

**OFFICIAL HANSARD REPORT**  
**WEDNESDAY**  
**12 OCTOBER 2011**  
**11.23 AM**  
*Fifth Sitting*

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

### PRAYERS

**The Deputy Premier, Hon. Juliana O'Connor-Connolly:** Let us pray.

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

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

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

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

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

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

#### APOLOGIES

**The Speaker:** I have an apology for absence from the Honourable Attorney General, and an apology for late arrival from the Honourable Deputy Governor.

Those are all the announcements and messages.

I have also been informed that the First Elected Member for Cayman Brac is absent today as well.

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

**The Speaker:** I have given permission for the Honourable Minister of Health to present a Statement this morning.

Honourable Minister of Health.

#### NATIONAL YOUTH POLICY

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

Madam Speaker, I am pleased to have the opportunity today to provide a statement to this Honourable House in relation to the National Youth Policy 2011, which the Government launched at a press conference on Friday, September 30<sup>th</sup>.

First I would like to provide a bit of historical background to the National Youth Policy 2011. It is an update on the previous National Youth Policy (which was in 2000) which served as the guide for youth programmes and policies over the past 11 years. Madam Speaker, I would particularly like to thank the Deputy Premier, the Honourable Juliana O'Connor-Connolly, who developed and introduced this first youth policy for the Cayman Islands with the assistance of the Commonwealth Youth Programme's Caribbean Youth Centre in Guyana.

The 2000 National Youth Policy was an extensive and comprehensive document, and it has provided the impetus for many of the institutions which exist today in relation to youth development work. These include:

- National Youth Commission, which is an advocacy body in relation to youth issues;
- Youth Services Unit, which leads initiatives such as the Youth Passport, the Youth Flex Radio Show and the Cayman Islands Youth Assembly; and
- Youth Assembly itself, which is a body of young people who research and develop position papers on matters of concern to them.

The first Youth Policy itself called for its periodic review, and when I took office I asked the Na-

tional Youth Commission to take the lead in reviewing and updating the policy.

Madam Speaker, I would like to stress that the National Youth Commission did not seek to re-invent the wheel this time around. The process for the updating of the policy involved administering a survey, called the National Youth Commission Student Survey (NYCSS), among the youth to ascertain the current concerns and issues facing young people. The Commission also undertook a review of all available youth-related studies, reports and other literature to identify the common threads among the previous studies. The results of the survey and the review were then presented to a gathering of around 100 youth stakeholders from across the Cayman Islands, and against this background they were tasked with reviewing and revising the goals of the National Youth Policy and developing objectives to achieve these updated goals.

Some of the previous studies which were reviewed include:

1. Eyes and Voices to the Future, better known as the Dreams Study, by Dr. Anthony White, in 2008;
2. Committee of Inquiry into the Causes of Social Breakdown and Violence among Youth in the Cayman Islands, from 2001;
3. Yolande C. Forde Report in 2006, Report on Pre-disposing Factors to Criminality in the Cayman Islands;
4. Parental Relationship as Perceived by the Arrested Adolescent in the Cayman Islands, another study by Dr. White, in 2007;
5. Study of the Family in Caymanian Society, a study done by Wint in 1997;
6. Risks and Vulnerabilities Facing Children in the Cayman Islands, a study from 2006 [by Thompson];
7. Vision 2008, the National Strategic Plan from 1999;
8. National Children & Youth Symposium, a report done by Mr. Leonard Dilbert, Samuel Rose, Joel Francis and Katherine Whittaker in 2007;
9. 2000 Youth Policy document itself.

The National Youth Commission Survey showed that the top concerns of young people were as follows:

- Crime and Violence—65.8 per cent of young people rated this as their top concern;
- School-Related Issues (such as overcrowding, unsanitary surroundings, poor canteen meals, et cetera)—46.6 per cent;
- Drugs and Substance Abuse—31.6 per cent;
- Economy and the Cost of Living—26.4 per cent;
- Education System—24.2 per cent;
- Boredom—18.1 per cent;
- Environment—15.3 per cent;

- Government and Policies—14.0 per cent;
- Personal Development—13.9 per cent;
- Employment related issues—13.3 per cent.

The result of the work led by the National Youth Commission has been the updated National Youth Policy 2011, which, as I said, Madam Speaker, was launched on September 30<sup>th</sup>. This document can be found on the Ministry's website, [www.ministryofhealth.gov.ky](http://www.ministryofhealth.gov.ky).

This updated policy is a guiding document for youth legislation, policy and regulation in the Cayman Islands, as it documents and illuminates the concerns of the young men and women of the Cayman Islands, and assesses what can be done to improve the current state of affairs. The Youth Policy also seeks to create, foster and sustain an evolving Caymanian culture, which embraces emerging global thought while harnessing what is intrinsically Caymanian. It strives to create a dynamic culture which produces a vibrant youth who is socially and politically informed, and environmentally aware.

The overarching goal of this policy is to recognise the unique role which young people can play in the development of the Cayman Islands. It therefore seeks to create an enabling environment which will enhance young people's opportunities to become legitimate partners in the development process and social transformation.

The Policy makes its recommendations based around six broad thematic areas:

- Socio-cultural identity
- Education
- Employment and entrepreneurship
- Sustainability
- Collaboration
- Health and safety

Central to the delivery of the goals and objectives which have been accepted by the Cabinet is the need for the providers of youth-related services to collaborate for the more effective delivery of these services.

As such, Madam Speaker, my Ministry will be establishing an Inter-Ministerial Committee on Youth Affairs. This committee will be made up of chief officers of all Ministries and Portfolios, who will ensure the collaboration of the departments and agencies under their remit, as well as ensuring that agreed programmes are properly resourced and delivered in line with the goals and objectives of the Youth Policy.

Part of the work of the National Youth Commission has been the development of a number of action plans which have been recommended to achieve the stated goals and objectives. One of the first deliverables of the Inter-Ministerial Committee will be the review and finalisation of an action plan that will be developed by the National Youth Commission, and the subsequent implementation of the action plan.

This idea of joined-up thinking is already underway. For example, the National Drug Council, which falls under my Ministry, has developed a National Anti-Drug Strategy, and they are now actively devising (in collaboration with the Education Ministry) a substance abuse curriculum for presentation in schools. Other pro-active and collaborative efforts include the BEST programme, which is a multi-agency early-intervention programme for school students, and Passport2Success for young job seekers. Madam Speaker, we know these initiatives are through the Ministry of Education. The Ministry of Education has also launched the B-TEC training initiative, and the Premier's Office, as we know, through the Ministry, is looking at creating, or is creating, an on-island hospitality training programme.

As for my Ministry, Madam Speaker, we are currently working with more than 30 youth organisations, groups and programmes. We have worked with the Ministry of Education to advertise these programmes in our schools, and with additional funding from both Ministries we have increased the capacity of the groups, which now has allowed some 800 students to enrol in these after-school programmes, which are now running until 6.00 pm to minimise the amount of unsupervised time for school children.

The Government does not intend to be the sole provider of youth-related services, and I must point out that even as I pledge the commitment of the Government to address youth-related issues as a matter of priority, effective social development will be dependent on the role that each and every one of us is willing to play in the lives of our young people.

So, I encourage everyone to take a look at the revised goals and objectives in the National Youth Policy 2011 and see what role you can play in the lives of young people. You need not invent another programme. Take a look at the Youth Services Directory, which is put out by the Youth Services Unit, and you will see some 100 youth-related programmes listed there. Many of them are struggling to find volunteers and sponsorship.

The National Youth Policy (2011) is the product of careful research, extensive stakeholder meetings, and focused discussions, which included the youth of the Cayman Islands, and it is hoped that it will give renewed direction to all our youth services providers.

I would like to take this opportunity to thank everyone who had a hand in developing this policy document, those who attended the National Youth Commission Stakeholder Conference, including our longstanding youth development partners, as well as everyone else who gave their input formally and informally. Special thanks to the National Youth Commission, including the Chair, Ms. Jenny Manderson, and the National Youth Policy Steering Committee, who spearheaded the process.

Our youth is our future. As cliché as that might sound, Madam Speaker, it is true, and it underscores the fact that our efforts here are not an option. There are also no quick fixes; keeping our youth on track is a long-term commitment.

As I have noted before, two of the primary issues are collaboration and a lack of volunteers. I suggest to those in the business community who look very closely at the bottom line that the issue of youth development is very much tied to that. If we cannot develop young people who feel they have a stake in the economic development of the Cayman Islands, then they will have no vested interest in it. Therefore, I encourage you to consider giving staff time off to do more volunteering; sponsor a youth group or other community initiatives; develop an internship or apprenticeship programme; and devise flex time to help single parents spend more time with their children. I myself will be recommending the same to Government so we can lead by example on this, Madam Speaker.

The second challenge goes to our non-governmental partners who provide youth services, especially the churches. Expand your community outreach programmes; go out into your communities, find out that the young people at risk are; get to know their families, and invite them into your programmes. There has always been a close relationship between the Church and the Government in the Cayman Islands, and the study of the Bible is a very good foundation to teach life's lessons to young people. But I also encourage our youth workers to take advantage of specific skill training that is offered locally.

You can enrol in the Youth Worker course at the University College of the Cayman Islands, which is a fantastic programme developed in tandem with the Commonwealth Youth Centre. Sign up for conflict resolution classes, or take part in a Darkness-to-Light course, which teaches how to deal with domestic abuse. The opportunities are there, Madam Speaker, and I encourage you to take them! If you are not sure what is available, you can call the Ministry of Youth.

The final challenge goes to parents, family members and neighbours. Spend time with the young people: Listen to their fears, their doubts and their dreams. Nothing can replace simply spending time with your children. As one of our foremost youth advocates, Miss Joyce Hylton, so aptly observed: "Now is the time for passing on values to the child, and this can only be done through dialogue." If you see a child in need, talk to an experienced person, be it a teacher, social worker or other person. You might be surprised to learn how many resources are available to help our children.

Let us all join forces and keep investing in our young people—not as problems to be solved, Madam Speaker, but as opportunities to be seized.

As a Government, we will continue to work collaboratively across Ministries and portfolios to im-

plement the National Youth Policy 2011. I look forward to partnering with the private sector, the Churches, services organisations, NGOs and other members of the public in delivering a better future for our current and future generations.

Thank you, Madam Speaker.

I now would like to take the opportunity to lay on the Table of this Honourable House a copy of the 2011 National Youth Policy.

**The Speaker:** So ordered.

Thank you, Honourable Minister.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### Private Member's Motion No. 6–2011/12—Self-Defense and Personal Protection

*[Continuation of debate on proposed amendment]*

**The Speaker:** I think at the conclusion of the last day's sitting we had reached a point where everybody had spoken that wanted to speak. I am going to call on the mover of the amendment to the resolution part of the Motion to wind up his debate on that.

Fourth Elected Member for George Town.

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

Madam Speaker, when we last spoke on the amendment, we had a few comments that came from the Second Elected Member for Bodden Town.

Let me first of all thank the Member for rising to his feet and making that contribution. In particular, I wish to note that he reached out, and his statement was in terms of, I believe tacitly at least, accepting that there are naturally ways that the particular Motion we are seeking to amend could be amended to make it better. As I said to him privately, and I say so today publicly, I commend him for that. I appreciate his actions. I appreciate his expressed wishes to do that.

He and I actually had a chance to meet in one of the common rooms during the break, and I believe that there was, again, agreement (which he is nodding) that we could work towards some kind of a process that would ensure that there were proper restrictions and some kind of licensing insofar as making sure that it was going to be monitored and done in a way that I believe would address the spirit and intention of the Motion.

Madam Speaker, insofar as the licensing process, just for the benefit of recapping and making sure that there is utmost clarity, the particular Motion that was being brought was specifically asking that there be no licence. Again, I believe that is a situation, as we have all, arguably, expressed one way, shape or another, that there has to be some sort of a process that is going to put in place the necessary restric-

tions and/or presumptions, whatever the circumstances call for, to ensure that the pepper spray or the mace is not necessarily going to fall into the wrong hands. Because if it does, we fully appreciate that what was well intended and what would have been, arguably, a good defensive weapon can now be used in an offensive manner.

To state for the record, Madam Speaker, because I did hear some of the talk show that took place this morning with the Leader of the Opposition and the First Elected Member for George Town . . . Persons that I have spoken to, particularly when it comes to the ladies, because I know that when the Third Elected Member, the Leader of the Opposition, gave his contribution on Monday, he made a big plea in terms of the females out there and their circumstances, I believe almost trying to suggest as if this side (and in particular me) had no empathy insofar as those females.

Madam Speaker, I wish to state again for the record that I have three daughters: one is 23 and one is 19! Therefore, if there is a concern out there in terms of young women that may be potentially raped or harmed or injured, I do not need that Member over there telling me about the concerns. I understand those concerns. It is precisely because of those concerns why we need to take adequate steps to ensure that what was a well-intended and defensive weapon is not turned against those same persons.

As I listened to the show this morning, even though there was some doctoring and spinning of it, what we ended up with was that the majority of people in this country are in agreement that you cannot make it where you can buy pepper spray, oleoresin capsicum . . . you cannot buy it and you cannot buy mace like you can go and purchase aspirin, because it is not aspirin.

A licence is a grant of a permit to use something or to allow an activity to take place. When the Minister of Education rose to his feet the other day, he talked about some of the information that had been provided by the Leader of the Opposition, specifically when it came to the way some of the operation took place in other countries. One of the things he talked about was pharmacies, as an example.

