

OFFICIAL HANSARD REPORT
FRIDAY
18 MARCH 2011
8.17 AM
Fourth Sitting

The Speaker: I will ask the First Elected Member for Cayman Brac and Little Cayman to say Prayers.

PRAYERS

Mr. Moses I. Kirkconnell: 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: Good morning everyone. Proceedings are resumed.

Please be seated.

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

Apologies

The Speaker: I have no messages or announcements at this time.

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

The Speaker: I had given permission yesterday for a statement by the Premier, which he did not have an opportunity to present.

AN ACCOUNT ON THE SOCIAL MEDIA TWITTER

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

A few days ago, as a result of two inquiries from the local media, it was brought to my attention that there is an account on the social media Twitter that purports to be my account. It uses the name "McKeevaBush345," displays an official photograph of myself, states the location as the Cayman Islands and, in the bio section states, "Premier of the Cayman Islands." It goes on to refer to West Bay and me in a negative light. Some of the comments posted by the person purporting to be me were certainly not becoming of the office of the Premier nor of myself, while, as I say, I found others to be personally offensive.

This is clearly a case of impersonation as I do not have a Twitter account, have never had one and I will never have one. I will never have anything to do with most of those things on the Internet except to try to look at the best ways to be educated from some of the things.

Madam Speaker, while those who know me would recognise this as an impersonation, there are others who may not, especially since this can be viewed by anyone in the world with an Internet connection. And, Madam Speaker, that is my biggest complaint with what is said on the blogs and these social venues or media. They do not stay on this Island where people know people, because we are so small, but they go internationally and people do not know who is saying what, and whether it is true or not. And that is my biggest complaint with how people write and what they say. They have no regard for this country when they do those sorts of things. They can say what they like, Madam Speaker. That is my position.

An impersonation complaint was therefore filed with Twitter. I am no stranger to parody, Madam Speaker. Anyone who has seen the "Roundup" series of plays knows that I have been the target of parody in the past. When it is done in good taste, parody can give us all a good laugh. We have to be able to laugh at ourselves. And, Madam Speaker, if there is any politician who can do that, I can. We can even learn

from it when it includes social or political commentary. This is something that all of us who enter the public arena must accept. This, however, is not parody.

To actually post an official photograph and use a person's correct name and title as if it is real, is not right. It is, in fact, deception in the worst form. That is why it is against the rules of Twitter. It is a prime example of how the Internet can be misused by those who might want to bring embarrassment or otherwise cause harm to other people.

I do not forget . . . and as a good example of what I am saying is what they did with the home of President Mugabe and said that it was the home of the Premier of the Cayman Islands. That is the sort of stuff that I cannot live with—and won't!—because it is not good. It is not right. It is not honest. It is downright dirty, nasty, to say the least.

The Government, from my perspective, intends to look at all the legislation to consider if it is possible to bring legislation that would address the misuse of the Internet and social networks by people for purposes that are detrimental to others. There is some legislation, Madam Speaker, but it needs some tightening up.

People should not be able to hide behind the anonymity of a computer screen and cause embarrassment, or worse, to others without there being a consequence—no matter who has it as a business. I don't care, Madam Speaker. Right is right and wrong is wrong.

Before anyone rushes to any conclusions, I want to make it absolutely clear that there is no intention to block or limit access to the Internet from the Cayman Islands. Access to the Internet has become akin to freedom of speech, and like freedom of speech, accessing and interacting on the Internet must be done responsibly.

Madam Speaker, thank you very much.

Madam Speaker, I didn't get a chance to say, but, further, I am just writing you a note to say that we are going to adjourn at a quarter to nine and come back at least by noon.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

Medical Negligence (Non-economic Damages) Bill, 2011

[Continuation of debate thereon]

The Deputy Clerk: The Medical Negligence (Non-economic Damages) Bill, 2011, continuation of debate on the Second Reading.

The Speaker: When we adjourned yesterday afternoon, the Elected Member for North Side was debating the Bill. I will call on him now to continue his debate.

Mr. D. Ezzard Miller: Thank you, Madam Speaker.

Yesterday, I dealt with my concerns that the Bill would not meet the objective as laid out by the Government in lowering the cost of health care by a reduction in the cost of malpractice insurance for medical practitioners in the Cayman Islands.

The House was informed yesterday that, at least in one case, the Government has indicated that the expectation of what this law will do in terms of lowering malpractice insurance is that one of the persons concerned (and one of the reasons why the Government has brought this Bill) has indicated to the Government that such legislation would equate to an 85 per cent reduction in the cost of their mal-practice insurance.

Madam Speaker, I hope that the Government will do all it can to give local practitioners the same kinds of benefits that the MOU gives to that investor which leads to him predicting an 85 per cent reduction in the cost of his malpractice insurance.

Madam Speaker, I have a second concern, that it is capped at \$500,000. I had, in fact, filed an amendment to the Tort Bill seeking to amend that for where it was the total award irrespective of how many doctors were involved in the Iatrogenesis or medical malpractice and how many institutions are involved. The amount is the total that a person can get. At that time I was asking that it be \$500,000 per entity. In other words, if there were four doctors and two institutions, the award could be up to \$3 million.

Madam Speaker, I have some concerns in this artificial cap being placed on the medical negligence and the non-economic aspect of this Bill. If we take the case of a 20-year old Caymanian who is paralysed or made a vegetable because of some mistake that a doctor made, and he [or she] is not a university graduate, or one who commands a decent salary, but at the time is earning a salary less than \$24,000 per annum, and the family is expected to be able to provide the kinds of medical care and medical intervention over what could possibly be another 60-year life span, I do not believe the economic damages that could be claimed would be sufficient to provide the family with the kind of support they need.

Invariably, when that happens the person is going to wind up a ward of the State and we will have to take public funds to pay for this person's medical care—as is often the case currently when this sort of thing happens. People cannot even get their cases to court, or get a settlement from the physicians involved.

Madam Speaker, I do not think it is fair to say that the insurance companies can accuse the courts of the Cayman Islands of giving any large, outlandish awards to these kinds of cases, because, as the Min-

ister confirmed yesterday, it appears that the largest award given in this country for this kind of claim was \$300,000. So there is no precedent that matches the North American model where awards are millions and millions of dollars.

I would be a lot more comfortable leaving it to the good judgment of the judges to evaluate each case on its merit depending on the age of the person, depending on the severity of the injury, depending on the kind of treatments and medical interventions the person is likely to have done over the remainder of their life, than simply arbitrarily capping it at \$500,000 as a total award so that we can protect some people that, in my view and based on papers tabled in this House . . . the revenue they are projected to earn certainly does not justify this kind of protection.

Now, Madam Speaker, the third concern I have is with the new clause (clause 4) attached to this Bill, which not only limits our local courts in what they can award on cases that happen here under their jurisdiction, but also limits their ability to enforce judgments that are being made in other jurisdictions. Again, Madam Speaker, I cannot imagine a scenario where the Caymanian physician and Cayman patients, for procedures done in the Cayman Islands, would need this kind of protection. So this clause can only be as a result of and intended to benefit this one investor for whom this Legislative Assembly is being asked on a regular basis to amend and adjust laws to fit into their economic expectations and business plan.

Madam Speaker, yesterday the Minister accused me of being irresponsible for raising a matter in an article that appeared in *CNS*. Madam Speaker, would I be more comfortable if that printer's devil had not gotten into the quotation that was attributed to me and "has" became "was"? But even ignoring that, Madam Speaker, one of the things that people like me endure in this [honourable] House is constant attacks on my person.

Madam Speaker, I criticise what the Government gives, I criticise what I believe is the Government's performance. But nowhere in that article in anything that I said, did I attack or call anybody irresponsible for what they said. Now, I can think of a few adjectives that I could apply to this Bill, but that is not what I believe these hallowed Chambers are about.

Madam Speaker, be that as it may, the Minister conveniently forgot to read the rest of the quotation. And what the quotation said, Madam Speaker, is "I need a clear indication from the Attorney General" . . . and, Madam Speaker, I am really disappointed that he is not here this morning, because I am going to repeat the question. And I think that this House and the people of this country need these answers from the Attorney General.

The quotation said: ¹"**I need a clear indication from the attorney general that his office was fully consulted over this law and that the judicial arm of government is completely comfortable with the bill and that it will not undermine the standing of our courts in the international arena and that this does not impinge on any international or bilateral agreements that affect our courts.**"

Now, Madam Speaker, not being a lawyer, I will not trespass on what the international requirements actually are. But, Madam Speaker, I believe that there is an expectation by our courts and countries with which the United Kingdom has bilateral agreements that we will respect their judgment and enforcement them in this jurisdiction. And, Madam Speaker, we have seen in the press that the Law Review Commission objects to the capping of this claim. What we do not know is whether the Law Commission was consulted on clause 4, and whether they are in full support of this limitation being placed on our courts.

