

OFFICIAL HANSARD REPORT
FRIDAY
15 JUNE 2012
11.00 AM
First Sitting

The Speaker: I call on the Honourable Premier to read prayers this morning.

PRAYERS

The Premier, Hon. W. McKeever Bush: 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: Madam Clerk, is there a quorum in the House today?

The Clerk: [no audible reply]

The Speaker: There is a quorum in the House.

I call this House to order. We will proceed with business as usual. Please be seated.

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

The Speaker: For the benefit of the listening public, I want to make it unmistakably clear that the business

of this House will proceed as long as there is a quorum seated before me. No Member, no group, is going to get in the way of the Legislative Assembly conducting its business. I want that to be made unmistakably clear.

In view of the matters that have transpired in the last 24 hours, I feel constrained to make a brief statement.

**Sitting of the Legislative Assembly called for
Friday 15 June 2012**

The Speaker: There seems to be considerable misunderstanding on the part of some Members regarding the proceedings which will take place this morning. Unfortunately, instead of taking the matter up with the Speaker, these Members went to the press and passed their uninformed position on to the public.

The Sixth Meeting called for today was originally called for the 23rd of May and postponed. There was considerable business circulated to Members via the Business Paper for this Meeting. This Business would fall away with the Prorogation of the House if an Order was not made for it to be moved forward to the new Session.

In a Business Meeting held on Wednesday, the decision was taken that at the Sitting scheduled for today, a motion would be brought to move this business forward to the next Session which will begin after the Prorogation of this Session and the Proclamation to authorise the new Session.

While in our Standing Orders there is no provision for this, we are instructed in Standing Order 88 (1) that in "matters not herein provided, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland." This procedure has been accepted in this Legislative Assembly since Standing Orders were introduced into this House in 1976.

In the most recent issue of Erskine May's *Parliamentary Practice*, on page 145, the effect of a Prorogation is noted. Over the years the effect of a prorogation has been to suspend all business, including committee proceedings, until Parliament is summoned again, and to end the sittings of Parliament. Until recently all proceedings pending at prorogation were quashed, except for impeachment by the House of Commons and judicial proceedings before the House of Lords, and private bills and hybrid bills. The latter two could be suspended from one Session to another.

As a result of recommendations by the Select Committee on Modernisation of the House of Commons, the Commons passed a Standing Order to allow public bills to be carried over by order from one session to another, subject to certain restrictions. This Standing Order was passed in October 2004.

The House of Lords has also endorsed the carry-over of public bills in certain circumstances.

It is unfortunate that Members did not take the time to acquaint themselves with this modern practice of the House of Commons. Post procedures we follow here.

Following today's Sitting, the Governor in consultation with the Premier may prorogue the Legislative Assembly signifying the end of the 2011/12 Session. Again, in consultation with the Premier the Governor will then issue a Proclamation authorising the beginning of the 2012/[13] Session.

I hope this clarifies for the public, the procedures which will take place today.

Thank you.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF CABINET

The Speaker: I have given permission for two statements to be issued by the Honourable Premier.

Term Limit Review

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

Madam Speaker, the House would remember that the Government appointed an Immigration Review Committee. I am pleased to report that the Term Limit Review Committee (TLRC) has concluded their work and has prepared a report containing a number of recommendations on the way forward, as it relates to term limits on work permits. This is commonly called the "rollover policy."

Madam Speaker, you will be aware that in September 2011, Cabinet appointed the Term Limit Review Committee, consisting of 19 members of society as well as Immigration officials. Their specific terms of reference were to review the term limit provisions of the Immigration Law (2011 Revision) in respect to the effectiveness of the current term limit provisions with regard to their purpose and the effects of the current provisions on the economic and social interests of the Islands, and submit a report containing recommendations to the Cabinet within 180 days from 20 September 2011.

