

OFFICIAL HANSARD REPORT
WEDNESDAY
12 JANUARY 2011
2.15 pm
Eleventh Sitting

The Speaker: I call on the Third Elected Member for George Town to read prayers.

PRAYERS

Mr. Alden M. McLaughlin, Jr.: Let us pray.

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

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

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

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

The Speaker: Proceedings are resumed.
Please be seated.

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

The Speaker: I have no messages or announcements. But I would like to apologise for the late start of the House today. Some of us did attend the opening of the Grand Court and there were other matters that had to be taken care of when I returned.

Thank you.

**PRESENTATION OF PAPERS
AND OF REPORTS**

**Cayman Islands Human Rights Commission—
Annual Report**

The Speaker: Honourable First Official Member.

The Deputy Governor, Hon. Donovan W.F. Ebanks: Thank you, Madam Speaker.

Madam Speaker, I beg to lay on the Table of this honourable House the Annual Report 2010 – Cayman Islands Human Rights Commission.

The Speaker: So ordered.

Does the Honourable Member wish to speak thereto?

The Deputy Governor, Hon. Donovan W.F. Ebanks: Thank you, Madam Speaker.

Madam Speaker, just [speaking] briefly to acknowledge appreciation for the willingness of the Members who serve on this Commission. The Commission was appointed in early January of last year, and, as always, we are grateful for those members of society who step forward and are willing to take on these roles.

I would also wish to commend the Commission for having produced its initial report in such a timely manner, and, no doubt with the assistance of the Commission Secretariat, but they are to be commended for their prompt delivery, and I would encourage all Members to, at some point, take the time to familiarise themselves with the report.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Official Member.

Are there any questions on this report?

**QUESTIONS TO HONOURABLE
MINISTERS AND MEMBERS
OF THE CABINET**

The Speaker: Suspension of Standing Orders.

Suspension of Standing Order 23(7) and (8)

The Premier, Hon. W. McKeever Bush: Madam Speaker, in order to take questions after 11.00 am, I move the suspension of Standing Order ah . . . well,

the relevant Standing Order that deals with it. We'll suspend that one. I think it is 23(6), I think.

[inaudible interjection]

The Speaker: Madam Clerk, can you tell me the number of the Standing Order please?

The Clerk: *[inaudible response]*

The Speaker: Twenty-three, seven and eight.

The question is that Standing Order 23(7) and (8) be suspended to enable the questions to be dealt with after the hour of 11 o'clock in the morning.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 23(7) and (8) suspended.

The Speaker: Honourable Premier.

Suspension of Standing Order 23(6)

The Premier, Hon. W. McKeeva Bush: Madam Speaker, in order to enable more than three questions to be dealt with by one Member, we need to suspend Standing Order 23(6), and I so move the motion.

The Speaker: The question is that Standing Order 23(6) be suspended to enable more than three questions to be dealt with in the name of the same Member. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 23(6) suspended.

The Speaker: Honourable Third Elected Member for George Town.

Question No. 12

Mr. Alden M. McLaughlin, Jr. asked the Deputy Governor, the Honourable First Official Member responsible for Internal and External Affairs and the Civil Service, what steps has the Government taken to prepare for the implementation in November 2012, and November 2013, of the Bill of Rights, Freedoms and Responsibilities contained in the Cayman Islands Constitution Order 2009.

The Speaker: Honourable First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Thank you, Madam Speaker.

Madam Speaker, the Government has already started its preparations for the implementation of the Bill of Rights, Freedoms and Responsibilities.

On the 4th and 5th March 2010, a series of lectures were held, entitled, "Managing the Incorporation of Human Rights," given by a human rights expert, Doctor Claire de Than who is the senior lecture in law in the City Law School, London, and author of books on human rights. The lectures covered human rights in law enforcement, civil law application in human rights, and criminal law application. These lectures were attended by the Legal Department, the Police and other civil servants. The cost associated with this training was split between the Cayman Islands Government and the Foreign and Commonwealth Office (FCO), and the cost absorbed by the Cayman Islands Government totaled \$1,128.

Further, human rights training has been provided by the Commonwealth Foundation, in partnership with the Commonwealth Legal Education Association and the Commonwealth Human Rights Initiative. The cost associated with this training was absorbed in full by the Commonwealth Foundation. This took place over four days in September 2010, and included a general overview of human rights and policymaking and practice, human rights targeted at police and prisons, treaty body reporting, role of community based organisations, court remedies and enforcement of human rights, rights in education, treatment of children, and the role of the media in reporting on rights and freedom of expression.

We have 21 months, Madam Speaker, to prepare the public service, and I have established a group to develop an implementation strategy and plan. This was the approach that was used successfully for the implementation of Part 1 of the Constitution. The group consists of members of the Portfolio of Legal Services, Portfolio of Internal and External Affairs, the Governor's Office, the Portfolio of the Civil Service, and other technical expertise as required. The group will be chaired by my strategic advisor and supported by the Commission Secretariat.

The impact of section 19 on the way Government carries on its business is very significant and it states, Madam Speaker, and I quote:

"[(1)] All decisions and acts of public officials must be lawful, rational, proportionate and procedurally fair.

"[(2)] Every person whose interests have been adversely affected by such a decision or act has the right to request and be given written reasons for that decision or act."

The impact is mainly enforced with strict areas: Firstly, legislation and regulations (existing and new), have to be made compliant with the Bill of Rights. Legal drafting will be heavily involved in this activity and, in addition, public servants will need to be trained in these revised laws.

The Portfolio of Legal Affairs will need to equip itself to defend the Government in alleged human rights infringements, and to provide expert advice to the civil service on an as needed basis.