Madam Speaker, as I said, I was hoping that the Attorney General was here, because I would like to have him read a copy of the memo that he sent to the judicial administration, the date on which it was sent, and read the answer given and the date he received the answer from the judicial administration in this country, that such a clause being inserted in this Bill is not going to infringe on any of our international agreements and in no way reduces the high standard to which our courts are held and respected internationally, particularly in the financial industry.

There are judgments by our courts that are quoted internationally and oftentimes in some of our courts' precedents to deal with international transactions established by our judges and the judgments they hand down. If we expect those countries to respect our judgments, then I think we have an obligation to respect theirs.

Also, Madam Speaker, the Minister said that he received representation from various stakeholders, hence the need to add clause 4 in the Cayman Islands. I would be grateful if he would be so kind in his response as to name those stakeholders who were consulted and the fact that they are in agreement and support this clause 4 of the Bill.

Madam Speaker, with those several concerns, I will wait to hear the Minister's reply. But it is unlikely that I will vote for the Bill in its present form.

Thank you, Madam Speaker.

The Speaker: Thank you, Member for North Side.

When he spoke yesterday afternoon, the Leader of the Opposition was about to rise. Do you want to begin your debate now?

¹ [<http://www.caymannewsservice.com/headline-news/2011/03/15/new-law-may-spell-trouble>]

I understand that the Minister for Education has to be at UCCI and I think . . . I forgot to mention that I did have an apology from the First Elected Member for George Town who is also one of the speakers there this morning.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, I am in the hands of the House. I am quite happy to start debating the Bill.

The Speaker: We have five minutes if we are going to suspend at quarter to nine.

Do you want to begin?

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: I believe the Fourth Elected Member for George Town wants to say something.

The Speaker: I think he is also one of the speakers this afternoon. I am not sure about this morning.

[inaudible interjection]

The Speaker: Okay.

Leader of the Opposition, you may begin.

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

Madam Speaker, I wish to make a contribution to this important Bill. I believe it is the first of its kind which seeks to limit what a civil court in these Islands can do in terms of awarding compensation to those who have been injured as a result of the negligence, or otherwise, of someone else.

It is far-reaching legislation. It is, for this jurisdiction at least, groundbreaking legislation. I was a bit surprised that the Minister who presented the Bill did not spend more time actually referring to the report of the [Law Reform Commission contained in its Tort Reform Consultation Paper](#) of 22 October last year. He did (in fairness to his contribution) acknowledge that the Law Reform Commission had recommended against the imposition of any cap being placed on non-economic damages. But he did not, at least to my recollection, go into the rationale, really, of the Government in going against this particular recommendation.

The Law Reform Commission spent considerable time itemising and articulating the various arguments on both sides of the coin (that is, those in favour of the imposition of a cap on non-economic damages and those against). But they concluded, Madam Speaker, that (at page 34, paragraphs 138 and 139): **“138. Accordingly, it is the recommendation of the LRC that non-economic damages for personal injury claims including those relating to medical malpractice should not be the subject of any form of legislative caps at this time. Any assessment of non-economic damages for personal injury generally and specifically relating to medical malprac-**

tice cases should continue to remain within the strict jurisdiction of the court. It is the belief of the LRC that the courts of the Cayman Islands continue to be the more appropriate arbiters in terms of assessing and awarding damages based on principles of justice and having regard to the specific circumstances of each case.

“139. The findings of the LRC do not support what may be construed as a proposal to implement a fundamental change in the legal system of the Cayman Islands.”

Now, Madam Speaker, although the Minister started his debate and concentrated very heavily on the situation which obstetricians and gynaecologists in these Islands are facing, probably more so than other doctors in terms of rising insurance costs, I believe (and he will forgive me if I am wrong) that that is not the primary motivation of the Government in bringing this Bill, nor do I believe that the effect of these new provisions contained in the Bill before the House, a Bill for a Law to limit non-economic damages and claims for medical negligence, is going to result in any material benefit to local practitioners as far as a reduction of insurance rates is concerned.

If that were the case, or that were to be the case or was expected to be the case, Madam Speaker, I would have thought that the Minister would have been quick to explain to us what agreements (at least in broad terms) had been reached, or what indications at a minimum had been received from medical insurers of the impact that this legislation will have on premium rates.

I do not believe that the Minister should shy away from what most people will understand is the reality and the driving force and principal motivation behind this Bill—and that is to accommodate the Shetty project. Because it is those rates, it is the premium rates which will be applied to the work or the proposed work that Dr. Shetty will do that is going to benefit significantly from this. The Minister has acknowledged that. Whether or not the figure of a potential 85 per cent reduction in premium rates is realistic or not is another matter, but that at least is an acknowledgement that that is where the principal benefit of this legislation is going to lie.

Nor, Madam Speaker, do I believe for a moment that there is significant concern about the rising value of awards by our local courts for non-economic damages. As the Member for North Side has said, and as was confirmed by the Minister when he spoke yesterday, awards for non-economic damages in Cayman have traditionally been low. And I believe that this recent talk of an upward trend in these awards is simply (and I apologise for the use of this word, Madam Speaker) propaganda put out there to help justify what is being done.

But, Madam Speaker, I do not believe that the Minister needs to shy away from this. All Members on this side of the House, and I believe in the broader community, believe that medical tourism is a poten-

tially good additional pillar to the economy. And we all recognise that there are some things that are going to have to be done if we are going to be able to accommodate this.

The reality of this situation is that awards by American courts for injuries sustained as a result of negligence are notoriously high and the principles applied notoriously unreliable. In many instances in a lot of the jurisdictions within the United States these awards are made by juries. So, the imposition of a cap for awards for non-economic damages is aimed principally, in my view, at preventing the enforcement of foreign awards or awards by foreign courts in the Cayman Islands which exceed whatever the particular cap is.

And, Madam Speaker, I believe that is a perfectly legitimate position for the Government to take. We cannot on the one hand say that we are going to go ahead with a project like the Shetty project; that we are going to embrace medical tourism, and not do certain things to make it viable. So I am not knocking, nor are Members on this side knocking what is being attempted here. What we find great difficulty with, Madam Speaker, is creating this expectation, this belief that somehow this is going to benefit local practitioners. I believe that in the long run, perhaps even in the short run, the Minister and the Government are likely to pay a heavy price when those expectations are not met and premiums are not driven down, or not contained as a result of this cap.

Having said that, Madam Speaker, I want to turn to the Bill itself because there is an aspect of the Bill with which we have considerable difficulty. And the Member for North Side did raise this issue and he spoke about it at some length. And that is the figure that is placed on the cap.

Having acknowledged, Madam Speaker . . . or I should say, I hope that the Government and the Minister will acknowledge what I said about the principal purpose of this Bill, which is to contain awards by foreign courts which are capable of being enforced in the Cayman Islands. If we accept that that is the case, then it would seem logical to me that we should do as little as we possibly can to interfere with the system that we have locally which has worked well and continues to work well.

There have been no instances, of which I am aware, of exorbitant awards for non-economic damages. The imposition of the cap is from all indications unlikely to have any effect at all on local insurance premiums as far as local doctors are concerned. So, if we accept those premises, then it seems to me, Madam Speaker, that what we should be worried about, what we should be concerned about, is to ensure that we assist Doctor Shetty and others who have exposure in other jurisdictions to contain their premiums by imposing a cap for non-economic damages which is predictable, which limits what their exposure, and, consequently, exposure of the insurance

company, actually is. And that is the approach that we should adopt.

Madam Speaker, perhaps I should explain a little more about this context. Dr. Shetty's project as to his hospital and his health city, as far as we have learned, is aimed principally at the North American market. As Members of the Opposition we were actually briefed by Dr. Shetty himself on one occasion and on two other occasions by some of the people involved with the project. So we have some reasonable understanding of what is envisioned as far as that is concerned. And that is, that the principal market for the professional services which will be provided by Dr. Shetty's health city and hospital is North America.

So, he understands that they will have real exposure in the event things go wrong. The North American market is notoriously litigious and, as I have said before, the awards are going to be very, very unpredictable. And because they are not awarded by a judge in most instances juries come in with all sorts of absolutely ridiculous amounts as compensation for negligence. That is the context that we are dealing with.

So, if we are able to limit interference with the local system as far as possible, not disturb a tried and true and proven system while accommodating Dr. Shetty's project for all of the benefits we envision and hope it will bring to Cayman, that, Madam Speaker, would seem to me to be the best possible result from all of this.

Now, Madam Speaker, damages for economic loss is principally the costs to the victim as a result of his or her having been injured in consequence of the negligence of another person. Those damages would include obviously the medical costs associated with recovery and treatment, even ongoing treatment. It would include loss of income and so forth. And those are quantifiable costs relatively easy for a court or anyone else to calculate.

What is much more difficult to calculate and has developed over many, many years of judicial pronouncements, are damages for what is generally called "pain, suffering and loss of amenity." This Bill seeks to define, first, what "non-economic" damages are, and to contain what the potential award can be by any court, or system of arbitration which results in an award, for compensation as a result of medical negligence.