Now, Madam Speaker, I do not think we have to belabour the point, because I imagine that when we talk about making the necessary amendments to whatever legislation is required, that a lot of those specific details can, and will, be worked out. But, understand, even when we talk about making it [so] that you would go to a particular pharmacist, or even a security company, and even then you are asking that company for reforming the way they do business in order to accommodate that.

I believe the majority of people that I have spoken to, and even some that I heard again this morning on the talk show, are appreciative of restrictions to say that one perhaps has to be at the age of

majority, 18 years or older; and that the majority of persons do not want it to be in the hands of felons. They do not want it in the hands of the rapists or the child molesters that they are trying to protect themselves against. There is the legitimate concern at the end of the day [about] what happens if it falls into the hands of someone below that age of majority, and how you should handle it in terms of misuse, and what the process should be to ensure that you are giving the proper information to those persons who are buying it to avoid that from happening.

When I heard the Third Elected Member, the Leader of the Opposition, talk about the fact that criminals do not get a licence, almost trying to disregard when you talk about the fact that you want to have a licence, saying, *When criminals want something, they don't get a licence*. Madam Speaker, in the majority of instances I believe that is the case. But that is precisely why you have a licence, because those who have licences are not criminals. Those who do not get the licence are making themselves a criminal. That is why you can walk out there, and if you find someone with a gun and they do not have a licence, he or she has committed a criminal offence.

It is all of those little rules on licences and permits and guarantees—all of those things are dividing factors that determine whether you are a criminal, whether you are breaking the law or you are not. No matter how innocent you try to make it, if you are doing something that requires a licence, or a permit, or a grant, and you do not have it, you are breaking the law. That is why, when I listened to the talk show some young lady said, *I had to make a decision about whether I wanted that feeling of security, of protecting myself versus, having it in there knowing that I was breaking the law. I had to make a decision*. Some psychologists would say that cognitive dissonance came to a position where she decided, *I am going to get rid of it because I do not want to be breaking the law*.

So, when the Leader of the Opposition comes with that argument it is nonsense, absolute nonsense. To even try to suggest almost as if, *Well, criminals are not going to want mace*. Madam Speaker, a criminal uses anything at his or her disposal to fulfil a job! Anything that you can put at their disposal is what they are going to use. They will use the gun, they will use a knife, they will use a bat, they will use a machete, they will use their fists. They will use anything that you give them at their disposal. And to know that you could have a position in this country where any individual can go and purchase it off the shelf like a bottle of aspirin, and to suggest that persons are now not going to employ it to spray the young lady who is coming out of the restaurant, because if it can paralyse and bring a 275-pound man to his knees, I think it can do so to a 150-pound lady. That is not going to increase the potential risk of rape and everything else? It has to do so, Madam Speaker.

As I have stated before, it is therefore incumbent on this Government, or any government that seeks to be prudent, taking a circumspect view—not just a knee-jerk reaction, but a circumspect view—to say, *Listen. How can we make sure and mitigate the risk?*

Therefore, the amendment that is being brought is not, as I have stated before, to remove the direction and the spirit and intention of the Motion. I believe that the Second Elected Member for Bodden Town was fully appreciative of that. It is simply a matter of both sides coming together, trying to understand and reach an agreement, reach some compromises to say, *How can we improve this and make it better?* Because if the Government agreed to the Motion as it is, what we would have been saying is that there is no licence required to bring it in from, for example, the United States. There is no licence required by any store to stock it on their shelf. It would have been saying that there is no licence required for anyone coming into the country, transient or living here, to purchase it off the shelf just as they do aspirin.

It would mean that technically—and I will state it again, because I heard that bandied in the media. It would mean that technically, if a five-year-old was walking around with mace, a police officer has no right to say to him, *What are you doing with the mace?* Because, there are no restrictions; therefore, if there are no restrictions, there are no restrictions to the felon, there are no restrictions that a 5- or 14-year-old or anything else . . . and someone may try to suggest that that is going over the top; it is not! That is what the Motion that was brought here before this honourable House was suggesting. The Government takes a different position.

We are not about trying to bog it down in bureaucracy. What that process has to be, Madam Speaker, as I said, it can be worked out in terms of details. But I would dare say that even what we hear today, an individual goes today to apply for a job, and they are being asked for a criminal record or for a clean police record (however one wants to view it) for a job. For a job, to be able to enter a particular institution, to work and earn a living to feed their family, they are required by most companies to produce a clean police record. Which means they line [up] and they march down to the police station to get a clean police record.

But what we are saying is, it would be completely ridiculous . . . now, that is fine, but it would be completely ridiculous to have to go and get a police record to get mace or pepper spray which can kill people. Because I hear them say it cannot kill people. I have given the evidence. The evidence is there; search it out. Confirmed deaths in Los Angeles alone between 1990 to date, when I read it last, 61 confirmed deaths by individuals that are trained to use it—61 confirmed deaths, 23 still under question as to whether it contributed or not.

So let us not say that this is a toy. This is a defensive weapon, and it can also be an offensive weapon. It has a neurological impact, as well on vision and everything else, and respiratory issues as well. It can and it will kill you. If you can spray a certain amount and bring a man that is 250-to-275 pounds to his knees, ask yourself if that same dosage is used on someone who is 150 pounds or, God forbid, a child. The evidence is clear.

So we have to have some kind of restriction, some kind of a licence. I know persons are going to try to go spin the licence—*Does that mean that I have to go and get a special card and a long list?* Madam Speaker, it says “a licence process.” A licence process is about being given permission to carry something. If you wanted the pharmacist to do it or if you wanted the security companies to do it, I believe the security companies and/or the pharmacies would like to know, for example, that you went to the police station, that you have confirmed to them that you are over the age of majority, you are over 18, and that you have a clean police record. They get a simple piece of paper that says, *Here. Good to go.*

I believe that is what those companies would like, and not necessarily have to change their whole, entire business process to be able to accommodate, that they can double-check, authenticate drivers' licences, and that they can authenticate and look at criminal records. I do not believe that is the business that they necessarily want to get into.

So, even in terms of the details to be worked out, there is a process. What it is called is a licensing process. You can call it something else. You can call it a permitting process or an authorisation process, whatever particular adjective makes us feel good today. But it is a licensing process. It is going to put in place the necessary restrictions to avoid abuse.

So, Madam Speaker, again, whatever modifications have to be worked out to reach out to the other side as well, because I believe that the Government has expressed, not just in terms of the spirit and intention of the Motion, but moving forward altogether, that the Government wants to be able to reach out.

Just as the Second Elected Member for Bodden Town has referred to, I would like to say that I believe that even insofar as looking at the necessary amendments that would have to be made to the legislation and involving those Members to ensure that at the end of the day, when we are actually tweaking the legislation and trying to make the modifications, to reach a compromise position that we can put in place the necessary process, restrictions to avoid abuse, but at the same time can make sure that it can be one that is a quick and smooth process. I believe the Government has no issue in terms of reaching out to make sure that those Members would be involved with that as well.

So, Madam Speaker, in summary, it is the Government's position today that we seek to support

the spirit and intention of the Motion being brought by the Leader of the Opposition and the Second Elected Member for Bodden Town. But we believe that the amendment that we are proposing today is not one that in any way impedes anything or adds any unnecessary bureaucracy. I think our Leader has mentioned numerous times that that is something we are trying to get rid of. But what we are talking about is sensibly putting in place the necessary amendments. Because if the Motion passed as is, the Government would have an obligation to put a defensive weapon which can be used equally offensively in a position that anyone can buy it just like you can purchase aspirin off of a shelf. From everything that I have heard, privately and publicly, the general public would not support that. So, we have to take a prudent position, a wise position, by the Government.

Again, I simply wish to commend the Second Elected Member [for Bodden Town] for his position, again showing the political maturity to be able to not take this in an insulting way in terms of the amendment. It's nothing about pride, but just simply a matter of saying that we appreciate that this is simply an effort by the other side to be able to make the necessary amendments to improve and to enhance the Motion that was being proposed.

With that, Madam Speaker, I thank you very much for the opportunity to make those closing comments in terms of this particular amendment, and I would ask Members of the House, both sides, to please support the amendment because it is our position that it will make the initial Motion a better one.

**The Speaker:** The question is: That the resolve section of [Private Member's] Motion No. 6–2011/12 be amended to read, “NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the importation and use of, subject to a license process, chemical sprays such as Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), and Mace for the purpose of self-defense and personal protection.”

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

**Ayes and Noes.**

**The Speaker:** The Ayes have it, Motion No. 6—

**The Premier, Hon. W. McKeever Bush:** I would like a division, please.

**The Speaker:** Madam Clerk?

**The Clerk:**

**Division No. 16–2011/12**

**Ayes: 10**

**Noes: 4**

Hon. W. McKeever Bush  
 Hon. Juliana Y. O'Connor-Connolly  
 Hon. Rolston M. Anglin  
 Hon. Michael T. Adam  
 Hon. J. Mark P. Scotland  
 Hon. Cline A. Glidden, Jr.  
 Capt. A. Eugene Ebanks  
 Mr. Elliot A. Solomon  
 Mr. Dwayne Seymour  
 Mr. Anthony S. Eden

Hon. A. M. McLaughlin, Jr.  
 Mr. D. Kurt Tibbetts  
 Mr. V. Arden McLean  
 Mr. D. Ezzard Miller

**Absent: 1**

Mr. Moses I. Kirkconnell

*[Pause]*

**The Speaker:** The result of the division—10 Ayes, 4 Noes, 1 absent.

The resolve section of the Motion has accordingly been amended.

**Agreed by majority on division: Amendment to Private Member's Motion No. 6–2011/12 passed.**

**The Speaker:** The Motion as amended is now open for debate.

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

Madam Speaker, I beg leave to move an amendment to the Motion as amended, in accordance with the terms of the Motion, which I have already spoken to you about, and which I would now ask be circulated to Members.

**The Speaker:** I am having a . . .

*[pause]*

**The Speaker:** Does this [amendment] have a second order?

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Yes, Madam Speaker, the Second Elected Member for Bodden Town. But I first need to move the Motion, with your permission.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, before you go further, I wonder if you would take a quick suspension so that we could examine this proposed amendment.

**The Speaker:** The lunch is here. Do you all want to suspend for the lunch break, and then we can have enough time to do this? Or do you want to come back?

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, the Opposition has been invited to meet with the Director of the Overseas Terri-

tories at 2.30. I was going to ask the kind permission of the House for us to suspend at a convenient time to allow us to go and do that. I reckon that will take an hour-and-a-half. That was a meeting arranged before we were given notice that the House would resume on Monday. The Director is only here for a short while.

So, if we could just take that into consideration when we are deciding about when we are going to suspend.

**The Speaker:** How much time does the Government need?

**The Premier, Hon. W. McKeever Bush:** I think what we are saying, Madam Speaker, is that we will take the lunch break at this time and come back by 1.00, and then shall break at 2.30 for . . .

Are all the Opposition going? North Side's Opposition as well?

*[Laughter]*

**The Premier, Hon. W. McKeever Bush:** You're not carrying him along on this one?

Yes, all right. Good.

Madam Speaker. That is the proposal then.

**The Speaker:** We will come back at 1.00. Then we will break at 2.30 for them to go to their meeting. What time are we going to resume?

*[Inaudible interjection]*

**The Speaker:** No, after 2.30, if you go in for an hour-and-a-half, we are down to four o'clock.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, we will try to get as much business done by six o'clock.

**The Speaker:** I will suspend the House then for an hour. But please make it an hour so we can get back here and get something done today.

**Proceedings suspended at 12.08 pm**

**Proceedings resumed at 1.11 pm**

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

Private Member's Motion No. 6–2011/12, as amended in the resolve section, was on the Floor for debate.

The Leader of the Opposition is on his feet. Can we proceed?

**Proposed Amendment to Private Member's Motion No. 6–2011/12, as amended**

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, in accordance with the provisions of Standing Order 25(1), I, the Leader of the Opposition and Third Elected Member for George Town, do seek leave in accordance with Standing Order 25(2) to move the following amendment to Private Member's Motion No. 6–2011/12, as amended, as follows:

By inserting in the resolve section of the Motion, immediately before the word "importation," the words "and sale by duly licensed pharmacies and drug stores"; inserting the word "the" immediately before the word "use"; and by deleting the words "subject to a licence process" and substituting therefor, "subject to appropriate restrictions relating to age and other relevant criteria" so that the resolve section will now read: "NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the importation and sale by duly licensed pharmacies and drug stores and the use of, subject to appropriate restrictions relating to age and other relevant criteria, chemical sprays such as pepper spray (also known as OC Spray, OC Gas, or Capsicum Spray), and Mace for the purpose of self-defence and personal protection."

**The Speaker:** Thank you.

Does the [amendment to the Motion] have a seconder?

**Mr. Anthony S. Eden, Second Elected Member for Bodden Town:** Thank you, Madam Speaker. I beg to second the [amendment to the Motion].

**The Speaker:** The [amendment to the Motion] is open for debate. Does any Member wish to speak?

*[Inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** As the mover of the [amendment to the] Motion, I would like to speak.

**The Speaker:** Sorry. Would the mover of the [amendment to the Motion] like to speak thereto?

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

Madam Speaker, I believe my contribution to this [amendment] can be quite brief because I think that we have traversed this ground very well over the course of the last two sittings of this House, and indeed, Madam Speaker, in the media.