The Human Rights Commission has extended an offer to the Cabinet to review any existing or draft legislation which is believed to have any human rights implications for compliance with the Bill of Rights, Freedoms and Responsibilities. To date, it has reviewed nine such pieces of legislation at no direct cost to the Government.

Secondly, the Bill of Rights says that the decisions and actions of all public servants must be rational and proportionate. These areas are more difficult to deal with as they affect the way in which public servants carry out their duties. Training and scenarios have to be carried out, as well as exposure of public servants to relevant cases in other jurisdictions, to help educate them to make the right judgment calls. These scenarios will be incorporated in the mandatory training that I will expand on shortly.

Thirdly, public servants have to be procedurally fair. This will require a review of all government policies, processes and procedures by the respective chief officers and heads of departments, the strategic implementation group, to provide the necessary support and assistance by providing a best practices guide to reviewing for human rights implications. The ones most at risk are those that are arbitrary or blanket policies that do not take into account individual rights.

Fourthly, public officials are going to be required to keep written records of their decisions as required by section 19(2) of the Bill of Rights, and this will also require training to ensure that recordkeeping in support of actions and decisions made.

The group will implement a training schedule in which every civil servant will be mandated to attend. The training sessions will cover general introductions to human rights, specifically the Bill of Rights, plus more specific training to individual groups that are more on the frontline, such as police, immigration, prison, customs and healthcare. This training will include situational examples and scenarios. Training will last anywhere from two to four hours in duration, depending on the agency to which the training is being delivered, and will resemble the mandatory training that was rolled out to all civil servants on the Freedom of Information Law.

The group is also exploring the possibility of utilising technical expertise from the Commonwealth Secretariat and the Commonwealth Foundation. The Civil Service College is currently researching the possibility of providing online training to all civil servants so that training can be brought to the desktop. The cost for providing these trainings is expected to be approximately \$50,000. However, it is hoped to gain some pro bono technical assistance from the Commonwealth Secretariat.

In addition to the conduct of public officials, the Bill of Rights, Freedoms and Responsibilities also stipulates how the government should treat prisoners. We have just below three years to comply with segregation of juvenile prisoners from adult prisoners, and convicted prisoners from remand prisoners. These, Madam Speaker, will involve a significant degree of capital expenditure for infrastructure.

The Portfolio of Internal and External Affairs is already planning for this. Their draft strategic plan for the Prison Services includes the necessary plans to address the separation of remand from convicted prisoners. The estimated cost for building a separate unit to house approximately 50 remand prisoners is \$5.5 million.

Further, separation of juvenile and adult prisoners will be facilitated by the construction of a youth facility which is now in the planning stage under the auspices of the Ministry of Community Affairs, Gender and Housing. The estimated cost for the construction of a youth facility is \$6.3 million. The Ministry's 2010/11 budget includes an allocation of \$.3 million and it is anticipated that there will be allocations of \$4.5 million on the 2011/12 budget and \$1.5 million on the 2012/13 budget to allow for the completion of this facility.

It should be noted, Madam Speaker, that these costs do not include those related to staffing, which causes further implications as the necessary staff are considered specialist staff that would be filling newly created positions.

Additionally, Madam Speaker, it is important to note that the various Commissions/Committees established under the Constitution are all functioning, with the exception of Advisory District Councils (legislation for which was recently passed in this honourable House).

The Commission Secretariat is almost fully staffed and is providing analytical and administrative support to these commissions to ensure they are able to fulfill their constitutional mandates. It is envisaged that the Secretariat will continue to develop as it takes on the supporting role to even more commissions and committees in the coming years. The approximate cost of the Secretariat for the 2010/11 budget year, including cost associated with the commissions it supports, amounted to approximately \$535,000. Although, with the additional trainings and preparation needed to support the Constitution, as well as the inheritance of the Anti-corruption Commission as a fifth responsibility, the budget is expected to increase in the 11/12.

The Commission Secretariat hosted the Constitution Week for the first time this year and spent the week educating the general public about the Constitution at the cost of approximately \$5,000. And they also spearheaded a monthly show on *Talk Today* to discuss the Constitution. This is a year long project in which each part of the Constitution will be highlighted. The Secretariat also organised for the first time the public recognition of their National Human Rights Day

in the Cayman Islands on 10 December [2010]. The cost of this event was approximately \$1,000.

The Commission for Standards in Public Life produced their first six-month report, which I laid in this honourable House recently. The Constitutional Commission recently released their first report to the general public and the Human Rights Commission is, in fact, to produce their first report to this honourable House, and that has just been tabled a few minutes ago, Madam Speaker.

The Electoral Boundary Commission has already been disbanded after completing their constitutional mandate. The Draft Order by the Governor will eventually be laid by the Honourable Premier before this honourable House for its approval. This Draft Order will give effect whether with or without modifications to the recommendations contained in the Electoral Boundary Commission's report.

Madam Speaker, in summary, there are significant challenges ahead for the public service, not only in reviewing our legislation and ensuring new legislation is human rights compliant, but ensuring that the policy and procedures we adopt in the public service are also in line with human rights.

Training and sensitising public servants so that they understand their responsibilities, contained in the Bill of Rights is critical to ensuring that public servants do not make decisions that are incompatible with our Bill of Rights and those human rights treaties that have been extended to the Cayman Islands, which could expose the Government to the risk of litigation.

Finally, Madam Speaker, it is fair to say that comprehensive steps are being taken at considerable cost, approximately \$12 million in capital and over \$1 million annually in recurrent to fulfill the requirements of the Cayman Islands Constitution Order 2009.