"Non-economic damages" is defined to include physical pain and suffering, mental or emotional pain or anguish, loss of consortium, disfigurement, physical or mental harm or impairment, loss of amenities of life, loss of capacity for enjoyment of life, loss of expectation of life, and any other non-economic losses to the extent that the claimant is entitled by law to recover such damages, arbitral award or other monetary compensation.

Madam Speaker, when someone is seriously injured, whether as a result of an accident or negligence, in many instances there can be no full recov-

ery. And even if there is, in many instances there is a great deal of (as the definition says) pain and suffering. And over the years the courts have been able to develop what are reasonable numbers as far as money is concerned to provide a degree of restitution to the injured party. It is very difficult to quantify pain. How do you know how much pain a person has suffered except to say that they have a lot of pain?

But, it has become much, much easier to determine (as we used to say when I practiced, and they probably still say) how much an arm is worth, how much a leg is worth, how much an eye is worth. There is always a bit of grim humour in these matters. It was always said by personal injury attorneys that it is cheaper to kill than to maim, because the awards for the pain and suffering, loss of amenity and long-term care in relation to people who sustain serious injury or dismemberment, is usually much higher than those for persons who have actually lost their lives.

But, as I said, Madam Speaker, the courts have over many years developed a basis on which awards for non-economic damages are made. Presently in Cayman there have been no awards that we are aware of which have exceeded . . . somewhere between the \$300,000 and \$400,000 figure. And, no doubt the Minister, or his advisors and the Minister, have concluded, therefore, that \$500,000 seems a reasonable figure to use.

Madam Speaker, I say that that number is too small. We need to ensure that (coming back to my original premise) to allow the courts to continue to operate with the discretion and judgment that they have over all of these years, we need to place that cap high enough so that there is significant room for maneuver by the courts within it, and that we do not impinge on the local court's ability and jurisdiction to grant significantly higher awards for non-economic damages if the circumstances of the case warrant.

My principal fear about this Bill is that in the Government's anxiety to meet its obligations to Dr. Shetty under the Memorandum of Understanding, that we may well be undermining the rights and the ability of the people of these Islands to get proper compensation when they are injured as a result of medical negligence. I believe that the Bill as drafted has got the weighting wrong ("weighting" in the sense of w-e-i-g-h-t-i-n-g). It is weighted too heavily in favour of this service provider, the professional service provider and institution, and not sufficiently in favour of the victim.

I believe we can address Dr. Shetty's issues and concerns about the enforcement of foreign compensation awards in the Cayman Islands' courts by placing the cap at about \$1 million for non-economic damages. That should satisfy him and his potential insurers that that is the maximum that they would have to deal with locally. But it would also, given the level of awards that have been the case in Cayman, leave sufficient room for maneuver by the judges in the local courts and to ensure that even in the worst possible scenario the courts or the judges [do not] feel

constrained about what they can do to adequately compensate the victim in those circumstances.

And, Madam Speaker, it would go a very long way to meet many of the concerns identified by the Law Reform Commission. Because when you read the concerns that they have and the arguments against a cap on non-economic damages contained in their report (or their paper, I think they call it), it is principally that. That for the legislature to interfere with what the courts have done traditionally over many, many years by artificially capping what the court can award, we interfere with their system of justice and run the risk of victims in the worst possible cases not receiving adequate compensation.

But if we raise the cap sufficiently, having had the benefit of what has been awarded in Cayman up to this point, we remove that concern; at least for the present—because these things tend to have an upward drift. This House is always competent to increase the cap in time to come; it then simply becomes a policy decision. But for the present, and, indeed, for the immediate and perhaps not-too-distant future, a cap of \$1 million will remove those anxieties, remove those concerns, leave the courts free to maneuver as it always has to take into consideration all of the circumstances of a particular case and to make the award that it feels best able to do.

Madam Speaker, often it is attractive to be dismissive of non-economic loss because pain and suffering are such subjective things. But, Madam Speaker, I want us to consider a couple of scenarios. I was involved in a case many years ago now (I have been out of this kind of practice for more than 10 years, and it was significantly before that), a local case. While I remember the names very well, I will not call the name of anyone.

There was a young lady who at that point was in her early 30s, a married woman who became pregnant, very happily pregnant. She discovered in the course of her first trimester the growth of two lumps in one of her breasts. She went to see her gynecologist/obstetrician and she made him aware of these things. He dismissed them as being . . . there are all sorts of hormonal changes that happen when you become pregnant and sometimes you have these growths.

But the growths kept getting bigger and bigger and every time she returned to the doctor she pointed them out and he continued to dismiss them saying, "they'll go away once you have delivered the child," and so forth. The biggest mistake she made was not going to see another doctor. But, she delivered a very healthy child. And during the postnatal care some very experienced nurses who were looking after her expressed real concern about these growths and advised her very strongly to go and seek another opinion. So, she left and she went abroad and the very worse diagnosis and prognosis was, unfortunately, obtained. At that point it was cancer; I think it was

stage 3 at that point. She was dead in less than 18 months.

It is those kinds of scenarios, when a young person who has their whole life stretched before them, has the expectation of their life cut off, all the joys of raising their child/children, in this day and age quite possibly another 50, even 60 years of life stretched before them, cut off because of gross negligence by a medical practitioner.

We have to be sure that what we are doing here does not so constrain the court that they are unable to make a proper award for those kinds of cases. Now, no amount of money can ever bring back that life, can ever fill that void. But money is the only measure that we have, the only way that any kind of restitution can be obtained. So, when we are making these significant changes to our legal system we have to weigh in the balance the rights of the victims. And while all of us want to accommodate Dr. Shetty, and while all of us have concerns about the premium rates of obstetricians and gynecologists and other doctors, we also have to bear in mind that on the other side of the coin are those who suffer, or who can potentially suffer from the negligence of medical practitioners.

There are other instances, Madam Speaker. Let us use the obstetrician one, the instance of a newborn child who as a result of negligence on the part of the obstetrician suffers some form of brain injury. Because of what was done or what was not done by that practitioner an entire life, all the potential that a newborn brings and has is limited, constrained. What that child could have been we will never know. That child would have had a life expectation in these times of almost 80 years. But what kind of life?

So, we have to look at, or try to imagine some of the worst cases that could possibly be when we are talking about caps on non-economic damages. As has been identified by the Law Reform Commission in its analysis, it is those cases, the worst possible cases, where the caps usually do not fit, and usually make or result in the greatest injustice.

So, Madam Speaker, we on this side urge the Minister to rethink this figure as far as the cap is concerned. This is a Bill that we would really wish to support because we understand how important it is to the realisation of Dr. Shetty's project. But we cannot, Madam Speaker, we cannot, in the attempt to bring more business and activity and to build another industry, undermine the rights of the most vulnerable in this community, because those who are seriously injured, the worst case scenarios that I have outlined, are among, or will become as a result of that injury, some of the most vulnerable in this community.

It is the duty of this House to ensure that their rights to adequate compensation, their rights to justice, are not undermined in our efforts to build another industry to stimulate the economy as it desperately needs.

And so, Madam Speaker, I am hoping that we can come to some agreement with the Government

about this issue of the cap—not about the principle, not about the project, not about the principle of creating legislation limiting awards for non-economic damages. I can say that we have not come to this position easily because initially, certainly as someone who has done significant personal injury work over the years and has spent most of my professional life in the courts, my instinctive response to an attempt to limit the jurisdiction of the court in this way was, no. But over time, as we have talked this through and thought this through and understood more about how necessary it is to ensure that the Shetty project is viable, we have come around to this particular position.

So, Madam Speaker, as I said, I hope that we can talk some more about the amount of the cap, and that at the end of this process through the Committee stage we are in a position, as the Opposition, where we can actually vote in favour of the Bill. A unanimous vote on this Bill would, I think, Madam Speaker, send the right kind of message—the kind of message that is necessary to give confidence to Dr. Shetty and his team.

Madam Speaker, I thank you for the opportunity to have made this short contribution.

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

We are going to continue the sitting. We have a quorum, and we will continue.

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

Fourth Elected Member for George Town.

Mr. Ellio A. Solomon: Madam Speaker, thank you very much for the opportunity to make a contribution to this without a doubt, Madam Speaker, very important debate and discussion on the Tort legislation.

Madam Speaker, as I listened to the Third Elected Member for George Town speaking, I think that in the latter part of his debate he raised an issue, whether intentional or otherwise, Madam Speaker, that naturally I believe points close to home.

With that, Madam Speaker, I will start my contribution by saying that I believe there are perhaps very few people in this country that are not aware of the circumstances, at least one of them, that exist in my family. And that is that when my youngest daughter was born she, from all appearances, was a perfectly normal and functioning child until she was at least four month's of age. After that period of time she began to have seizures and other complications. Today, Madam Speaker, and as short as I am going to make it, without a doubt you cannot grab the gravity of the situation.

