be needed each year to run these schools. The maintenance costs for these schools are a worry for us, and for the UK; these costs alone will make many a jaw drop.

On the contrary, our fiscal performance since taking office—although I am maligned from across the way by the Leader of the Opposition and the other mouthpiece there—has quite pleased the United Kingdom, from their many letters that they have written and our discussions. From an \$81 million deficit—which they left—to a \$25 million surplus within only two years in an economy with no income tax, no property tax and no payroll taxes, no serious taxes on the people of this country, is most pleasing in this worldwide economic crisis and they have said so.

Taking that from no verified government accounts at all in the last Government to bringing governments' accounts up to date and verified by the Auditor General, is something that my Government can brag about.

The point of the FFR is to establish a framework by which the country can continue to achieve and sustain a fiscally prudent Administration. The document has been published so that the public could see for themselves the depth of concern that the UK have developed.

The *[Caymanian] Compass* and other critics never stopped to say "well done." And I can tell them that I don't expect it from some of them. I know and I believe in the Bible when it says, "**What shall it profit a man [if he shall] gain the whole world and lose his soul?**" I certainly know the value of congratulating someone when they have done well, rather than tear-

ing them down. Some demented souls don't seem to appreciate that.

However, Madam Speaker, this is not the whole picture. It does not show the responses we have provided, which seek to avoid the potentially catastrophic economic effects of a Government making sudden reductions to expenditure or investment plans. In my discussions on Monday with the Minister, very solid progress was made in coming to terms over these points, which, all things being equal, will put me in a position to sign an amended FFR document next week at the Overseas Territories' Consultative Council meeting.

To give just one example, it has been agreed that governments in the Cayman Islands, no less than in the UK or elsewhere, are not at liberty to apply a purely financial business case to justify capital projects. To achieve acceptable good governance standards, governments must invest in health facilities, schools, and national heritage infrastructure, for instance. This will not justify borrowing, though, beyond the limits of our ability to pay back from operating revenues. That is also agreed. We know, Madam Speaker, this is a tough position; it calls for both elected representatives and civil servants to work hard and work smart.

Having said that, my Government appreciates the efforts (to date) of all who have contributed to our success in turning things around. We have many good and valuable public servants in the government sector. It is my belief that we have not yet fully tapped their potential. There is no doubt in my mind that, with the right leadership, and the right motivation, much greater things still can be achieved.

Leadership in the public sector was also a subject of serious discussion between myself and the Overseas Territories' Minister on Monday, and will no doubt stay on the agenda until we see how the serious upcoming changes in the upper echelon of the Civil Service take shape, at the forefront of which will be the handover to a new Deputy Governor. The United Kingdom have received and accepted the assurances from both sides that the people of the Cayman Islands will not be subject to any lowering of quality of public leadership as a result of these changes—certainly not due to any lack of mutual support between the elected and official arms of Government.

I had to point out to the Minister, though, that the Elected Arm of Government, Madam Speaker, does not have any say over the Civil Service—none whatsoever. We do not fire, hire, promote or demote anyone in the public service. That is the Constitutional duty of the Crown through the Governor and the Deputy Governor and his staff.

What I am saying here, Madam Speaker, is a lead, if the press is willing to take it, that there is consensus around the need to continue the drive to excellence in service and value for money within the entire

public sector. I say it is a lead because they will no doubt be tempted to speculate about the implications of the significant turnover at senior levels of the civil service.

I repeat, the Cayman Islands has a high calibre of civil servants, and even so it is my belief that it may yet rise to greater heights. While such a turnover is serious for any organisation, most of which the public has not yet seen, and has to be properly handled, I believe it is well within our capability to manage this element of change, to take it in stride as part of the larger task of change management as we adjust to new and demanding realities.

I am directly addressing the press here, Madam Speaker, because so much of what occupies the airwaves and fills the newspapers is like new wood pushed onto a fire—that fire being sensationalism, and the new woods being speculation, innuendo, unfounded inferences of wrongdoing, and I do believe Leven is right. The noises made about procurements are a case in point, whether it has to do with the port, or the so-called Cohen case.

With respect to that case (the Cohen case), which was not discussed because it is not a matter of concern, I wish to point out to the noisemakers and the speculation, innuendo, unfounded inferences of wrongdoing, that had that gone through we would now be benefitting from the very low US base rate of 2.05 per cent. That is what the base rate is and that is what we would be benefitting from. Perhaps the deal I was pursuing wasn't so shabby after all, if they know anything about financing or low interest rates.

Madam Speaker, anyone can say anything but the facts are a different matter. And the problem we have in the country is that people—some people—will stick to innuendo and stick to the inferences of wrongdoing because “as a man thinketh, so is he.”

Even in the United Kingdom there is an awakening to the need for a more responsible press. Leven is right, in calling for this. The press enjoy a position of privilege in the realm of public speech, a position they use every day. They would be well advised to use their ability to influence public opinion in a more balanced, responsible way, in a way that is more encouraging to efforts made for the good and that is not fixated, as they now appear to be, on finding a negative angle to the vast majority of actions by public officials. And even where criticism is warranted—even where criticism is warranted—they seem unable or unwilling to research background properly, or to fully establish context.

The ability of the population to effectively participate in public affairs could be enhanced—think of it! Think of it—if they had the benefit of a better quality of journalism rather than a daily diet of speculation, sensationalism and an ever-accusing finger. “As a man thinketh,” the Bible says, “so is he.” They do so with impunity, without any presence of truth whatsoever in what they say. I call on the press to use the

FFR and the White Paper consultation as opportunities to perform to the sorts of standards to which I have alluded.

I call on all sectors of the community to pay attention to these important deliberations, and to participate fully where and when the opportunity presents itself because I, as the Premier, and my Government, can only do so much. When the hand of the United Kingdom, which is stronger than ours, says it must be, then it shall be. That is the game we have to play with. That is what is happening to us. And the Constitution has not helped, Madam Speaker. It has not helped. I will tell you about that in a minute.

To turn around the performance of the economy and, more immediately, to continue to improve Government's fiscal position is a huge challenge. And I point this out to this honourable House, to my Members, to the Opposition, and to the country at large that we can only spend what we make. Whether Government fully accomplishes this mammoth task in the next 18 months is right now anybody's guess given the outlook on the world economies and given the United Kingdom's dictum for a very long process. But we will continue in doing our utmost in trying to make things better for our people.

As a community, we have more brain power on average; we have a higher quality of human resources than most other communities of comparable size. In this post-modern global ‘knowledge economy’ we have an advantage. Let us use it. Let us apply ourselves. Let us not be daunted by the FFR or any other reminder of the necessity for fiscal discipline. The corollary to such application of discipline is the more fulsome use of innovation, of imagination, of creativity, of inspired thinking.

These Islands have a very rich heritage in this respect. We invented, we adapted, we created, and we discovered, Madam Speaker, from bush medicine to house and boat-building; from making music to making laws and our own government. Today's challenges are not too much for a people like us. Caymanians have come through worse than this. The FFR need not frighten us, nor will any editorial about it. We can tailor such requirements to the realities we know better than anyone else without losing sight of the goal, and this we, as a Government, are already doing. I look forward to broader community support in this undertaking, as well as in the more sweeping national efforts to which I have alluded.

Just allow me to say, Madam Speaker, that during the course of the discussion on the FFR the Budget had to come into discussion. And when I say the Constitution is going to be a burden on us, Madam Speaker, the public servants of this country have already found out that the establishments of the commissions and the workings and what they are going to require, and the Bill of Rights and what they are going to cause in the public service work and the facilities at this point in time, never mind the international obliga-

tions that we are committed to because the United Kingdom is part and parcel of it, is already at well over \$37 million for the upcoming Budget.

So when those Members on the other side get up and say you only want to blame the Constitution, Madam Speaker, I am glad that we are in a position to have a Constitution—but pay for it we are doing. And that is what I said about it in the beginning. That it will cost this country what we could not afford.

Now, the UK has their concerns about that \$37 million and they have asked us to put it in writing because they themselves have to count the cost of their Bill of Rights and to see whether implementing it in full state at this time is going to be over costly or the right thing for them to do budget-wise. They themselves have said that, and it is something that they have asked us to put in writing and to consider alongside with them. And that I shall do.

I said, Madam Speaker, that the Cayman Islands can take these challenges. And I am reminded of the hymn writer Norman Macleod who wrote one of my favourite hymns at such a time as this:

*Courage, brother! do not stumble,  
though your path be dark as night;  
there's a star to guide the humble:  
trust in God, and do the right.  
Let the road be rough and dreary,  
and its end far out of sight,  
foot it bravely; strong or weary,  
trust in God, trust in God, trust in God,  
and do the right.*

*Perish policy and cunning,  
perish all that fears the light!  
Whether losing, whether winning,  
trust in God, and do the right.  
Some will hate you, some will love you,  
some will flatter, some will slight;  
heed them not, and look above you:  
trust in God, trust in God, trust in God,  
and do the right.*

*Simple rule and safest guiding,  
inward peace, and inward might,  
star upon our path abiding,  
trust in God, and do the right.  
Courage, sister! do not stumble,  
though your path be dark as night;  
there's a star to guide the humble:  
trust in God, trust in God, trust in God,  
and do the right.*

Norman Macleod penned it well.

**The Speaker:** Thank you, Mr. Premier.  
Leader of the Opposition?

### Short Questions [Standing Order 30(2)]

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, pursuant to Standing Order 30(2), I seek your permission to ask a few short questions of the Honourable Premier in relation to this Statement.

**The Speaker:** Yes, Honourable Leader of the Opposition, proceed.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, would the Honourable Premier confirm that this issue of the need to sign a Framework for Fiscal Responsibility document was raised with him at least as early as November of last year, and raised again with him in February of this year by Minister Bellingham?

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, as I said, a Framework for Fiscal Responsibility was discussed, or was mentioned. The changes to our PMFL which this is all about, was mentioned from when we had to begin the discussions on the \$309 million.

It really got underway fully being discussed with the Minister sometime last year, with Mr. Bellingham, and discussed in letters, discussed here through the public service at different points with Mr. Jefferson leading the discussions on this matter. It was in his hands to move it and get it to where we believed we could sign it.

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** And, Madam Speaker, would the Honourable Premier also confirm that, notwithstanding the title “Framework for Fiscal Responsibility,” that the proposed document deals with a range of governance issues and concerns borne out of concern about their procurement processes, borne out of concern about debt, borne out of concern about management of government projects, borne out of concern about this concept of public/private partnerships, and borne especially about governance issues in relation to what has transpired in the Turks and Caicos Islands and concerns about governance in these Islands as well?

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, the FFR, as I said, has its origins in the need . . . the discussions to change the PMFL. It started with the borrowing. It started because of what the Budget was like. It started because we were left in deficit. It started because there were no government accounts, there was no accounting processes. It started because of all of those things, and I have published the report; and it has to do with all those things

the Member mentioned—procurement. And we are looking for a better way to do procurement, Madam Speaker.

Madam Speaker, when I got elected—and before that because I have been in Government a long time—I knew that the present structure was not working. I was told by senior civil servants when I came into Government, *You need to change this situation*, for many different reasons. I started on that process; I went to Jersey and looked at their system with a delegation including the Financial Secretary. We went to Bermuda and we looked at their system. And we had discussions with Caribbean Development Bank and we have now advice from them to look at the system that Jamaica has.

Caribbean Development Bank and the Inter-American Development Bank, and the Deputy Governor, Mr. Manderson, and the Financial Secretary and I will look at that at the end of this month.

Yes, it has borne all of those things. Yes, the UK wants to see a better process. And that is what I talk about. It is a very long drawn out process but it is something that the country is going to have to do. And when it comes to the value for our projects I welcome it. And I welcome, not an overburdening of bureaucracy, but I welcome a strengthening of the system which I believe is what Minister Bellingham wants.

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

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

Madam Speaker, I wonder then if the Premier will also confirm that the issues relating to the statutory processes for tendering not being followed in the Cayman Islands—issues about contingent liabilities, in particular relating to past service pension liability—are all critical factors addressed in the Framework for Fiscal Responsibility and that the UK Government has expressed its real concern that this Government has thus far done nothing in terms of contributions to reduce contingent liabilities, particularly as it relates to past service pension liability.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I have had no discussions with the United Kingdom about pensions or past service liability. They are matters that they would be concerned about—who would not? And I have had no discussions about them and not being able to fund it the way that we would want to. They understand, in fact.

Since that Member who asked the question did such a bad job, a poor job, and mismanaged the funds, we sat down with the UK Government to look at how we can try to better our Budget and they are trying to help us better the Budget. And if we can find the money to put in there we will, and they understand that.

There are things the UK wants to do that they cannot do themselves. So the Minister, who is an elected official, very well understands all those issues. We discussed those things at Budget that were not discussed during the course of the discussion on the FFR.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I wonder if the Premier could also confirm that the UK has raised questions about the supposed \$25 million surplus on the basis that it has been achieved in large part as a result of the failure of the Government to address things like the past service pension liability in the way that has been the case for many years by providing—

**The Speaker:** You are actually making a statement instead of asking a question.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** It is a question to it, Madam Speaker.

**The Speaker:** They are supposed to be short questions. Anyway, please proceed, but try and keep the questions short and concise so we can follow it.

Thank you.

**The Premier, Hon. W. McKeever Bush:** That's Right. You shouldn't make a statement.

**Mr. V. Arden McLean, Elected Member for East End:** He's the Leader of the Opposition.

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

**The Speaker:** And I am the Speaker!

**Mr. V. Arden McLean:** It does not matter to me.

**The Speaker:** Obviously it does not.

*[inaudible interjection]*

**The Speaker:** Leader of the Opposition, please proceed.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I wonder if the Premier can confirm that the UK has raised the issue of the \$25 million supposed surplus on the basis that it has been achieved in large part by not making the usual contributions to pay down the past service liability as it relates to pensions.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I take that as a statement by the Leader of the Opposition. But I had no discussion with the UK about past service liability or pensions—none whatsoever.

ever that I recall. Certainly, maybe in the course of the Budget (when we were discussing that) it might have arisen, but not so much that they said *you must do this*. No, I did not. And I certainly had none this time. There was none on Monday, and it has not come up in the discussion on the FFR.

I understand what the Member is trying to do. The Member is trying to say [that] because we have not been able to fund it as much as we would want that that is the cause why we got this FFR. I have said the reasons why, Madam Speaker. He cannot get out of that fact. And the quicker that he understands the better for this country. In case he is the next government, the better off he will be because he is going to have this to deal with and he put us there.

It is the first time in the history of the Cayman Islands' 180 plus years of parliamentary government that we now have to go to the UK, be called to the UK, as I have done this week, to go there to discuss this in full and to tell us that we have got to do it and to tell us what and how we can spend and say *you've got to cut off at \$490 [million] or \$189 million*. It is the first time. And he was the Member leading it. He did nothing to better the economy to bring in the revenue, the money, and he caused no accounts to be had and no paper trails. If you want to talk about something, talk about that.

I have had no discussions on the pensions.