The Speaker: Supplementaries?

Third Elected Member for George Town.

Supplementaries

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, I am grateful to the Deputy Governor for that comprehensive response, and I am pleased that it appears substantial efforts are being made to ready the Government and the country for the implementation of the Bill of Rights.

I just wish to ask him, Madam Speaker, if he would agree that the proper segregation of juvenile and adult prisoners in Cayman is long overdue, and is both desirable and appropriate with or without the requirements mandated by the new Bill of Rights contained in the Cayman Islands Constitution Order 2009.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: [chuckle] Madam Speaker, I chuckled be-

cause I, by any means, consider myself to be an experienced practitioner of this place, even though I come here a lot. But I would have thought that the honourable Member was seeking an opinion. And I certainly would not disagree with him and I do not think there are any in here who would disagree with the fact that we need to be pursuing that segregation. Thank you.

The Speaker: Are there any other supplementaries?
Member for North Side.

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

I wonder if the Honourable First Official Member . . . in his answer he says that the Draft Order by the Governor as relating to the Electoral Boundary Commission will eventually be laid in the honourable House. I wonder if there is any timetable to that Ma'am because the next election is fast approaching and we need to create the additional three seats wherever.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: No, Madam Speaker, there is no precise timetable that I can give. I think the overall track record of the Government in terms of what we have done over the last 15 months and what we are continuing to move ahead doing should indicate that there is certainly much commitment to dealing with these things as swiftly as we can. But I cannot, unfortunately, give the Member any precise time.

The Speaker: Any further supplementaries?
Fourth Elected Member for George Town.

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

Madam Speaker, I would like to ask the First Official Member: This document obviously, sort of printed in duplex form, and it does not have the specific pages, but I believe it would be arguable to say that this is page 5 of which starts at the top saying, "Further separation of the juvenile and adult prisoners . . ." There, a series of different costs have been outlined specifically in terms of the hard infrastructure that is to be constructed and those estimates.

But on the very end of that first paragraph it makes reference, obviously to staff implications, and I was wondering if the Honourable Member could let us know if there has been some sort of calculation in terms of how much staff would actually be required and give us an indication as to the cost of the staff.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: No, Madam Speaker, the information that I provided was the extent of the information that I had available. Unfortunately, the operational recurrent cost

of the facility has not yet been finalised, and I am unable to provide the Member with the cost of the staffing aspect.

The Speaker: Any further supplementaries? [pause] Any further supplementaries? [pause] Any further supplementaries?

Fourth Elected Member for George Town.

Mr. Elio A. Solomon: Madam Speaker, again, I would just ask the Honourable Member if it would be possible . . . I mean it would be good to know that we get some sort of undertaking that if and when . . . or when that analysis takes place if we could indicate as to . . . or directed as to some degree of the cost with respect to the recurrent expenditure of the employees. I would be, you know, most grateful. Thanks.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, certainly, I would be happy to give an undertaking to liaise with my colleague, the Minister of Community Affairs, and provide that information as soon as it is available. Thank you.

The Speaker: Thank you.

Next question.

Third Elected Member for George Town.

Question No. 13

Mr. Alden M. McLaughlin, Jr. asked the Deputy Governor, the Honourable First Official Member responsible for Internal and External Affairs and the Civil Service, what is the Government's timetable to address the outstanding matters currently preventing the implementation of all sections of the Cayman Islands Constitution Order 2009.

The Speaker: Honourable First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Thank you, Madam Speaker.

Madam Speaker, the timetable for implementing all remaining sections of the Cayman Islands Constitution Order 2009 extends over the next 33 months.

The next issue to be dealt with is the appointment of the Director of Public Prosecutions (DPP). The Attorney General's and the Deputy Governor's Offices developed a job description for the new post. Job evaluation has been carried out and subject to funding the position will be advertised in the next two to three months.

Members will be aware that the Judicial and Legal Services Commission will advise the Governor on this appointment. This Commission has been established and has held their first meeting and are now finalising their policies and procedures manual, and

are in the process of drafting a law to underpin their operations.

The position of DPP has been assessed at Grade-D, a salary range of \$105,696 to \$125,640. It is anticipated that the successful applicant would not take up the role of DPP until the latter part of the 2010/11 fiscal year, and, as such, budgetary implications are minimal at this time, approximately \$50,000.

The budget allocation in the Strategic Policy Statement for the 2011/12 financial year for the Office of the DPP is \$2.85 million which is made up of the existing cost of running the prosecution services of \$2.6 million, plus an additional \$.25 million for the salary of the DPP, the secretary and other costs and expenses of operating the office.

Once the DPP is in place the re-organisation of the Portfolio of Legal Affairs to effect the independence of the prosecution service will need to take place and, as such, will be reflected in the 2011/12 Budget. This exercise will be coordinated by the Attorney General who will need to rely heavily on the Portfolio of the Civil Service, and re-evaluate the job descriptions and salary scales of effective posts to ensure they are reflecting the change in duties.

The second major outstanding issue we dealt with is the implementation of the Bill of Rights, responsibilities and freedoms. While I addressed this in some detail in response to the previous question from the same Member, the key points worth repeating are:

- to ensure compliance of all civil servants with the Bill of Rights in terms of their day to day work gaining a basic understanding of human rights as a whole, making appropriate judgments on how to deal with matters and recording those decisions and actions training will take place over the next 12 to 18 months; and
- the review of all government policies, processes, procedures and legislation will take place primarily over the next 21 months, but this will be an ongoing process.