Madam Speaker the Term Limit Review Committee presented a number of specific recommendations which have not yet been accepted by Cabinet. They are:

1. Continue to support a fixed-term policy which will require a legitimate break in stay for long-term residents who are unable to qualify for the right to permanently reside under the criteria in place at the time.
2. Abolish the key employee mechanism on the ground that it creates an unsatisfactory and artificial vetting system for long-term residents which is effectively controlled by employers and is unfair to employees.
3. Allow all workers to apply for the right to reside permanently in the Islands, between year seven and eight.
4. Revise the current permanent resident points system to ensure that it meets current Government economic and social objectives.
5. Set a fixed-term limit of 10 years that if a person has not obtained the right to permanently reside they will have to leave the jurisdiction for a minimum of not less than one year.
6. Implement the already developed Employer Accreditation System.
7. Implement term limits for Government employees to ensure there is a level playing field.
8. Ensure that the Department of Immigration receives sufficient funding to attract and hire sufficiently well-qualified personnel to carry out its duties.
9. Ensure the public are properly educated about the Government's overall immigration strategy for the long-term settlement of eligible non-nationals whilst at the same time promoting the training and upward mobility of Caymanians
10. Ensure new third country nationals arriving to work in the Islands are fully aware of the fixed-term policy and the criteria which the Islands set in order to establish long-term residency.
11. Ensure that long-term residents taking a break in stay understand that such a break will be considered a legal break in their legal and ordinary residence and will disallow the right to apply to permanently reside until they once again attain the qualifying period should they return.
12. Settle on a limit policy for the long term which provides certainty and predictability for employer and employee and which avoids the uncertainty of constantly moving goalposts.

Madam Speaker, although the Term Limit Review Report has not yet been accepted by Cabinet, Cabinet is desirous of further input and feedback from the public on the recommendations of the committee, so that when it is discussed in Cabinet for acceptance, we would have had the benefit of greater input from the public.

Madam Speaker, given the high profile nature of this subject and to ensure openness and transparency within my Government, I am tabling this Report today in order to provide the public with an opportunity to review and provide comments. You will see that the report calls for a National Population Growth Strategy, Madam Speaker, which has been discussed for years. I have therefore asked the Term Limit Review Committee to produce a draft National Population Growth Strategy that will set out:

- The minimum size of the population and the required annual growth;
- Skill sets and expertise that are required, with relevant quotas once those needs are fulfilled; and
- Projected demographic mix of the population.

Also, Madam Speaker, they will be asked for a review of the current point system under which persons qualify, and the Employer Accreditation System which will further assess those employers who are actually training and promoting Caymanians from those who are not the good corporate citizens they say they are.

We will of course provide the Term Limit Review Committee with access to the additional expertise required to develop such a report; at least some of which exists in house.

Madam Speaker I am tabling the Report so that the public can review and provide their comments within the next 30 days (or maybe that will have to be longer, Madam Speaker). Comments on the report can be sent to tlrc@gov.ky. We would ask the public to make comments or suggestions to that website. Of course, they can write in to either the Deputy Governor or to my office as well.

Madam Speaker, I would like to thank the Chair of the Term Limit Review Committee, Mrs. Sherri Boddan-Cowen, MBE, and all members of the team for all of their hard work and dedication to the people of the Cayman Islands, and look forward to presenting a National Population Growth Strategy to the country as early as possible.

Thank you very much for your indulgence.

The Speaker: Thank you, Mr. Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I would also like to table the Report of the Term Limit Review Committee for public consumption.

The Speaker: So ordered.

[pause]

The Speaker: Honourable Premier.

Proposed 2012/13 Budget

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

The purpose of this statement is to inform as to where we are at with the Budget.

Madam Speaker, the Government has a fiscal year that starts on the 1st of July each calendar year and ends on the 30th of June in the following calendar year.

There are four (4) main phases in the preparation of Government's Budget. Firstly, the Strategic Policy Statement (the "SPS") must be presented in the Legislative Assembly by its legal deadline of 1st December. This document provides the foundation or basis on which the Government's Annual Budget is established.

On the 1st of December 2011, the Government presented the SPS in the Legislative Assembly for the fiscal year starting on 1st July 2012, and for the following two (2) fiscal years. The Legislative Assembly approved the Strategic Policy Statement on 2nd December 2011.

The fundamental purpose of the SPS is to:

- a) specify the total amount of expenditure Government can incur in the upcoming fiscal year; and
- b) allocate total expenditure across Ministries, Portfolios, Offices and other agencies that constitute the entire Government.