This is an attempt, Madam Speaker, by the Opposition to address the concerns raised by the Government bench and indeed, Madam Speaker, by a number of persons with whom we have interacted on the talk show and otherwise, to ensure that we allow

proper persons to have easy access to this very useful and necessary means of self-defence, but that we also allow the Government, when it is having the Bill drafted, to include in that Bill appropriate restrictions, conditions, both relating to the importation and sale of mace and pepper spray, but also, Madam Speaker, in relation to the dispensing of and use by persons.

So we have included in the amending provisions the phrase "subject to appropriate restrictions relating to age and other relevant criteria," which will give the draftsman, we believe, sufficient latitude to develop appropriate restrictions and conditions to address the concerns about safety, to address the concerns about access to this product by persons who ought not to have access to it, and to also limit who can import it and sell it to pharmacies and drug stores so that there is proper sourcing, and we have the ability to identify who is dispensing it.

Indeed, Madam Speaker, if it is felt that we should keep a record of the persons to whom it is sold and so forth, all of that would be possible by limiting the legal sources of importation and sale of pepper spray and mace.

So, Madam Speaker, I do not think I need to go on at any length about this. I hope that what is now proposed does meet the Government's concerns and that we can together give this Motion our collective support so that we can move this forward. It is quite clear from the response from the community that there is widespread support for what is being proposed. The Government has indicated through its various spokespersons that they do welcome and support the intent of the legislation—

**The Speaker:** Of the Motion.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Of the Motion, sorry.

We have sought to address the concerns which they have raised. I hope that we have managed to do so.

So, Madam Speaker, I will resume my seat now and listen to what the Government has to say in this regard.

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

The Second Elected Member for Bodden Town.

**Mr. Anthony S. Eden:** Thank you, Madam Speaker.

Just to indicate that an apparent consternation earlier on when I voted with the Government on the amendment and then seconded this Motion, the intention wasn't . . . or a brief discussion with the Fourth Elected Member for George Town [was] to attempt to move this forward. As we all know, the Government has the final say on what they want to put into the necessary legislation that will bring this about.

But I just wanted to clarify my position on voting the way I did. Thank you.

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

The Third Elected Member from West Bay.

**Hon. Cline A. Glidden, Jr., Third Elected Member for West Bay:** Madam Speaker, thank you for giving me this opportunity to make a short contribution on behalf of the Government on this amendment to Private Member's Motion No. 6–2011/12 [as amended].

Madam Speaker, just a short recap. What we have is Private Member's Motion No. 6–2011/12 that called for an amendment to the Penal Code, the Firearms Law and other relevant or consequential legislation to permit importation and use without licence of self-defence chemical sprays such as pepper spray, mace, and tear gas for the purpose of self-defence and personal protection.

Then we had an amendment, brought by the Fourth Elected Member for George Town, and seconded by the Third Elected Member for Bodden Town. That amendment was to say that while the intent of the Motion was clear, the Government could support it. It seemed that it was a bit rushed and not well thought out, and that we should include "subject to a licence process" and that we should remove tear gas altogether.

Madam Speaker, the reason for doing that, as my colleagues have said, is that we felt that it was necessary to put some restrictions, to put some belts and braces, but not to specifically restrict the licensing process. Now the Opposition has come forward with an amendment, Madam Speaker, which we are now debating. This one is getting pretty prescriptive as to what the licensing process will be. It specifically makes reference to importation and sale by duly licensed pharmacies and drug stores.

Madam Speaker, I think there may have been a misunderstanding. I think that came from my colleague, the Minister for Education, in his debate where he used that simply as an example as to the methods that could be used, a way that it could have been. It seems like the Opposition has now taken that on and actually included that as a proposal to make the resolve [section] strictly say "pharmacies and drug stores."

The Government is concerned with that. Because what we have proposed, Madam Speaker, was to, first of all, recognise and suggest that there is a need for a licensing process. But we were not proposing at this point in time to define what that licensing process was. We figured, as we always do, that there would be legislation. When the legislation comes, Members would have a chance, Government would go back and have its discussion and to see who would be properly licensed entities that could do that. They may decide, as has been suggested elsewhere, that

security guards, or recognised or licensed security guard companies may be also able to . . . That is, again, just another example, Madam Speaker.

What we did, in the interests of collaboration on something that is that important, we suggested—and it is recommended publicly—that the team that would be designed and adapted to bring forth those recommendations would include Members. It was the Fourth Elected Member for George Town (the amender of the original Motion) who suggested and gave a commitment that we would include Members of the Opposition on that committee who would put forward the recommendations for the amendments to the law.

So, Madam Speaker, the Government has great difficulty in accepting what appears now to be an attempt to create the law through amending motions that, every time we come forward with different ideas as to who should be included, that we are going to continue bringing amendments. Because, like I said, if we decide now that we should include security guards, then the Government will move another amendment to this Motion, and we could be back and forth pretty much for the day.

So, we commit to including—as the Fourth Elected Member from George Town has said—representation from the Opposition. But we have a need before making this decision to consult as well with the pharmacies and the drug stores. Even though that suggestion came from my colleague, the Minister for Education, there has been no discussion or consultation as to how feasible that will be, what they will have to put in place to properly be able to deal with that. To now take that suggestion from the Government and put it in and say, *We are going to change and amend the resolve*, I think that the true spirit of the Motion is recognising what we want to do, we want to allow this process.

We have now committed to allowing the Opposition to have a say, first of all on the committee that will make the recommendation, and then also when the law has to come to the Legislative Assembly and all the Members will be able to actually make proposed changes even at that late stage. We do not think that it is beneficial, Madam Speaker, at this stage to continue amending and trying to get all the t's crossed and all the i's dotted at this early stage. We felt the intention was simply to say that this Legislative Assembly recognises the need to allow for personal protection. It recognises the need for something that is this important, and could be this serious and dangerous, to have the amendments made in a sensible manner. We are willing, and we are committed to allowing the Opposition to be involved in that process. We stand by that commitment, Madam Speaker.

So, with those short comments, we are hopeful that this will be the end of the amendments. We can discuss and vote on the substantive Motion as amended, and that we can move on with this very im-

portant area, as well as to the other business in the House.

Thank you, Madam Speaker.

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

If not, I will put the question.

*[Inaudible interjections]*

**The Speaker:** There are so many winding-ups today that I am getting confused.

Leader of the Opposition, please wind up.

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

Just so everybody is clear, this is a wind-up on the motion seeking to amend the amended Motion. Not the general wind-up.

*[Laughter]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I must express my disappointment, really, at the Government's response to what really was a sincere effort on our part to address concerns which they raised. We have gone the full gamut now, really, from the criticism that the Motion initially was not properly thought out, was imprecise, to the criticism now that it is too precise and too limiting.

But, Madam Speaker, we have done everything we could do on this side to address this particular issue. We know collectively in this House how people feel about it. The true test, Madam Speaker, will be whether or not anything actually happens, because the experience of most of us is that if you truly want to deep-six a matter or an issue you send it to a committee.

I really do hope, given the seriousness of this matter, given the broad-based support for the measures that the original Motion, as amended, or as being proposed to be amended, given the general support that that has, that something actually does happen about this and that we do not get to the end of this term of the House and nothing is done. If nothing is done, Madam Speaker, it will be because of the Government's approach to this, because the Government has demonstrated, and is intent, it seems, on demonstrating that they are in charge of this process because they have the numbers and that regardless of how reasonable the proposals of the Opposition are, they are not going to be entertained.

So be it, Madam Speaker. That is the democratic process. As I said, we have done everything that we could, and we have sought to explain as best we can the rationale for it. We have sought to address the

concerns they raised. We have even included proposals that they made in their various speeches—all, it seems, to no avail.

Madam Speaker, that is the way the cookie crumbles. So, we will take the vote on this, and then we will move on to the substantive Motion, as amended.

**The Speaker:** The question is that [Private Member's Motion No. 6–2011/12 [as amended] be [further] amended by inserting in the resolve section of the Motion immediately before the word "importation" the words "and sale by duly licensed pharmacies and drug stores"; the word "the" immediately before the word "use"; and by deleting the words "subject to a license process" and substituting therefor "subject to appropriate restrictions relating to age and other relevant criteria."

The resolve section would now, therefore, read, "NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the importation and sale by duly licensed pharmacies and drug stores and the use of, subject to appropriate restrictions relating to age and other relevant criteria, chemical sprays such as Pepper Spray (also known as OC Spray, OC Gas, or Capsicum spray), and Mace for the purpose of self-defense and personal protection."

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

**Ayes and Noes.**

**The Speaker:** The Noes have it.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** May we have a division, Madam Speaker?

**The Speaker:** Yes, Leader of the Opposition.  
Madam Clerk.

**The Clerk:**

**Division No. 17–2011/12**

**Ayes: 5**

Hon. Alden M. McLaughlin, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Anthony S. Eden  
Mr. V. Arden McLean  
Mr. D. Ezzard Miller

**Noes: 9**

Hon. W. McKeever Bush  
Hon. J. Y. O'Connor-Connolly  
Hon. Rolston M. Anglin  
Hon. Michael T. Adam  
Hon. J. Mark P. Scotland  
Hon. Cline A. Glidden, Jr.  
Capt. A. Eugene Ebanks  
Mr. Ellio Solomon  
Mr. Dwayne Seymour

**Absent: 1**

Mr. Moses I. Kirkconnell

*[Pause]*

**The Speaker:** The result of the division—5 Ayes, 9 Noes, 1 absent.

The Noes have it. The new proposed amendment to [Private Member's] Motion No. 6-2011/12, [as amended], fails.

**Negatived by majority on division: Proposed amendment to Private Member's Motion No. 6-2011/12, as amended, failed.**

**The Speaker:** We are now back to the amended Motion as presented.

I am going to read the resolve of that so we have it in the records, again: "NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the importation and use of, subject to a license process, chemical sprays such as Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), and Mace for the purpose of self-defense and personal protection."

The Motion as amended is now open for debate. Does any other Member wish to speak?

Does any other Member wish to speak? Does any other Member wish to speak? If not, I am going to call on the mover of the Motion to present his winding-up.

Leader of the Opposition.

*[Inaudible interjections and laughter]*

**Debate on Private Member's Motion No. 6-2011/12, as amended by the Government**

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I am glad I could provide some levity.

Madam Speaker, there really is not a great deal more to say because we have exhausted, I believe, just about every argument that we could possibly do on either side of this particular issue. Again, Madam Speaker, just to record our dissatisfaction and disappointment on the inclusion in this Motion now of a licensing process—yet to be defined.

We do hope, Madam Speaker, that that does not mean that every person who needs or wants to use this pepper spray is going to have to wind up going to the Commissioner of Police to make an application to get a licence. And we do hope, Madam Speaker, that the Government does intend to interpret that provision, which they have now included in the Motion, to mean what we sought to provide in our proposal to amend it, that restrictions and conditions on its sale, importation and use, rather than licensing the persons who will have permission to use this product.

Madam Speaker, even though we have grave concerns about that, and we have articulated them,

we are going to support the Motion as amended, because we believe that this is just too important a matter to do otherwise. We just urge the Government, Madam Speaker, to get on with the job and let this happen as quickly as possible. We look forward, Madam Speaker, to the end of this year to receiving the Bills (there will be more than one piece of legislation) which will set out what the proposed amendments, terms, conditions and criteria will be in relation to the use of mace and pepper spray for the purposes of self-defence and personal protection.

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

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

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

**Ayes.**

**The Speaker:** The Ayes have it. The Motion [as amended] is accordingly passed.

**Agreed: Private Member's Motion No. 6-2011/12, as amended, passed.**

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, the Premier is asking for a division. So we will do so.

*[Laughter]*

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, you see what happens when they want to blame somebody for everything?

**The Speaker:** Can we move on to the next item of business, please?

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connelly:** Madam Speaker, may we have a division, please?

**The Speaker:** I have declared the Motion is passed. Do we need a division now?

**The Deputy Premier, Hon. Juliana Y. O'Connor-Connelly:** Madam Speaker, the only reason I was asking was . . . I just want to be abundantly clear because we have been back and forth, and there was disappointment with the amended Motion, and I want to make sure that that disappointment translates now to an acceptance.

*[Inaudible interjections]*

**The Speaker:** Order. Order, please.

**The Premier, Hon. W. McKeever Bush:** Don't blame me! Please!

*[inaudible interjection]*

**The Premier, Hon. W. McKeever Bush:** Don't blame me. You know when I want to say something I will say it regardless of who likes it.

**The Speaker:** I think the Leader of the Opposition recorded his support for the Motion when he was concluding his debate. But, in the interest of making sure everybody in this House is happy this afternoon, we will order a division.

*[inaudible interjections]*

**The Clerk:**

**Division No. 18–2011/12**

**Ayes: 14**

**Noes: 0**

Hon. W. McKeever Bush  
 Hon. Juliana Y. O'Connor-Connolly  
 Hon. Rolston M. Anglin  
 Hon. Michael T. Adam  
 Hon. J. Mark P. Scotland  
 Hon. Cline A. Glidden, Jr.  
 Capt. A. Eugene Ebanks  
 Mr. Ellio A. Solomon  
 Mr. Dwayne S. Seymour  
 Hon. Alden M. McLaughlin, Jr.  
 Mr. D. Kurt Tibbetts  
 Mr. Anthony S. Eden  
 Mr. V. Arden McLean  
 Mr. D. Ezzard Miller

**Absent: 1**

Mr. Moses I. Kirkconnell

*[pause and inaudible interjections]*

**The Speaker:** The result of the division—14 Ayes, and one Member is absent. The Motion [as amended] has been passed unanimously.