We are only not able, Madam Speaker, to fund that amount of money as we should. Either the Civil Service would have taken a big cut to do so, they would not get back the raise out of the \$25 million, and other things that we had to spend [on], we would not have had the money to spend on what the House agreed on, the extra \$4 million or \$6 million, we would not have had any of that if we did not have that surplus. So, either we put it into things like that, or we put it down for the past service liability.

But the UK has not said anything to me about it because, as I said, they have got their own budgetary woes that they understand that they cannot spend everything that they would like to and pay everything as they would need to.

**The Speaker:** This will be the last question please. We need to get this behind us now.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, would the Premier confirm that this Framework for Fiscal Responsibility document is a document which the United Kingdom Government intends for all the Overseas Territories to sign reflecting their new policy in relation to the administration or the governance of the Territories and then, Madam Speaker, to go on to explain why he has been the only leader of the Overseas Territories who was summoned in advance of the Overseas Territories' Consultative Council Committee meeting next week?

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I cannot say that the UK is expecting that from all of the Overseas Territories. I do not know. What I have said to them is do not put us in the mix with all the Overseas Territories because Cayman is different. And they have told me, *I am asking you to take the lead because you are seen as a leader in the region. And in efforts of full and open and frank and good relationships, we have decided that we would try to get this thing done as quickly as possible*.

But it is borne out of the fact that the Constitution demands for new things, better governance. The UK has the responsibility at that end, but they now have responsibility to tell me how much I can and cannot spend, which the Member allowed us to get in that position because of his mismanagement. And so they have not talked to me about any other territory.

What I have said to them (including our new representative in London) [is] that the Cayman Islands cannot be viewed in the way they view any other island. Our jurisdiction is different. And the Minister understands that we have a different economy. BVI have theirs, Turks have theirs, so does Montserrat and so does the other one

**An Hon. Member:** Anguilla.

**The Premier, Hon. W. McKeever Bush:** Anguilla. They are all different from ours.

What obtains in Turks and Caicos does not obtain here. What obtains in BVI does not obtain here. So, they have said to [me], *You are a leader, and you must be a leader, and we ask you to do this*.

We have our problems, as I said. We have borrowed too much and we have spent what we did not have and they want a new process. And we shall get a new procurement process, but they want a whole different new stream of governance which the Constitution, they say, gives them the right to get and they asked us to cooperate. And that is what we are trying to do, as I said, in the objective of having a better relationship.

And we do have a better relationship with this Government. The Coalition Government, the Conservative Government, the Tory Government, and the Liberal Party together have seen differently from the Labour party.

The Labour Party Governor, who left, Mr. Jack, left them and made them do what they wanted to do. They spent and started on the schools. They started on the roads when we did not have money and the schools when we did not have money and on a building when we did not have money. He allowed that and they told us we are not sitting down and allowing that to happen again. *So, here is this document, this is what we want*. That is what they have said.

So, do not sit in this House or get on any radio—although I know he has done it and he will continue to do so—and make the world believe that this Government has gone awry. We have tried to rush things, and I can tell that to the world. I have tried, Madam Speaker, to get this economy going. I have tried to move the dock faster ahead. I have tried to get other projects moving. And they said, *slow down, you have got to do this process, this is what we want done, not the old way. This is what we want done—we want this report, that report, and the next report first.* Therefore, we cannot [move] ahead.

They have agreed on divesting. Civil servants came back and told us they are not agreeing to it. Some that is; some civil servants. So this is why the UK is down on us and these are some of the reasons why I cannot move. I can tell the world the UK said to me, *You cannot go so fast, we need these things done.* But I have been trying to get the dock; I have been trying to get good agreements with the private sector on different projects. But it is not out of a rush just to get anything done. It is a rush to save this country's economy from disaster.

If I can be blamed for is anything, it is a head-long rush to stop the disaster of people losing their houses and people not working. That is what the UK is saying, *Slow down, you have got to go through this process.*

Well, so be it.

**The Speaker:** Thank you.

Can we move ahead please on the Order paper, now?

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

##### Traffic Bill, 2011

**The Clerk:** The Traffic Bill, 2011. Second Reading.

**The Speaker:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Madam Speaker, I beg to move the Second Reading of the Traffic Bill, 2011.

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

Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

Madam Speaker, this long awaited draft Bill seeks to repeal and substitute the current Traffic Law (2003 Revision). Many of the provisions remain the same, but there are a number of new and amended provisions within this Bill.

Since the enactment of the 1973 Traffic Bill to the present time there have been some 15 amendments. In my respectful opinion, the Traffic Law has served this country extremely well during those years. However, Madam Speaker, the time has now come to enhance the Traffic Law making it more reflective of the current traffic situations that we encounter on our roads today.

Madam Speaker, the review of the Traffic Law commenced under the previous Administration in the summer of 2004, in particular the area pertaining to the regulating of driving instructors. In 2007 a Traffic Law Review Committee was formed to address, in particular, the challenges and concerns surrounding road safety. A new committee was appointed in August 2009 which continued with its work and indeed examined the Traffic Law (2003 Revision) together with associated regulations.

Madam Speaker, the main proposed changes are as follows:

Clause 2 of the Bill seeks to introduce a number of new definitions. As a result of some major changes to some substantive provisions, there are now definitions of terms such as “electrically powered vehicle” and “mobile telephone.”

The definition of “motor vehicle,” Madam Speaker, has been changed. Under the Traffic Law (2003 Revision) a motor vehicle was defined as meaning any mechanically propelled vehicle manufactured or adapted for use on our roads. The definition has been reworded to add a new category of vehicles that are intended to be used on roads. Madam Speaker, this would allow for the first time in these Islands for electric vehicles to be registered, licensed and insured by eliminating the word “motor.”

The way the Law will now operate as drafted is for the low speed electric vehicles (which we refer to as LSVs) or neighbourhood electric vehicles (NEVs) to be used only in those speed zones of 30 miles or less, bearing in mind the 25 mile zone throughout the Island of Little Cayman and the anticipated reduction of the speed limit on the old West Bay Road to 30 mph.

For those vehicles to operate within the speed zones of 40 or 50 miles or more, they will be committing an offence of obstructing the traffic while moving contrary to section 82(q) and 60(i) of the Traffic Law (2003 Revision). This section states, Madam Speaker, that it is the duty of every person driving any kind of vehicle upon a road “**to avoid obstructing other vehicles whether the vehicle under control is moving or is stationary;**”

[pause]

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you for your indulgence, Madam Speaker.

This is a ticketed traffic offence under the Traffic Ticket Regulations (1999 Revision).

Madam Speaker, you will notice in the definition of section 2 that a "special electric vehicle" is defined as: "**an electrically propelled power vehicle which, in the opinion of the Director, is capable of travelling under its own power at a maximum speed of thirty miles per hour . . .**;" Whereas an "electrically powered vehicle" is an all-inclusive definition in section 2 to capture the low speed vehicles, the neighbourhood electric vehicles, and those vehicles that are capable of travelling in excess of 30 mph.

Those vehicles that can travel in excess of the 30 miles would be registered and licensed as ordinary vehicles that have a combustible engine. In other words, Madam Speaker, there is no differentiation between an ordinary vehicle and an electric powered vehicle.

Madam Speaker, clause 2 also has been changed to the definition of "taxi" to increase the number of passengers from 9 to 15. There are currently a number of 15-seat vehicles that operate as a taxi under the current Law and we now seek to regularise those said vehicles. It is worth mentioning that currently taxi operators are unable to register their 15-seat vehicles as they currently exist and they have to remove the additional seats in order to bring it down to 9 seats. This creates, we believe, an economic hardship on those persons operating, having expended significant sums of money to purchase the vehicle, only to be told that it can only be registered and licensed as a 9-seater.

Clause 10(4), Madam Speaker, provides that where a vehicle licence has not been taken out for a period of three continuous years it may be deleted from the register. Under [clause] 10(5) the Director may restore such a vehicle to the register once all the arrears have been paid.

Madam Speaker, there are no provisions in the existing legislation to waive these outstanding fees. There are a number of vehicles on the register that go back a number of years owing fees that we cannot simply collect. This is no fault of the Department or, indeed, the Treasury Department, but rather an inherent problem of enforcement, whereas it would be difficult and time consuming to prove whether these vehicles have been used on the roads without licence or are indeed still operational.

Therefore, Madam Speaker, this is an attempt to clean up the register without those registered owners incurring any penalty provided they do not use the vehicles on the road after being struck off. If they desire for the vehicle to be brought back on the road they would have to pay a maximum of three years only and the registered vehicle would be used then as

a second hand vehicle. Madam Speaker, this we believe is the most sensible and practical way of dealing with this most aggravating matter.

I should also state, Madam Speaker, that in the aftermath of hurricane Ivan, as we all know, a great deal of vehicles were actually destroyed. However, Madam Speaker, a lot of those vehicles still remain on the register to this very day although they will not, we believe, be put back on the road.

Clause 19 introduces the licensing of what clause 2 defines as an "exhibition vehicle," Madam Speaker. Under that said clause as read with the definition of "exhibition vehicle," the owner of a vehicle of 30 years or more since its manufacture which is used only for exhibitions, parades, or public display, may, upon application to the Director in the prescribed form and upon payment of the prescribed fee, be issued with an exhibition registration and plates. The issue of such plates will be permanent and valid for use without renewal of registration until the vehicle is disposed [of] or becomes derelict.

Madam Speaker, there are also a number of individuals on Island with antique vehicles that do not wish for them to be driven on the road for private use. Therefore, in order for those persons not to be committing an offence by keeping an unregistered vehicle under the current Law as it now stands, we will allow through this Bill for them to be registered as attracting a one-time registration fee.

Clause 29 introduces changes to the ability of visitors and people who come to live in the Islands to drive. Under this clause, Madam Speaker, a visitor who holds a domestic licence from a "Convention country" (which is defined in clause 29 and reads as follows, with your permission: "**29 (1) In this section, "Convention country" means a country which is party to: (a) the Convention on Road Traffic concluded in Paris in 1926; (b) the Convention on Road Traffic concluded in Geneva in 1949; or (c) the Convention on Road Traffic concluded in Vienna in 1968.**"), or if they hold an international driver's licence from such a country they may, on the basis of that licence, drive here within the Cayman Islands for a period not exceeding six months. After that period he or she may only drive after passing a prescribed written test upon which he shall without the need for a road test or a practical test be issued a Caymanian driver's licence

A person who does not hold a domestic licence from a Convention country or an international driver's permit from such a country, shall not enjoy this concession and shall, therefore, be required to pass both the written and practical test before he can drive at all in these Islands.

Madam Speaker, we will be adhering to the provisions of the Geneva Convention Road Traffic, 1926, 1949, and 1968 by still allowing persons with a valid domestic driver's licence from their home country to drive here in Cayman for up to six months. How-

ever, as said, they will have to be tested for the written examination so that they can prove, Madam Speaker, that they have the requisite knowledge of our road code and the local driving conditions.

Madam Speaker, this is no different from what obtains in other countries. For example, in Florida, in the US, where you can drive up to six months after which you have to take both the written and the practical test, and likewise in the United Kingdom, which allows for one year of driving on your domestic licence then you have, again, to take both tests—written and practical.

Clause 78 [(1)], Madam Speaker, introduces a ban on the use of mobile telephones while driving. And there are some exceptions and these include:

- (a) a constable on duty;**
- (b) a driver using a mobile telephone to make a 911 call in an emergency when it is unsafe or impractical to stop and park the vehicle in order to make the emergency call;**
- (c) a driver who uses a mobile telephone that**
  - (i) is secured to a mounting affixed to the vehicle which the mobile telephone is being used; and**
  - (ii) does not require the pressing of more than one button on the mobile telephone to make, receive or terminate a telephone call; or**
- (d) a driver who uses a mobile telephone that**
  - (i) is not secured to a mounting fixed to the vehicle; but**
  - (ii) does not require the driver to hold or manipulate the mobile telephone in order to make, receive or terminate a telephone call; or**
- (e) a driver who uses a mobile telephone when the vehicle he is operating has stopped, having been removed from the normal flow of traffic, and, for this purpose, a vehicle that has stopped in obedience of a traffic sign or traffic signal while awaiting circumstances to develop which would allow it to proceed or while awaiting the traffic signal to change, shall not be considered to have been removed from the normal flow of traffic.**

Madam Speaker, most countries throughout the world such as the UK, New Zealand, Canada, US and other European countries have banned cell phone use totally while driving. They have likened cell phone usage while driving to that of careless driving. This provision that we have is drafted from the New Zealand

Road Rules, 2009, which, Madam Speaker, was found, in our respectful submission, to address our current traffic needs and not enable a total ban, but rather a partial one with the exceptions I just quoted.

Clause 79 introduces the offence of causing death by careless driving or the new provision of inconsiderate driving. The offence will now be an arrestable offence in that an arrest can be made without warrant. It is triable on indictment and it carries a maximum fine of \$10,000 or imprisonment for a term of seven years. There is also a possibility of being disqualified from holding a driver's licence for a period of at least three years. This, again, is similar to the UK Road Traffic Act 1988.

Madam Speaker, the court will now have an added option to convict for a lesser serious offence if there is not sufficient evidence to raise the standard of causing death by dangerous or reckless driving. This is an arrestable offence.

Madam Speaker, I should pause to say that this recommendation was made by the Royal Cayman Islands Police Service to address the anomaly that is currently in our Traffic Law.

Clause 80 introduces an offence where an unlicensed, disqualified, or uninsured driver causes death by driving a motor vehicle on a road. This, again, is similar to the UK Road Traffic Act 1988. The offence, again, is an arrestable one and an offender is liable to a fine of \$10,000 or imprisonment to a term of seven years. He or she may also be disqualified from holding a driver's licence for at least three years.

Madam Speaker, the court now has an added option to convict for a less serious offence if someone deliberately causes death of another person and he is driving unlicensed, disqualified, or uninsured—this also being an arrestable offence.

Madam Speaker, it will no longer be the case to charge for the minor or simple offences of driving unlicensed, disqualified, or uninsured. This, again, was also a recommendation that we took on board from the Royal Cayman Islands Police to address yet another anomaly in the current Traffic Law.

Clause 94, Madam Speaker, [which] provides for ticketing offences now, would include the offence of using a mobile telephone while driving as a ticketed offence. It also provides for the payment of traffic tickets by electronic means—I am sure a welcome gesture.

Madam Speaker, this allows for the offender to pay his or her traffic fine to the court by e-payment rather than having to attend the court's office to pay in person. This will no doubt assist the court's office and the individual offender saving them both time by allowing online payment as opposed to waiting in line. This, again, came as a recommendation from the Royal Cayman Islands Police. And I know my colleague, the Fourth Elected Member for George Town, has been an avid worker and promoter of going e-business and

allowing the Government to get on the cutting edge of technology.

Clause [115] introduces a ban on persons operating as clamping agents—perhaps one of the most controversial to date—and making it an offence to clamp the wheel of any vehicle in a public place.

Madam Speaker, in order for us to address wheel clamping we will need to examine the context of [clause] 2 of the Traffic Bill 2011, which defines a “public place” to mean **“a place to which the public has access—(a) as of right, without payment; (b) upon payment; or (c) upon invitation, express or implied, and includes commercial property to which persons attending for commercial purposes are allowed access by the owner of those premises, upon payment of a fee or not.”** It is very specific, Madam Speaker.