Secondly, a Budget Circular is sent to all agencies in Government prior to the start of a fiscal year with instructions and a timeline for the preparation of an upcoming Budget. In respect of the 2012/13 Budget, I, as Minister of Finance, issued this circular to all chief officers and all chief financial officers on 18th January 2012.

The Budget Circular of 18th January stated that operating expenses of the Government should not exceed \$498 million, and capital expenditure and investment in public entities should not exceed \$59 million. I also called all members of Cabinet, chief officers, chief financial officers and government companies to a meeting to say that we had to stick to what we presented in the Strategic Policy Statement and asked them to understand the critical times we exist in and must operate in.

The third phase in the process of Budget preparation involves a review of the budget submissions from ministries, portfolios and offices of government, by Honourable Ministers.

When Honourable Ministers reviewed the submission made by staff, operating expenditures exceeded the Budget Circular specification I gave on 18 January by approximately \$130 million. Honourable Ministers have been deliberating assiduously to remove this excess, in order to present a more sustainable Budget to the Legislative Assembly. We got it down to \$81 million and then we had to work even harder to cut that \$81 million.

The fourth phase in the Budget process is for the Legislative Assembly to review the Budget documents and approve an Appropriation Law that reflects the Budget details. But before that is done—since the PPM destroyed the finances—the UK is lawfully able to tell us what to do or not to in regard to that Budget. In other words, we have to send our Budget to the UK. We have done this. The Budget has been sent to the UK, albeit sent to them late.

However, the Government will present to the Legislative Assembly a Budget for the 2012/13 fiscal year that has a modest Surplus; and one that has very modest long-term Borrowings, mostly for such things as the Solar Energy program, the Child Remand Centre, the Primary Schools and Clifton Hunter School.

The Government is currently awaiting a response from the Foreign and Commonwealth Office (FCO) on Government's proposed Budget for the 2012/13 fiscal year. Madam Speaker, when the Opposition belittles the Government about the Budget process, the Opposition should know that the public knows and understands that the delay we are experiencing has nothing to do with the system at this time—it is about Money.

If the Leader of the Opposition had not saddled the country with two school buildings at \$100 million each and an administration building of \$108 million, roads in the millions not yet paid for but all of which my Government has been struggling with, then the Budget and the other three that I presented to this honourable House for the country would not have been so severely burdened.

These are not lies, Mr. Leader of the Opposition; these are had cold facts of your mismanagement of these Islands' finances.

Finally, Madam Speaker, as will ever be the case with this Government, responsible management of the country's finances is our utmost priority.

Madam Speaker, thank you kindly.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

Apologies

The Speaker: Thank you, Honourable Premier.

The Clerk has just reminded me that we have apologies for two of the absent Members. The Deputy Premier, Honourable Juliana Y. O'Connor-Connolly, and Mr. Moses Kirkconnell, First Elected Member for Cayman Brac and Little Cayman. I would like that recorded in the Minutes please.

Honourable Premier, there being no further business, I call for the adjournment motion.

Motion for Bills of the 2011/12 Session to be carried forward to the 2012/13 Session

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

Before I ask for the adjournment, I wish to move the following motion: That all outstanding Bills that have been circulated to Members on the Business Papers for the 2011/12 Session shall be carried over to the 2012/13 Session.

Madam Speaker, as soon as a new Session commences, a further motion will be brought to reinstate the remaining business that would have fallen away.

The Speaker: Thank you, Mr. Premier.

The motion before the House is to move the outstanding Bills, from the 2011/12 Session forward to the 2012/13 Session, with the proviso that other outstanding matters will be brought in a further motion at the beginning of that Session.

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

Ayes.

The Speaker: The Ayes have it.

The Bills, from the 2011/12 Session are accordingly moved forward to the 2012/13 Session with the proviso that a further motion will be brought at the beginning of that Session to reinstate the further business.

Agreed: Motion to carry forward the outstanding Bills for the 2011/12 Session to the 2012/13 Session with the proviso that a further motion will be brought to reinstate the remaining outstanding business passed.

The Speaker: Mr. Premier, the motion for adjournment.

ADJOURNMENT

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I move for the adjournment of this honourable House.

The Speaker: The question is that this honourable House do stand adjourned. All those in favour please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

The 2011/12 Session of this honourable House has completed its business and hereby stands adjourned.

At 11.26 am the 2011/12 Session stood adjourned.