**Agreed by majority on division: Private Member's Motion No. 6–2011/12, as amended, passed.**

**Private Member's Motion No. 7–2011/12—  
 Establishment of a Firearms Authority**

**The Speaker:** This is [Private Member's] Motion No. 7 that we are working on now?

**An Hon. Member:** Yes Ma'am.

**The Speaker:** Okay.

Leader of the Opposition—No! Yes, sorry.

*[Pause]*

**The Speaker:** The Clerk has to present—I need to be sure which Motion it is we are presenting.

*[inaudible interjection]*

**The Speaker:** Just please read it again for me.

**The Clerk:** Private Member's Motion No. 7 of 2011–2012, Establishment of a Firearms Authority to be moved by the Leader of the Opposition, the Third Elected Member for George Town.

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I beg to move Private Member's Motion No. 7-2011/12 entitled Establishment of a Firearms Authority.

**WHEREAS the Firearms Law confers on the Commissioner of Police sole authority for the issue of firearms licenses;**

**AND WHEREAS the policy regarding the issue of firearms licenses is very restrictive;**

**AND WHEREAS the number of unlicensed firearms in the Cayman Islands appears to be on the rise;**

**AND WHEREAS the incidence of gun crime committed with unlicensed firearms in the Cayman Islands continues to increase significantly;**

**AND WHEREAS many people are concerned about their inability to obtain a firearms license for purposes of self-defence;**

**NOW BE IT THEREFORE RESOLVED THAT the Firearms Law and any other relevant or consequential legislation be amended by repealing the sole authority of the Commissioner of Police to issue firearms licenses and to provide instead for the establishment of a Firearms Authority to issue firearms licenses. Such authority to consist of Commissioner of Police and not less than three Justices of the Peace appointed by the Governor acting in his sole discretion.**

**The Speaker:** Is there a seconder for this Motion?  
 Elected Member for East End.

**Mr. V. Arden McLean, Member for East End:** Thank you, Madam Speaker.  
 Madam Speaker, I beg to second the Motion.

**The Speaker:** Please turn off your microphones so that I do not hear it reading back into mine when I am

trying to read the resolution to the Motion. If your microphones are on, please turn them off. Thank you.

Mover of the Motion, the Motion is open for debate. Would you like to speak thereto?

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

Madam Speaker, pursuant to section 30 of the [Firearms Law \(2008 Revision\)](#), “(1) The appropriate authority for the grant, amendment or revocation of any Gunsmith’s Licence shall be the Governor.”

Section 30(2): “The appropriate authority for the grant, amendment or revocation of approval in a matter relating to a bullet-proof vest shall be the Commissioner” [of Police].

And Section 30(3), “The appropriate authority in Grand Cayman for the grant, amendment or revocation of any Firearm Import Permit, Firearm Export Permit, Firearm Disposal Permit, Firearm User’s (Restricted) Licence or Firearm User’s (Special) Permit shall be the Commissioner [of Police] and the appropriate authority in Cayman Brac and Little Cayman shall be the District Commissioner.”

Madam Speaker, over the course of the past number of years—I would say the last 20 years in particular—the grants of firearms licences, in any of the categories to which the legislation refers, has grown increasingly restrictive. When I was younger, Madam Speaker, it was a lot easier to have access to a firearms licence. Indeed, by the time I was 21, I had a user’s licence for my father’s shotgun.

That kind of approach, as I said, has changed immensely over the last couple of decades in particular. Now, it seems, Madam Speaker, that although there is no provision in the Law for it, the practises developed and the regulations now support this policy that, essentially, licences are only granted to farmers and to members of the Gun Club. It is very difficult to get a licence otherwise.

The present Commissioner, and indeed those who immediately preceded him, have all voiced their objection to the private ownership of firearms, citing often the fact that the more firearms that there are in general, the greater the risk that some of these will fall into the hands of the wrong people and may be used to perpetrate crime and so forth.

Madam Speaker, when we had the Commissioner over to this House recently, when we were talking about the recent murders and so forth, this was an issue which, again, he made very plain that he did not support, the granting of licences to people generally, and again cited those sorts of examples.

Madam Speaker, the point which a number of us made then—and I make now again—is that there are very, very few instances in which crime is perpetrated with legal firearms, firearms which are licensed by anyone. I do not believe that in any of the murders which we have had to deal with over the last, even 10

years, did any of those involve licensed firearms. I do not know of any instance, either, Madam Speaker, where licensed firearms have been used for the purposes of perpetrating a robbery.

The reality is that criminals do not generally apply for licences to use firearms or to possess firearms. Even if they did, they are not likely to use a licensed firearm, because it is much easier for it to be traced. So I do not quite follow that particular argument, Madam Speaker.

The other point which is often raised in relation to this, is that the more firearms there are available, the easier the access that people have to them, and people will perhaps lose them or allow them to be stolen. That does happen from time to time, Madam Speaker. But I should also point out that, as a recent report I saw in the media said, there were two firearms missing from the Police Armoury, that they did not know what had happened to them. So, I am not sure really that the Commissioner of Police is properly placed to offer that as a criticism or a concern on the part of private householders.

*[Inaudible interjections]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I am being asked to repeat what I said. I said a recent report in the media indicated that there were two firearms missing from the Police Armoury, which they have not been able to trace. So I do not know that . . .

*[Inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** It is only a few months ago. Apparently, one went missing in the aftermath of Hurricane Ivan, and there has been another that they have not been able to trace as well.

*[Inaudible interjection]*

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Yes, I think the Commissioner did actually address it on one of the talk shows not so long ago.

So, these things do happen. But if that is a basis for disqualifying persons or taking a general sort of policy decision that, because of the risk involved, we have to keep these licensed firearms out of the hands of ordinary people, then, we have to have great concerns about how the police operate as well. None of us, I think, is going to sensibly suggest that the police should not have access to firearms.

Madam Speaker, the other point I wanted to make in this regard is that I do not believe, in this day and age, that the Police Commissioner, by himself, is the best-placed individual to make these sorts of decisions all by his little self. Madam Speaker, this is such an important function that I believe this authority ought

to be reposed in the hands of a group of people or a committee or a commission or whatever we want to call it. We have used the term "Authority" so that there is more than one thought process brought to bear on this particular issue.

Madam Speaker, the prospect of someone other than the Commissioner of Police actually making this decision is not unheard-of; in fact, the legislation already and for many years has allowed the District Commissioner in Cayman Brac and Little Cayman to actually be the appropriate authority for the purposes of granting these various licences. So, Madam Speaker, what the Motion seeks is to establish a Firearms Authority and that the Authority consists of the Commissioner of Police and not less than three Justices of the Peace appointed by the Governor acting in his sole discretion, and that, Madam Speaker, the legislation obviously be amended in the appropriate place or places to give effect to this proposal.

Indications are, Madam Speaker, that the Government, subject to an amendment which they will shortly move, and which, Madam Speaker, I can indicate we do not have a difficulty with, intends to support this Motion. So, I trust, Madam Speaker, that it will get speedy passage, and I look forward to hearing from the Government spokespersons.

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

Third Elected Member from West Bay.

### Proposed Amendment

**Hon. Cline A. Glidden, Jr.:** Madam Speaker, in accordance with the provisions of Standing Order 25(1), I, the Third Elected Member for West Bay, seek leave in accordance with Standing Order 25(2), to move the following amendment to Private Member's Motion No. 7-2011/12, as follows:

To amend the resolve section as follows: To insert after the words "Commissioner of Police" in the penultimate line, and before the words "and not less than three Justices of the Peace," the words "the President of the Gun Club." The resolve section will now read as follows: "NOW BE IT THEREFORE RESOLVED THAT the Firearms Law and any other relevant or consequential legislation be amended by repealing the sole authority of the Commissioner of Police to issue firearms licenses and to provide instead for the establishment of a Firearms Authority to issue firearms licenses. Such authority to consist of the Commissioner of Police, the President of the Gun Club, and not less than three Justices of the Peace appointed by the Governor acting in his sole discretion."

**The Speaker:** Does the [amendment] have a second?

**Mr. Dwayne S. Seymour:** Yes, Madam Speaker. I would like to second this amendment.

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

**Hon. Cline A. Glidden, Jr.:** Madam Speaker, hopefully I will be able to explain the rationale behind the decision of my colleagues and myself to make what we see as a minor complementary amendment to this Motion.

As the mover of the original Motion has mentioned, there has been representation made to us, as well, as to the concerns and the difficulty with which individuals now have to get a licence. When we saw the Motion brought by the Leader of the Opposition, there was some concern as to this new Authority. While we recognise the importance of having the Justices of the Peace seen as the bridge between the laypeople as well as the administration, there was a concern as to whether there would actually be enough expertise on the committee to allow individual members of the Justices who would not necessarily have knowledge of firearms and the specialties involved. So we looked and struggled to find, Madam Speaker, what we thought could complement that to ensure that the average person making an application would have adequate representation on the committee as to the safety and security measures that would be reasonable to expect for members to actually be considered for a licence.

We figured that instead of leaving it strictly to maybe Justices of the Peace, who were not necessarily experienced in the use of firearms, that we should find someone who would be familiar with the experience and challenges associated with. So, Madam Speaker, when we considered that we looked at the Gun Club and the fact that, as it stands now (according to the police information), the majority of individuals that apply actually apply as members of the Gun Club. We figured that in the absence of a wide body of knowledge we could be assured that whoever was chosen as the President of the Gun Club would be able to provide a balance to the Firearms Authority and be able to provide experience and use their experience in the use of firearms to complement the decision-making authority within the Firearms Authority that is being proposed.

So, Madam Speaker, in general terms, we are hopeful that this Motion, with the inclusion of the individual that would be chosen to represent what is a growing number of individuals who use firearms for sport, and a growing number of individuals who actually make applications, that having him on there with the Commissioner of Police, along with three Justices of the Peace, would make for a stronger Authority. We think that in doing so, we will complement the intent of this Motion and give more confidence to the citizens

that have now been complaining to both sides—to the Government and to the Opposition—as to the stringent and difficult methods now employed with applications that are there. We are hopeful that, with this small amendment, the Opposition will accept it and we will be able to move forward with the Motion as amended.

Thank you, Madam Speaker.

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

Does any other Member wish to speak?

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

Madam Speaker, just two issues that we would like . . .

**The Speaker:** Are you going to wind up? I called for any other Member who wished to speak.

*[Inaudible interjections]*

**The Speaker:** But does anyone else not want to speak on the amendment? They have the right.

**Mr. V. Arden McLean:** But he has the right, too.

*[Inaudible interjections]*

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, we will get it right eventually. That is all right.

Madam Speaker, I just have two issues really (one, a question more than an issue). I believe we need to make sure that we have the support of the Gun Club. Maybe the Government has already spoken to them about participation on such an Authority, because I think that would be crucial.

The other issue I have, which I do not know I have the answer to . . . But as the Deputy Speaker has said (the Third Elected Member for West Bay), the majority of our applications which come before the Commissioner now for firearms licenses are from the Gun Club members. So, it may be something of an issue with the President actually being part of that decision-making Authority in that regard, although he would only be one member of what would now be at least a five-member authority.

So I suppose the bigger—I am trying to work out the answer to that as I am speaking—the number of persons who make up the Authority, the less influence that one would actually have on the actual decision making. I can see, certainly, the sense of having someone who does know about firearms and what constitutes safe use of them, and perhaps some idea

of who is a safe person to have a firearm and who is not.

So I can see all of that. But I just raise those two particular points because I think they are matters which would give us some pause and some concern. But, subject to all of that, Madam Speaker, we are happy to support the proposed amendment.

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

If not, I will call on the mover of the amendment to wind up his presentation.

**Hon. Cline A. Glidden, Jr.:** Madam Speaker, thank you. As I hoped for, I think we are in agreement with working it out.

As the Member said, we recognised as well the potential conflict that was there, and we felt it could be covered by the fact that he is not going to make the swing or make the difference that is there. But we felt that we would have someone that could also put forward the opposite side. We did not want to have all the influence on use being left to the Commissioner.

So, Madam Speaker, taking into account the questions that the Member asked, we can say that we have not actually spoken to the Gun Club. It was a suggestion, basically, because, as he mentioned, now the letters that are coming . . . Pretty much, as I understand it, if you are not a member of the Gun Club, you do not have really any chance of getting a licence except for farmers.

What we are saying is that people who were not necessarily members, those applications could be coming forward now. But we would have the benefit of the President of the Gun Club, who obviously has expressed and shown his level of responsibility for the members to put him in that position; him now having the ability to give advice based on experience and exposure that they have had for the use of firearms.

So, with that, Madam Speaker, we thank the Members for their support, and we look forward to the smooth passage of this amendment.

*[pause and inaudible interjections]*

**The Speaker:** Thank you.

The question is, that the resolve section of Motion No. 7-2011/12 be amended to read: "NOW BE IT THEREFORE RESOLVED THAT the Firearms Law and any other relevant or consequential legislation be amended by repealing the sole authority of the Commissioner of Police to issue firearms licenses and to provide instead for the establishment of a Firearms Authority to issue firearms licenses. Such authority to consist of the Commissioner of Police, the President of the Gun Club and not less than three Justices of

the Peace appointed by the Governor acting in his sole discretion.”

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

**Ayes.**

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

The resolve section has been amended.