This, as I said, has been perhaps the most controversial aspect of the Bill where a number of persons have been clamped at various parts in Cayman—the airport, supermarkets, et cetera—where these agents do not use their discretion or proper judgment and just clamp for the sake of collecting fees for their companies. I am also reliably informed, Madam Speaker, that even when the Government contracts with these companies to enforce parking, the fees collected do not form part of Government’s revenue.

[Clause] 2 of the Traffic Bill, Madam Speaker, goes on to define “road” to mean **“a public place where a vehicle may be driven or parked and such areas adjacent to that place as may be prescribed.”**

When we examine now [clause] 113 of the proposed Traffic Bill 2011, where the police can remove vehicles to impound under four scenarios. Firstly, **“Where it appears to a constable”** (and a constable by virtue of Interpretation Law means the whole ambit of the force leading up to the Commissioner) **“that a vehicle has been—(a) abandoned; (b) parked in an unlawful or an unsafe manner; (c) left in such a condition as to constitute a danger; or (d) involved in an accident, the constable may take charge of that vehicle and drive or tow it off or cause it to be driven or towed to a place authorised by the Commissioner to be used as a vehicle pound (which power is by this provision conferred) to any other place considered by the Commissioner to be appropriate.”**

In [clause] 113(2) **“The Commissioner shall, as soon as practicable, give notice to the owner or person last having control of a vehicle driven or towed away under subsection (1) that it has been driven or towed away requiring him, where necessary or convenient, to remove [that] vehicle.”**

In [clause] 113(3) goes on to say, Madam Speaker, **“The owner or person referred to in subsection (2) shall, in respect of a vehicle detained in a vehicle pound referred to in subsection (1), pay**

**to the Commissioner such fee as may be prescribed by regulations. . . .”**

And I can say, Madam Speaker, we have spent an inordinate amount of time drafting and preparing the ancillary and relevant regulations to go with this draft Bill and, of course, we are not being presumptuous or anticipating them, but so that they would be ready in short order—hopefully when this Bill sees safe passage through the honourable House today—we can take it to the Cabinet and on to the public for them to see what those regulations are.

In [clause] 113(4) **“The owner or person having last control of a vehicle driven or towed away under subsection (1) shall pay to the Commissioner . . . such fee as may be prescribed by regulations in respect of such driving or towing away.”**

[Clause] 113(5) says, **“The Commissioner may retain at a vehicle pound a vehicle that has been involved in an accident, but without charge to the owner in respect of such retention, until the conclusion of any police investigation as to the cause of the accident or until the vehicle is ordered to be released by a court.”**

In [clause] 113(6), we see where **“No action lies against the Government or any constable . . . for damages in any civil court in respect of—(a) damage to a vehicle; or (b) loss or damage to property from or in such vehicle, as a result of anything done in good faith under this section.”**

Finally, Madam Speaker, at subsection (7), this is where a vehicle is parked in a manner that makes it liable to removal under this section. The owner or the person in charge of the said premises concerned may request a constable to exercise his powers under this section. And if the constable is satisfied that the vehicle is liable to removal, he shall remove it.

Madam Speaker, under Regulation 27 of the Traffic Law, 2002, the towing fee payable to the police is CI\$40 and \$10 for every day the vehicle is held in a police compound—much less than the exorbitant fees that the illegal clampers are charging today.

Madam Speaker, as it has been submitted to this honourable House, it is my intention at the Committee stage of this Bill to introduce the removal of the wording “vehicle removal agent” from [clauses] 2, 4 and 6 of the Traffic Bill 2011, and to do a tidying up of [clause] 113(7). Additionally, I will be seeking to place a new definition of “unlawful” in [clause] 2 of the Bill that is intended to further strengthen the meaning of “unlawful” in [clause] 113[(1)](b). And in clauses 121 to 123 it provides for the licensing of driving instructors.

Under the UK Road Traffic Act 1988 at section 108(2)(a) and (2)(b) it states, Madam Speaker, that if the Secretary of State is satisfied that satisfactory provision for the granting of licences to drive motor vehicles is made by a law of a country or a territory

which neither is nor form parts of a member state, he may by order made by statutory instrument designate that country or territory as a country or territory within paragraph (b) of the definition of exchangeable licence in subsection (1) above.

But before the Secretary of State makes such an order, Madam Speaker, he shall consult with such representatives as thinks fit. And by virtue of section 108(3) of the UK Road Traffic Act 1988, the exchange of Faroe Island driving licences changes consultation document annexed thereto the UK Driving Standards Agency and the Vehicle Licence Agency has to be satisfied of the testing of the drivers and any of the licences after testing. They will need to examine (a) the driving test standards; (b) the disqualification process; and (c) accident statistics.

Madam Speaker, there are a number of countries, including those within our Commonwealth, that enjoy this privilege of exchange of their domestic drivers' licences.

Furthermore, Madam Speaker, it has come to the department's attention that there are auto mechanics teaching individuals how to drive with no formal qualification as a driving instructor. This practice has to cease, and we must bring our driving up to international standards and place obligations on those who we entrust to teach our teenage children how to drive.

Under the Law we will still, out of abundance of caution, Madam Speaker, allow for parents, guardians, and friends to continue teaching their children how to drive. Both the RCIP and DVDL have been trained by qualified UK driving instructors with some 35 years of experience to administer a uniform test to nine persons who currently operate here in the Cayman Islands as driving instructors.

Madam Speaker, in clause 141 we are deleting the words which state "to the Director under this Law" and substituting the words "under this Law" (which merely takes out Director) "unless otherwise expressly stated." And I will explain further when we get in committee stage.

You will notice, Madam Speaker, that the Law also speaks to the Commissioner of Police in terms of fees at [clause] 18 and [clause] 113 and this will, therefore, add clarity to those who form part of the general revenues of these Islands.

Madam Speaker, clause 142 is a renumbering of existing paragraphs and adding a new paragraph to state: "(a) regulating the removal by the Commissioner or any person authorised by the Commissioner vehicles illegally parked in private or public places." This will give the Commissioner authority to delegate the business and towing services to remove unlawfully parked vehicles.

Madam Speaker, I now seek the full support of my honourable colleagues and this honourable House for the passing of the Traffic Bill 2011 into law

and to the anticipated amendments that we will present at committee stage.

Thank you, Madam Speaker.

**The Speaker:** Thank you, Honourable Minister. Does any other Member wish to speak? Member for East End.

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

Madam Speaker, I rise to make a contribution to the amendments to the Traffic Law currently on the Floor of this Honourable House, and being considered.

Madam Speaker—

**The Speaker:** Member for East End I do not like to interrupt you, but this a new Bill is it not? It is not amendments. It is a Bill for a Law to repeal and substitute the Traffic Law—just so the record stays straight. Please.

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

**The Speaker:** Yes.

**Mr. V. Arden McLean:** I do sincerely apologise.

**The Speaker:** It is just a matter of keeping the record straight.

**Mr. V. Arden McLean:** Madam Speaker, having been the person constitutionally responsible from 2005 until 2009, I have been chosen by the Opposition to respond on behalf of the Opposition.

Madam Speaker, let me begin by saying "Hurrah, hurrah! At long last! Madam Speaker, the Minister must be applauded for getting it here because she is a much braver woman (or man) than me. I tried everything in this world and I could not get it here and I worked hard on it, trust me. The number of stumbling blocks that were put in my way . . . I do not know how she did it, but thank God.

**Mr. D. Kurt Tibbetts:** I hope you're not talking about me, though.

*[Laughter]*

**Mr. V. Arden McLean:** Madam Speaker, I am not talking about the Members of the PPM that were the Government. As a matter of fact they pushed me. Maybe that is what caused me to fail in this regard because they were pushing me too hard to get it. And maybe I was stepping on too many toes. For that I am not going to apologise because I am sure the current Minister found much good stuff in what I left behind that she could use as a platform to start.

So, Madam Speaker, it would be against all that I believe in to oppose the Minister's proposal here today. Much of what she has brought here I tried to do, but was not successful. And, Madam Speaker, I think it is good when you can admit your failings. I know I do.

Madam Speaker, there are some things that I believe we could have even gone a little further [with], or maybe the Minister did not think of; or that maybe I would have done it differently (let me put it that way). Whilst I am commending her for her efforts and getting it thus far, there are a few things that I would like to bring to her attention and maybe I would [offer], if I can say, constructive criticism, if that is possible in this arena.

One of the things I noticed that did not happen was that we did not separate the public transport from the Traffic Law. And that was something that the previous Minister of Tourism and I tried doing. I was hoping that the Minister would have laboured long to try and separate that from here. But that is fine. Laws are done based on the information that you have available to you and the good thing about the Legislative Assembly is that we open every so often and we can always change them. So, that is one of the things I would like to bring to her attention. We believe that that should be separated. Public Transport should be an entity unto itself and Traffic Control, an entity unto itself—two separate laws altogether.

Madam Speaker, in [clause] 10, on deleting vehicles from the registry (I believe that is the one . . . is that it?), Madam Speaker, I note that . . . yes, [clause] 10 "Termination of vehicle registration". I note that the Minister is much more charitable than I would have been in that regard. I am sure those who supported her, and were her advisers in this regard, will remember that I was not as charitable as three years. If you have not registered your vehicle after the last time when it expired, it comes off and the police go out and get you and get your vehicle.

Madam Speaker, I am not criticising the Minister on how charitable she is. I am just saying that if your vehicle is licensed up until 31 December, then notification should pop up immediately at the vehicle licensing department and it is forwarded to the police department.

Madam Speaker, the reason I take that position is that I know, I have seen it, we have all seen people driving around with an expired coupon. Now, yes, maybe they go and do it later on and get it licensed, but if they can do it later on they should know they were running out as well. There should be no more than a maximum of three months to be able to prosecute those people. They are driving at the expense of everybody else, and if they get in an accident, in most instances the insurance is tied with that as well. If they damage someone we have a problem. The third party has no recourse because the insurance is going to say, *Listen, the car was not licensed,*

*we cannot say that it was roadworthy. That is what we were charging them the insurance for.* So maybe the Minister will want to consider that and reduce the time. My position is not three years. It is too charitable.

Madam Speaker, I have been, in recent times in particular, in numerous roadblocks made by the police and I have sat there with amazement to see how many people try to avoid going through that traffic block—either turning around or going off on a side road just about in front of me before they reach the roadblock. Now it cannot be for any good reasons that they are turning off the road. It must be that their vehicle is not registered. In other words, they are using it—people are using it—and it is dangerous.

In instances where you have accidents the third party will not be paid. So, I believe it needs to be tightened because as soon as you tell them three years and you will remove it from the register, they say, *Well, you know, three years we can run our vehicle and I am not going to worry too much about it . . . only if the police catch us!*

Madam Speaker, I offer my position to the Minister.

*[inaudible interjections]*

**Mr. V. Arden McLean:** Madam Speaker, another area that I want to look at . . . and I must say this is something that I have always had concerns about and have had much representation on. And the Member from North Side (even though he is not here) has asked me to also bring it up in debate on his behalf, and that is of licence plates. I have always believed that we should not require a licence plate on the front of the vehicle because we get them made in duplicate. I am sure the price, if not less, it should not be any more to just make one and we charge the same amount. I think that is double whammy. Hopefully, if you only make one I am hoping that is half of it.

Madam Speaker, I am sure we have all experienced this, now particularly in recent times, where [vehicle] manufacturers are no longer making provisions for plates in the front. Very few manufacturers are doing that now, particularly with nice exotic cars. They do not put the provisions up front for licence plates and then because there is a requirement here, people have to damage the bumper of the vehicle or hang it down from underneath and it usually gets torn off on these tire stops that Planning is requiring us to do about nine inches high. That would tear it off of a truck. I really do not understand why we do that.

I think that is [clause] 6(5), "**If a vehicle does not have affixed registration plates as provided by section 8,**" . . . [Clause 8(1)]: **The owner of the registered vehicle shall exhibit registration plates displayed in a prescribed manner.**" is an offence . . . and it is plural; it says "plates" as opposed to the "plate." So, I also bring that on behalf of the Member

from North Side because that is a pet peeve of his also.

Madam Speaker, let me turn now to [clause] 29. But there are a number of other places where it is an offence not to have a plate . . . [clause] 22—“Regulations under this part” . . . making regulation to provide for registration, registered plate, and the mode of display and the likes. Now I do know, Madam Speaker, I should add that I believe the police may have a different view of that. But the only time I see where licence plates on the front are useful is when somebody hits something and the plate comes off and the police then finds out who the owner of the hit-and-run car is. Many times I have seen that happen, but we will have to find out the position of the police on the requirement for having a plate on the front.

When we look at it from another position, there are many cars in this country that do not have a plate on the front because they cannot affix it. I see them all the time—the Porsche, and the what have you.

Anyway, Madam Speaker, moving on, [clause] 29 is “Driving tests for new residents.” Again, the Minister is very charitable in the provisions she is providing here. I would like some clarification on 29(4) wherein I notice the Minister read it in her introduction of the Bill, however, she did not read the last sentence on [clause] 29(4).

Let me read [clause] 29(4) **“A person who does not hold a domestic licence from a Convention country or an international driver’s permit from such a country shall not enjoy the concession granted under subsection (2)”** (which is, you can do it for six months if you have one of those) **“and shall be required to pass both a written and road test before he can drive at all in the Islands, but need not hold a learner’s licence in order to sit a written test.”**

I thought the learner’s licence came after the written test. It must be a road test. It should be a road test, I believe, because you sit . . . under [clause] 35(3) I believe, **“No person may be granted a learner’s licence for any group of vehicles unless he has first passed the prescribed written examination for that group.”** So I think there may be a cross-up there in that we are saying the new resident need not need hold a learner’s licence to do the written test when Caymanians are required to do the written test to get their learner’s licence. Maybe we need to look at that.

Now, Madam Speaker, I say the Minister is quite charitable in this provision, again, because if the person is not required to hold a learner’s licence to do the written test, then, by extension, we may see where he wants to do the road test immediately. I think they need to go through that whole process, like my children did and I did, to learn how to drive. So, they must hold a learner’s licence for the prescribed time—I

think six weeks before you can come back, or two months, something of that nature.

I am going to talk later on about the provisions for those who are teaching people to drive in this country because that is another one I have my own concerns about. Because they come off the boats from Timbuktu and become instructors in this country and they like to think that because we are a little small country and only a few roads, one horse town, [they] can drive . . . anybody can get behind a wheel and drive.

Madam Speaker, they may argue that they are not in a lot of accidents, but they cannot argue on the amount they cause. They may not get in any accidents, but they are causing accidents! That’s the problem. Therein lies our problem. And they must know, *kick*, not because we are small—Cayman is completely different from England or from America or from Jamaica. I notice that is a ticketable offence too. I am going all over the place now. But I will get to that because there are a number of these new people who come here, that we are making provision for now, who like to blow their horns and agitate—put their hand down on the horn so they can move in front of you. I hope the police can do their work when we get to the ticketable offences.

Madam Speaker, I believe that these people need to have a learner’s licence. So, maybe we need to look at that. I see the drafter is here, so he may have some explanation for me and maybe some other explanations.