But from four months, Madam Speaker, until today, 10 years later, my daughter is unable to walk, she is unable to talk. I thank God that she is still alive, wakes up in the morning with a smile, and that I can share those moments with her. I, Madam Speaker, do

not know how long my daughter is going to be alive. It could be 10, 15, 20, or perhaps, as has been mentioned, she could live to be 80 years of age. And perhaps my only prayer in many respects, Madam Speaker . . . *[Member went silent for several seconds]*

My apologies for that, Madam Speaker.

Madam Speaker, she could live to be 80 years of age. And the reality of it is that in many respects perhaps the primary hope and prayer that I have, as impossible as it seems, is that I could still be alive to make sure that I buried her first, just because I would want to know that she was taken care of while she was still alive.

So, Madam Speaker, let there be no doubt that I understand the emotional circumstances involved in this debate. But all of that said, Madam Speaker, I think that if I could just for a brief moment share one other piece, and that is that when that situation occurred with my daughter . . . I have to tell you, of course there was a lot of anger. Without a doubt! And to use that situation, you wanted to almost tear the world apart. And, as some would word it, perhaps you wanted your pound of flesh and you wanted to definitely without a doubt, Madam Speaker, identify because in the greatest of legitimacy you felt that perhaps somebody was at fault.

Madam Speaker, I believe that medications were perhaps given to the mother, which could be argued by the lawyers, I am sure, maybe played a role in what happened to my daughter. And another argument could have been made that the simple vaccination or combination of vaccinations were also what caused that problem.

But, Madam Speaker, there are some realities. And today we are talking about economic and non-economic. Madam Speaker, I think that in all of that it becomes an issue of saying, How do you measure and say what it is that this particular child, or this particular family . . . because I can assure you that it is not just the child and all of the potential they had, or in terms of by a particular family, but it is also a society that suffers. And we suffer from a larger issue that often does not get the same degree of scrutiny.

Madam Speaker, I want to say that on this issue I think it is unfortunate that anyone is going to try to make this seem . . . because I think I have highlighted the understanding of the emotional concerns here. It is unfortunate that anyone is going to stand in this honourable House and attempt to suggest and, as far as I am concerned almost against the Standing Orders, to impute that, Madam Speaker, the Government is bringing this legislation for one sole purpose, for one sole individual. It is irresponsible and it is not helpful, Madam Speaker, it is harmful to the people of this country.

Madam Speaker, whether it is the Third Elected Member for George Town or the Member for North Side, or anyone, I can speak with full confidence from having been there and enduring the pain. I

can tell you what, Madam Speaker, it was not lawyers like the Third Elected Member for George Town willing to go to court and argue for me, Madam Speaker. No. It was a minimum \$25,000 retainer to get into the courthouse.

So, you see, Madam Speaker, we can all make it sound like everyone who bruises a knee or suffers major problems, as if we can walk, talk to our lawyers, and that we have all of these people that stand in this honourable House and they will just come to your rescue and come to help argue your case in court so that you and your family can get remedy, Madam Speaker. But let me say to this honourable House and to all of the members of the public who are listening, that whether it is the Member across the aisle, or a lot of them out there, Madam Speaker, I know for a fact, a \$25,000 retainer, before the case starts.

So, Madam Speaker, let us walk through the scenario, because I believe it is important to highlight it for our people. And I believe that when they hear this, Madam Speaker, and hear this constant jack hammering that they are going to hear from the Members on the other side of the aisle on the talk shows, they are going to lend the impression that what this Government is doing, of which I am a part of, is we don't care and we are doing all of this for one individual.

Madam Speaker, the Member who just spoke, the Third Elected Member for George Town, should know that during his administration, Madam Speaker, this was an issue.

An hon. Member: That's right!

Mr. Ellio A. Solomon: And because he neglected to do anything about it, and that this Government has to face it because he neglected to do something about it, does not make this Government a bad Government. What it makes us, Madam Speaker, is a Government that, as in many other instances, has to pick up the slack.

But, Madam Speaker, I am not going to be surprised. He probably would have demanded a \$25,000 retainer.

[Inaudible interjections]

Mr. Ellio A. Solomon: Madam Speaker, the circumstance is that the general public must understand that this is not about Dr. Shetty; it is about every single member of our community. And I want to talk about insurance. Not just about medical insurance in this particular instance, but insurance generally.

To paint the picture, if we made it right now that there was a law in the Cayman Islands that you had to insure for earthquake, hurricanes, and you add a long list of other items, the insurance would immediately rise. This country survived for pretty much 65 years without a major onset of a hurricane. We saw,

after Hurricane Ivan, all of our insurance rates triple and quadruple, Madam Speaker. When that insurance rate rose, who paid for it? We all paid for that increase in the insurance rate.

Therefore, Madam Speaker, let us ask ourselves a question. We go into a shop to buy groceries. And some legislator decides that he or she wants to pass a law that makes it so that you have to insure groceries and you have to insure this . . . who is going to pay for that, Madam Speaker? I am making a very simple, but important point. Let there be no doubt that a fundamental reason why I have a concern about some of these items is because it is not the doctor who is going to pay that insurance. No! It is not the OB/GYN. That is not who is going to pay. Who pays for it is, as Henry Ford rightly worded it, "it is the customer who always pays." So you can jack the insurance up, Madam Speaker, from \$100,000 . . .

And I see the Member for East End, and the Third Elected Member [for George Town] leaving the House once again—

[Inaudible interjection]

An hon. Member: They always do it!

Mr. Ellio A. Solomon: But, Madam Speaker, let us say that you jack the insurance up—

Mr. V. Arden McLean: Madam Speaker, on a point of order.

The Member for George Town has no right to point out when I am leaving these Chambers. I have a right to leave the Chambers when I so choose.

He can stand there do his debate; it is no business of mine. He must not be pointing out when Members are leaving the Chamber.

Mr. Ellio A. Solomon: Madam Speaker, that didn't sound like a point of order. And I do not know now if we are going to get in a back and forth on the Floor of the House.

Mr. V. Arden McLean: Obviously, Madam Speaker, it is not—

The Speaker: Two Members cannot be on the Floor at the same time.

Mr. V. Arden McLean: The last time I didn't hear that Mr. Ellio Solomon was the Speaker here.

The Speaker: Member for George Town, please continue your debate.

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: Madam Speaker, on a procedural point . . . my learned friend on the Government Backbench was on his feet, rightfully, when he got an objection from the Member for East End. And under the Standing

Orders he is only forced to sit down when it is a point of order. If it is not a point of order, my learned friend should not have been interrupted and should have been allowed to proceed because on a point of elucidation he has the ultimate discretion to stand or to sit.

Mr. Ellio A. Solomon: So, Madam Speaker, before I was rudely interrupted by the Member for East End, who has left the Chamber . . . Madam Speaker, the issue is that when the Members on the other side of the aisle—all of which, Madam Speaker, are absent—

[Inaudible interjections]

Mr. Ellio A. Solomon: All of which are absent, Madam Speaker . . . who are out there on the talk shows and in this honourable House trying to sell the general public that they care.

[Inaudible interjection]

Mr. Ellio A. Solomon: Dragging us back with points of order and adjournments and here we are 8:00 in the morning and they are all in the House and will sell the people first thing Tuesday and first thing Wednesday that they care about the people of this country.

[Inaudible interjection]

Mr. Ellio A. Solomon: No. I do not want bring the vote now because I want to say something, and I have to say something. And, yes, we could bring the vote, Madam Speaker, but to me, the people of this country deserve to be able to hear the proper debates on the issue.

So, Madam Speaker, on this issue, when we talk about cost we are talking about lives. You see, because when it is convenient for Members on the other side of the aisle they are going to talk about the cost of living and the circumstances and how it has contributed to the crime. But, Madam Speaker, where does cost of living come from? Not just one issue, a myriad of issues. And that also includes, Madam Speaker, when every one of us has to be paying increased fees for whatever reason.

So, to my point, Madam Speaker, we could jack up the insurance on doctors as it has been from \$14,000 to \$156,000. We can make it \$556,000. Make it a million dollars' worth of insurance in terms of premium. Madam Speaker, that is not my concern. My concern is that the insurance cost—as the people of this country know too well—is simply finding its hands in the persons who always pay. In this case, the Caymanian people are the ones paying for those fees, Madam Speaker. In large part, if not in its entirety, those institutions simply paid up front and they passed it on to their customers.

Away at some point in time at La-la Land, in the good-old days, as we refer to it, someone was delivering a child for \$750. Now today you pay nothing

less than \$5,000 to deliver a child. And that is assuming that you do not have any complications. So, let there be no doubt about it. We all pay!

Every Caymanian listening to the sound of my voice, whether they are having children, they are not having children, is paying for it. That's how it is with tax. In fact, some statistics from the United States pretty much show, and unfortunately I do not have too many here, . . . but I can tell you that it pretty much states that of all the persons going there to engage in these medical services, you get in the maximum situation 1.53 per cent that will actually end up attempting, Madam Speaker, attempting (in other words, they could find the \$25,000 retainer), attempting to bring an action.