**Agreed: Amendment to Private Member’s Motion No. 7-2011/12 passed.**

**Debate on Private Member’s Motion No. 7–2011/12, as amended**

**The Speaker:** I will now put the Motion, as amended, before the House for debate.

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

If not, I will call on the mover of the Motion to wind up the debate on the Motion, as amended.

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

This is one of those signal moments when I think we all need to pause and say, *There is hope. There is hope.*

I want, Madam Speaker, to thank all Members of the House for their support, spoken and unspoken, for this Motion. I do not *think*—I *know*—this is the first time anything like this has actually passed in this House since I have been here, although attempts have been made over the years, and one as recently as not-so-many months ago by the Member for North Side, to remove the absolute authority of the Commissioner of Police for the issuing of firearms licences.

So, Madam Speaker, I believe that this should send the required signal to His Excellency and the powers that be about how Members of the House who represent the people of these Islands feel about this particular issue. I am long enough in the tooth to understand that there is many a slip twixt cup and lip.

The fact that the Motion passes here today is by no means a guarantee that we will get the legislation. But at least we have sent the signal, and I hope the Government will press ahead with having a Bill drafted, and, if they meet with stumbling blocks along the way, that they will tell us what those are so we can decide how best, if at all, we can seek to address them.

Again, Madam Speaker, I thank all Members and look forward to a unanimous vote on this Motion.

**The Speaker:** The question is, “NOW BE IT THEREFORE RESOLVED THAT the Firearms Law and any other relevant or consequential legislation be amended by repealing the sole authority of the Com-

missioner of Police to issue firearms licenses and to provide instead for the establishment of a Firearms Authority to issue firearms licenses. Such authority to consist of the Commissioner of Police, the President of the Gun Club and not less than three Justices of the Peace appointed by the Governor acting in his sole discretion.”

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

**Ayes.**

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

The Motion is accordingly passed.

**Agreed: Private Member’s Motion No. 7–2011/12, as amended, passed.**

**The Speaker:** First Elected Member for George Town.

**Private Member’s Motion No. 8–2011/12—  
Protection and Defense by Security Guards**

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

Madam Speaker, I beg to move Private Member’s Motion No. 8–2011/12 entitled Protection and Defense by Security Guards. With your permission, I will read it at the same time, Madam Speaker. Thank you.

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

**AND WHEREAS many businesses, apartment complexes and even private homes employ security guards;**

**AND WHEREAS because of the constraints of the law as it relates to “prohibited weapons” and “offensive weapons” these security guards are unarmed in any respect;**

**NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the use by security guards of non-lethal means of protection such as bullet-proof vests, batons, handcuffs, Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), Mace and Tear Gas in the discharging of their duties.**

**AND BE IT FURTHER RESOLVED THAT the Firearms Law be amended to enable the issue of firearms licenses to persons employed as security guards, subject to the necessary checks regarding suitability for and competence in the use of firearms.**

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

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I beg to second the Motion.

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

First Elected Member for George Town.

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

Madam Speaker, it seems like we have turned the bend for the 200-metre race and everybody is on the same page. So, I do not think that I am going to make long debate of this Motion, but there are a few relevant points which I think need to be brought out. I will not go through the many examples I had of incidents which we believe warrant for this Motion to be seriously considered.

But, Madam Speaker, there is one specific situation, and I think yesterday the Serjeant gave you the document, which I said that I might be reading from. I asked him to copy it.

Madam Speaker, with regard to incidents which involved robberies and the untenable circumstances under which security guards find themselves, there is an article by one Mr. Brent Fuller from one of the tabloids. In the third paragraph of his article, it says that in July, closed-circuit TV cameras captured images of a security guard at the front of the Reflections Food-4-Less store in George Town running away as a masked suspect shot through the glass door and robbed the cash register.

So, when you look at a scene like that, Madam Speaker, that tells the tale. As the whereas sections in the Motion clearly indicate, presently, security guards who are deployed at various businesses—because they are literally totally unarmed—are just like you and I. The majority of the chores they perform are being cordial to customers and opening doors and closing doors and welcoming you in through the door and helping you back out, and perhaps giving you directions as to where to go when you inquire as to what to do.

You see, Madam Speaker, this Motion is not to downgrade what we have as security guards here in the Cayman Islands, because I am sure that the reputable firms, at least, go through proper training for these individuals. I am also sure that many of them are [equipped] with the required level of experience for them to do their jobs properly. But of course, Madam Speaker, it is very difficult for them to do certain parts of their job with any conviction because of the circumstances they face presently with regard to not being able to carry any type of weapon either of defence or offence.

Madam Speaker, the first resolve section of the Motion speaks to the Penal Code, the Firearms Law and any other relevant or consequential legislation, to be amended to permit the use by these security guards of the non-lethal means of protection, such

as the list that we have been talking about throughout these three motions. I am sure everybody has noticed by now that there is commonality in all three of the motions. I have even heard Members in their contribution to the other two motions refer to security guards. So, we have moved from the women and men who feel the need to have some type of protection on them, to security guards now who are hired to do certain security work at various establishments, and even private homes.

Madam Speaker, in discussions with some of the proprietors of the security companies, you get mixed reactions from some of them with regard to the second resolve section, Madam Speaker, which reads, “**AND BE IT FURTHER RESOLVED THAT the Firearms Law be amended to enable the issue of firearms licenses to persons employed as security guards, subject to the necessary checks regarding suitability for and competence in the use of firearms.**” Some of them would anxiously await the necessary amendments to be able to go through whatever the requirements are, that some of their security officers can be armed, depending on where their need [is] to be deployed. There are others who are hesitant because, I guess, it is new ground.

Madam Speaker, if I have to be brutally honest, because this is a business and it is a competitive business, there are some people who worry that if this was done and security firms—following proper procedures and understanding what the right criteria are and meeting those criteria—are able to be granted licences for specifically named security officers, that it could create a situation where competition is a bit unfair. Because some will have armed officers; some will not. Then there are others who are worried about what the price is going to be for those officers and who is going to underbid when they are quoting on the cost of providing these services.

Well, Madam Speaker, from our perspective, we cannot let that be the guiding light, because in all of this, and all three motions, our main concern is the safety of the public at large, not specifically geared towards any company or what their leanings are.

So, Madam Speaker, in a nutshell, this is asking for these firms that hire security officers to have the ability for a certain percentage of their officers who they are satisfied have the necessary skills set, the necessary training, experience, and the necessary frame of mind (all of those other things to be effective as an armed security guard), to have the ability, by way of whatever criteria are set and however the mechanism is set up, to become eligible.

Also, Madam Speaker, while that second resolve section would limit the number of people (just by the nature of it) as to who would qualify, once again, once there is proper training when it comes to the non-lethal weapons (there certainly are non-lethal weapons such as handcuffs and other defence weapons) which, if security guards have [them], many petty

instances that they [now] cannot do a single thing about, they would be able to take in hand and control.

So, Madam Speaker, that is the general desire this Motion [wishes to] achieve, once legislation is brought to bear.

I would like to think, I would like to hope, Madam Speaker, I would like to believe that when the Government is looking at these situations . . . I do not know whether they will vote for this Motion or not. I am hoping that they do because I am hoping that they see the sense in the whole situation, as we see it. But if it were to be that the Motion were passed along with the other two motions, when they are looking at the whole big picture, Madam Speaker, I am sure that they will be able to come up with the proper mechanisms which will allow this to work.

I just want to bring a point, Madam Speaker. The [Private Security Services Law 2007](#), in section 21(1)(2), page 9 of that law, Madam Speaker, if you will allow me to just read those two sections.

**The Speaker:** Yes.

**Mr. D. Kurt Tibbetts, First Elected Member for George Town:** Section 21(1) reads, “**Without limiting the generality of section 7(2), the conditions of a security guard’s licence may authorise the carriage by the security guard of such weapons (in this section referred to as ‘authorised weapons’) as may be specified by endorsement under section 7(2)(a) upon his licence.**”

Section 7(2) simply reads, “**An applicant for, or the holder of, a security business licence may submit uniforms for the Commissioner’s approval under this regulation – (b) in such manner as the Commissioner may think fit in a particular case.**”

Section 7(2)(a), Madam Speaker, reads, “**by submitting one or more colour photographs, satisfactory to the Commissioner, of each item of apparel, clearly showing its style and colour and any emblem featured on it; . . .**”

So, section 21(1) refers to the generality of that section, and then section 21(2), Madam Speaker, which is the important [part], reads, “**By order under his hand the Chief Secretary may, on such conditions as may be prescribed by the order, permit the importation, manufacture or sale of or other dealing with articles of a kind approved by him for use as authorised weapons by security guards.**”

So, Madam Speaker, while this Law gives the Chief Secretary (which would be now the Deputy Governor) the authority to actually specify what kind of weapons, it is a fact (as I have checked with the Honourable Deputy Governor) that since this Law was made, the Chief Secretary (now Deputy Governor) has never, ever even considered specifying any weapons. So while this gives the authority, it is obvious, Madam Speaker, that the Deputy Governor has no desire, or even the designate has no desire for the

authority to rest with him to specify the kinds of weapons that these security guards can carry. Hence, the Motion asking for the other laws to be amended to accommodate such a request as the Motion is calling for.

Madam Speaker, I do not think I have to go any further. I believe the Motion is almost self-explanatory, and I would hope that the Government could see it fit to support the proposals that are contained in [Private Member’s] Motion No. 8. Thank you.

**Hon. Alden M. McLaughlin, Jr., Leader of the Opposition:** Madam Speaker, I am not rising to speak. I am rising to say that I thought I had had the agreement of the House that we . . . because we have a 2.30 meeting, and we have to drive to the meeting. I have just spoken to the Governor’s office, and he said there is no postponing it; either we come, or we do not get an opportunity to speak with the Director.

So I would ask that we suspend proceedings at this point.

**The Speaker:** Are we suspending, or are we adjourning the House?

**Hon. Rolston M. Anglin, Minister of Education, Training and Employment:** No, Madam Speaker. The Government is in agreement to suspend. However, Madam Speaker, there are a lot of pressing matters that both sides have to deal with over the next few weeks. So, we are proposing to come back at 4.00 pm, suspend until 4.00 pm so that we can work then until 6.00 pm, Madam Speaker. We believe that we would be able to finish this Order Paper.

*[inaudible interjections]*

**The Speaker:** We will suspend the House until 4.00 pm. Please be back in the Chamber promptly so we can conclude this business today.

**Proceedings suspended at 2.25 pm**

**Proceedings resumed at 4.10 pm**

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

When we took the break, the First Elected Member for George Town had presented his Motion and the Floor was open for anyone else who would like to debate the issue.

Fourth Elected Member for West Bay.

**Private Member’s Motion No. 8–2011/12—  
Protection and Defense by Security Guards**

*[Continuation of debate thereon]*

### Proposed amendment

**Capt. A. Eugene Ebanks, Fourth Elected Member for West Bay:** Thank you, Madam Speaker.

Madam Speaker, while I support this Motion in principle, I cannot fully support this Motion without some amendment. As such, Madam Speaker, I give notice of amendment to Private Member's Motion No. 8–2011/12—Protection and Defense by Security Guards.

In accordance with the provisions of Standing Order 25(1), I, Captain Eugene Ebanks, the Fourth Elected Member for West Bay, seek leave in accordance with Standing Order 25(2) to move the following amendment to Private Member's Motion 8–2011/12, as follows:

To amend the first resolve section as follows: Insert after the words "Capsicum Spray" the word "and"; and after the word "Mace," delete the words "and Tear Gas"; and by deleting the second resolve section in its entirety.

The resolve section will now read, "NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the use by security guards of non-lethal means of protection such as bullet-proof vests, batons, handcuffs, Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), and Mace in the discharging of their duties."

That is moved by me, Madam Speaker.

**The Speaker:** Thank you.

Do I have a seconder for this Motion?

Third Elected Member from Bodden Town.

**Mr. Dwayne Seymour, Third Elected Member for Bodden Town:** Thank you, Madam Speaker. In the absence of the original seconder, the Honourable Cline Glidden, I beg to second this amendment.

**The Speaker:** The [amendment] is open for debate. Does the mover wish to speak thereon?

Fourth Elected Member from West Bay.

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

Madam Speaker, there is very little that can be said that has not been already thrashed over for the last three days on these three motions. Just to say, Madam Speaker, that while I agree that security guards need some method of defence, I also agree that security guards, without some means, are useless. We also agree with some of the measures listed in the Motion, Madam Speaker. But tear gas should not be included.

Madam Speaker, tear gas is used to control riots, demonstrations, prison outbreaks and such crowds, not to subdue an assailant.

In the second resolve, Madam Speaker, we cannot support lethal weapons being in the hands of people who are not responsible and properly trained and whom we know nothing about, as to their backgrounds. This section, Madam Speaker, should be entirely deleted. Even though the Motion speaks to training, there will always be those that fall through the cracks. We do not know the backgrounds of most of these security guards.

Madam Speaker, we cannot support that section. Thank you.

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

Member for East End.

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

Madam Speaker, I am not going to engage myself in too much controversy surrounding the amendment being sought for this substantive Motion. However, I believe it is necessary, Madam Speaker, that we understand from whence we came.

Madam Speaker, this is not a new thing in this country, wherein security officers, security guards are armed. Those here who are much younger than I am may not remember, but certainly the mover of this amendment would recall when we had security guards in this country, we used to call them "watchmen."

Madam Speaker, this substantive Motion merely calls, in the second resolve, for the Firearms Law to be amended to enable the issue of firearms licences to persons employed as security guards subject to the necessary checks regarding suitability for and competence in the use of firearms.