The third major outstanding issue to be dealt with are those identified in the first report of the Constitutional Commission, which includes updating the guide to the operations of the Cabinet to reflect the provisions of the new Constitution; updating the Standing Orders of this honourable House to reflect the provisions of the new Constitution; creation of legislation for holding people-initiative referendums; the laying of the Draft Order by the Governor in relation to the Electoral Boundaries Report to give effect, whether with or without modifications to the recommendations contained in the said report; and the creation of Advisory District Councils for which the Government recently circulated draft legislation and which has subsequently just been approved by this honourable House.

Madam Speaker, it should be clear that the Government is working diligently toward ensuring the implementation of all of the provisions of the Cayman

Islands Constitutional Order 2009. And I will keep this honourable House informed of the progress.

Thank you.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

Again I am grateful, Madam Speaker, to the Deputy Governor for a comprehensive response.

I have a query, Madam Speaker, about part of the answer as it relates to the establishment of the Office of the Director of Public Prosecutions.

As far as I am aware the prosecution services in the Cayman Islands are operated through an office headed up by the Solicitor General, although, constitutionally, the Attorney General still has full responsibility for such matters. And what I find a bit curious is that we seem to have to find another quarter of a million dollars to set up the Office of the Director of Public Prosecutions to carry out most of the functions which are currently being carried out by the Solicitor General and her staff. I wonder if the Deputy Governor can explain why that is the case.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, the combination that we now administer through the Office referred to as Solicitor General, as I am aware, consists of a combination of both criminal and civil and other legal services. It all falls under that one umbrella. In doing the segregation, obviously the criminal aspect, which would move with the Director of Public Prosecutions, will have to be headed up by whoever is selected as DPP. And the remaining aspect or aspects of the legal services will likewise be headed up by some individual of appropriate competence.

The assumption here is that the resources that are currently appropriated for the Solicitor General in that role, will continue to be appropriated for whoever heads up the non-criminal aspect, and that the Office of DPP, which would be totally separated and will have a new individual heading it up, would necessitate something in that vicinity of the \$250,000 for the head, a personal assistant, and other office related costs.

That hopefully provides any clarification to the Member.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

So, Madam Speaker, is the Deputy Governor saying, then, that we will retain the Office of Solicitor General or something akin thereto, to head-up the civil

side of Government's legal business, as well as the Director of Public Prosecutions, plus the Attorney General?

[inaudible interjection]

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Yes, Madam Speaker, we will certainly . . . (I'll tick off the last one first). We will certainly keep the Attorney General.

[laughter]

The Deputy Governor, Hon. Donovan W. F. Ebanks: Someone will head up, yes, those that I referred to earlier as the . . . if you want to say the civil . . . we have the legal drafting and other various other components. I guess we can lump it altogether as civil. Someone will head that up. But I am not necessarily suggesting the person heading up is going to be referred to as the Solicitor General.

When I talked earlier about drawing and the Attorney General having to draw on the Portfolio of the Civil Service to ensure that the positions are properly defined and evaluated, there may be some change in titles; there may no longer be a Solicitor General. I am not suggesting that there will or will not. And what we know is that there will be a Director of Public Prosecutions and there will be some head (if you want to call it civil) in the civil component.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, might I then ask the Deputy Governor if the criminal matters are going to be under the charge of a Director of Public Prosecutions, and the non-criminal matters are going to be under the charge of the Solicitor General or some other named office, what then is the Attorney General going to do?

[inaudible interjections]

An hon. Member: You're gone Sam, you're gone!

[inaudible interjections]

The Speaker: First Official Member.

[inaudible interjections]

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, while the criminal—

The Speaker: The First Official Member has the floor.

The Deputy Governor, Hon. Donovan W. F. Ebanks: While the criminal component separated off from the Attorney General under the Director of Public Prosecutions, the remaining aspects of criminal and other legal advisory services and legislative development will all remain with the Attorney General, and whatever that agency under him is subsequently named, whether we refer to it as department of civil services or simply legal services, as we currently refer to it. But it will be headed up by a senior person and where that person will be the person who in absence of the Attorney General will have to act for him, because certainly that is not a role that can fall to the DPP.

But, like I said, that separation and the definition of role is part of what, yes, has to be done. And it is not that it is done and I'm unwilling to share with the Member any precise details of it; it simply has not been done. So, I am hopeful that what I am saying to him in terms of what we anticipate having to do [will] provide some clarification to what's puzzling his mind.

The Speaker: Any further supplementaries?
Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, is the Deputy Governor saying then that effectively what is contemplated is the Deputy Attorney General's position, whether it is called that or not?

And I say that, Madam Speaker, because that is something that I believe we could all countenance. What I am worrying about is the creation of a whole new bureaucracy outside the scope of the Attorney General's direct responsibility.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, certainly, one of the roles that whoever heads up these non-criminal functions would have to assume from time to time, would be that, as I said, of acting for the Attorney General. Whether we label the individual a Deputy Attorney General or not, again, remains to be seen.

I do not think there should be any fear or concern about creating any new and additional bureaucracy. I mean there has been no change in the basic demands for legal services. What the Constitution introduces is a fundamental separation of the prosecution side from all of the others. And it is that dissection that we are seeking to accomplish.

But I do not see anything that would drive the creation of any organisation or capabilities that we do not already have where any (to use the Member's term) bureaucracy does not already exist.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker. And I promise this is the last question in this line of questioning.

So, is the Deputy Governor then able to give the assurance that we will not have an Attorney General's Chambers with a whole set of counsel operating quite separately and independently of a government civil legal department (for lack of a better expression) with its own bureaucracy and its own set of counsel there?

In other words, what I am trying to understand is that we are not looking at three separate offices now.