And out of the 1.53 per cent, Madam Speaker, and I can assure you it is a very small percentage, if anything, that has any degree of success. But that does not leave us . . . and again, many statistics you can find on the Internet. We have a lot of Googleticians in here. Have them search. And you are also going to find that right now, as a result of that, just in the United States every single mother, father, every child, every single individual is pretty much paying indirectly a litigation tax of nothing less than \$650. And that was the number in 2000, Madam Speaker, and I can assure you that it continued to increase.

So, Madam Speaker, when persons generally and first up front they hear it, they are going to say . . . and I understand that as I believe I have captured, Madam Speaker, in the beginning of my debate . . . I understand the immediate feeling that you are going to get when you talk about reducing something seemingly as a penalty that offers you some sort of compensation because there is no, arguably, compensation. So, for that reason, Madam Speaker, I want to take the opportunity to expound on something.

When the insurance is paid, there are generally two categories (and I laymanise, Madam Speaker) in which these persons can make a claim. One is called "non-economic damages" and the other is called "economic damages." And so that the general public can be at rest, Madam Speaker, whether we want to use the case of my child or someone else who recently I believe received \$5 million, it does not prevent them, Madam Speaker. We have made no alterations, for example, to economic damages. It means that if they go there and if a doctor has engaged in some sort of negligence, it does not stop you from saying the salary of the child, what the child would have been able to have made, I need three nurses to take care of him, I need transportation, I need housing . . . all of those things, Madam Speaker, for the benefit of those in the public, have not been removed. They have not been removed, which is why I believe when the Honourable Minister spoke he mentioned a particular case where someone was just recently awarded \$5 million.

So, there are families, Madam Speaker, [in the] past that have not even had the chance to claim.

There are those perhaps at this moment attempting to claim, and those in the future who should be fully aware that we are not troubling that in terms of economic damages. So, if they end up in the unfortunate circumstance, as the family who was just awarded \$5 million, they also could potentially receive the same \$5 million, Madam Speaker. It is quantifiable and is definitely something that they deserve.

Also, on top of that, in the economic damages it does not remove punitive damages. That is where, as the Member spoke about gross negligence, which he threw out . . . but that is a serious accusation. I did not see any evidence produced for it. But in the event there was gross negligence, Madam Speaker, gross negligence, punitive damages can come on, further awards given and perhaps rather than being \$5 million it could have been \$10 million given to the family. So, Madam Speaker, it is irresponsible for any Member in this House—especially someone who is trained in the law, as the Third Elected Member [for George Town]—to either expressly suggest and state, or to remove it in one way shape or another from his argument to cause the general public to infer that somehow or another if they have, they themselves, or a family member, or a friend suffers, that they will not be compensated just like the family who has been awarded \$5 million.

What become unquantifiable, Madam Speaker, is when we talk about non-economic damages. Perhaps we have heard cases. We have heard cases in the United States where, I don't know, a lady pulls up in a drive through and orders a hot cup of coffee and puts it between . . . in her lap, spills it and, you know, somebody is paying out \$15 million. Whatever the example is, Madam Speaker, there are some things that we state (again laymanising it) that we cannot quantify. And those still mean that the medical practitioner, or whoever is taking out the insurance, has to leave that unlimited. And that unlimited raises prices, as we have seen, from \$14,000 to \$162,000-plus as it exists today.

And why is it a concern for me, Madam Speaker? Just because one doctor has to pay it? No! Because the same mothers and the same fathers that we claim in this honourable House we are trying to protect and work for every day are the ones who have to pay for it. And if somebody makes another claim and they get another \$10 million, who is paying for that? The doctor? The learned friend on the other side of the aisle? No, Madam Speaker, every customer is who pays. As Henry Ford stated, it is the customer who always pays.

But in this House they can throw out all sorts of things—minimum wage, this one, that one, everything. At the end of the day, I want to inform and assure the general public. Raise any fee that you want, and all at the end of the day, who is going to pay for those fees? The middle class, the working man; that is who pays for all fees. The businessman is simply putting it up front. *How much is it going to cost? Three*

million? Not a problem, here's three million. And he comes and he changes all the tags on his products and services that he is selling, because at the end of the day we all pay.

So, Madam Speaker, because the Third Elected Member [for George Town] and his Government at the time neglected to look after the people of this country to avoid their bills going up by a minimum of \$5,000 to deliver a child without complications, and the long host of things continues, don't blame this Government because we are going to do it. And do not try to sell it to the general public that the only reason I am here is to look after some Dr. Shetty who is supposed to arrive. No, Madam Speaker, because that Member does not understand for one single day the pain that I have had to endure. So, he cannot talk about pain. He cannot talk about pain and suffering. I know what it is, Madam Speaker.

But what I also know, just like I would love to do something about home insurance, and the long list goes on, Madam Speaker, it is the general public, it is the average working man, the families in this country that are paying. The same ones that we say cannot put food on the table. The same ones that they claim on the talk shows, Madam Speaker, cannot feed their families, and thus the increase in crime. It is those individuals, Madam Speaker, to which I am here, my Government is here to . . . despite the fact that they are neglected, to protect. Because Madam Speaker, it is they who are paying.

Madam Speaker, I was trying to inquire, even in terms of the Cayman Islands, when I mentioned earlier on about the US statistics in terms of 1.53 per cent of the persons actually making some sort of a claim, not to mention that a very small percentage of them have any success. Even the Cayman Islands, Madam Speaker, only 35 cases just in the last five years. Because, as I mentioned before, and I will mention again—and the public knows it very well, but it is always good to underscore and to remind them—it is easy when lawyers get up in this honourable House and talk about this and that and how easy it is. But they are the same ones, Madam Speaker, that regardless of the pain and suffering—and I know it all too well . . . you can come with all the tears in your eyes and you can bring your little child having seizures right there till you are blue in the face, and they are asking for, minimum, \$25,000 retainer.

[inaudible interjection]

Mr. Ellio A. Solomon: Yes!

So, Madam Speaker, I know some of them. And again, even under the previous administration numerous persons in the civil service injured—injured. One of them is here in the House today. So, at the end of the day . . . and he has mentioned his name so I can mention it—Clayburn; as one example, Madam Speaker. Did the lawyer on the other side of the aisle go claim his case? Did the Third Elected Member [for

George Town] go claim his case? Did he take him down there to court and say justice has to be served? No!

So, Madam Speaker, what has to be done is to make sure that, yes, our Caymanian people can claim these economic damages, because if someone negligently or in any other circumstances, gross negligence, harms one of our people then they have to pay. Whether it is the \$5 million, like the family has received, or whether it is \$10[million] or \$20 [million], they have to pay.

But just because we have that does not mean that we have to let the other side open out just simply so that fees can go out of the whazoo. At the end of the day who is paying? The same Mr. Ebanks, sitting in the Gallery, who already has bills; the same members of the public right now who have concerns; they, Madam Speaker, [and] we as a country, are the ones who continue to pay.

I will give you another example. We all see the unfortunate circumstances occurring in Japan. It did not happen in the Cayman Islands, but who is going to pay for that? Do you think we are not going to pay our part for that too? All of us are going to pay for it. So there may be a very small segment of society that may laugh when someone else is suffering, *ho, ho, look at what happened to them.* But, Madam Speaker, all of us pay. Even as far as what is happening in Japan that we can say is completely disconnected from the Cayman Islands. We are all going to pay in this country in terms of increased insurance rates and a host of other things.

Therefore, Madam Speaker, in closing on this I want to again highlight very briefly that I understand the issue of pain and suffering. I understand it because I have lived it for the past 10 years, and I may have to live it for at least another 40 years. So, I do not need the Third Elected Member [for George Town] to tell me about pain and suffering. But, Madam Speaker, there are realities in terms of the challenge alone to get a good lawyer, even beyond \$25,000 to take your case. And there are people in this honourable House today to attest to that, including myself.

But, Madam Speaker, what we have is an obligation to ensure that we are not . . . maybe we cannot carry it back to delivering a child in this country for \$750. It is already at \$5,000. But hopefully we can make it so that we can actually bring a Caymanian into this world without it costing \$25,000, or to the point it becomes cost prohibitive to even have a child. And we have to fly overseas just to have a child.

So, Madam Speaker, what this Government does is a responsible action. It is nothing to do with any one particular individual; it is about the Caymanians who are paying and will continue to pay for that increase. And, Madam Speaker, with that I would like to thank you very much for the opportunity to have risen here today to my feet to have made this contribution to what I believe and I know, Madam Speaker,

without a shadow of a doubt, based on my personal experience, is a very important debate.

Thank you very much.

The Speaker: Thank you Fourth Elected Member for George 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 Bill to wind up the debate.

Honourable Minister of Health.

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

Madam Speaker, I will try to be brief in my winding up, but at the same time address the points raised by Members on the Opposition side in their debate on the Bill.