Now, Madam Speaker, those same watchmen that I can remember were very competent in the use of firearms. Those of us who remember will recall that those watchmen were all ex-police officers. They had gotten extensive training in the use of firearms. Particularly, their training was in Jamaica at the time when we were training our police officers in Jamaica. They all went through the competency tests and training for firearms.

Now, Madam Speaker, the Government will have its way, I am sure. And, because the Government is proposing to take out tear gas as well, in the absence of some other means of stopping a robber, particularly in a bank or the likes, there must be some means, in the absence of tear gas, of stopping that person.

Madam Speaker, I can support the Fourth Elected Member for West Bay, saying that maybe we do not know where many of these security officers come from. I am extremely reluctant to put firearms in people's hands that are not properly trained. I certainly support the view of the Fourth Elected Member for West Bay on that particular subject. They must be properly trained, or they must have had training prior

to becoming security guards. Madam Speaker, this is why we can rely on the Police Force to do the due diligence on security guards if we are going to arm them.

Going back to my remembrance of watchmen in this country, Madam Speaker, as I recall, my knowledge of them all being armed was when I was going to school, particularly at the prep school and high school right here in George Town (which is now John Gray). Those watchmen would ride their bicycles to work in the evening just when we were leaving school between three o'clock and four o'clock. Everyone had a holster strapped to their side. In that holster, I can recall seeing these long-barrelled—at the time it was .38 (calibre) revolvers. In some instances, .45 or .44 calibre revolvers, because there were not many automatic pistols in those days—very few.

Madam Speaker, I also recall at least one occasion when one of those watchmen discharged his firearm because he had been fired upon by at least two youths in this country. I will not call any names or anything of that nature, Madam Speaker. But certainly there was that provision in this country. But like I said, they were all trained police officers. There was not a situation where we were terrified or the country did not understand why these people were wearing a firearm on their side. I am sure many will recall that a lot of the establishments, the merchants, had people engaged at night to watch their premises, and they all wore a gun. They all had guns to watch those premises.

Nowadays, we have security officers who are merely providing another set of eyes to see what colour the masks on the perpetrators were. That is basically what they are doing, because they cannot stop anyone. The only thing they can do is to run and dodge for cover, like the news report that the First Elected Member for George Town spoke of.

Madam Speaker, I really do not see anything wrong with it. Wherever we go in this world, we see it. It makes us have a sense of a good feel of security for ourselves, really, especially when we walk into one of these banks, that there is someone there who can at least help to protect us if we are in there during a particular time when someone may want to rob an establishment.

Madam Speaker, it is statistically proven . . . in this country, too. Now, we may not necessarily have the numbers to prove it. But I believe that when those watchmen had guns it served as a deterrent to crime. I really believe that. Like I said, I can only recall one time that I heard of a watchman discharging his firearm. I can only recall one time. There may be other instances; I do not know. But statistically, it is proven, even in the United States, that many people or perpetrators are scared off because they know that someone is armed.

Madam Speaker, in 1982 a survey of male felons in 11 state prisons across the United States of

America said 34 per cent had been scared off, shot at, wounded, or captured by an armed victim; 40 per cent had decided not to commit a crime because they knew or believed that the victim was carrying a gun. Now, I am not saying, Madam Speaker, that these are the statistics that we should rely upon in making our decisions. The jury may still be out on whether or not it serves as a deterrent. But certainly, from a common sense perspective we can see that right here in Cayman we did not have a proliferation of firearms discharged by the watchmen. It may be that those were the days that we did not have that much crime, too. So the jury can still be out on that.

But, Madam Speaker, I believe that in this day and age, we have reached a point in this country where we need to do something. If we are in a situation where we see the continuation and the increase in robberies—unfortunately, armed robberies—we need to try something. It may not be the end-all for what we want to do. But we need to try something. If it is not working, and if statistically it is proven that maybe more crimes are being committed as a result of that, then certainly that is what Parliament is for, to change it. That is precisely why we are here. We can only legislate based on the knowledge we have for the current time. If and when that changes, then we legislate and change whatever to suit that particular time as well.

Right now, security officers are not allowed to be armed, nor are they allowed to have any means of personal protection or protection for their clients, or their clients' customers, either. So, if we do something now and it does not work, then we will just have to change it. But certainly, Madam Speaker, there is nothing wrong with ensuring that people have the required competence to use a firearm in the right circumstances without jeopardising other people's lives and used for the right reasons. There is nothing wrong with our scrutinising people.

Madam Speaker, I see some of the security officers in this country that I would not even give a tamarind switch to, because they would probably get it taken away from them and get beaten with it. But there must be some, somewhere, who are capable of understanding this. We have our police force; they are capable. There are many people now who have left the police force who, if it is—

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

**The Speaker:** Member for East End, I need to interrupt you. We need a motion to continue after the hour of 4.30.

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

**The Premier, Hon. W. McKeeva Bush:** Madam Speaker, we propose to complete the business on the Order Paper, and therefore we seek a suspension of

Standing Order 10 (2) that allows for business to go on after 4.30.

**The Speaker:** The question is, Is Standing Order 10(2) to be suspended to allow the continuation of business after 4.30?

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

**Ayes.**

**The Speaker:** The Ayes have it. Standing Order 10(2) is accordingly suspended. We will continue the business of the House.

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

**The Speaker:** Member from East End, please continue your debate.

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

Madam Speaker, what I was saying when the break [took place], is that there are many former police officers who, I am sure, would take up the challenge of engaging employment in one of these services in this country. Certainly it would have to be worth their while. But certainly, if they are capable of wearing a firearm and show that they have the right training and they are competent in the use of firearms, certainly it will not be what you pay someone that cannot hold a tamarind switch.

The other thing we need to be careful with is, we can find someone competent in another country, and they come in here, and we find out that they really have abused that privilege elsewhere. So, we need to be careful with that as well. But I believe that due diligence will weed those people out.

So, Madam Speaker, I hear the Fourth Elected Member for West Bay asking to remove the tear gas. I do not think this side has too much problem with the removal of the tear gas. But certainly there must be people in this country who are capable of utilising firearms as security guards, security officers. I think it would serve us well to complement the police force in that regard, and maybe it will assist us with people being afraid, knowing that someone is in that establishment who is capable of using a handgun freely. Because, Madam Speaker, certainly no robbers are going to a house where they know a dog is inside the house or where they know that there is a possibility of getting shot.

We had an incident recently in this country, about a year ago I believe, where someone was trying to enter a home and was fatally shot. I do not think that house is going to get robbed again at any time soon. So, I am not saying it is the end and all, Madam Speaker. I know, Madam Speaker, we cannot legislate morality. But sometimes when people see something, or most perpetrators of these robberies will shy

away from where they know . . . What is it that the old people say? They will say, *Cow know where weak fence is*. Certainly, I believe that it will serve as some means of deterrent. We do not see often where security officers have to use their weapons. Even if it is concealed, maybe, but if they know that security officers can, there is a possibility that there is a firearm on that site . . . We do not know where they will be. But if we send the message that they can have a weapon, even if it is concealed, they would not know which establishment, which security officers, have a concealed weapon. It may act as a deterrent.

Madam Speaker, there are different ways of skinning a cat. That may be one of those ways to legislate that it has to be concealed, to get across what we all would like to say, that we do not want to see a proliferation of guns under security forces in this country because it will scare away tourists. So it may be that we need to say that it needs to be concealed.

So, Madam Speaker, that is my short contribution to this amending Motion. Thank you.

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

Third Elected Member for Bodden Town.

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

Definitely, the Government, again with this Private Member's Motion, supports the intent of the First Elected Member for George Town in bringing this. I am so thankful that he did so.

In saying this, we must remember that the objective of a security officer is to detect, deter, observe and report. This is a security guard's main objective. We must remember that.

In my view, with the recent approval of the millions of dollars just given to the police to boost up their police force and to acquire additional equipment to assist them in deterring crime on this precious Island, if we now turn around and give the security officers guns to protect the areas that we have already given additional funds to the police for that would, in my opinion, be unwise at this time, as we would probably never see the full potential of the monies that we just voted—millions of dollars—to the police force.

Yes, at times it may seem like security guards are sitting ducks with just a cell phone. I, too, resent that, and think that this Motion was very necessary to ensure that the main objectives of a security officer are being met in terms of deterring crime with the means of having batons, bullet-proof vests, pepper spray, mace, et cetera, and other non-lethal means of protection.

When you sit down and speak to the Police Commissioner, as we did recently in the presence of the Governor, we were told that some may never want to handle a firearm. I can remember some comments that were made in there at the time, as I am careful . . . Madam Speaker, I think we need to mature a little

more in terms of security guards. We do not even have a security companies association. We cannot even mature to that level.

There were some attempts made in 2003–2004. They had an accreditation committee that was put together by the police and security companies. We had worked for many months trying to come up with a plan to try to merge the security companies and the police force to work in concert. However, Hurricane Ivan came, and the plans dwindled away. But some of the plans that they had at the time were that the police would have offered training to companies' security guards entering the security field. Right now, all companies are responsible for their own training.

So we went far away from what we were trying to achieve back in 2003 in terms of getting that extra 700 pairs of eyes to be in support of the police. I can tell you that the relationship is not the best relationship in the world [with] security companies and police officers. I think that that is something that needs to be worked on before we even consider putting firearms in the hands of security officers.

Madam Speaker, I agree with the Member for East End. We need to show a strong signal and we need security officers to be able to be there as a deterrent. I am wondering what will happen and who the additional stress will go on in terms of security officers now having the extra burden of carrying firearms. I am sure they are going to demand that they want a raise in salary for this extra burden, extra training. As we all know it, security service is on the tail end. It is in the bottom of the chain. That is the first thing that gets cut when any company is doing an assessment in their survivability.

These are some of the things that we need to be cognisant of. They are, in my opinion, some of the areas we need to move into. There are different types of security services. There are in-house security [officers] employed either by the same company or organisation they work for, such as malls, theme parks or casinos and they are licensed.

So, Madam Speaker, I stand here as a second order of this amendment and definitely support the intent of this Private Member's Motion. But at this time, I do not think there is enough maturity in the security services in this country, and we are just trying to bring our police force up to the same nature and strength with being armed. I think it is a direction that we may need to get to, and hopefully not (I pray not), but that is a direction we may need to go to in the future. I think we first need to ensure that our police force is competent in terms of responding and armed in this country before we allow our security officers to be armed.

Madam Speaker, out of abundance of caution, before I sit I wish to declare that I own a security company. But whether or not that was the case, as an MLA I feel that I have the duty to ensure the public's

protection by offering my contribution to this important matter.

Thank you.

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

Minister of Education.

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

Madam Speaker, I agree with the First Elected Member for George Town when he became alarmed and I rose to my feet in regard to getting home. Because, [putting] guns in the wrong hands would cause me real concern about many of our innocent citizens getting home.

Madam Speaker, this entire House has been briefed many times over the years by various Police Commissioners. So none of us can truthfully say that we do not know that at present the officers who make up the Royal Cayman Islands Police [Service] in its entirety, contain in it a number—from what I can understand, substantial—who would never pass any form of assessment and training regime in the use of firearms. That is no criticism of the organisation because, unlike police services that are fully armed, the use of firearms and the competence in the use is not a requirement for hire.

So, when one goes to apply for a job with a police service, where competent firearms usage is a requirement, your training and assessment before being hired is very different than the type of organisation that the Royal Cayman Islands Police Service presently is.

As it relates to private security firms, I support the amendment because I fundamentally disagree with the position put forward by the Elected Member for East End that people somehow generally feel safer when there are persons in security services who are armed. I for one, when I travel, use as a marker of safety the number of persons I see, in particular non-police officers, who are armed. Because it tells me very quickly what that community, that country has its level of threat to the general public rated as.

So I know, for example, when I travel on CPA (Commonwealth Parliamentary Association) business, and I go to other countries and see security officers, security guards outside banks, gas stations, with not just a sidearm but with heavy artillery, that does not give me any sense of security, Madam Speaker. That tells me that I ought to be more than careful because I am in a community that has acknowledged that there is real threat to personal safety, generally.

So, when I see it, I often keep my eyes wide open and hope that the vehicle that I am travelling in gets through that area most quickly. I pray for the red lights to turn green very quickly.

So, let us make sure that when we are going to talk in this Legislative Assembly about the underpinning reason for which we as an Assembly ought to make decisions, and in this instance, signal the will of the House on a very, very important matter, very important matter, that we line up all of our facts properly.

Madam Speaker, the whole issue of arming anyone who is in any form of personal security has to be one that any community takes very seriously. I heard the Member from East End say that he has seen security guards that he would not give a tamarind switch to. I have seen people in many armed services, in uniformed services, in this country that the same can be said of.

So, Madam Speaker, this amendment, I believe, is a step in the right direction. It starts an important dialogue. I agree with all Members who have said that we should not simply have security officers, security guards at places of business who are, for all intents and purposes, sitting ducks. I agree with that. But I also have to say that when it comes to this whole issue of who should be armed with a firearm, this country needs to be most careful. In any regime that is going to licence anyone, including police officers, we want to ensure that training and the contact hours on the range are first-rate. We want to ensure that the practical training as it relates to the use of the firearm—from a legal standpoint, from the use of the firearm, the legal use, what a firearm can do to a person you shoot, going right down the line—is thorough and robust.