[pause]

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, what will remain is . . . obviously, the Attorney General's Chambers and the civil component of the services will remain under that office, unlike or no different from any other current portfolio or ministry that has a range of services under it. Obviously, as the dissection takes place and the issues are addressed, the picture will become clearer and it may be appropriate at some point that my colleague will further inform the House as to how that is transpiring.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker, and as the old man had said that time: "*I'll have to sanctify with that*".

Madam Speaker, I wonder if the Deputy Governor can say—I noticed that this is not in his list of matters to address in terms of legislation—whether or not he has considered and discounted the need for legislation supporting the Commission for Standards in Public Life.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, no. By no means is that being discounted, but it is expected that any legislation or legislative proposals to better give effect to that Commission would emanate from the Commission. And until those are put forward to the Government it is not something that the Government will look to drive, but, rather, something that the Government would be naturally willing to consider when it does come forward.

And I gather that the Commission is working towards putting forward some proposals and draft legislation.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: In that vein, Madam Speaker, I wonder if the Deputy Governor can say whether or not he is aware of disquiet within the Commission about its inability to carry out its constitutional duty in the absence of such legislation.

The Speaker: First Official Member.

The Deputy Governor, Hon. Donovan W. F. Ebanks: No, Madam Speaker, I am not so aware.

The Speaker: Are there any further supplementaries? Are there any further supplementaries? Are there any further supplementaries? If not, let's proceed with the next question.

Question No. 14
(Deferred)

Mr. Alden M. McLaughlin, Jr. asked the Honourable Minister of Education, Training and Employment what is the present estimated rate of unemployment in the Cayman Islands and how many persons are registered with the Department of Employment relations as seeking employment.

Hon. Rolston M. Anglin: Madam Speaker, in accordance with Standing Order 23(5), I seek leave of the House to move the deferment of answering this question until tomorrow, Thursday, 13 January, when the House sits.

The Speaker: Can I have the number of the Standing Order please again? I'm sorry I missed it.

Hon. Rolston M. Anglin: Twenty-three, five.

The Speaker: Twenty-three, five.

The question is that Standing Order 23(5) be suspended . . . No, I'm sorry.

The question is that the question on the Order Paper by the Honourable Third Elected Member be deferred . . . the answer be deferred until tomorrow. All in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: Question No. 14 on today's Order Paper deferred until a later sitting.

The Speaker: The question is accordingly deferred until tomorrow.

Question No. 15
(Deferred)

Mr. Alden M. McLaughlin, Jr. asked the Honourable Minister of Education, Training and Employment when would the construction on the new Clifton Hunter and John Gray campuses recommence and what is the projected date of completion of each.

Hon. Rolston M. Anglin: Madam Speaker, I'm tempted to say something, but I will just say, subject to Standing Order 23(5), I seek leave of the House to defer the answer of this question, again until tomorrow, Thursday 13th January.

The Speaker: The question is that this question be deferred until tomorrow, 13th January. All in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

The question is accordingly deferred until tomorrow.

Agreed: Question No. 15 on today's Order Paper deferred until a later sitting.

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

The Speaker: I have no notice of statements by Honourable Ministers and Members of the Cabinet for today.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

Water Authority (Amendment) Bill, 2010

(Continuation of debate thereon)

The Speaker: Honourable Premier, continuing his debate from Monday.

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

Madam Speaker, when we took the adjournment on Monday, I think about 9.10, 10 past 9.00 Monday night, I was dealing with the speeches made by the Member for North Side, the Member for East End and the Third Member for George Town. I heard in one news report, Madam Speaker, the House had adjourned at 10.30, but that is not surprising to me. Much misinformation is given out by the media these days.

[laughter]

The Premier, Hon. W. McKeever Bush: Madam Speaker, if we were to listen to the Opposition, I doubt that there would be anything done by this Government. When they asked us why we are trying to put in place a proper sewerage system, there is no reason to ask why the country has fallen backward in such a disastrous way in the four-year period of May 2005 to May 2009 when the PPM was in charge.

Madam Speaker, in any developing country . . . Should they ask why we want a modern sewerage infrastructure in the country? Is that hard to understand? Then ask why the United States and other countries have such modern systems. Ask why they don't have backhouses anymore. Or why they just don't have septic tanks, pits. Every country strives, because of the environmental degradation that it has known to cause in a growing population . . . the reasons why we put in place a modern day system.

The truth is, the question should be asked: Why did they not build such critical infrastructure or even embark on it for these Islands? They could not even get right, Madam Speaker, the sale of garbage metal as the Matrix scheme—which they cooked up and now exposed by the Auditor General—has shown.

Madam Speaker, when all is going well, when it may seem there is no real danger to our population in terms of environmental degradation it is easy to take the position the three Members thus far have taken and do nothing, because it is true that where there is no vision the people perish.

In August of 2004, Madam Speaker, who would have thought that a month later in this Island people would have had to stand for hours in sewerage waist deep [that was] caused by the overflowing of septic tanks in the rising tide of Ivan? On the other hand, Madam Speaker, people ought to remember the shellacking I took, the criticisms, and the efforts made—by, at least, the Third Member for George Town and the Member for East End and their cohorts on the outside—to stop me from building the West Bay central seawall.

Had it not been for that seawall in central West Bay waterfront, everything would have been pushed up to the West Bay Post Office. Madam Speaker, you don't do these things just to say you are doing them. You see a situation, you recognise a situation and you try to do something about it.