I recognise that they will not even be able to hear me, Madam Speaker, as my colleague, the Fourth Elected Member for George Town, said, they are all absent from the Chamber at this point. I am not sure how important the Bill was to them if they could decide to leave at this point in time. I could close off my debate now and have the vote, like we said, but I will carry on with my closing.

Madam Speaker, the Member for North Side expressed some concerns. He talked about the effect of this Bill on the provision of health care. Madam Speaker, I am not sure what concerns those were. He did not elaborate as to what the negative effects on the provision of health care would be from this proposed Bill.

Madam Speaker, as I will say in various parts of my closing, the intent of this Bill is, at the very least, to contain the rising cost of malpractice insurance. I will give some evidence as well in jurisdictions where there have been caps imposed on non-economic damages and the positive effects of that. But I will address one point first, where the Member for North Side spoke about the Memorandum of Understanding between Government and Dr. Shetty having expired some months ago. I am not sure where that came from, Madam Speaker. The Memorandum of Understanding that was signed between Government and the Dr. Shetty group was for one year. It was signed on April 7th and 12 months from April 7th 2010, is April 7th, 2011. And that has not arrived yet. So, the Member was saying that the MOU expired, and is no longer valid. The MOU has not expired; it is valid until April 7, 2011.

Madam Speaker, we talked about the guarantee to Dr. Shetty of the 85 per cent reduction in insurance premiums and hoping that that might extend to local practitioners. Madam Speaker, I certainly cannot stand here and guarantee to the House that that would extend to local practitioners at this point. I can only say that this is something that Dr. Shetty himself

had received specific advice from his insurance broker that the proposed cap would reduce premiums by about 85 per cent. Obviously, that would appear to be a separate broker from the current insurer that local practitioners utilise. But I would expect that at the very least, if it does materialise in the Cayman Islands, that we would be able to explore that possibility so that we could take advantage, specifically with possibly the broker that Dr. Shetty is using.

But, at the very least, the Bill is intended to limit the damages, the non-economic damages, and at the very least, stop the rising, or contain the rising malpractice insurance that we have at present.

Madam Speaker, the Member for North Side also spoke about the MOU being the major reason for us bringing this Bill. Madam Speaker, I want to remind the honourable House and Members that one of the very first groups that came to speak to me following my assuming the role of the duties of the Minister of Health was the Medical and Dental Society (MDS) and, more specifically, some of the OB/GYNs, and they expressed this serious concern that they had (and this dates back to 2006) of the increasing insurance premiums. In fact, based on that and taking up the research that has been carried out already all information that was there, we had meetings with the Legal Department from as early as July 2009, and in early 2010, considerable time before the Dr. Shetty Agreement was in place or finalised, I took a paper to Cabinet seeking approval for the revisions to the Tort Reform Law to cap the non-economic damages.

So, for the Member to say that this was the primary reason, like I said, of course the Dr. Shetty Agreement is one of the reasons for the proposed Bill here today, but having taken a Cabinet paper there long before the Agreement was in place should show clearly that the primary reason for this has always been the complaints and the lobbying from the OB/GYNs on their increasing insurance premiums.

Madam Speaker, the Member also spoke about some of the reasons at the HSA (Health Services Authority) as to why the premiums are that high. He spoke about pay reviews and the specialists, and so on, at the HSA. Madam Speaker, I just want to give a short quote out of a report that was sent to Dr. Tomlinson, who was the Deputy Chair of the Health Practice Commission (this was back in 2006), and this is from the Medical Protection Society. It talks about how the risk premiums are calculated for the UK and, by extension, the Cayman Islands.

It says: "The UK figures for claims involving neurological impairment are as follows: approximately half million births per annum, 150 successfully claimed incidents, the average claim value in the UK is £1.8 million, equivalent to C\$2.7 million. Applying these statistics to the Cayman Islands the following arises:" (and this was back in 2006) "There are approximately 500 births per year, therefore, .15 successfully claimed incidents per annum are to be expected, or one successful claim every six and two-

thirds years at C1\$2.7 million. The pure risk premium for obstetric cover for birth related neurological impairment is, therefore, \$405,000 per annum. To this has to be added the cost of other claims made against OB/GYNs, the cost of reinsurance, the cost of capital and contingency, plus cost of administration in non-claimed legal costs, and with the pure risk premium of \$405,000 and six OB/GYNs gives a net premium of \$67,000 before other costs referred to.”

So, using the UK formula, the premium would have been \$67,500. And at that time, the MPS [Medical Protection Society] premium was only \$35,000. So, MPS says, “They charge subscription rates in the Cayman Islands for obstetricians that are effectively subsidised by subscriptions paid by other hospital based specialties. To date, we believe this is to be justified so as to avoid distortions in the recruitment to the obstetric practice and this subsidy between specialties is an important point because it represents a significant difference in the approach between a mutual, non-profit organisation, such as MPS and a commercial for profit insurer.”

It goes on to say some other things, Madam Speaker, but in closing, noting this paragraph, it says, “However, it is because MPS is a non-profit making organisation that we felt it important to ensure that government was aware of these issues and to work with government to try to seek a solution.” And they mention the possible solutions, Madam Speaker, one of which—and this is all the way back in 2006—“cap on non-economic damages.” [UNVERIFIED QUOTES]

So, Madam Speaker, one of the solutions mentioned by MPS way back then was the cap on non-economic damages.

[Inaudible interjection]

Hon. J. Mark P. Scotland: [Replying to the interjection] I am not reading the whole report. No, I am not tabling it. I was reading only that part.

[Inaudible interjections]

Mr. D. Ezzard Miller: Madam Speaker, on a point of order. I believe there is a Standing Order that says if a Member quotes from a report it should be tabled so that Members can ensure that what was read is actually in the report.

[Inaudible interjection]

Hon. J. Mark P. Scotland: Madam Speaker, I am quoting one short paragraph from a 20-page report.

The Speaker: Minister, please continue your debate.

Hon. J. Mark P. Scotland: Thank you, Madam Speaker.

The Member went on to speak about the awards. He talked about the \$500,000 being an artifi-

cial cap and what would happen if a 20-year old Caymanian was made a vegetable because of a doctor's mistake or otherwise, how much salary they [the person] were earning, and that the economic damages would not be enough to sustain them over the course of their life if they were 20-years old and had a life expectancy of 75 or 80 years.

Madam Speaker, I would just like to give an example of a . . . and this is the Law Reform Commission Report, which is a public document, which talks about a specific award that was made. I believe that when the awards were being made by the court, those awards were made in accordance with a set of statistical tables called the *Ogden Tables*. Those tables are used to calculate future losses in personal injury and fatal accident cases. They take into account life expectancy and include discount rates. I think currently the discount rate being used is about 2.5 per cent.

So, to address that point, the calculation of economic damages does take into account the life expectancy, discount rate as well, so that it covers . . . and I will give you an example again in a real life case. I will not give the name of it, although it is public knowledge now. There was an award totaling almost \$6 million and it was broken down into these components: pain and suffering losses, \$350,000 (which was a very small component of it); future loss of earnings for this individual—the plaintiff had suffered extensive injuries including brain damage which left him with the mental capacity of a two-year old, and physically unable to feed, bath or cloth himself. The court awarded these damages as follows: pain and suffering, I just mentioned, future loss of earnings, about \$1.1 million; future cost of care, \$3.4 million; one-off future cost of care, \$19,000; future loss of profit share, at almost \$900,000, and interest at \$35,000.

So, just saying here, Madam Speaker, again, that the courts do have that ability and discretion to award and, again, applying these tables that I referred to just now, the *Ogden Tables*, to calculate the economic losses and appropriate awards to plaintiffs at that time.

Madam Speaker, the Member for North Side spoke about limiting the ability of our courts. Well, clause 4, will limit the ability of our courts to enforce judgments made overseas which may exceed the \$.5 million. Madam Speaker, it is my understanding that judgments made in overseas jurisdictions in overseas courts have to be entered as separate claims in our court in any case before they could be awarded here or enforced here. So, in any case, whether or not an award is made overseas, it would have to be entered in our courts as a separate claim to begin with.

The Member also asked, following his quoting of CNS, where he spoke about the “printer's devil” I think he called it . . . I am not sure who is the devil at CNS, whether it is—

[Laughter and interjections]

Hon. J. Mark P. Scotland: I think it is more than the printer—

The Speaker: Um—

Hon. J. Mark P. Scotland: —but the—

The Speaker: Please turn off your microphones if they are on. It disturbs the person who is speaking.

Hon. J. Mark P. Scotland: But he wanted to find out . . . the quote said, **“I need a clear indication from the Attorney General that his office”** and he said the word should have been. . . I think that’s when he said “is” was turned to “was”—anyway—**“was fully consulted over this Law and the judicial arm of Government”** (or maybe that’s the other “is”) **“is completely comfortable with the Bill and that it will not undermine the standing of our courts in the international arena and that this does not impinge on any international or bilateral agreement.”**

Madam Speaker, I simply say here, and, again, I said it in my tabling remarks, that the fact that the Bill has reached to this point means completely that the Attorney General’s Chambers has had full sight of it, has been consulted on it, and has given their full approval of it, and, further to that, it has gone through Cabinet and been approved as well.