Madam Speaker, I had a brief conversation with the Minister about graduated licence and she explained to me why it is not here. But I believe for the general public and for all those lobbyists who did so much lobbying—I think she gave me a good enough explanation—it was legislated, but it was never enacted; it never came into force. I also have my concerns about this graduated licence and the likes. Hopefully, the Minister can get to it to see if we can look at . . . this is where she may need to exercise her charity, I believe. Because with the rule of thumb . . . in management I learned that if some of your employees are encroaching on the rules you do not use a broad brush and discipline everybody; you discipline them and you maintain morale. And I believe that needs to be somewhat applied in this case of graduated licences.

I believe also, Madam Speaker, in that regard that one of the things we were looking at . . . or I had an eye on was driver education in school. And I believe if we try to implement that we will be that much better off. Maybe, make it an elective in High School. But I think it needs to be done, not being of disrespect to any child in this country, because, Madam Speaker, we have many families who do not have the ability to teach their children to drive or the provisions (they do not have cars and what have you). That child grows up and when he is 17 he feels like he can go and get

his licence, which is true. And he borrows a friend's car and drives around a couple of times and gets and his licence.

Now if they had it whilst they are in High School and from the time they are 15 or thereabouts and they select that as an elective (and I am sure they will, because their future will depend upon them being able to drive), then they can learn the rules of the road as opposed to just—bang—straight into it.

So I believe that that is one of the provisions we need to make there, because the combination of that . . . and everybody who comes to this country owns a vehicle. What a wonderful country, eh? What a wonderful country. In England if you have a vehicle that you want to keep in the middle of London you probably pay £100,000 per year to be able to keep it in the middle of London. And as you keep going out it gets a little cheaper—so everybody rides the Tube.

Here we do not have the public transportation, but certainly it will require us to . . . That, is the other thing we need to do hence the reason why I wanted to separate public transportation from this so that we can look at public transportation. Because everybody that comes to this country is driving a car and they have seen cars before but they have always been sitting on the public transportation—many of them. But of course they come to work for well-to-do people. And no disrespect to domestic helpers, they come to work for well-to-do people and the well-to-do people buy vehicles and get them their licence, and they put them on the roads to drive their kids. They have got to be careful with that too, but anyhow, Madam Speaker, that is where I am concerned with it.

If we had a good public transportation system we would not have nearly 40,000 vehicles in this country. We would not. But that is another hurdle that some government is going to have to take on, which will become very politically sensitive, that many of us will not want to take on. I know that. But at some stage we have to make decisions for the future.

**The Speaker:** I think the Member has indicated that this is a good time for us to take a lunch break, we will return at 2.00 pm. Thank you.

**Proceedings suspended at 12.31 pm**

**Proceedings resumed at 2.10 pm**

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

When we took the break, the Member for East End was making his presentation on the Traffic [Bill], I would ask him to continue at this time.

## SECOND READING

**Traffic Bill, 2011**

*[Continuation of debate thereon]*

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

When we took the luncheon break, I believe I was talking about drivers licences for non-residents. I hope I did not cause any confusion there, but I shall leave that to the technocrats and the Minister and let them work out whatever controversy I created.

Madam Speaker, I would like to move on to another area which is electric cars. I know this is the most difficult part of this [Bill] to get correct. It is difficult because the advent of electric cars is so recent. And they have not really been proven to be as developed as the fossil fuel vehicles, meaning gasoline engine ones, diesel. More and more they are becoming as capable as those run off of fossil fuel. Whilst electric vehicles have been around for quite some time, it is about those that people want to use on main thoroughfares that are still under the developmental stages and it is difficult to legislate for them.

I should say to the Minister that we will just have to deal with what we have at this stage. I know the hybrids are vehicles that . . . as a matter of fact, I think we have a number of those on Island, licensed and everything. But the fully electrically driven vehicles have not yet been properly developed. It is coming, and hopefully soon.

There are the slower ones which they have used, have done a lot of research on and they are capable of being driven. But the speed limit is where the problem is, in that most of them are only up to 30 Mph, or 35 Mph. And when you have speed limits that are beyond that, that's where the problem comes in. I saw recently where some prototypes are going upwards of 100 Mph. Of course, they have to be developed. Hopefully, what we have will suffice and we can move on.

Madam Speaker, on the issue of the use of cell phones, [clause] 78: "Ban on use of mobile telephones." I don't know how any of us are going to operate with this, but I guess it does have merit, Madam Speaker. It does have merit in that it is very distracting. The one good thing about it is that you can use that as an excuse not to answer your phone! The worst part of it is that we are going to have to return those calls—and then you are going to be charged for it—after you get the opportunity to stop.

However, I did hear there are some exceptions. I don't particularly like the exceptions. Again, I think the Minister is being quite charitable in her legislation. I heard the Member for North Side, and he asked me to point this out to the Minister again. I have some concerns about it too, but not in the same way he does. That is, with exceptions. The exception of where—

**The Speaker:** Member for East End, someone is using some kind of equipment in here that is dinging like

a little bell periodically. I would ask them to turn it off if it's in the Chamber. Thank you.

*[Inaudible interjection]*

**The Speaker:** Whatever it is, it is very distracting. Member for East End, please continue.

**Mr. V. Arden McLean:** Tingle bells!

Madam Speaker, those things happen when some of us forget to [put our mobile phones] on vibrate or silent. And once it does it one time I am sure they will correct their errors.

**The Speaker:** That was three times, sir. That's when I spoke.

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

**The Speaker:** Thank you.

**Mr. V. Arden McLean:** Madam Speaker, [clause] 78 says: **“Except as provided in subsection (2), a driver shall not use a mobile telephone while he is operating a vehicle.”**

Subsection (2) says, **“Subsection (1) does not apply to—”** and it gives a list of . . . and the first thing is: **“(a) a constable on duty.”**

I don't know why that was put there, Madam Speaker. Because if a constable on duty is driving his vehicle, he should have a radio in there for communication. I know in the outer districts, East End, North Side, Cayman Brac, Little Cayman, what they try to do is forward the fixed phone to the mobile phone at the stations. Particularly when only one person is on duty they do that.

However, Madam Speaker, I know the two Members for Cayman Brac, the Member for North Side, the more recent former Member for North Side and I, have fought to enhance our policing in our constituencies to the point where we man the police stations. We have fought very hard. Those three districts in particular, we have fought very hard to have proper police stations in our constituencies to ensure that it is manned 24 hours a day. But we keep getting excuses—resources, resources, resources.

Well, they can't have their cake and eat it too. They can't be driving around on the phone with the windows wound up, screwed right to the top, and not notice the residents when they try to stop them. Something has got to give now, and they cannot use that as a reason for being able to use a mobile phone whilst driving. If we keep making exceptions then someone else is going to want an exception. Firemen are going to want exceptions.

We need to properly man our police stations. And that is what radios are about. We just gave millions of dollars to buy radios to man and to facilitate police officers and their jobs, and now we need

phones too to be able to forward it. Not to say that that is not what has been happening, Madam Speaker. But the problem is that the only reason it happens is because they have to forward it because of the lack of human resources at the stations. That is unreasonable.

The West Bay station is manned. The Seven-mile Beach station is manned. George Town is manned. Bodden Town is manned. Well, the other three districts need to be manned too. That's fair and reasonable. So, I don't believe that constables should be allowed to have exceptions in this regard.

I don't know how we are going to enforce it, because we have a provision that if they are only manipulating one number . . . people are still going to dial. They are going to use the BBM still. And, of course, they are going to say, *Oh, we only used one number*, when the police stop them. Hopefully, the public will see the need, the merits in this, and what it can cause. It can cause their death and it can cause the death of other people in the worst case scenario.

We can never legislate morality. But I hope this is one of those things people will adhere to. And I say no more on that.

Madam Speaker, let me now turn to [clause 94], something that I have been wanting for quite some time, “Ticket procedure”, where police officers can issue tickets. Madam Speaker, everything should be a ticketed offence. Wearing a seatbelt is an area where you have to go to court. Speeding, you have to go to court in some instances. Why can't we ticket people, cut down the use of our courts where they can be used for other things more serious than a little traffic offence? And let me just tie nicely in there with these wardens that were supposed to have been done since my time. The amendment was made to allow wardens to be appointed by the police force.

I recently said that it was unnecessary to have our police officers at the court house anyhow. They must be wardens. And we must have traffic wardens in this country, particularly in our school zones. I know I put up the lights for the school zones. But, of course, I was told on more than one occasion that they are illegal (which was partially true), but now they are in here and it is an offence to drive through them beyond the prescribed speed limit, which I trust the Minister will put . . . I am sure she'll put it at 15 [Mph] in the regulations.

One of the things I haven't seen here are the speed limits and stuff being . . . I know there is a panel, a committee that is being set up. But one of our biggest problems in this country, Madam Speaker, when I was there, which I tried to correct, was the Commissioner has to put up a new speed limit, you have to gazette it, you have to put the coordinates of where the speed limit sign is going to be and the likes. And then the school zones.

Madam Speaker, I still see people just drive through them without any respect or concern for them.

We must make sure, and I implore the Minister to ensure that in the regulations when we get the wardens there (and these can be volunteers from the school) that they have the right to write down the licence plate number of people. It is not rocket science to see that the person is driving too fast when the lights are flashing.

Maybe we need to put up some of those cameras in those areas that operate during that period; the new CCTV cameras. We need two cameras, that's it. And they are only operational when those lights are on, so that we can prosecute people.

I implore the Minister to ensure that the fine reflects the seriousness of what they are doing. I would like to see something like \$500 [for] driving through a school zone—

**An Hon. Member:** Five thousand.

**Mr. V. Arden McLean:** Five thousand? The higher the better! But it must reflect the seriousness of this thing.

And the other thing is that the fine must be such that it reflects that when our busses have stopped to take on and let off our children . . . I mean they just pass it like it's a cattle wagon on the road.

Madam Speaker, I must tell you that a lot of it has to do with people who have just come here and gotten these licences—whether they buy them, they copy them . . . I don't know how they are getting licences. Thus the reason why there is a need to ensure that people go through the licensing process from its beginning straight through to the end. But more importantly, where we have put in the licensing of instructors that they understand what needs to be taught to people too.

We have been so lucky in this country, Madam Speaker, and I believe it is because of the attention of the bus drivers for the schools in this country. Not the others; they need to be taken off of the road. The school bus drivers have been so attentive, is why we have been so lucky in not having more of our children killed when they are getting on and off of those buses. I know that every Member in here have seen it. We have been on the road. People need to respect it. If you go anyplace else in the world, when those lights are flashing, you are lucky you do not windup in jail. You are lucky if you do not windup in jail! But here the "rule of law" is out of the window.

I welcome the ticketing of offences. I see where three strikes and you are out . . . I am not going to comment on that. At least it is a couple of strikes anyhow. Maybe I am a bit crueller than the Minister, but I believe that there should be some punishment. Maybe we need to increase the fines significantly to ensure they do not get to the three. I think it is three in three years and you then have to go to court. I don't know. Maybe we need to ensure that we also increase the amount of monies for the fines.

Madam Speaker, just moving on—one of the things I saw here which I wanted to bring to the Minister's attention was the provision for rental vehicles. I think it is [clause] 97. Wherever you go in the United States and you rent a vehicle, you are liable . . . I don't know how we are going to hold the owner of the vehicle, the leasing company, responsible but we will see how that works.

Madam Speaker, I am going to go to [clause] 15. I had some comments on the rest of it, but I know the Minister will deal with those.

Madam Speaker, the issue of clamping in this country has become a very emotive one; extremely emotive! So much so, Madam Speaker, that my fears are that someone is going to get hurt. And the sooner we ban it, the better. I do not know whose interest is being promoted or advanced by not banning the provision of clamping. I do not know! I do not care! My first responsibility is to ensure that I act in accordance with what is in the best interest of the majority of the people of this country.

Madam Speaker, in June of 2009 the Attorney General wrote a position paper on "[Ethics, Integrity and Accountability in Public Life.](#)" It was re-circulated as a reminder recently, and I take it seriously. And in the overview section of it he says: "**The standards required of Ministers and MLAs within the Cayman Islands Government reflect the fact that, as holders of public office, we are entrusted with considerable privileges and wide discretionary powers. In recognition of the fact that public office is indeed a manifestation of public trust, the people of the Cayman Islands will understandably expect that as a matter of principle we will at all times discharge their functions with due regard for the principles of integrity, fairness, accountability, and always in pursuit of the wider public interest.**"

I think those are wise words for us to follow.

Madam Speaker, somebody is going to get hurt in this thing called "clamping".

On page 9 of that 21 page document it says: "**Conflict of Interest**"—"Ministers, MLAs and indeed all of us as public officials must bear in mind that our private interests could give rise or could reasonably be perceived as giving rise to conflicts of interest, that is, a conflict between our public duties and private interests which could improperly influence or be seen to be influencing the performance of one's official duties and responsibilities."

Madam Speaker, I thought I had to say that to make it clear that it is time we dealt with this thing because without any interest involved, private or otherwise, or lobbied interest.

Madam Speaker, the Development and Planning Law (2008 Revision), Amendment (No. 2) Regulations 2010, says in [clause] 4(1): "**In respect of any application for Planning permission for development of public, commercial, industrial or domestic**

**buildings, parking shall be provided on the parcel to which the application relates except that— (a) in a General Commercial Zone, fifty per cent of the parking space may be provided on land located not more than five hundred feet from the respective building; and (b) in General Commercial Zone 1, up to one hundred per cent of the parking space may be located not more than seven hundred feet from the respective building.**

**“The minimum parking space for a vehicle is 8 feet 6 inches wide by 16 feet long, exclusive of access thereto and spaces must be provided upon the following scale –**

- (i) churches and other places of worship – one space per 8 seats; [big vehicle to carry all of them to church]**
- (ii) cinema, theatres and places of public assembly – one space per 4 seats;**
- (iii) clubs, restaurants, recreation halls and bars – one space per 200 square feet;**
- (iv) commercial development – one space per 300 square feet;**
- (v) industrial development – one space per 1,000 square feet;**
- (vi) hotels – one space per two guest rooms;**
- (vii) apartments and cottage colonies – one and one half spaces per apartment; and**
- (viii) dwelling units – one space per unit.**

**“In no case may the building plus the car parking area exceed seventy-five per cent of the lot except in General Commercial zones where building plus parking area may occupy up to ninety per cent of the lot, the remainder being suitably landscaped.”**

Now, Madam Speaker, what that says to me is that every development in this country requires minimum parking space. And the developer, when applying to do that development, subscribes to this and agrees with this Law. And that is public; it is not private.

Madam Speaker, I would like to know how we can have developments in this country engaging another company to manage their parking when there is no need to manage what the minimum requirements are. Why? When we go into a public facility (not those owned by Government, a commercial business or development—whatever we want to call it) every parking spot is designated. If they are over and above what the Law calls for, they can designate all of those; but not the ones that the Law calls for.