The question must be asked about the opposition of the three Members, and I guess the others who will follow (if that happens), when so much is said, so much accused about a proposed dock, when no study has been carried out to substantiate what is so recklessly said by them about water tables and such. Yet, with all that happened in Ivan, all that is happening with raw sewerage floating in the harbour at times, they could maintain their wickedness to the extent that they so want to damage the Government of today, that they can say that we don't need a national sewerage system. And so, they asked questions

and then they get up and walk out. These are the same people, Madam Speaker—

Point of Order

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, on a point of order.

The Speaker: What is your point of order, Third Elected Member for George Town?

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, the Premier is misleading this House by representing to it that certain things were said by the Opposition Members, including myself, when that is not the case.

I listened twice and I let it go.

No Member on this side—and the records of the *Hansards* will prove it—said anything about the country not needing a wastewater or sewerage system.

And I ask you, Madam Speaker, to have the Premier desist from making such untrue statements to the House.

The Speaker: Thank you.

Honourable Premier, the Member says they have not said that they did not think the country needed the system.

The Premier, Hon. W. McKeever Bush: Madam Speaker, the Member probably forgot how much he has said.

[inaudible interjection]

The Speaker: Ah, I—

The Premier, Hon. W. McKeever Bush: Well, get the *Hansards* and let's check it back because, Madam Speaker, what I do recall is that the Member himself asked the question over and over. "Tell us", he shouted, "why you are doing this". "Tell us!"

And they were the ones who said, "We don't support it". So, you tell me, then, what conclusion must I come to, Madam Speaker?

[inaudible interjection]

The Speaker: Can we . . . yes. Can we just move on and . . . for right now until this has been sorted out?

The Premier, Hon. W. McKeever Bush: He needs to sit there . . .

Thank you, Madam Speaker. I think I finished with that point but he needs to sit there and learn why we need it.

[inaudible interjections]

The Premier, Hon. W. McKeever Bush: And ask him if he is going to support it.

These are the same Members who are going full length to try and make people believe they love Cayman more than McKeever Bush. They do it with impunity.

They are the ones, Madam Speaker, who say that Cayman is ruled by fear and intimidation. I heard the Member for North Side say yesterday. I know one thing, Madam Speaker, fear is being created all right by the weekly diet of radio talk that is mostly wrong and certainly doing nothing for people except just scaring them, and people can also see the intimidation in what they are saying also.

So, Madam Speaker, the problem with this weekly scare show that they put on, is that they are scaring investors into questioning whether they should be spending money in this country. That's the big situation. Ask them how many answers that we have to put forward to people internationally by the things that are carried on blogs—particularly *CNS* more than anyone else, because they don't seem to know right from wrong—and the radio show that those people get on to every week. The misinformation that is put out there, the things that are said that people sometimes cannot really believe that they are saying. That is what is intimidating people and scaring them. No wonder they up and go out of this room, the three of them.

Madam Speaker, they do not love this country any more than me. I can point to many infrastructure gains that I made in the development of water, in particular, and the governments that I have been a part of in doing something about protecting of our environment and our *flora* and *fauna*.

What can they show us about what they have accomplished? Ask either one of the three of them. A big fat zero! Economically, the infrastructure . . . name one thing for their number of years! They have accused me of not doing anything about the environment. Let me remind the people of this country and this House of the number of important gains I mentioned just now.

Madam Speaker, when I was responsible for the Water Authority in the '90s, I completed and began implementation of a comprehensive ten year development plan for water and sewerage infrastructure which addressed the anticipated water and sanitation needs of the country. We continued piped water from George Town to Frank Sound and laid the plans for water to East End at that time. We negotiated a long-term water supply contract saving the Water Authority \$4.5 million over six years. We renegotiated the Water Authority loan portfolio to reduce the vagaries of a basket of currencies interest rates, which saved a tremendous amount of money over the period of the loan.

In April '97, we commenced work on the present Water Authority Administration Building and then we built the Savannah Water Plant. They talk about employees: Let me tell them, I increased Caymanian

employees at the Water Authority to 90 per cent of total staff with five of the six top positions held at that time by Caymanians, and created 19 new jobs filled by Caymanians. That was for the Water Authority.

We amended the Marine Conservation Law to protect conch, lobster, the Nassau Grouper and other marine life. We implemented a new Endangered Species Trade and Transport Law to protect Cayman's *flora* and *fauna*. And we created a national environmental policy framework plan. I can lay this on the Table of the House, Madam Speaker.

Madam Speaker—

The Speaker: Excuse me, so ordered, but we need copies for all Members please.

The Premier, Hon. W. McKeever Bush: If they want them, I guess, Madam Speaker.

The Speaker: Yes, once you lay it on the Table of the House.

The Premier, Hon. W. McKeever Bush: Madam Speaker, my trouble is, the truth is that the only time I get up and tell people about all the things that I have put in place in this country—and the younger ones would not recognise and, certainly, the media is not going to say so—is maybe when I put out a manifesto at election time I will reprint some of it. But that is why I could talk on Monday night about the number of things that I have done to help people when I was accused Monday night of not paying attention to education, or not valuing education, as the Third Elected Member for George Town said or tried to say. And that's the problem!

But I don't have to get up and blow my horn. I thought I needed to put those today on record; some of the things that I have done for the Water Authority of these Islands, to help make it what it is today. [There is] just too much political dirt and rhetoric in these Islands today for people to recognise just how much good has been done over the years.

And don't ask some of these reporters that just came here, Madam Speaker. I don't care if they have been here seven years or not. They don't seem to study. They have a one-track mind. They believe that something should be done and that is how they report. They don't go and really find out the history of things, some of them. As you can see, some of them even when they report they go ask one side of the story. They don't come back to the other side and say, *Well, what is your picture on this? This is what he is saying about you, what is your pitch? What is your side of the story?* None of that, Madam Speaker.