And to the point about the judicial arm of government . . . I would only say that obviously the Legislative Assembly and the Judiciary are two separate functions of Government. And while they are inter-linked, it is the duty of the Legislative Assembly and us as legislators to respond to the needs of the community. We implement and pass laws in that regard. Then it is the duty of the courts, following that, to administer and to enforce those laws.

But, at the same time, Madam Speaker, we are in consultation with the office of the Attorney General, and we are confident that this legislation does not impinge on any international or bilateral agreements.

Madam Speaker, the Third Elected Member for George Town spoke about the Bill being far-reaching legislation, ground-breaking legislation, and expressed some surprise that I did not spend more time referring to the Law Reform Commission. Madam Speaker, I did acknowledge that the Law Reform Commission recommended against a cap, but the Law Reform Commission was requested by Cabinet to advise on the imposition of a cap for non-economic damages. The Law Reform Commission at that point took a position that they did not support it, and sent that position out for consultation, and it came back and maintained that position.

The Law Reform Commission . . . Madam Speaker, as I understand it their primary role is the systemic reform of our laws, or review of our laws. They carry out research. They provide advice (advice, obviously, which is not binding). The final decision on

legislation such as this is left with the Cabinet which makes policy and then it passes on to the Legislative Assembly for passage. And, as I said, obviously the fact that the Cabinet opted not to accept that advice and it was then decided to still create this piece of legislation . . . it is now here for us to debate and for passage.

The Third Elected Member [for George Town] said that he thought the OB/GYNs were not the primary motivation for Government bringing the Bill. I can only reiterate, Madam Speaker, that, it was at their request and at their lobbying that my first intention about capping non-economic damages came about. I will repeat that again, Madam Speaker, over and over again.

The Third Elected Member [for George Town] also spoke about saying that he was not sure how the provisions of this Bill were going to bring about any result in material benefits to local physicians. Madam Speaker, again, I can only give an example. And this is the one that our legislation was modeled after, primarily. It was the Texas Tort Reform. Subsequent to their reform, Madam Speaker, there were several successes following the Texas Tort Reform. The American Medical Association dropped Texas from its list of states in medical liability crisis. Malpractice claims went down and physician recruitment and retention went up, particularly in high-risk specialties. The five largest Texas insurers cut rates, Madam Speaker, which at that time would save doctors about \$50 million, according to the American Medical Association.

Malpractice lawsuits in some counties dropped to about half of what they were in 2001 and 2002. And these statistics are about five years after the implementation. In some counties, one county in particular, they saw a net gain of almost 700 physicians, which was over an 8 per cent increase according to the Texas State Board of Medical Examiners.

The Texas Medical Liability Trust, which is the state’s largest liability carrier, reduced its premiums by 17 per cent, Madam Speaker. And 15 new insurance companies entered the Texas market.

Healthcare Indemnity, the state’s largest carrier for hospitals, cut rates by 15 per cent. American Physicians Insurance Exchange and the Doctor’s Company also reduced premiums. The American Physicians Insurance Exchange saw a \$3.5 million reduction in premiums for Texas physicians in 2005. In addition, beginning in May 2005, 2,000 of the 3,500 physicians insured by the company would see an average drop of 5 per cent in their premiums.

Madam Speaker, we cannot predict that this is what we are going to see following the passage of our legislation as well. But, certainly, based on this type of anecdotal evidence which is there in one jurisdiction where tort reform took place and there was a cap imposed on non-economic damages, certainly those were tremendous benefits to physicians in terms of their insurance.

Madam Speaker, I want to go back a bit to one of the comments made by the Member for North Side where he quoted or spoke about the article that was on the front page of Wednesday's paper where the Medical Protection Society had imposed an increase effective from March 1st. Madam Speaker, it is obvious that when they would have sent that correspondence out, having an increase that would be imposed on March 1st. At that time the Government had not tabled the legislation; we only tabled the Tort Reform legislation in late December last year (I think December 29 or 31), so MPS would not have had the benefit of knowing that we would have imposed the caps at that time.

In fact, they had been asking us for several years . . . and I would completely understand why they would have implemented this increase effective March 1st, because obviously previous governments have been promising for this to be done, and it had not actually been implemented. So, they would have gone ahead with the increase and we now see an increase taking place on March 1st.

Madam Speaker, Third Elected Member for George Town spoke about the principal motivation being to accommodate Dr. Shetty. Madam Speaker, again I said, and the Government has not shied away despite the fact that [he said], "The Minister should not shy away from saying that we are doing this for the medical tourism." I have not shied away from that, Madam Speaker, at any point in my debate or discussion about this. I have always said that we are implementing this legislation primarily for the local practitioners and to improve the provision of health care through that medium. I have also repeatedly said that we have implemented this legislation for the medical tourism project. So I have not shied away from it.

I can say that the legislation certainly is not going to hurt any local practitioner or patient. The legislation is intended to improve, as I said, those insurance costs, at least cap them or contain the increase that there is in insurance cost at present. But there is no way this legislation can hurt any local practitioner or patient.

Madam Speaker, again just to reiterate, this legislation is not intended to disadvantage any local practitioners or patients. When we look at the North American market, which is an extremely litigious market, and in other jurisdictions as well, the large awards in non-economic damages in those jurisdictions, I should state, Madam Speaker, that in the USA I think the number is 24 states. So, almost half of the US states have now imposed some caps on non-economic damages, caps as low as US\$250,000, which is only C\$200,000. So, in those very litigious jurisdictions, Madam Speaker, the large non-economic damages awards have led to major increases in health care costs, have led to doctors who practice defensive medicine, you know, order unnecessary tests so that they can be more protective of themselves, and, in fact, lawyers who work for per-

sons who make claims, I guess has become a specialty.

One of the unfortunate things about it, Madam Speaker, is that in many cases even when there are large awards of non-economic damages the claimants only receive a very small fraction of it because the lawyer's payments are based on a percentage of the claims. So, you can get a very large non-economic damage award in the millions, say one million dollars, and the claimant ends up with less than 10 per cent or 20 per cent of that. So, I would argue, Madam Speaker, of what benefit is that non-economic award to a claimant or to a patient? In fact, it is only benefiting the lawyer and, at that point, driving up the cost of our health care.

So, Madam Speaker, do we want to encourage that type of litigious environment here? I doubt that. So, imposing this cap will also have that benefit of letting lawyers and others see that we do not have that litigious atmosphere here.

Madam Speaker, the Third Elected Member for George Town also spoke about looking at the worst cases where children suffer serious brain injuries which leaves them as vegetables for the rest of their lives. I gave the situation of how that is addressed using the *Ogden Tables*, the statistical tables which do take into account life expectancy, including discount rates, and I gave the example of the one case here, for instance, where a large award was made. But there was also the incidence where we talked about loss of life.

Again, the *Ogden Tables* would adequately address that, as those also deal with fatal accident cases. So, if we talk about a patient who, unfortunately, loses his life, and calculating non-economic and economic damages, again, the *Ogden Tables* would address that. Also, I do believe (and the Attorney General can correct me, if I am wrong) that loss of life would be subject to a different court action in any case.

Madam Speaker, I think I have addressed most of the concerns or issues that were raised by the Member for North Side and the Leader of the Opposition.

I will briefly close by saying that again the rationale for this legislation goes back all the way to 2006, Madam Speaker. The rationale for this legislation goes back to 2006, Madam Speaker, when the OB/GYNs and the medical fraternity were lobbying, and based on information received from the Medical Protection Society saying that their medical malpractice insurance premiums were going to continue to increase. That, in fact, has happened, Madam Speaker. We talked about how it increased from \$35,000 or \$40,000 back then to \$160,000 now. So, based on that, based on us seeking advice, and based on some work done by the committee which was set up some years ago, Madam Speaker, and again, included into that rationale is the Agreement

with the Dr. Shetty hospital to limit non-economic damages.

We see that as one method, Madam Speaker. Again, this is not the panacea. This is not the one thing that is going to magically decrease all insurance premiums and bring down the cost of malpractice insurance solely, Madam Speaker, but, we see this as one method of doing that. So, Madam Speaker, based on that the Government has now proposed this Bill, a Bill to limit non-economic damages, claims for medical negligence.

Before I close, Madam Speaker, I just want to say a big thank you to my Chief Officer, Jennifer Ahearn. I want to thank the Attorney General, Ms. Karen Dalton, Ms. Nicky Ellis, Ms. Myrtle Brandt, and Ms. Reshma Sharma for all of their work on this Bill. Despite what Members may think, we spent many long and hard hours getting this Bill to where we think it is now the right position which is . . .