People must understand that. Proprietors must understand that. And when I am visiting those premises to conduct business therein, I am allowed to park in any of those minimum required spaces. [For those]

over and above, I am sure they should be allowed to put a sign there saying that you are not allowed to park there. Or if they want to put a time on it, that parking is only allowed there for a half hour in a particular spot, that's fine! But every parking area you go to it is designated—this one, that one, that one, that one. And if you go and park there they clamp your vehicle and then they charge seventy . . . that's a big business. It's a big business in this country—and it is illegal! And I implore the Minister to stop it! They need to stop it!

Because, Madam Speaker, I will tell you this: It could be the Governor's spot when I get there if it is vacant I am going in there. Nobody must put anything on my car. It is wrong! And then we have people who are lobbying to allow it to continue so that they can make big money. And then they try to browbeat everybody in here, including the Minister! That is what they are doing. That is why I read this thing! This, *right ya so!* They must stop it! The public interest is at stake here now! And the safety of the residents is at stake! We need to stop this kind of behaviour in this country.

Then these same traffic or parking management people (whatever they call themselves) come on the road in front of the businesses and lock your car too. I just had a constituent who was parked on a double yellow line on North Church Street. The police must come and tow it away and arrest him. They went and put two clamps on his tire. He cut all two both with his saw and then the company sued him for destruction of property.

I *nah* going to tell you what I advised him to do. That is not for public consumption at this time. Madam Speaker, it is wrong and we need to stop it.

Now, Madam Speaker, it aggravates me when I see people parked in handicapped spots. I blow my top. Sometimes I am embarrassed at myself. But do not tell me that people are not allowed to park in the parking which is provided by law. Madam Speaker, I shall not condone visiting one premises and going to park in another parking lot of another premises. Your car should then be towed away.

The Minister of Health suggested we should allow persons to put those stickers on the driver's side which are hard to come off the glass. Because the problem is that if you lock them then you are still not getting the use of the space. But you cannot come and use someone else's space.

Madam Speaker, I wrote the amendments to the regulation that was done in 2010 specifically for that. If you need more space go and find it five to seven hundred feet away! And pay for it! Don't make people go and park in somebody else's parking lot, because you are then at the mercy of that person.

The best thing I have seen done to manage parking is the Kirkconnell's by Bayshore, behind it, Madam Speaker, off of Goring Avenue. They have a ticket dispenser with the barrier. You press the button and the ticket comes out while the gate opens, and

you go in and park and when you get into the store at Bayshore you have them stamp the ticket. When you leave and you are driving out, you will pass that to the gentleman or the lady in the booth and they will raise the gate for you to leave. Perfect! Simple! But now they need to put up a sign saying, *If you park in here and not doing business with us, it is \$20 an hour.* And pay for those persons managing it. Simple! But what they will do is to go and park . . .

You see in years gone by we maximised the income of our properties by building right on the line and did not worry about parking. You could park on the street. Now we are paying for it. And then the occupants of the businesses, the staff and what have you, have to then go and park in someone else's parking lot or on the street in the middle of George Town.

The current Minister of Education and the Third Elected Member for West Bay brought a motion some years ago, about paid parking in town, the parking metres that you put coins in. I guess we will have parking wars then eh? But, Madam Speaker, it was a brilliant idea. We never did get around to it. We never did effect that motion. But somehow we need to stop the clamping.

Someone said people are going to be out of work if we stop clamping. Madam Speaker, I concede, people will be out of work. But I do not see any Caymanians clamping anybody. If anyone can show me a Caymanian who is clamping people, then I will concede that too. Or let me put it this way: Those who are clamping people are few in number and far apart. I have to be concerned about somebody else's job *owa*? No sir! No! That is not my job. My job is to be concerned about Caymanians having jobs. And they can't have jobs if they try to park and go to conduct their business or pay their bills and they have to come back and have to pay \$80 or \$85 . . . and I never heard anything like this yet, Madam Speaker, they started off at \$75 and now it is \$85. Inflation hit that too *owa*?

*[laughter]*

**Mr. V. Arden McLean:** That is why we need to stop it, because there is no control! Everybody doing what they want! We have a lawless country! Lawless, until they reach here! This is where we have the authority and the responsibility to stop them. And if we follow our moral standards we will stop them! I've been waiting to get to debate on this one. I have never in my life . . .

*[inaudible interjections and laughter]*

**Mr. V. Arden McLean:** Madam Speaker, it is laughable. I must tell you, Madam Speaker, I thought the only place where fines could be legislated was here.

They are out in the street charging only \$25 for illegal parking. That's the job of the police! And

they are advertising it saying you are only going to be charged \$25 and only \$85 if you park in somebody else's parking spot. The only place that can legislate fees and coercive fees, is here so! And the only place it can be enforced is by the arm of Government. So, all of those parking management people be warned that as of today—*stop*—give up all of those clamps you have. It's over! Sell them to the police! The scrap thing is leaving now, put them on it! We are not tolerating you making laws in this country. That's what the people of East End sent me here for!

*[inaudible interjections]*

**Mr. V. Arden McLean:** I am going to soon stop, Madam Speaker. I am losing my voice now.

*[inaudible interjections and laughter]*

**Mr. V. Arden McLean:** Madam Speaker, I think I have said enough on that for the Minister to understand that I support her unconditionally in stopping it!

Now, Madam Speaker, I believe there is need for some kind of . . . whether it is clamping or whatever, or towing them away when you go and park in someone else's parking area and utilise that to the detriment of that business. Or on yellow line . . .

*[inaudible interjection]*

**Mr. V. Arden McLean:** Handicap—oh well, we do not need to give them back the car on that one.

*[laughter]*

**Mr. V. Arden McLean:** We need to sell that off at one of those police Saturday auctions. We need to sell those off.

I do not have a problem, Madam Speaker, if a young person brings their older mother, grandmother to the store and they park close there so that they can go in; that is fine. Even if they are not licensed to be in the handicap spot, I am not going to get into that. You know, Madam Speaker, when my mother was moving around every weekend we had to take her to the shop at Foster's, up until last year. So, we would pull up by the door and drop her off. So, I do not have a problem with that because those things happen. They are not registered as handicap vehicles and the likes.

But some of these people, they just pull up so that their friend, husband or their child . . . who are moving their legs, their hands and eyes in their head, can rush in there to get something. *You didn't see all of them parking spots out there by the road? This is not for y-o-u. But maybe something is wrong with you, you should stay here.* Because if you look at them it nothing but . . . they may say well, something is wrong with them . . . between their ears is where the problem is. It is between their ears. People need to have re-

spect for those who are less fortunate, less capable than us physically to move around.

God forbid the day I catch myself parking into one of them. I will likely beat myself.

Madam Speaker, it is wrong; it is unheard of.

That is what the business should have somebody there for, to see that [physically fit] persons do not park in those handicap parking spots. But they do not do anything about that. It does not bring them money you see. That is for the police to enforce.

You tell them they had better paint over those tyre stops that this regulation is calling for, because the next move is for all 15 of us to go out and count the number of spots; figure out the square footage and count the spots with our white paint and paint them out

*[laughter and inaudible interjection]*

**Mr. V. Arden McLean:** No. Sometimes, Madam Speaker, radical things require RADICAL action to stop it! That is the only way to do this sometimes.

I have to be here rowing about someone else coming up here to put clamp on my tyre in my country. Madam Speaker, let me move off of that because I am going to soon have five hours in here talking. Madam Speaker, the Minister can deal with all of that. I am sorry that I had to be descriptive and emotional about this thing. It has gone out of hand. Out of hand! We need to stop it!

I went to Glass House the other day, Madam Speaker, and they stopped me from coming in too. Y-e-a-h! I said, well, my truck is high enough to move that barrier. After they opened it and as I got in, Madam Speaker, there was one spot reserved and I pulled into that one. And the guy came and while he was coming I asked: Why are you coming for? You had it reserved and all you needed to do was to stand in front of it and save it for me until I get here.

*[laughter]*

**Mr. V. Arden McLean:** I pulled into that one. It must have been reserved for me; I don't know.

Oh, I am going to go throughout this country, Madam Speaker, without causing any problems to anyone, but I am going to park in either spot I see. I want everybody to know that I am going to use those premises.

*[inaudible interjection]*

**Mr. V. Arden McLean:** *Gazette?* I never heard anything about *Gazette* when I born about here.

*[inaudible interjection]*

**Mr. V. Arden McLean:** The law is there . . . Madam Speaker, we were put here to make laws to govern

the people of this country. If it applies to me, it applies to you. If I encroach on those laws, then I have to be punished accordingly. There's no law, and I must be punished with \$85? Nor sir! It *nah* no law in this! We just now banned it! Anyway now, Madam Speaker, I think I have said enough on behalf of the Opposition, and personally too! A lot of that is personal!

Let me just congratulate the Minister on the registration of those people who give driving instruction around here. And I think my advice to her or my suggestion to her is, take them into some classes too because half of the time I see them all over the road with those learners. And if you are not watching out for those learners you are going to kill the learner, instructor car, everybody. They have the big 'L' plate on them, Madam Speaker. You have to see how they do and it is not the learner doing it. The instructor, he or she, is reaching over and turning the wheel. You can't be touching the wheel like that. My suggestion is that somebody should try to carry them into some classes too.

I don't know anything about driving. I had my licence from the time I was 15 though.

Madam Speaker, I think I have said enough. We leave it up to the Minister to touch on those issues that I . . . or whatever she would like to do with them. Some, like I said, are personal, or 99 per cent of them are positions we have taken on this side that we believe are necessary to be done. So, I look forward to what she has to respond with. And maybe, hopefully, she can get this through as quickly as possible. Get the regulations through and if there is need for any tidying up later in the next few months, then we do that too. That is what needs to happen, especially with that clamping thing. Don't take that out.

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]

Second Elected Member for Bodden Town.

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

After my colleague, the Member for East End, there is not a lot that I will need to say.

First of all I would like to personally congratulate my colleague, the Minister, for moving this very important legislation that we have all been waiting so long for. Something that I preached about when I was in Cabinet, which was not necessarily shared by my colleagues, [was] the usage of cell phones. There is nowhere in these Islands that we can't get to within a half an hour or 45 minutes. If the phone rings, pull off and use it.

But daily as I travel on the roads, people in the front or on the side, you can always watch and when they lean over one way, left or right, the car is

going like this. And we have been blessed that we have not had so many more motor vehicle accidents than we have had so far. There are situations where it was alleged that it has already caused some serious accidents.

I encourage us all as legislators to support this in whatever way we have to. It is important.

The other aspect I always remember when sitting in the old Glass House, is the cars with the boom boxes. I am not sure Madam Minister how this is going to be dealt with but I hope that provision is made. And I know that there are certain decibels that we used to be able to measure to find out. And it is actually against some law. I hope that this could also be looked at, Madam Speaker.

Another thing which scares the devil out of me, Madam Speaker, is seeing young children riding in the front seats of motor vehicles. Whenever I see this I personally will go to the parent or the guardian or whoever is responsible or is driving that vehicle and beg them to put these young children in a secure fastened seat in the back [of the vehicle]. And I have seen constituents who come to my yard and I beg and plead to please deal with it.

My colleague spoke about the school zones. I know my colleague, the Minister of Health, and the Third Elected Member for Bodden Town—especially in the Savannah school area which is probably the closest school to any public road in the Cayman Islands . . . and it is amazing. Sometimes [motorists] will go through there like a “bat out of hell” in front of the school with those lights flashing, periodically when the flashing lights go out and the Minister and I have a little thing going that one or another of us notify and in less than no time . . . But I think one has been down there for a couple of days. Hopefully, they will soon get it sorted out.

But as parents and adults we must have the responsibility within ourselves to respect the school zone.

When I am in the States driving and I see one of these things I am petrified. It says right at the top, “15 miles an hour.” We have it here—although prior to this it was not enforceable supposedly. But out of respect for our children, let’s slow down and take it easy in these school areas.

Bodden Town is another one which is very close by the public road. The one in prospect is relatively close. Let us respect these zones. These are our children. It is just a matter of time. I see people overtaking in these areas and cutting in while pulling out. Ridiculous! And I hope, thanks to the Minister, that these things will now be dealt with in the proper manner.

Overloading of those big vehicles, Madam Speaker, it is my belief that our roads were not designed to take 25 to 30 or more than 30 yard trucks. And woe be unto us when the repair time is starting to come. And when you look at the spider cracks in

these pavements (and I see we are doing some partial patching already) the phenomenal amount of money we are soon going to have to [spend] because of the size of these trucks.

Our roads have not been built to deal with that capacity. Some of them have no lights and in that same vein, the homemade trailers, Madam Speaker, especially in the night—they have no taillights, no indicators, and all of a sudden when you drive up you see something in front and then suddenly you will see these homemade trailers . . . or not necessarily homemade, they just do not have functioning lights on them. No indicators, no licence plate. I hope that we can deal with this, Madam Speaker.

My colleague already spoke about disable parking. There is nothing that irks me more than when you go to a supermarket and see the youngsters and other people, some of them just sitting there and some just running here, there and everywhere, abusing our elderly people when you see them coming walking on the side with their stick from a distance away when they could be using the facilities provided closer to the supermarket.

Madam Speaker, in regard to some of the penalties, I would certainly ask that the Minister look at some of those again, especially causing death by dangerous driving when the person is drunk. That is inexcusable. Yes, the maximum sentence I understand is ten years and then once they get out, they lose their licence, either for three to five years. I think we need to increase that. There are times when accidents happen in a motor vehicle accident and someone is killed. That is a different thing. But when a person is found driving drunk and kills [someone] we need to be firm with these things. We have to stop dealing with some of these people like they are Sunday school children. Madam Speaker, not this time!

*[inaudible interjections]*

**Mr. Anthony S. Eden:** Madam Speaker, in regard to some of the penalties, as my colleague just mentioned to me, in the school area and when emergency vehicles need to get through, I see people just literally stay right there and the ambulance or the police car have to pull to the side to get through. The penalties are in [clause] 138. Five hundred dollars? No, no, no, no, no. Let’s move this up and make the people respect these school zones and emergency vehicles. You could be saving the life of a child or the life of a person in one of these accidents. Let us deal with these things and do the right thing and respect these types of vehicles. In the United States if you do that I don’t know what would happen.

Once again, Madam Speaker, just a few comments. As I said, my colleague for East End did an excellent job on presenting from this side, but I just wanted to mention these, and to thank the Minister for this long awaited legislation and my colleague in his

emotional and wonderful way in regard to the clamping, as he has been the subject and has defended not only us parliamentarians in this light, but also his constituents. And when I say constituents, I mean all of the Cayman Islands. It is time to put an end to this.

Thank you, Madam Speaker.

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

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.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I wish to go on record to thank those Members who supported the draft Traffic Bill, 2010; in particular those who rose to their feet and expressed their concerns and/or congratulations.

I also wish to go on record to thank those colleagues of mine who found it possible to stay and to support the Bill so that we can see safe passage in this honourable House today.

Now, a number of issues that were raised by my friend from the district of East End, the former Minister responsible for this Ministry, as it related to the segregation, Madam Speaker, he proffered that he would have concurred with the position that it would be separated. And I can say that there was a draft consultancy report which was commissioned by Mr. Olivaire Watler, attorney-at-law, back in 2007, under the previous administration. This was indeed submitted to the Public Transport Board for consultation and the work is a continuing process.