Incorporated in that, Madam Speaker, should always be, in my humble view, a temperamental and psychological evaluation which ensures that the person to which you are going to entrust that most awesome responsibility—the ability to carry a firearm in a public place—must be a person who can survive that sort of evaluation. We cannot put our citizens at any more risk than they are today.

It would seem to be one-plus-one-equals-two to say, *Well, if you have more people out there with firearms than you have criminals with firearms, the community must be safer.* What is missing from the equation is: On whose hip is that firearm placed? That is what determines the measure, the level of true safety for the community.

I agree with the Member from East End when he inferred, by the tamarind switch analogy, that there probably are a significant number of people who are already in this business that probably would never pass any form of first-rate evaluation process. Mention has been made, Madam Speaker, of a person's prior experience and history. That is, if you have officers who come to Cayman who have been licensed in other communities, then perhaps that may be a good thing.

In my humble submission, the one thing that we as a community cannot rely upon, under any circumstance whatsoever, is what someone else has

passed in another jurisdiction as it relates to being able to be armed in a public place. We have to ensure that anyone—this includes Royal Cayman Island Police Service—anyone who is given that most awesome responsibility is properly trained by our own standards, within Cayman, so that we can be assured that they truly are competent to be able to carry that firearm, and truly contribute positively to public safety.

Madam Speaker, I believe that perhaps one of the things that the Members of this House ought to think about very carefully, would be the whole issue surrounding security at certain high-risk business enterprises, and exactly what regime might be tenable for those. Banks have been mentioned and mentioned because we have had a number of armed robberies as it relates to banking establishments. They are seen as that sort of prized target to would-be criminals who would naturally believe they could get more money, a bigger take, if they can successfully carry off a robbery of a bank.

But, Madam Speaker, as it relates to general business premises, many of which do not attract the sorts of risks that banks, gas stations, entities that have potentially high volumes of cash turnover, then I believe that is a completely different argument altogether. Many condominium complexes, many general strip malls, shopping centres, as we call them in Cayman, do not attract or have the same level of security risk as do institutions like banks.

Madam Speaker, I am happy that the Members of the Opposition who have spoken have indicated that they are in agreement with the whole issue of removing tear gas (I think it is) from the Motion. That, too, would be something that would cause much alarm, as the Members on the Government side who have spoken thus far [have said]. Can you imagine security guards throwing the canister of tear gas in the middle of the crowded bank with a few customers in there, employees—

*[Inaudible interjection]*

**Hon. Rolston M. Anglin:** —and a fair amount of money? So I am happy . . .

*[Inaudible interjection]*

**Hon. Rolston M. Anglin:** There are all sorts. They all have . . .

*[Inaudible interjections]*

**Hon. Rolston M. Anglin:** So, Madam Speaker . . . Madam Speaker—

**The Speaker:** The Minister of Education is speaking. Please give him an opportunity to express his opinions.

**Hon. Rolston M. Anglin:** Madam Speaker, the Member from East End is quite right, and I was going to get to that. That is the one extreme of tear gas. But even when you get to some of the other forms, I do—

*[Inaudible interjection]*

**Hon. Rolston M. Anglin:** *[Replying to inaudible interjection]* Okay. All right.

The First Elected Member for George Town is, I believe, being very reasonable today, Madam Speaker. So, in the interest of time and harmony in the House, I will happily move away because they say they are completely in agreement with the removal. I was not sure, you see, after the Member from East End spoke, whether they were really still fully in agreement, because he . . . So that is good.

Madam Speaker, a couple of Members have already spoken to the economics of the security business in this country. When I became knowledgeable of the amounts that security guards make for private contracts, and also more recently became knowledgeable of some of the rates paid by even Government entities to security companies, the fundamentals of that economic equation just do not add up to getting anything resembling, in my opinion, the cadre of security guard that some of us in this community believe we need. I do not know how many persons who can reach that level of qualification and expertise and ability are going to work for that amount of money and have that level of competence.

But that is a side point. That is not something that we can legislate, and certainly it is not something that should stop us from doing what we feel is right, because doing what we feel is right could cause some of those shifts that we all believe could be very useful.

Madam Speaker, I am still not 100 per cent sure where all the Members of the House stand on this point. But I do believe that we do need to take a big step back and try to secure a path that allows a number of things to happen as we as legislators try to navigate some very stormy waters. The pressure is on us to do something, to be seen to do something, especially when we have had this unprecedented spree of armed robberies; it is tremendous. Right? The Government feels it. The Opposition feels it. Two-and-a-half years ago they were the Government. I know they felt it then.

So, it is a real pressure cooker for us, as it relates to the voices of the people and this whole issue of crime and what we are going to do. But I would join voices with the Third Member from Bodden Town and say, let us give the new regime that we agreed upon with RCIPS to take root. Let us agree on the moves that we have agreed in these three Private Members' Motions to take effect. Then, Madam Speaker, if as a legislature we feel we need to do more—and by that “more” I mean in terms of a much

greater public access to firearms for persons—then we cross that step and we take that step then.

I know there will be those out there who are going to shout from the rooftops and say, *Come on, legislators! If you all do not see this crisis as the time to do it, then you must be blind!* All I know is that when we act and make what are some very serious moves, when things go wrong—just one—then we will see how quickly those same ones that were shouting from the rooftops at the top of their voices will be the first ones out in front of this Legislative Assembly saying, *What are we doing and why did we do it?*

I said this on Monday when we debated the first of these three Private Members' Motions. I said openly then, I said, Look. The Government has said, through its own actions, that we agree in principle with these steps. Otherwise, we would have voted against the motions. We saw some that we thought needed some augmentation, and we have offered these amendments. Therefore, we believe in the spirit, the principle of what we are doing. Let us just face it: The principle of what we are saying is that persons in the community and security guards ought to have access to a greater level of personal security—and for security guards, it is obviously a job for them—and personal property protection than they currently have. So we are all in agreement on that.

In the last Motion, we have also said that the regime for licensing firearms is one that we believe is something that is in keeping with what our community wants at this stage and time, and so we have agreed on that. So I think we have made good progress in these last two days of sitting in the Legislative Assembly.

*[Inaudible interjection]*

**Hon. Rolston M. Anglin:** *[Replying to inaudible interjection]* Tell him. Tell him. He has not learned that yet.

So, Madam Speaker, let me just say that the Government is hoping that we can agree on the amendment as a first step. I certainly commit to moving these issues forward as quickly as we can. My colleagues, from everything that they have said, are equally committed to moving these forward so that we can actually, as we know, bring amending legislation back to this House as quickly as possible, to give effect to what the wishes and the desires of the House are as articulated in these three Motions.

One of the things that we have already spoken about internally is the fact that, certainly as a Cabinet, now that these Motions have . . . (let me not anticipate this vote, but certainly the two that have passed already), we are certainly, at the next opportunity in Cabinet, going to ensure that we properly brief His Excellency the Governor on what the wishes of the House are. Maybe he will get the *Hansard*, and he can do whatever he needs to do to satisfy himself. But we would certainly brief him. The Premier will brief

him in Cabinet to ensure that he is completely aware of the wishes of the House, and that the Government, therefore the Elected Members of Cabinet, are in support, because we voted for these Motions, and ensure that we can move this forward as quickly as humanly possible.

But we have to flag up, Madam Speaker, that fact that, ultimately, whatever regime we put in place is going to have to withstand the scrutiny of His Excellency the Governor. I hope none of this gets to the point where he has to go to the Foreign Office. I hope it does not get to that. But with the way I see things going these days, only God knows. So, the Members of the House can be rest assured of this: Your colleagues in this Assembly, the Elected Members of the Cabinet, are certainly going to carry the message with vigour, carry the message with might, and do everything that we can that is humanly possible to ensure that we give effect to everything.

*[Inaudible interjections and laughter]*

**Hon. Rolston M. Anglin:** Madam Speaker, I would like to thank all who have spoken on these Motions over these last two days, because I personally do believe that they are very, very important to the country.

One thing I can say is that there are some things which are outside the scope of at least one of these Motions that the Government has already internally discussed in terms of an additional point that we believe would be very, very beneficial. I have said to my colleagues that I believe, in regard to the principles outlined in the Motion on personal use for self-defence, that we ought to set up a very small working group very quickly with very simple terms of reference, have a very concrete proposal about what that licensing regime would look like, carry out whatever work needs to be carried out in terms of how we would get import sorted out, who will be authorised to sell—just get very important things done.

We have said that we will be inviting the Opposition to be a part of that, and we hope that that is taken up by the Opposition so that this can be a truly apolitical issue so that when what I believe at least should be a very short paper comes to Cabinet, it can give us a very clear, simple way forward. Because I do not think that there need to be any complexities in that and we can get that done as quickly as possible.

So, Madam Speaker, with those few words, I offer my support to the amendment.

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

The Minister of Health.

**Hon. Mark Scotland:** Madam Speaker, very briefly, because I know the First Elected Member for George Town is eager to go home. But I would not want to

miss the opportunity to speak when it comes to the issue of firearms because I know it has become a very passionate issue over the last few months, particularly in light of the spate of violent crime that we have had.

I know that the Member for East End spoke about the security guards or the watchmen, as they were called in those days, who carried guns. I am not as young as he thinks I am, because I do remember one or two of those men from George Town in some establishments, seeing them with the guns. Yes, that did act as a deterrent in those days. But I think, Madam Speaker, that was because (and he intimated as well), maybe fewer persons were inclined to commit crimes, and overall a smaller population as well.

Madam Speaker, I am strong in my position about firearms in that I do not believe that the solution to reducing crime or reducing the number of firearms that the criminals have is to give more people firearms, even including the police. I believe that when we look at who should get a firearm in this country, my colleague, the Minister of Education, spoke about the police force and the requirements to be a police [officer], that is not even one of those requirements because we do not follow the US model of policing in which all police are armed. So even our police force only arms certain numbers of the police force.

One of the motions that just passed was the one to create a Firearms Authority, which is to look at how we can give licenses for firearms to civilians. We know there have been issues over the years of there being a process where only the Commissioner has that authority. Now, this Firearms Authority would make a much more transparent process by creating an Authority, which would be a committee of a number of persons. Obviously, it would be a much more transparent process. But I am not sure whether even that process, having a Commissioner and the President of the Gun Club, as we suggested, is going to lead to more persons having firearms. It will hopefully lead to a more transparent process so that, if a person does not get a firearm licence they will at least feel that the process was much more transparent than just one person telling them no.

But the issue of this Motion which asks to arm security guards, like my colleagues have spoken to, troubles me because of the current composition of the security guard industry in the Cayman Islands. I would venture to guess that well over 90 per cent, if not more, of those persons are non-Caymanian and here on short work permits. While they are subject to some background check we cannot very well vouch that that is spotless or that it is beyond reproach. To bring a motion that says we should enable the issue of firearms licences to persons employed as security guards now, certainly would trouble me, Madam Speaker, in that we are not entirely clear about their background, their criminal history or anything about employment verification, and most importantly, their training. If our police officers nowadays are not even trained in fire-

arms training, I would not be confident in giving a fire-arms licence to a security guard, or many of the security guards we have.

The Member for East End spoke about police officers. Yes, that would be an option, if a police officer off duty were to be a security guard, or maybe a past police officer. But obviously (and my colleagues spoke about it as well) that is going to change the face of the security business in the Cayman Islands. My colleague, the Third Elected Member for Bodden Town, spoke specifically to that. It is going to increase the cost.

In doing a little bit of research on the instances in the US, Madam Speaker, it talks about the cost of a typical security guard being anywhere from \$20 to \$30 an hour, and an armed security guard being up to \$50 an hour. So if you just use that comparison, you can see that the cost of security business, security guards to watch your businesses, is going to at least double or triple in that cost, and now it would have to be passed on to consumers as well.

Madam Speaker, my colleague spoke to this as well. In response to the serious crime, we just had a motion which was voted on unanimously here, to give the police more resources. In Cabinet, we passed the paper which gave them the resources. They have already started to recruit additional officers and resource additional equipment and so on. Madam Speaker, this is where I think we have to put our focus to address this serious spate of crime, because these Motions would look to giving everybody tear gas and mace and pepper spray, arming security guards. We would be becoming like the Wild West, Madam Speaker, everyone shooting at one another and spraying mace in our eyes instead of the police doing their job.

Madam Speaker, that is what we should be focusing on. It is the police's job to catch these criminals and put them away. We should not forget that, and we have to hold them responsible for that. We have now given them resources. Let us give them the opportunity to address the crime that way instead of saying that we need to arm more civilians.

Madam Speaker, there is an old saying that when you build a bigger mousetrap, Mother Nature builds a bigger mouse. If we arm every security guard, that means that the criminals are going to come for them, are going to come with bigger arms and more arms in more sophisticated ways of getting into the banks or the business establishments to create the crime.

I think the approach is a combination of more vigilance, more surveillance. Yes, giving them some more protection, which we as a Government support in terms of the pepper spray and the bullet-proof vests and the batons, and giving residents and civilians more protection for themselves. But the focus has to be on the police carrying out their job in a more effective

way and preventing crime, catching the criminals and putting them away.

So, Madam Speaker, with those brief comments, I just want to say again I support the amendment to the Motion, as all of us on this side agree with the principle that, yes, we need to give the security guards more protection and defence, but certainly not to the extent of allowing them to carry firearms at this point in time. So with those brief words, Madam Speaker, I will take my seat.

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

Mr. Premier.