[Inaudible interjection]

Hon. J. Mark P. Scotland: And, Madam Speaker, I believe that the Bill is now in a position which will be advantageous not only to the Dr. Shetty group, as others have said, but it will be advantageous to our local practitioners.

As I stated in my opening remarks as well, it did have the support of the CIMDS (Cayman Islands Medical and Dental Society), the Health Insurance Commission. And so, Madam Speaker, I do believe that this Bill, just like the present Government, will provide a better way forward. With those brief words, Madam Speaker, I commit this Bill to this honourable House.

Thank you.

The Speaker: The question is that a Bill shortly entitled the Medical Negligence (Non-economic Damages) Bill, 2011, be given a second reading.

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

Ayes and Noes.

The Speaker: The Ayes have it.

Agreed: The Medical Negligence (Non-economic Damages) Bill, 2011, given a second reading.

The Speaker: The Medical Negligence (Non-economic Damages) Bill, 2011, has been given a second reading.

I am going to suspend the House at this time for 15 minutes.

Proceedings resumed at 10.21 am

Proceedings resumed at 11.04 am

The Speaker: Proceedings are resumed. Please be seated.

When we took the suspension, we had concluded the Second Reading of the Medical Negligence (Non-economic Damages) Bill, 2011.

The House will now go into Committee to consider the Bills.

House in Committee at 11.04 am

COMMITTEE ON BILLS

The Chairman: Please be seated. The House is now in Committee.

With the 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 these Bills?

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

Terrorism (Amendment) Bill, 2011

The Clerk: The Terrorism (Amendment) Bill, 2011.

Clause 1	Short title
Clause 2	Amendment of the Terrorism Law (2009 Revision)—insertion of new Part
Clause 3	Amendment of the Terrorism Law (2009 Revision)—insertion of new Schedule

The Chairman: The question is that clauses 1 and 2 do stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Clauses 1 and 2 passed.

The Chairman: Honourable Second Official Member, we have an amendment to clause 3?

Will you present it please?

Amendment Clause 3

Hon. Samuel W. Bulgin: Thank you Madam Chair.

In accordance with Standing Order 52(1) and (2), I wish to move the following committee stage amendment, that the Bill be amended in the proposed Schedule 4A, as set out in clause 3 as follows:

- a) by inserting after the heading Schedule 4A, the marginal note, "section 29A";
- b) in paragraph 1-
 - (i) in the definition of "economic resources," by deleting "39(2)" where it appears, and substituting "37(2)";

- (ii) in the definition of “financial services” by deleting “40” and substituting the number “38”;
- (iii) in the definition of “funds” by deleting “39(1)” and substituting “37(1)”;
- (iv) in the definition of “terrorist activity” by deleting “3(2)” and substituting “3(3)”;
- c) in paragraph 24, by deleting the words “Financial Reporting Services Authority” and substituting the words “Reporting Authority”;
- d) by deleting paragraph 38 and substituting the following- “In this Schedule ‘Financial Services’ means services provided by the regulated sector.”

Thank you, Madam Chair.

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

If not, I will put the question. 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 3 passed.

The Chairman: The question now is that clause 3, 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 3, as amended, passed.

The Clerk: A Bill for a Law to amend the Terrorism Law (2009 Revision) in order to impose financial restrictions on and in relation to, certain persons believed or suspected to be, or to have been, involved in terrorism activities; and for incidental and connected purposes.

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.

Medical Negligence (Non-economic Damages) Bill, 2011

The Clerk: The Medical Negligence (Non-economic Damages) Bill, 2011.

Clause 1 Short title

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk: Clause 2 Interpretation.

The Chairman: There is an amendment to clause 2. Honourable Minister of Health.

Hon. J. Mark P. Scotland: Madam Chair, I gave notice of a proposed amendment to clause 2 of the Bill as follows:

- a) by deleting the definition of “claim for medical negligence” and substituting the following definition- “‘claim for medical negligence’ means a claim for monetary compensation whether by action, arbitration or otherwise for injury sustained by reason of medical negligence arising out of-
 - (a) the provision of health services; or
 - (b) administrative services directly related to the provision of health services;
 and whether caused by a breach of contract, a tort, or any other cause of action.”;
- b) and by deleting the definition of “health care.”

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereto? Does any Member wish to speak? [pause] Does any Member wish to speak? [pause] If not I will put the question.

The question is that the amendment stand part of clause 2. 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 is that clause 2, as amended, stand part of the Bill.

If no Member wishes to speak, I will put the question. All those in favour please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 2, as amended, passed.

The Clerk: Clause 3 Limitation on non-economic damages.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Chairman?

The Chairman: Honourable Leader of the Opposition.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Chairman, clause 3 deals with the issue of the cap and provides that, **“In a claim for medical negligence, the civil liability (including vicarious liability) for noneconomic damages is limited to an amount not exceeding five hundred thousand dollars for each claimant, regardless of the number of- (a) registered practitioners against whom; and (b) health care facilities in respect of which, the claim is asserted or the number of separate causes of action on which the claim is based.”**

Madam Chairman, I wish to invite the Minister again to reconsider the amount of the cap and increase it to C\$1 million for each claimant.

The Chairman: Are you proposing an amendment?

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Chairman, I cannot propose an amendment without your leave, because no notice has been given. I am inviting the Minister to reconsider this particular point in order that the Opposition can support this Bill as I indicated in my debate during the Second Reading of the Bill.

The Chairman: Honourable Minister?

Hon. J. Mark P. Scotland: Madam Chairman, after much review, research, and consideration, the amount of the cap that we have proposed is based on the work we have done, including looking at the various models for tort reform and, in particular, the one that we felt was most applicable to our context here in the Cayman Islands, which is the Texas model. And based on that, Madam Chairman, we are . . . you know, the cap that we had proposed at \$500,000 we think is appropriate. So we are not prepared at this time to consider that.

The Chairman: I will put the question.

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

Ayes and Noes.

The Chairman: The Ayes have it.

Agreed: Clause 3 passed.

The Clerk: Clause 4 Enforcement of foreign judgment or arbitral award or other monetary compensation award.

The Chairman: The question is that clause 4 do stand part of the Bill. All those in favour please say Aye. Those against, No.

Ayes and one audible No.

The Chairman: The Ayes have it.

Agreed: Clause 4 passed.

The Clerk: A Bill for a Law to limit non-economic damages in claims for medical negligence; and to provide for incidental and connected purposes.

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 Bills be reported to the House. All those in favour please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Bills to be reported to the House.

House resumed at 11.17 am

The Speaker: The House is resumed, please be seated.

REPORT ON BILLS

Terrorism (Amendment) Bill, 2011

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I beg to report that a Bill entitled: A Bill for a Law to amend the Terrorism Law (2009 Revision) in order to impose financial restrictions on, and in relationship to, certain persons believed or suspected to be, or to have been, involved in terrorism activities; and for incidental and connected purposes was considered by a Committee of the whole House and passed with amendments.

The Speaker: The Bill had been duly reported and is set down for third reading.

Medical Negligence (Non-economic Damages) Bill, 2011

The Speaker: Honourable Minister of Health.

Hon. J. Mark P. Scotland: Madam Speaker, I have to report that a Bill shortly entitled: The Medical Negligence (Non-economic Damages) Bill 2011, was considered by a Committee of the whole House and passed with amendments.

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

THIRD READINGS

Terrorism (Amendment) Bill, 2011

The Clerk: The Terrorism (Amendment) Bill, 2011.

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Thank you, Madam Speaker.

I beg to move that The Terrorism (Amendment) Bill, 2011, be given a third reading and passed.

The Speaker: The question is that that The Terrorism (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 Terrorism (Amendment) Bill, 2011, given a third reading and passed.

Medical Negligence (Non-economic Damages) Bill, 2011

The Clerk: The Medical Negligence (Non-economic Damages) Bill 2011.

The Speaker: Honourable Minister of Health.

Hon. J. Mark P. Scotland: Madam Speaker, I beg to move that a Bill shortly entitled the Medical Negligence (Non-economic Damages) Bill 2011, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled the Medical Negligence (Non-economic Damages) Bill 2011, be given a third reading and passed. All those in favour please say Aye. Those against, No.

Ayes and one Audible No.

The Speaker: The Ayes have it.

Agreed: The Medical Negligence (Non-economic Damages) Bill 2011, given a third reading and passed.

The Speaker: There is no further business on the Order Paper. I call for a motion for the adjournment.

ADJOURNMENT

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

Before I adjourn this honourable House, I want to inform the House that I will lead a delegation to Washington on Tuesday to have talks with Treasury officials. The delegation will consist of the Honourable Attorney General; Mr. George McCarthy, Chairman of CIMA; myself, and Mr. Samuel Rose.

The Speaker: Thank you.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I move the adjournment of this honourable House sine die.

The Speaker: The question is that this honourable House do now adjourn sine die. All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

At 11.27 am the House stood adjourned sine die.