Madam Speaker, when one looks closely to the draft Bill we would quickly realise that all of the provision as related to the Public Transport Boards have not been changed and there is a good reason for that. They have not yet completed their work on their aspects. We thought rather than delay the Traffic Bill any further that we would leave it in, and once they had completed their work we would do a wholesale repeal of the sections within the Traffic Law relating thereto. So, that is the simple explanation for that. We in the Government agree with him that it should be separated and that is the direction we are going, and I sure that they will complete their work in due course.

[Clause] 10 of the Traffic Bill that the Member for East End referred to about deleting the vehicles from the register after three years, perhaps he was not as charitable, and we can agree to disagree on that aspect. We just felt that . . . and I just want to make a distinction. It was not for those vehicles to drive on the roads because, in fact, the police already have access to the Driver's and Vehicle Information database at DVDL [Department of Vehicle and Drivers' Licensing] register, and so, that is not a problem

with it popping up. They have access to that already, and, of course, enforcement could be an issue but they have been empowered with all the tools necessary to enforce it. The three years is the statutory time that the director would take them off the register, similar to what happens with defunct companies. That is why that provision is actually put into the draft Bill.

The issue of the registration plates only being in the rear, I can say that certainly the Minister and the Government on a whole, do not have a problem with that and we would seek to address that in our draft regulations 2011. As they are now drafted it envisions the traditional position with one in the front and the other at the back, and I can say that the Member for East End was fully cognisant that perhaps the only reason was because of the positioning of the police. We will do further consultation but, generally speaking, the Government does not have a problem with that. We will go back to do a consultation with the police to see what their concerns are.

As far as clarification for [clause] 29(4), after taking sage advice from the Legislative Counsel, and he opined that it is adequately covered and that persons have to do both the written and practical tests. But in order to do the practical test, one would need to have the learner's licence. And what the clause clarifies is that in order to sit the written test you do not have to have a learner's licence.

As far as the driver's education in school is concerned, in the interest that was proffered by the Member for East End, I am happy to report that my Government launched, in fact, on the 20<sup>th</sup> October this year, a partnership with Saxon MG Insurance Company along with the Department of Education and my own Ministry, and so far, the programme has worked well and is geared towards senior students in our high schools. It is a six-week programme and with Saxon MG, a part of their agreement is to provide a vehicle free of cost to facilitate the senior students in the high schools learning to drive under this programme.

We believe that this would be beneficial to the students, Madam Speaker, having this vehicle so that they can indeed practice good driving habits before they continue to proceed to take the written test and on to their practical road test.

Madam Speaker, I know the hour is getting late but it would be remiss of me not to spend some time on the controversial and sensitive issue of wheel clamping. I can say without fear or contradiction that my friend, the Member for East End, spent quite a bit of time proffering what the Opposition's position, and indeed his personal position, was insofar as it relates to wheel clamping. And I just feel that I must spend some time on this, Madam Speaker.

I want to start from perhaps a very rudimentary position by going through the definition of wheel clamping, because I think somewhere along, the cognisance for this must have alluded some. It says: "**A wheel clamp, also known as a wheel boot or Den-**

**ver boot is the device that is designed to prevent vehicles from being moved. In its most common form it consists of a clamp that surrounds a vehicle wheel, designed to prevent removal of both itself and the wheel.**” And indeed, Madam Speaker, in the United States these devices became known as a Denver boot because Denver was the first city within the United States, in fact, Colorado was the first area to employ them, mostly to force for the payment of outstanding parking tickets.

Madam Speaker, as you will see, I am going to be referring to some literature. I am going to beg your indulgence if I could supply a clean copy afterwards because being a teacher I have quite a bit of writing and markings on the copy that I have.

I also wish to reiterate, Madam Speaker, that in Scotland wheel clamping on private land is completely illegal. In fact, it was banned in a case of “Black v Carmichael” in 1992—SCCR 709—when wheel clamping was found to constitute extortion and theft.

In Ireland, private clamping is also illegal, Madam Speaker, by virtue of section 113 of the Road Traffic Act, 1961, as amended by the Road Traffic Act in 1984. And I want to take time to go through this to show that I am not as draconian as some minds may think this provision to be.

Clamping became a revenue raiser (and we have seen this first hand in Cayman). It was easy pickings for hit squads with little motivation, other than how many cars they could clamp. In fact, Madam Speaker, we are told in the *Daily Telegraph* on the 12<sup>th</sup> day of July 2006, that wheel clamping is counter-productive and totally disproportionate. And I fully concur, Madam Speaker.

In addition, we see, Madam Speaker, that the conservative Liberal Democrat Coalition Government that took office in May 2010 stated that in its Coalition Agreement, that one of the Government’s transport priorities is to tackle rogue private sector wheel clampers and I could not have penned it much better myself. And that is the Government under which we are regulated currently, the UK Coalition Government. So, again it is another example that it was just not picked out of some pie-in-the-sky basket.

We, in fact, owe a lot of this success to the banning and the eradication of wheel clamping through the *[Daily] Mail* newspaper. We can check online and it is entitled “[Victory for Mail! Clamping on private land to be a crime.](#)” It is dated the 9<sup>th</sup> February 2011, Madam Speaker—Quite a current article. It says: “**The Daily Mail has secured a stunning triple victory in its long running campaign against cowboy clampers. . .**” The Member for North Side would like that adjective, I’m sure.

**“It will become a criminal offence to clamp cars on private land, putting rogue firms out business under a ‘Freedom’s Bill’ to be introduced in Parliament in the next few days.”** And that was in

February. It is now before Parliament for those who are interested.

It says: **“An army of 1,800 clampers have been demanding an average £112 . . .”** (So, it is even worse than what we have) **“. . . each in release fees, with the racket often relying on drivers not spotting tiny or obscure warning signs about arbitrary parking restrictions.**

**“In many cases, drivers have been marched to the cashpoint to pay on the spot, while others have experienced intimidation.”** Both of which we have seen here in this jurisdiction.

In fact, the *Mail* ran some very interesting descriptive adjectives on the 19<sup>th</sup> September 2009. They had a headline entitled **“Rogue Clampers will be Curbed”; “Curb the Cowboy Clampers”; “End this Legalised Mugging”; “The Toothless Watchdog”**—The 14<sup>th</sup> September 2009, and the 12<sup>th</sup> September 2009 respectively.

Now, after a year of campaigning by the *Mail*, clamping on private land, typically land owned by individuals, but also including, for example, train stations and supermarket car parks, will be banned outright. Towing away will also be outlawed. So, I am charitable, Madam Speaker. In fact, they will be restricted to erecting barriers to keep drivers out or charging regulated parking fees, as was intimated by the Member for East End, as part of the remedy.

**“By now, under an outright ban far tougher than even campaigners had hoped for, clampers will risk not only an unlimited fine but also a criminal record for life which they will have to declare when they apply for new jobs.**

**“The criminal offence will be punishable by an unlimited fine before the Crown Court (which is similar to our Court; different name) for more serious cases, or up to £5,000 in the magistrates court.”**

In fact, there is a very interesting portrait of a vehicle being clamped and the caption says, **“The crackdown on cowboy clampers will save the public \$55 million a year in fees to release their vehicle.**

**“An estimated 500,000 drivers every year are clamped on private land.”**—in the UK.

**“Clampers who do not pay the fine could be sent to jail. Both the clamper and their boss could be liable.”**—under UK legislation.

**“Home Office Minister, Lynn Featherstone said and I quote: ‘For too long motorists have fallen victim to extortion and abuse from rogue clamping companies. I have been outraged by cases of drivers being frog-marched to cash machines late at night or left stranded by rogue operators . . .’**

**“It is expected to become law at the end of this year and will bring England and Wales into line with Scotland - where clamping on private land has been outlawed since 1992.”**

And I like this most of all, Madam Speaker. It says: **“Clampers have complained to ministers that they have spent thousands of pounds on their equipment and want compensation for the loss of their livelihood. The Home Office Minister, Lynn Featherstone, however, emphatically said, ‘They will not be offered any.’”** And that will also be my position, Madam Speaker.

Under our proposals police can also remove vehicles that are causing obstructions and when they are dangerously or unlawfully parked.

AA President, Edmund King, said, and I quote, Madam Speaker, with your permission: **“The Daily Mail has played a major part in ending a terrible abuse which we at the AA have also fought for years. However, he warned that some clampers would try to fill their coffers before the legislation comes into force, telling drivers: ‘Watch where you park.’”** And I suppose when I go to the Brac today I had better be extra careful at the airport.

Steve Fowler, Editor of *Watts [Auto]* magazine said: “Motorists will be extremely pleased that the *Daily Mail* has persevered and finally the legal activity is now banned.”

Finally, Madam Speaker, Ms. Featherstone thought that some of the private landowners might take the decision to install fixed barriers, and I think that is a very affordable provision that we already see working very well here at the Bayshore facility in George Town.

We have taken on board the concerns also by my friend, the [Second Elected] Member for Bodden Town. The Government accepts his congratulations as he has so stated. We have gone down the middle of the line where we have not done a complete banning of the cell phones. Of course, there are exceptions in there. The boom boxes are dealt with under the Town and Community Law; it’s just a matter of enforcement that needs to happen.

We totally concur with the children and the carelessness of them being in the front seat and we will look at our regulations to see how we can cater to that concern. I can say, on behalf of the Government, we have already taken care of the school zone issues and that will be revealed as we unveil our regulations once we see the safe passage of this Bill.

I have instructed the drafting team behind me, and my technocrats, that I concur with the expressions of the very generous conservative penalties for death by dangerous driving, when a person is intoxicated, and I have instructed them and hopefully we can get them in time for committee stage; that we would add another zero which would take it to \$5,000.

And under [clause] 138 I have instructed them to increase that to \$2,500, in dealing with school zones. I am hoping that we will have the indulgence, if not typed, that I can orally make the presentations in the committee stage.

*[inaudible interjection]*

**The Deputy Premier, Hon. Juliana Y. O’Connor-Connolly:** *[Replying to interjector]* Consequent. Okay.

Madam Speaker, I want to just round off the course of debate by thanking Mr. Bilika, the Legal Draftsman. I think he is a man with a liberal portion of patience with the amount of drafting and redrafting and changing of instructions trying to respond to the consultative process with colleagues as well as the wider public to ensure that we got as perfect legislation as possible. Obviously, our motives were perfect, I’m sure, as with any piece of legislation. From time to time we will have to be back before the honourable House to make necessary relevant amendments, because no law is static and for any law to be relevant and appropriate and efficient, has to have sufficient elasticity in it to respond to the needs of the majority of the community.

I also wish to thank David Dixon and Richard Simms. Many times civil servants do not get to hear the good and excellent work that they perform until it’s (and even then they do not hear it for sure) an obituary. But I really want to go on record, Madam Speaker, for thanking them and Mr. Tristan Hydes for the excellent camaraderie of effort and work. I cannot even begin to collate the number of hours that they have put into this. And the enthusiasm, even the tide got low and the discouragement was there as to whether to continue on this journey to see the safe passage through the legislature today. They were very encouraging and great motivators.

I wish to thank the Second Official Member for his input, my colleagues and all of those who were concerned, because it has been a mammoth task. And they have heard me say many times that we put aside other priorities in the Ministry to ensure that this piece of legislation made it here today, and that when I hear the Ayes have it, it would be almost like Merle Haggard, “If I could make it through the eyes I’ll be okay.”

Thank you, Madam Speaker.

**The Speaker:** The question is that a Bill shortly entitled The Traffic Bill, 2011, be given a second reading. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Traffic Bill, 2011, given a second reading.**

**The Speaker:** I have granted the Premier permission to present a report to the House that needs to be on the table this afternoon.

## PRESENTATION OF PAPERS AND OF REPORTS

### United Kingdom and Cayman Islands Relationship Review

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I thank you very much for your assistance in helping us to get this laid on the table, as other matters in connection with the United Kingdom's relationship with the Cayman Islands and the review of the White Paper, and this needs to be done this afternoon.

Madam Speaker, I want to lay on the Table of this honourable House a report of the Review Committee established to consult with the people of the Cayman Islands in advance of the November 2011 meeting of the Overseas Territories Consultative Council (OTCC) and in anticipation of a new White Paper outlining the United Kingdom's strategy of the Overseas Territories.

**The Speaker:** So ordered.

Does the Minister wish to speak thereto?

**The Premier, Hon. W. McKeever Bush:** Yes, Madam Speaker, I will take two minutes to . . . well, more than two minutes, but I think it is best to put in the records of the House what it is all about.

Madam Speaker, following the publication by the United Kingdom Government of the White Paper, entitled: "**Partnership for Progress and Prosperity: Britain and the Overseas Territories [March 17], 1999**".

The Overseas Territories embarked upon a period of constitutional modernisation. In the Cayman Islands, after much debate and negotiations, this ultimately resulted in the 2009 Constitution. Much it happened in the intervening period since 1999, and the recently elected United Kingdom Government has determined that it intends to embark upon the development of a new strategy for the Overseas Territories.

In relaying this position to the Cayman Islands, the Minister for Overseas Territories, Henry Bellingham, MP, confirmed that the United Kingdom's Government fundamental responsibility and objective is to ensure the security and good governance of the Territories and their people.

The fourteen Overseas Territories are remarkably diverse on policies need to be tailored to meet the specific circumstances of each territory.

A new strategy is desirable for the Overseas Territories primarily to ensure that the new constitutional arrangements work effectively and to promote the best interest of the territories and the United Kingdom. The strategy is an overall framework and does not include specific proposals for any of the relationships.

Overseas Territories are to be consulted at this preliminary stage with a view to providing feedback to the United Kingdom Government in order to inform and establish priorities for the development of a new White Paper. This white Paper scheduled to be published in 2012 is intended to set out shared values and a vision for the future.

**The United Kingdom's policy goals:** To these ends, the United Kingdom Government established three practical policy goals, namely, to strengthen the engagement and interaction between the United Kingdom and the territories; to work with the territories to strengthen good governance arrangements, public financial management and economic planning where this is necessary; and to improve the quality and range of support available to the territories. These three goals form the basis and structure of this report.

In addition, the United Kingdom Government also provided a series of questions intended to assist the territories in eliciting discussion which would in turn advance these three policy goals and the new priorities:

- What are the main challenges facing your territory?
- What are the most important areas of co-operation between your territory and the United Kingdom?
- In what areas would you like to see greater engagement and interaction between the United Kingdom and your territory?
- How can the United Kingdom and your territory strengthen co-operation and build more effective partnerships?
- How do you assess the quality of good governance, public financial management and economic planning in your territory?
- What are the priorities for improvement?
- How can the United Kingdom best work with your territory to strengthen these areas?
- What do you think of the quality and range of external support, apart from the United Kingdom available to your territory, including from regional bodies, the Commonwealth and the European Union?
- What can the United Kingdom best do to help territories access external support?
- What potential do you see for increase co-operation and partnership between territories?
- In which areas does your territory provide support to other territories?
- How might this be expanded?
- How does your territory promote its successes?

- What more could be done to raise your profile internationally?
- How can the United Kingdom best support this?