But I will tell you what—I trust that before I leave in the nation-building programme that I have put in place, I will get some people, some young people, geared up, generated with an attitude that they want to go and work in the media and I will give them

scholarships so that they can go abroad and train because that is what we need.

I don't put down other people from other countries, Madam Speaker. I have been in trouble and lost elections because I have defended other people, and fought for their rights. But the fact is, when you get reporters doing some of the things and saying some of the things and you see them calling from that side, Madam Speaker, what happens?

What then, Madam Speaker? Is it fair?

The Speaker: Can we get back to the debate, please on the . . . ?

The Premier, Hon. W. McKeeva Bush: Oh the debate is right in order, Madam Speaker.

Madam Speaker, do you believe that when a Member of this House gets up, as the North Side Member did, and says that our water system must be sold for and is worth \$350 million, that he does not know better?

Why? The reason why he is doing that is because the Member full well knows that that is not possible. And if the system is leased out as proposed, and that amount of money that he has quoted is not received by the Government, that he would be on *Rooster* and would have succeeded in making some people believe that something the Government did was wrong, and nefarious reasons are then injected. Madam Speaker, is this good for Cayman? [Does] he mean good for Cayman in this? No! Of course they don't.

They have stated that we do not need to do this for economic reasons. Again, I say, Madam Speaker, that that is one of the reasons. And, although they do not want me to say it, I must repeat it again and again. Had the Third Elected Member for George Town in his administration not mismanaged the Island the way they did, the good economy started in 2002 to 2005 would have been improved upon and we would not have had to increase fees, nor would the United Kingdom, through the then Labour Government, have been able to put pressure on us because he mismanaged the money of these Islands.

The first time in our history that the United Kingdom could threaten us and try to force us into income tax and property tax—the first time in our history—because of the actions of those complaining and those making this racket that was made here on Monday, and continues to go on the airwaves by radio and television. That's why!

Yes, it is partly for economic reasons. Why, Madam Speaker? They damaged the economy. They ran away people. People lost businesses and are still losing. Caymanians cannot rent their houses and their properties because they chased away the people. You see, Madam Speaker, I have always said that it is those who burn down the fire station who sit on the sidewalk and curse the Government for not doing something about it. Where are the Third Elected Mem-

ber for George Town and the Elected Member for East End?

Are we out of danger, Madam Speaker? No, because the recovery is so fragile! While we are improving in government's finances it is very, very fragile. We have to convince people to do something and we have to help them as a country to do something. Yes, it is true we have been elected for some 20 months, it is thereabouts. But does anyone believe that the colossal financial mess of this country, where they moved a surplus of \$106 million in May 2005, to a deficit of over \$80 million in May 2009, and then added \$400 million to our loan position and now we have to pay out something like \$30-odd million in interest. And, then, huge building projects contracts signed with no money to pay for it. And they also left us with \$30 million to \$40 million to pay for land they went through for roads. And again, I ask, does anyone believe that this all could go away as easy in a world in such a crisis? And no new revenue enhancement to grow revenue for the Government [that was] put in place by them.

That is not the end of it, Madam Speaker. Now, we are also hearing that the implementation of the Constitution has cost us a lot of money already but it is going to cost us another, what—\$15 million? The \$13 million in capital works and others that we have to do. And how much in the cost of human resources?

Are we paying attention to these matters? Or is it that they believe that there is some tree down in the basement of the Glass House or down here somewhere about in your Office, Madam Speaker, or somewhere else, that we are just going to come down here and get the money?

One crazy man told me when he met me by my gate one afternoon: *You see that briefcase you got there McKeeva, every time you come from George Town that is loaded with money ya nah!*

[laughter]

The Premier, Hon. W. McKeeva Bush: And they believe it.

Where is the money going to come from to operate this country? Can we just go out and borrow? Have we ever stopped to realise, the day that we have to devalue our currency, what is going to happen in these Islands? And then I must sit here as the Minister responsible for Finance—who found all of this in the works—and must not do anything? Madam Speaker, I must just sit down and take a beating every morning from the Elected Member for North Side and the Elected Member from the Opposition on the Wednesdays; the good Tuesdays and the bad Wednesdays; the bad Tuesdays and the good Wednesdays, whatever they are calling it? They believe that that is what must happen?

And then when I reply, Madam Speaker, you hear what a bad boy McKeeva is?

[laughter]

The Premier, Hon. W. McKeever Bush: Oh no, punch him all you want and he just has to turn the other cheek!

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: The truth is, Madam Speaker, I only have two sides of my face.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: Is it easy to pay these bills they left and to pay the hundreds of civil servants they put in place?

Madam Speaker, if it was just ordinary positions, but some of these are in the most high-paying jobs that we now have to find money to pay for, [that] they put in place. You see some people go off and they will give that person time to go out and work in the private sector and then give them, (what they call it? *What kind of pay?* [speaking to another Member]).

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: Hardship allowance of the same amount they were making as a salary. So, they get paid by the company and they get paid that much by the civil service too. And we have to find the money and yet we have no say over it as elected politicians, except that the Governor tells me, *You are in charge of Finance.*

These are the kinds of atrocities that exist! They want something to write an FOI for, tell the reporter to go do that and find out who is getting it. No, they want to find out what plane I went on, what pants I'm wearing today, what colour my T-shirt is. Madam Speaker, our country, our people . . . *Sail on, O Ship of State, sail on!*

Is it easy? They asked us. Why? Is it easy to pay those bills they left and to pay the hundreds of civil servants they put in place? Of course, Madam Speaker, only selfish vote-getting unreasonable dirty people would try and make any citizen of this Island believe otherwise.