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, no two ways about it, that over the last couple of years, probably since 2004/05, we have had things to worry about in regard to personal safety and protection. We have seen different levels of crime in our Islands. All of us have been concerned in various ways about protection of ourselves, family and property. Even more sometimes, Madam Speaker, we feel that we are spinning wheels going nowhere. Sometimes we get frustrated because as legislators we can only do so much, yet we bear the brunt of the blame in the community.

Sometimes, I have to stop and think that our country gets to a point where people want all sorts of things done, but they do not want to give legislators certain powers to do it. They do not want to give their Elected Members certain powers to do it. They want, as I said, sometimes all sorts of things. They will come to you, and as soon as trouble starts it is the fault of the legislators.

Well, in the last couple of days we have seen some worthwhile discussions, moves by both sides of the House, to put some of these things into perspective. Bearing in mind—and we must all bear this in mind—that we as a legislature can only make recommendations to His Excellency the Governor, who is ultimately responsible for most of these issues, if not all of them when it comes to security in this country, particularly in the matters of some of the various efforts I have seen in resolve sections of a motion.

When this one came, it gave me some concern. I am not a person, Madam Speaker, who likes guns. I know there are instances that they can be of value. But I have never encouraged them anywhere around me. At certain times since being a legislator, I have had to have personal protection because of threats. So that worries me.

Over my 28 years in this House—or seven terms, in any event, Madam Speaker—I never felt the day [would come] that I should not have been able to walk anywhere in this country without having somebody tag along with me. If I want to go anywhere, I should be able to pick up and do as I please. Sometimes now, with all that you hear and all the threats

you get at times, you know times have changed, unfortunately for us. So, while I have security guards, Madam Speaker, I would be concerned about them having firearms. I know that the Motion talked about competence. I think the amendment from this side makes sense.

When I saw this, I could not . . . Every time I think about guns, I remember what happened in West Bay between [the years of] 1972 and 1976. I saw something that I cannot forget on the Town Hall Field, full of children after school. It was the only field in the district, the only place to play. There was a watchman put on the field with a gun, a .12 gauge. One of the "big guns," I call it. A young child virtually got her head blown off by the man. The man has passed away now. That was a matter that went to court. I can never forget because I was a very young little boy. I will never forget that funeral and will never forget the grief when grandparents and parents and family, and even the outright sorrow on the face of the man that the gun belonged to, the guard. These are things that I live with constantly when we start to talk about carrying guns in this country.

Unfortunately, there are guns in the country in the hands of people that do not care about life, it seems like. It is tit-for-tat, or it could be a tit-for-tat, and some people are advocating that; "an eye for an eye". We have to be careful, Madam Speaker, in terms of these sorts of occasions, this sort of environment that we have for the time being. It comes and goes. There is rise in crime, and there are lulls, and it goes on. Nothing happens for years, and then something happens and everybody is clamouring for you to do something. When things are happening to people, of course that is a time they are going to want something done.

But we have to be careful as legislators that we do not just jump up and do something because something is happening in the country, because what we do is, as we all know . . . I do not think I am saying anything here that people do not already know. You do something good, and then it has a negative impact on something else.

I think the points made by the Minister of Health hit the nail on the head, in that all of us got together and we said, *Look. We have to take a position. Let the Governor know, let the Commissioner know where we stand, and we want something else done besides what is being done.* Well, a number of things have been agreed. A number of things are being done. A number of changes have been made and are going to be made. A review is going to be made of the police force. All of these have happened since I moved that motion, and the Government and everybody else got together, and we agreed.

Now I think we need to encourage the police, as the Minister of Health says. They have the wherewithal now to do what we have been asking. So, we wait to see. We encourage them, and we support

them and, hopefully, a change in attitude in this country will take place. The churches got more proactive, more active, going into the areas that this is happening. I believe that prayer is powerful. Of course, prayers without works, the Bible tells you, do not mean much. But I am a believer in prayer, and the churches have become more active. I think that one and all understand that there has to be a different attitude in the country.

So, Madam Speaker, while, as I said, we have proposed a number of good initiatives and good things here, hopefully the powers that be will accept. I think it is going a long way to encourage people, to give people some assurance that, as legislators, we take their protection, their defence, their security seriously and we are doing our part as legislators in this fight against any kind of rising crime. I am concerned about the security guards, as I said, and I would hope that we will all accept the amendments to this Motion.

But I think we should all take some gratification that we all are thinking in more or less the same direction on these matters. When I say "take some gratification," [I mean] that we are not being delinquent in our duty as Elected Members of this House. When we see something, we will take steps to do it.

I heard the Member for North Side taking some comfort in that we are accepting a motion now, and did not accept it when he moved it some time ago. But it was not the same thing. Sometimes, Madam Speaker, it takes things to happen for people to have a realisation. The purpose that the Member from North Side might have been moving it on about farmers and so on is a different position than when life is threatened.

As I said, we can all take some gratification that Members across the aisle and the Government benches see the necessity for certain changes. I hope that we can convince His Excellency the Governor that these things are needed.

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

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 am going to call on the Fourth Elected Member for West Bay to conclude the debate.

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

Madam Speaker, I too, like the Member for East End, remember the days of the watchmen. I can remember a couple of their names, Mr. Jim, Mr. Stacey [PHONETIC], and a couple of others. But, Madam Speaker, those were all well-known well-respected men of the community. Today 98 per cent, maybe 99 per cent of the security guards are non-Caymanian. Maybe they are trained in firearms; maybe they are not. But we know nothing about their background,

Madam Speaker. In my opinion, before we can put firearms in the hands of people, we have to know something about their background.

*[Inaudible interjection]*

**Capt. A. Eugene Ebanks:** *[Replying to inaudible interjection]* Exactly!

I, too, like the Honourable Premier, the First Elected Member for West Bay, remember the incident he referred to. Yes, it was a sad day; sad day for the whole Island, but especially West Bay. Very unfortunate. I remember it quite vividly. I think that incident was one of the turning points in security guards being armed in the Cayman Islands, because I remember after that it was near impossible. If you were not already a security guard and using a weapon or had access to a weapon, you could not get it.

However, Madam Speaker, there are so many unanswered questions. Who will be accountable for these weapons when the security guards are off duty? Who will have access to these weapons when the security guards are not using them? Madam Speaker, without more answers or some answers to these questions, I stand by my amendment that we would be better off without that second resolve section in this Motion.

Thank you, Madam Speaker.

**The Speaker:** The question is, “NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the use by security guards of non-lethal means of protection such as bullet-proof vests, batons, handcuffs, Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), and Mace in the discharging of their duties.”

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

**Ayes.**

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

The resolve section of the Motion is accordingly amended.

**Agreed: Amendment to Private Member’s Motion No. 8–2011/12, passed.**

**The Speaker:** Now I am going to present the Motion as amended for debate.

The amended Motion is on the Floor for debate. Does any Member wish to speak? [pause] Does any Member wish to speak? [pause] Does any Member wish to speak? [pause]

If not, I am going to call on the mover of the Motion to wind up his debate.

## Debate on Private Member’s Motion No. 8–2011/12 as amended

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

Madam Speaker, there is an old saying, *Half a loaf is better than none*. In saying that, Madam Speaker—and I mean this sincerely—I am doing my best to appreciate all of the contributions, both from this side and from the Government side. I am trying to listen to the points that were made. I just think that there are a few issues that I wish to address to ensure . . . The Motion has already been amended, but I want Members to understand very clearly what the original Motion meant, because they have voted to delete the second resolve section.

Madam Speaker, when that original second resolve section said “subject to the necessary checks regarding suitability for and competence in”, I do not know how, having read that, anyone could come to the conclusion that the Motion was simply asking for security guards to be armed. But, Madam Speaker, I do not want to get . . . Well, thank God there will not be any more debate on this one. But, Madam Speaker, it was for the exact reason that others have spoken about the difficulties that might ensue, why the Motion in that resolve section had that language.

The Minister for Education brought up the point—and I mentioned it in presenting the Motion, in general terms—that perhaps there are certain sectors which would probably be the most suitable situations where you would require an armed guard. He spoke about banks, and he spoke about gas stations. Those are the kinds of things that we are talking about in the original Motion. But what we did not want to do was specify specific types of businesses and make any suggestion that you want to leave one kind out or the other kind out. So, let us make it clear that all of the things that are being said, we understand. We certainly did not expect to be arming a multitude of security guards—absolutely not.

Now, the Government has taken its position. I do not think that at this point in time it is something that we should continue to do battle over. But, Madam Speaker, I want to reiterate the point. The time is at hand when these considerations have to be made.

I respect the point about the police. But, Madam Speaker, we have to immediately understand and appreciate that the police respond to an incident; the security guards are there when it is happening. We are talking about two different situations. So, the point about giving the police a chance to perform their operational duties in a more efficient manner because of resources that they might need or whatever else, nobody is denying the hope for that. But what we were speaking about was a different situation—“different situation,” meaning one circumstance is during an incident, and the other circumstance is in response to an incident. So, I do not know about anybody else, but

I cannot buy that one. I know they had to find something to say, but I cannot buy that one.

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Madam Speaker, not to prolong this . . . there are some other points that were made which I could talk to, but I perhaps do not see the necessity now.

*[inaudible interjection]*

**Hon. D. Kurt Tibbetts:** Let me try . . .  
*[Replying to inaudible interjection]* I'm not like *unna!*

*[laughter]*

**Hon. D. Kurt Tibbetts:** Let me try to sum up, Madam Speaker, although this is the third of like motions that have been brought, and we have been talking about all three of them in recent times. Just like I said, a half a loaf is better than none, I want to half-thank the Government—

*[laughter]*

**Mr. D. Kurt Tibbetts:** —for half-accommodating us. I say that in jest, Madam Speaker.

But very seriously, I am happy to know that these important issues are issues which we can discuss, and I grant that not everybody will enjoy the same view. Whatever is the view of the majority is what is going to carry in the House; I understand and accept that.

But I still like to be convinced that that majority view is with a perspective that is worth changing my view, and not with every one of them have I changed my view. But nevertheless, Madam Speaker, that is how life is and always will be, because people will have varying views about certain situations and have different perspectives. But it is good to know that at least we are at a point where there is general acceptance about certain things needing to be done. I am heartened to hear the Government already making suggestions as to how to move forward.

I hear the point about His Excellency, the Governor. But there is existing legislation which he will either assent to or not assent to, and we will have to see how that works out. But I suspect, Madam Speaker . . . I cannot speak for him—absolutely not—but I suspect once reason will prevail that we can make just about all of these things happen. We just have to be resolute about not making them fall by the wayside.

Once again, Madam Speaker, half a loaf is better than none. I am happy at the end of today that at least there are enough issues with which we can

move forward rather than those which may have been stymied. Thank you very much.

**The Speaker:** The question is, “NOW BE IT THEREFORE RESOLVED THAT the Penal Code, the Firearms Law and any other relevant or consequential legislation be amended to permit the use by security guards of non-lethal means of protection such as bullet-proof vests, batons, handcuffs, Pepper Spray (also known as OC Spray, OC Gas or Capsicum Spray), and Mace in the discharging of their duties.”

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

**Ayes.**

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

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

**Mr. D. Kurt Tibbetts:** The Ayes have it. Nobody said No.

*[Inaudible interjections]*

**Mr. D. Kurt Tibbetts:** Why you never asked for division for the first one?

**The Premier, Hon. W. McKeever Bush:** Which one?

**Mr. D. Kurt Tibbetts:** The amendment that *unna* brought.

**The Speaker:** Madam Clerk, please call the division.

*[inaudible interjection and laughter]*

**The Clerk:**

**Division No. 19–2011/12**

**Ayes: 12**

**Noes: 0**

Hon. W. McKeever Bush  
Hon. Rolston M. Anglin  
Hon. M. T. Adam  
Hon. J. Mark P. Scotland  
Hon. Cline A. Glidden, Jr.  
Capt. A. Eugene Ebanks  
Mr. Ellio Solomon  
Mr. Dwayne Seymour  
Hon. Alden M. McLaughlin, Jr.  
Mr. D. Kurt Tibbetts  
Mr. Anthony S. Eden  
Mr. V. Arden McLean

**Absent: 3**

Hon. Juliana Y. O'Connor-Connolly  
Mr. Moses I. Kirkconnell  
Mr. D. Ezzard Miller

**The Speaker:** The result of the division—12 Ayes, 3 absent, no Noes. Private Member's Motion No. 8–2011/12 is accordingly passed.

**An Hon. Member:** As amended.

**Agreed by majority on division: Private Member's Motion No. 8–2011/12, passed as amended.**

**The Speaker:** May I have a Motion for Adjournment, please?

**Mr. V. Arden McLean, Member for East End:** As amended.

**Mr. D. Kurt Tibbetts:** Passed as amended.

**The Speaker:** Private Member's Motion No. 8–2011/12 as amended is accordingly passed.

## ADJOURNMENT

**The Premier, Hon. W. McKeever Bush:** Madam Speaker, I do not propose that we conduct any more business today, and so we will adjourn the House, *sine die*.

Madam Speaker, there are a number of Bills that are awaiting a time limit. So, when that time has come about we will call the House back. So, the House is asked to be adjourned *sine die*.

**The Speaker:** The question is that the House be adjourned *sine die*. All those in favour, please say Aye. Those against, No.

**Ayes.**

**Mr. D. Kurt Tibbetts:** Call for a division now again.

**The Speaker:** The Ayes have it. The House is accordingly adjourned *sine die*.

**At 5.53 pm, the House stood adjourned *sine die*.**