These questions were utilised in the consultations pursued in the Cayman Islands, and the answers received have been integrated into this report under the relevant sections that reflects the overarching policy goal.

**The Cayman Islands Review Committee:** In response to the correspondence from the Minister for the Overseas Territories in the United Kingdom Government, a review committee was established in the Cayman Islands, and me, acting through the Cabinet Secretary, by a letter dated 3<sup>rd</sup> October, 2011.

**The Membership and terms of reference:** Mr. Lemuel Hurlston, CVO, MBE, JP, Chaired the Review Committee and was supported by a small secretariat headed by Caymanian Attorney, Mrs. Theresa Pitcairn and supported by the Cabinet Office.

In addition, the Review Committee also contained the following representatives from a range of stakeholders: Mr. Mark Tibbetts (that is Cayman Brac representative); Mr. Richard Smith, Cayman Islands Civil Aviation Authority; Mr. Christen Suckoo, Cayman Islands Civil Service Association; Mr. Wil Pineau, Cayman Islands Chamber of Commerce; Mr. Harry Lalli, Cayman Islands Tourism Association; Mr. Richard Coles, Cayman Finance; Pastor Alison Ebanks, Cayman Ministers Association; Mrs. Karen Thompson, Commission for Standards in Public Life; Mrs. Jondo Obi, Red Cross; Pastor Felix Manzanares, Youth representative.

The Review Committee was charged with the task of obtaining feedback from as many people as possible in a six week period prior to the November meeting of the Overseas Territories Consultative Council, which is due to begin this coming week, and which I leave for today. At which point, the territories will have an opportunity to have dialogue and exchange thoughts and ideas for possible improvements considered necessary or desirable. Beyond consulting with the widest possible cross section of the Cayman Islands community, the Review Committee was otherwise left to determine how best to undertake these consultations.

**Consultations and submissions:** In order to deliver on its mandate, the Review Committee resolved to establish a website and a questionnaire through which the general public in these Islands could provide input. It was understood that this website would not only be available to registered voters in the Cayman Islands, but this was considered to be in line with the broadest possible consultations requested by the United Kingdom Government; conduct a survey through the Chamber of Commerce of its councils of associations representing some 25 associations; meet with students in a range of secondary schools and ter-

tiary institutions; conduct district meetings as time would permit, including a visit to Cayman Brac which was conducted in conjunction with the Constitutional Commission; meet with and invite input from chief officers representing the various ministries and portfolios of the Cayman Islands Government; consider individual submissions it may receive and conduct its own research and deliberations as a committee.

In order to complete its tasks the Review Committee resolved to prepare a report detailing the outcomes of its consultations for me, and, of course, for Cabinet. This Report, Madam Speaker, has been prepared independently in attempts to genuinely reflect the views and sentiments contained in the various submissions received.

Madam Speaker, I would not have the time to read this, of course, but I want to encourage Members and the public at large, when this is tabled today, and when it is made available to the wider press, to read and study this because it is a very, very good bit of work. And, Madam Speaker, I hope by now the House had the relevant copies because they were [trying] to finish preparing them on a short timetable.

While I cannot do that, Madam Speaker, I will take the time to read the conclusion that was prepared by the Committee.

At times this report is an intimate and candid self-appraisal which some detractors might superficially view as a weakness and seize upon to seek to embarrass the Cayman Islands in some way.

The Review Committee does not however agree with any such proposition, stressing instead that this has been a valuable process of which the Cayman Islands should be rightly proud. Indeed, the independence of the Review Committee and of this report should be viewed as evidence that some of the lessons relating to good governance which were recorded in the feedback provided, have, in fact, been learnt. The Review Committee therefore believes that this report serves as a testament to the development and maturity of the Cayman Islands, and that the Government should be commended for facilitating this process, and the people of the Cayman Islands applauded for so effectively engaging with it in the short period of time available.

In completing this initial consultation exercise, the Review Committee entrusts this report to the Honourable Premier, therefore as an independent and truthful account of the feedback that was received. This, however, is merely the start of the process mapped out by the United Kingdom Government, and there will no doubt be further discussions at the upcoming meeting of the OTCC, along with opportunities for comment thereafter, including when the anticipated White Paper is ultimately published.

The Review Committee would thus encourage anybody in the Cayman Islands, including those who may have felt that they were in any way compro-

mised in their ability to make representations at this preliminary stage, to take advantage of these opportunities as they arise.

As we as a territory consider how best to chart our future development and improve the relationship between the Cayman Islands and the United Kingdom, the Review Committee hopes that the information and indicators contained in this report might provide valuable material for more informed debate and that the central issues encompassed in the feedback received are in turn addressed.

By way of conclusion, these central issues can be summarised as:

- A need to recognise value and celebrate both locally and internationally what is good about the Cayman Islands.
- A desire to enhance the relationship between the Cayman Islands and the United Kingdom, a new and mutually beneficial ways.
- An interest in enabling the greatest possible amount of local governance while at the same time ensuring that every necessary check is in place to guarantee that there is good governance and that there is transparency in decision making and accountability for decisions taken.
- An aspiration for greater inclusion and more consensus whereby it is possible to respect and seek to accommodate the interest of all residents, while at the same time, maximising the opportunities available to Caymanians.
- A need to improve public financial management and accountability, and to plan holistically and in an integrated fashion for sustainable development of the Cayman Islands and diversification of its economy.
- An interest in investigating the potential availability of external support and in engaging the United Kingdom, as well as other Overseas Territories, for this purpose.

I wish to build upon the positive track record that the Cayman Islands have in reaching out to assist others and to work together with the United Kingdom and other overseas territories to build a network for reciprocal co-operation and assistance.

Madam Speaker, I want to thank you and the House. And I want intimate to the House that I was just presented with this document from the committee. The process had to be as was mandated by the United Kingdom, that we would have gotten that to them by today so that they can have it to discuss with the Overseas Territories Council.

And, Madam Speaker, this has not even been seen by Cabinet Members. I lay it on the Table because I had to discuss it and if I did not do that at this

point in time, then, it would have gone out publicly and the House would not have heard it, seen it, and Members of the Cabinet, as I said, would not have known about it beforehand. There are other copies which I hope should be here, if not here already.

The Serjeant has them in his hand, Madam Speaker.

I want to stress that the purpose of this was so that the House would have a copy when it goes public later today. As I said, Cabinet should have rightly seen it, and should have been presented by Cabinet Paper to Cabinet, but I thought since I was going to the United Kingdom this afternoon, that I would lay it here on the Table so that Members would have it. If I did not do that I would not have been able to do so until after the presentation in London and when I get back here, which we hope to come back here on the 1<sup>st</sup> December for the SPS [Strategic Policy Statement], that would have been the only time. So I thought it important and I really appreciate, Madam Speaker, you allowing me to do this. And, in fact, I appreciate the Minister [allowing] me to dip into her time.

Thank you very much. And I thank the House for its indulgence.

**The Speaker:** The House will now go into committee to consider the Bill.

**House in committee at 3.53 pm**

## COMMITTEE ON BILL

**The Chairman:** The House is now in committee. Please be seated.

With leave of the House, may I assume that as usual, we should authorise the Honourable Second Official Member to correct minor errors and suchlike in this Bill.

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

### Traffic Bill, 2011

**The Clerk:** The Traffic Bill, 2011.

Clause 1          Short Title and commencement

**The Chairman:** The question is that clause 1 stands part of the Bill? All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Chairman:** The Ayes have it. Clause 1 stands part of the Bill.

**Agreed: Clause 1 passed.**

**The Clerk:** Clause 2          Interpretation

**The Chairman:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Chair.

Madam Chair, in accordance with the provision of Standing Order 52(1) and (2), I, the Honourable Juliana O'Connor-Connolly, JP, Deputy Premier, Minister for District Administration, Works, Lands and Agriculture, give notice to move the following amendment to the Traffic Bill, 2011; that the Bill be amended as follows- In clause 2 –by deleting the definition of “vehicle removal agent;” and by inserting, in the appropriate sequence, the following definition – “unlawful”, in relation to parking, includes – “(a) parking on private property to which the public does not have access; and (b) parking on business premises where parking space is reserved for staff and members of the public who are visiting the premises for genuine purposes associated with that business, whether or not actual business is transacted;”.

**The Chairman:** Thank you.

We will do them one at a time.

The amendment has been duly moved, does any Member wish to speak thereto?

If not, I will put the question that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Amendment to clause 2 passed.**

**The Chairman:** The question now is that the clause, as amended, stand part of the Bill.

Does any Member wish to speak? If not, I will put the question that the clause, as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 2, as amended, passed.**

*[inaudible interjection]*

**The Chairman:** Can you not hear me?

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** I think he was trying to catch your eye.

**Mr. V. Arden McLean:** I can very much hear you, but I do not know what you want us to do to get your at-

ention. I grabbed the microphone and nobody caught my—

**The Chairman:** I'm sorry. I did not see you.

**Mr. V. Arden McLean:** That's okay.

I was only going to ask the Minister one question, but that is fine. I know that the usual thing is to grab the microphone and pull it to you, so I thought that was the way we . . . but nobody looked this side I guess.

**The Chairman:** I'm sorry. I did not see you.

*[inaudible interjection]*

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** No.

**The Clerk:**

Clause 3	Licensing authority
Clause 4	Functions of the Director
Clause 5	The register
Clause 6	Registration of vehicle, and third party risks
Clause 7	Certain new vehicles exempt from registration
Clause 8	Registration plates
Clause 9	Alteration of particulars to be recorded in the register and certificate of registration
Clause 10	Termination of vehicle registration

**The Chairman:** The question is that clauses 3 through 10 stand part of the Bill.

*[long pause and inaudible interjections]*

**The Chairman:** Thank you, Mr. Premier.

The question is that clauses 3 through 10 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

**Agreed: Clauses 3 through 10 passed.**

**The Clerk:**

Clause 11	Importation and use of certain vehicles restricted
Clause 12	Licensing of vehicles
Clause 13	Exemptions from fees: motor trade
Clause 14	Commencement and duration of licences: rate of fees
Clause 15	Continuous liability for suspension of vehicle licence
Clause 16	Issue of licences
Clause 17	Duplicate licences
Clause 18	Special permit

Clause 19 Exhibition registration plates  
 Clause 20 Personalised plates  
 Clause 21 Trade plates  
 Clause 22 Regulations under this Part

**The Chairman:** The question is that clauses 11 through 22 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clauses 11 through 22 passed.**

**The Clerk:**

Clause 23 Unqualified persons not to drive  
 Clause 24 Persons not to drive vehicle unless licensed or authorized  
 Clause 24 Qualification to drive  
 Clause 26 Persons who are not licensed or authorized to drive  
 Clause 27 Persons who may be licensed  
 Clause 28 New residents and certain visitors may be authorized to drive: international driver's licence  
 Clause 29 Driving test for new residents  
 Clause 30 Saving of licences and tests under the repealed Law

**The Chairman:** The question is that clauses 23 through 30 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 23 through 30 passed.**

**The Clerk:**

Clause 31 Requirements as to physical fitness of drivers  
 Clause 32 Revocation of licence because of disability  
 Clause 33 Provision of information, etc., relating to disabilities  
 Clause 34 Driving with uncorrected defective eyesight  
 Clause 35 Learners' licences  
 Clause 36 Conditions under which learners may drive and penalty for offences  
 Clause 37 Applying for a driver's licence for the first time  
 Clause 38 Grant of licences  
 Clause 39 Form of licences  
 Clause 40 Verification of entries in the register  
 Clause 41 Duration of driver's licence  
 Clause 42 Duplicate driver's licence

Clause 43 Powers of arrest  
 Clause 44 Regulations under this Part

**The Chairman:** The question is that clauses 31 through 44 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 31 through 44 passed.**

**Mr. V. Arden McLean:** Madam Chair, may I suggest, and I believe it is procedurally right to be able to say clauses 31 *through* 44 do stand part of the Bill. Now the Clerk may have to read them out, but I believe, procedurally, you can do that instead of you having to repeat all the numbers to save your throat a little bit, I believe.

**The Chairman:** Mm-hmm. I appreciate your comment but I think for the record just in case there is something wrong with the recording at some time and we miss something that it is properly recorded. And it is not because I like to call numbers, I'll tell you that. But thank you for your consideration.

**The Clerk:**

Clause 45 Establishment of Public Transport Board  
 Clause 46 Governor in Cabinet may give directions  
 Clause 47 Permits for omnibus and taxi drivers  
 Clause 48 Revocation and suspension of permits  
 Clause 49 Matters to be taken into account by Board  
 Clause 50 Permit not a driver's licence  
 Clause 51 Conditions for driving passengers for hire or reward and penalty for contravention  
 Clause 52 Regulations under this Part

**The Chairman:** The question is that clauses 45 through 52 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 45 through 52 passed.**

**The Clerk:**

Clause 53 Restriction on use of special electric vehicles  
 Clause 54 Special permit for use of special electric vehicles

Clause 55 Requirements for registration of special electric vehicles  
 Clause 56 Regulations under this Part

**The Chairman:** The question is that clauses 53 through 56 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 53 through 56 passed.**

**The Clerk:**

Clause 57 Regulation of construction, weight, equipment and use of vehicles  
 Clause 58 Offence where regulations are contravened  
 Clause 59 Authorisation of use on roads of vehicles not complying with regulations under section 57  
 Clause 60 Appointment of vehicle inspectors  
 Clause 61 Imported vehicles to be inspected before use on the road  
 Clause 62 Issue of certificate of roadworthiness  
 Clause 63 Annual inspection of vehicles  
 Clause 64 Powers of vehicle inspectors and constables

**The Chairman:** The question is that clauses 57 through 64 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 57 through 64 passed.**

**The Clerk:**

Clause 65 Using uninspected vehicle  
 Clause 66 Regulations as to inspection and testing  
 Clause 67 General duty of road users  
 Clause 68 Duties of drivers  
 Clause 69 Duty to give name and address, and penalty for contravention  
 Clause 70 Seat belts  
 Clause 71 Seatbelts for children under fourteen years of age  
 Clause 72 Wearing of a protective headgear and penalty for contravention  
 Clause 73 Duty to stop and furnish particulars in case of accident  
 Clause 74 Police evidence in case of accident  
 Clause 75 Causing death by dangerous or reckless driving  
 Clause 76 Dangerous or reckless driving

Clause 77 Careless or inconsiderate driving  
 Clause 78 Ban on use of mobile telephones  
 Clause 79 Causing death by careless driving or inconsiderate driving

**The Chairman:** The question is that clauses 65 through 79 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 65 through 79 passed.**

**The Clerk:**

Clause 80 Causing death by driving: unlicensed, disqualified or uninsured drivers  
 Clause 81 Person charged with certain offences may be convicted of a lesser offence  
 Clause 82 Driving or supervising under the influence of alcohol or drugs

**The Chairman:** The question is that clauses 80 through 82 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 80 through 82 passed.**

**The Clerk:** Clause 83 Driving or being in charge of a vehicle while under the influence of alcohol or drugs and causing death

**The Chairman:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** Thank you, Madam Chair.

Madam Chair, by virtue of Standing Order 52(1) and (2), I give notice of the following amendment to the Traffic Bill, 2011: [Clause] 83(2) to insert at the end, "or to a fine of five thousand dollars or both."

*[inaudible interjections]*

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** Insert at the end of [clause] 83(2) on page 57, "or to a fine of five thousand dollars or both." I so move.

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto?

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** Only to thank the Member and the Gov-

ernment for agreeing to increase this fine as we think it was a necessary issue raised by my friend [the Second Elected Member for] Bodden Town.

**The Chairman:** The question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Amendment to clause 83 passed.**

**The Chairman:** The question now is that the clause as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 83, as amended, passed.**

**The Clerk:**

Clause 84	Breath test
Clause 85	Provision of specimens for analysis
Clause 86	Protection for hospital patients
Clause 87	Retention of vehicles
Clause 88	Interpretation of section 82 to 87
Clause 89	Obtaining licence, or driving while disqualified
Clause 90	Unlawful use of vehicles
Clause 91	Motor racing on roads
Clause 92	Speed limit offences
Clause 93	Ticket Offences
Clause 94	Ticket procedure

**The Chairman:** The question is that clauses 84 through 94 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 84 through 94 passed.**

**The Clerk:**

Clause 95	Service of notice if fine is not paid
Clause 96	Enforcement of proceedings against owner
Clause 97	Rental vehicles
Clause 98	Miscellaneous offences
Clause 99	Trial of offences
Clause 100	Driving record
Clause 101	Effect of order of disqualification
Clause 102	Obligatory disqualification
Clause 103	Discretionary disqualification

Clause 104 Power to suspend order

**The Chairman:** The question is that clauses 95 through 104 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 95 through 104 passed.**

**The Clerk:**

Clause 105	Endorsement of driving record and effect
Clause 106	Regulations under this Part
Clause 107	Traffic Management Panel
Clause 108	Parking at yellow lines
Clause 109	Taxi ranks
Clause 110	Pedestrian crossings
Clause 111	Regulations under this Part
Clause 112	School crossing wardens

**The Chairman:** The question is that clauses 105 through 112 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Clauses 105 through 112 passed.**

**The Clerk:**

Clause 113	Removal of vehicle to pound, etc.
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**The Chairman:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly:** Thank you, Madam Chair.

By virtue of Standing Order 52(1) and (2) I give notice to move the following amendment in clause 113(1) by deleting from subsections (4) and (6) the words "or vehicle removal agent"; and by deleting subsection (7) and substituting the following – "(7) Where a vehicle is parked in a manner that makes it liable to removal under this section, the owner or person in charge of the premises concerned may request a constable to exercise his powers under this section and, if the constable is satisfied that the vehicle is liable to removal, he shall remove it."

**The Chairman:** The amendment has been duly moved, does any Member wish to speak thereto?  
Member for East End.

**Mr. V. Arden McLean:** Thank you, Madam Chair.

Madam Chair, I wonder if the Minister can explain the reasons for the amendment, because

[subsections] (4) and (6) are paying the Commissioner and no action lies with the Government.

Secondly, there would not be a (7) there. I think it would be a (5)? Because if you delete [subsections] (4) and (6) you would only have [subsection] (5) left. And then when (7) is deleted in its entirety it would have to be (5). Right?

*[inaudible interjection]*

**The Chairman:** Well, the renumbering has been left to the—

**Mr. V. Arden McLean:** Well, I guess to the Attorney General, yes.

**The Chairman:** To the Attorney General.

**Mr. V. Arden McLean:** But it is asking to put in a (7) you see. That is where I—

**The Deputy Premier, Hon. Juliana Y. O'Connor Connolly:** Madam Chair, Perhaps I could elucidate, if the Member would give way.

**Mr. V. Arden McLean:** Okay. Sure.

**The Deputy Premier, Hon. Juliana Y. O'Connor Connolly:** I am reliably informed that that is the methodology for the drafting because it would be an irrebuttable presumption that (4) and (6) would receive passage before . . . At the moment he is drafting he does not know which clauses will be passed, so that would be a consequential amendment. So, the Member is right insofar as when it actually hits the public it would reflect that subsection (5).

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

Can we get some explanation as to why we are doing it this way?

**The Deputy Premier, hon. Juliana Y. O'Connor Connolly:** Can you explain a bit more when you say "this way"? You mean as in [subsection] (7)?

**Mr. V. Arden McLean:** Yeah. Because (7) says, "**The Governor in Cabinet may make regulation prescribing the condition under which vehicle-removal agent shall be licensed.**" I know we removed it out of the definition.

**The Deputy Premier, Hon. Juliana Y. O'Connor Connolly:** Mm-hmm

**Mr. V. Arden McLean:** Okay. The police do not do anything anyhow about moving any vehicles. Why are we now putting the onus on them? That is what I am . . .

**The Deputy Premier, Hon. Juliana Y. O'Connor Connolly:** Through you, Madam Chair. Because it was felt that the power to enforce the Traffic Law and/or regulations are rightly placed within the police, but we wanted to give the police the power to delegate to removal agencies to tow them. So, it would not necessarily be the police towing them, unless they desired that that was something they wanted to engage in.

For example, if the \$4-point-something million plus we gave to them resulted in the desired results, where the major crimes were greatly reduced and they had a lot of time on their hands, then they would have the option of doing it. And if that did not happen, based on what you have put forward I do not think you have the audacity to hope for that happening. But they could delegate it to removal agencies, which we will include into the regulations and guidelines on how they are to operate, how they are to be licenced and what they are to do.

But out of an abundance of caution, it does not in any way, shape or form, include clamping. It would be with towing away of the vehicles that are parked for specified things—unlawfully in handicap, things of that nature.

**Mr. V. Arden McLean:** Four million? No. It is going to take more than that.

One of the things I did not say in my debate (and I remembered it after) was about parking vehicles on roadways, road reserved for sale. Would they fall under that because they park them in the road reserves, eh? And a lot of times the Government has slivers of land left where we built roads. I am sure the Minister is quite aware of those little slivers of lands that we have. Or also like in those . . . where we build the roundabouts and we have not gone all the way out to the property line. I know there is a section in there where it can be removed if it were abandoned, or what have you, obstructing traffic

**The Deputy Premier, Hon. Juliana Y. O'Connor Connolly:** Mm-hmm.

**Mr. V. Arden McLean:** But would NRA, who is the owner of that property, also be able to call the police to move those also? Because, they need to be removed too.

**The Deputy Premier, Hon. Juliana Y. O'Connor Connolly:** Madam Chair, by virtue of [clause] (2) "road" is connoted to mean "a public place where a vehicle may be driven or parked and such areas adjacent to that place as may be prescribed." So, it would be under there that we would look to ensure that they could be removed.

**Mr. V. Arden McLean:** Madam Chair, and Minister, I tried that many times with them too. And they said it is

not into the roadway. It is off the road but it is still in the adjoining properties of the road.

I don't know . . . whatever. Whatever we can do, I don't know. Because, that, is exactly what they do. They will say, *Well, you know it is not in the roadway so we do not have any jurisdiction over it; it would be the proprietors of the land*, which is, in essence, Government. They will not move them. So Mr. Dixon can show her as much as she wants, they will not move them. I tried about a million times.

**The Chairman:** Before we go any further I need to have a motion to—

*[inaudible interjection]*

**The Chairman:** All right.

*[inaudible interjection]*

**The Chairman:** Sorry. Are you finished?

**Mr. V. Arden McLean:** I was just going to say to the Minister that that piece of land where Durty Reid's was located, that is ours too. And, nine million thousands of them are hanging up there. Now I don't know if you have since transferred it to someone but it used to be . . . well, it was ours because remember the road and we bought Durty Reid's so we joined the road back there. So, until it is sold or whatever.

**The Chairman:** Okay.

The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Amendment to clause 113 passed.**

**The Chairman:** The question now is that the clause, as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 113, as amended, passed.**

**The Clerk:**

Clause 114	Traffic signs
Clause 115	Ban on clamping of vehicles
Clause 116	Erection of road blocks or barriers
Clause 117	Road works
Clause 118	Obstruction on road, pavement, etc.
Clause 119	Disabled person's badge

Clause 120	School zones
Clause 121	Driving instruction for payment to be given only by registered driving instructors
Clause 122	The Driving Instructors' Register
Clause 123	Registration of driving instructors
Clause 124	Duration of registration
Clause 125	Extension of duration of registration

**The Chairman:** The question is that clauses 114 through 125 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clauses 114 through 125 passed.**

**The Clerk:**

Clause 126	Removal of names from Driving Instructors' Register
Clause 127	Appeals
Clause 128	Examination and test of ability to give driving instruction
Clause 129	Power to prescribe form of certificate of registration, etc.
Clause 130	Surrender of certificates
Clause 131	Production of certificates and licences to constables and authorised persons
Clause 132	Service of notices
Clause 133	Offences and penalties relating to documents
Clause 134	Powers of constables and Director
Clause 135	Obstruction of police
Clause 136	Offences by corporations
Clause 137	Power to require vehicle to be weighed

**The Chairman:** The question is that clauses 126 through 137 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clauses 126 through 137 passed.**

**The Clerk:** Clause 138 General penalty

**The Chairman:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Chair.

In accordance with provisions of Standing Order 52(1) and (2), I give notice to move the following amendment to [clause] 138: To delete the [fine] of "five hundred" after the words "to a fine of" and substi-

tuting the words “two thousand five hundred” as it appears in the said clause.

*[inaudible interjections]*

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If not, I will put the question. The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Amendment to clause 138 passed.**

**The Chairman:** The question now is that the clause, as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 138, as amended, passed.**

**The Clerk:**

Clause 139      General power of arrest  
Clause 140      Application to the Crown

**The Chairman:** The question is that clauses 139 through 140 stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clauses 139 through 140 passed.**

**The Clerk:** Clause 141 Fees to be paid into general revenues

**The Chairman:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Chair.

In accordance with provisions of Standing Order 52(1) and (2), I give notice to move the following amendment to the Traffic Bill 2011: In clause 141 by deleting the words “to the Director under this Law” and substituting the words “under this Law shall, unless otherwise expressly stated,”.

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If not, I will put the question. The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Amendment to clause 141 passed.**

**The Chairman:** The question now is that the clause, as amended, stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 141, as amended, passed.**

**The Clerk:** Clause 142 Regulations - general power

**The Chairman:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Chair.

In accordance with provisions of Standing Order 52(1) and (2), I give notice to move the following amendment to the Traffic Bill 2011: In clause 142(1) by renumbering the existing paragraphs (a) and (b) as (b) and (c), respectively; and by inserting the following paragraph:- “(a) regulating the removal by the Commissioner or any person authorised by the Commissioner of vehicles illegally parked in private or public places;”.

**The Chairman:** The amendment has been duly moved. Does any Member wish to speak thereto?

If not, I will put the question. The question is that the amendment stands part of the clause. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Amendment to clause 142 passed.**

**The Chairman:** The question now is that the clause, as amended, stands part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 142, as amended, passed.**

**The Clerk:** Clause 143 Repeal

**The Chairman:** The question is, that clause 143 stands part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Clause 143 passed.**

**The Clerk:** A Bill for a law to repeal and substitute the Traffic Law (2003 Revision); and to make provision for incidental and connected matters.

**The Chairman:** The question is that the Title do stand part of the Bill. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed:** Title passed.

**The Chairman:** The question now is that the Bill be reported to the House. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: Bill to be reported to the House.**

**The Chairman:** The House will now resume.

#### House resumed at 4.43 pm

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

Before we continue can we have a motion for the business of the House to continue after the hour of 4.30?

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

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Madam Speaker, I move by virtue of Standing Order 10(2) that the business of the House continue beyond the hour of 4.30 pm until the conclusion thereof.

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

**Ayes.**

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

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

## REPORT ON BILL

### Traffic Bill, 2011

**The Clerk:** The Traffic Bill, 2011.

**The Speaker:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I have to report that a Bill shortly entitled The Traffic Bill, 2011, was considered by a Committee of the whole House and was passed with amendments.

**The Speaker:** The Bill has been duly reported and is set down for a third reading.

## THIRD READINGS

### Traffic Bill, 2011

**The Clerk:** The Traffic Bill, 2011.

**The Speaker:** Honourable Minister.

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly:** Thank you, Madam Speaker.

I beg to move that a Bill shortly entitled The Traffic Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that The Traffic Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Traffic Bill, 2011, given a third reading and passed.**

### Immigration (Amendment) (No. 4) Bill, 2011

**The Clerk:** The Immigration (Amendment) (No. 4) Bill, 2011.

**The Speaker:** Honourable Premier.

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

Madam Speaker, I move that The Immigration (Amendment) (No. 4) Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that The Immigration (Amendment) (No. 4) Bill, 2011, be given a third read-

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

**Ayes.**

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

**Agreed: The Immigration (Amendment) (No. 4) Bill, 2011, given a third reading and passed.**

**Exempted Limited Partnership (Amendment) Bill, 2011**

**The Clerk:** The Exempted Limited Partnership (Amendment) Bill, 2011.

**The Speaker:** Honourable Premier.

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

Madam Speaker, I move that The Exempted Limited Partnership (Amendment) Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that The Exempted Limited Partnership (Amendment) Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Exempted Limited Partnership (Amendment) Bill, 2011, given a third reading and passed.**

**Companies (Amendment) (No. 2) Bill, 2011**

**The Clerk:** The Companies (Amendment) (No. 2) Bill, 2011.

**The Speaker:** Honourable Premier.

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

Madam Speaker, I move that The Companies (Amendment) (No. 2) Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that The Companies (Amendment) (No. 2) Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Companies (Amendment) (No. 2) Bill, 2011, given a third reading and passed.**

**Patents and Trade Marks Bill, 2011**

**The Clerk:** The Patents and Trade Marks Bill, 2011.

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I move that the Patents and Trade Marks Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that The Patents and Trade Marks (Amendment) Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Patents and Trade Marks (Amendment) Bill, 2011, given a third reading and passed.**

**Customs (Amendment) Bill, 2011**

**The Clerk:** The Customs (Amendment) Bill, 2011.

**The Speaker:** Honourable Premier.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I move that the Customs (Amendment) Bill, 2011, be given a third reading and passed.

**The Speaker:** The question is that The Customs (Amendment) Bill, 2011, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

**Ayes.**

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

**Agreed: The Customs (Amendment) Bill, 2011, given a third reading and passed.**

**The Speaker:** That concludes the business on the Order Paper.

Honourable Premier.

**ADJOURNMENT**

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I move the adjournment of this honourable House until 1<sup>st</sup> December [2011] when we meet to consider the SPS [Strategic Policy Statement] and perhaps, at least, maybe some other Government

business. But the House hopefully will come back on 1<sup>st</sup> December. That will be the Fourth Meeting.

**The Speaker:** The question is that this honourable House do adjourn until 1<sup>st</sup> December [2011] when the Fourth Meeting of this Session will take place. All those in favour, please say Aye. Those against, No.

**Ayes.**

**The Speaker:** The House is accordingly adjourned until 1<sup>st</sup> December [2011].

**At 4.50 pm the House stood adjourned until 10.00 am, Thursday, 1<sup>st</sup> December 2011.**