The Speaker: Honourable Premier, please refrain from using adjectives that are not appropriate.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I hate to disagree with you, but every word—

The Speaker: That's all right. You can disagree, but please—

The Premier, Hon. W. McKeever Bush: They are every word true.

The Speaker: —eliminate it from your vocabulary.

[laughter]

The Premier, Hon. W. McKeever Bush: Members on the other side, Madam Speaker, have painted a bleak picture of the situation regarding the Government's proposal to support investment in advanced water treatment and sewerage infrastructure for the country. If the Opposition is to be believed, nothing would happen. No progress would be achieved.

If the Government is successful in bringing the necessary investment, not only will the Caymanian people avoid the enormous expenditure for new water treatment facilities, but, at the same time, the country will also be able to continue their planned development growth and be well served by the extent of the systems and technology to be put in place.

I agree wholeheartedly that the entire scope of the improvements we have proposed will require heavy investments, and this is investment money that we do not have as a country. I can only imagine the kind of scale and cost we might see in bids for such a project, but we cannot, and do not, agree that the management of our economy, the management of our water, the management of the ecology and environment in general will stand up to the scrutiny of future generations if this area of national life is not improved and improved now.

Madam Speaker, if I thought that sewerage and water treatment were merely whims that the Government would like to satisfy, it would be the easiest to concede that the proposal would be altogether too expensive. It would be too disruptive; too much of a change for our consumers and so on. But as I will show, Madam Speaker, it is the very assurance of progress in the economy, our quality of life and the natural environment itself that are at stake. Rather than something we would like to do, therefore, the new works and customer service systems we are calling for in this area are things we must do.

Madam Speaker, the regional non-governmental organisation, Global Water Partnership-Caribbean, (I think it is abbreviated as GWPC), has called for a rationalisation of consumer billing for water and related services; calling it an economic public good. Water cannot continue to be seen as a public right or as a casual service provided cheaply by the Government.

When you do this where is the money coming from to pay? Then they are talking about you cannot increase the fees.

The technology, Madam Speaker, the management and the maintenance of the proposed system improvement will require that some amount of fees be paid by customers with significant civic return to them in every Caymanian household, hotel and place of business.

Every centralised sewerage system in North America, Europe, and in the Caribbean works in this same way. As services improve rates increase. Yes, sometimes; but only at the same rate that potable wa-

ter service rates increase, at very small percentages, just as they do in North America, Europe and in parts of the Caribbean that have public systems. That is the way it has worked for everyone else who wants economic growth, environmental sustainability and assured levels of good public health and investment by Government and the people we represent.

In purely economic terms, Madam Speaker, new sewerage systems will create (our new system) approximately 1,000 new jobs, both directly and indirectly, and inject some US\$200 million stimulant dollars into our economy over the next four years. According to the United Nations and World Health Organization (WHO), sanitation generates economic benefits. And for every US dollar invested in proper sanitation nine US dollars come back in economic benefits.

Costs for this type of project, Madam Speaker, do not always result in a large financial burden to the client government or the consumer. For example, Madam Speaker, an economic and financial evaluation of the Tobago Wastewater project determined that a small environmental fee comparable to 2.5 per cent of a tourist hotel bill will generate enough revenue for the ongoing running of the new system.

In Trinidad, the San Fernando wastewater project reported that selling reused water at existing water rates can generate enough revenue for the ongoing running of the new system. Do they believe that all of this is possible? Can you imagine those of us who like to plant, Madam Speaker? Now we have to water our plants, our banana trees and all of the foliage in our yards, at the usual potable water that we use, but if we had grey water we could be using that. That is cheap! We cannot get that now. We have to pay [for] expensive water to water your potato plants, your ground provisions if you are growing vegetables.

In particular, I know one thing: if you like to grow roses, as I do, it cost a lot in putting the water in to keep the roses in this climate going.

As I pointed out, Madam Speaker, most urban centres, tourist areas and other densely populated areas have public sewers now in the Caribbean. When you travelled years and years ago they had in some countries open sewers. But they are modernising, and that is why they are becoming good competition for the Cayman Islands. They are modernising. Every Caribbean territory with a significant tourism industry has public sewers, at least in the tourist areas.

The south coast of Barbados and Bridgetown have sewers and plans are on the way to do the same for the west coast of Barbados. In Trinidad and Tobago, all major urban areas are sewer or at least partially sewer. And there are plans to increase sewer coverage there to 70 per cent. Why? Because it is needed! It is a growing population and there are tourist destinations that draw visitors.

Jamaica has most of its urban areas sewer. There's good sewerage coverage in St. Maarten, Mar-

tinique, and Guadalupe. Puerto Rico, St. Lucia, Grenada, Bahamas, Turks and Caicos, Antigua, BVI, all have partial sewer coverage. By contrast, Madam Speaker, our neighbour, Haiti, only has 25 per cent of households with improved sanitary facilities and very few sewer areas.

Do we believe that we can continue to dump into the ground and that is going to be just good enough for us? According to the World Health Organization (WHO) on UNICEF (United Nations International Children's Emergency Fund), Madam Speaker, in 2006, approximately 80 per cent of the Caribbean had improved sanitation facilities. Of these, over 55 percent have public sewers with 84 per cent of the region projected to have improved facilities by 2015.

Are we not to be counted in that 84 per cent? Should the Cayman Islands, with its fable tourism product and top financial destinations status, not share in that new day? I dare say, Madam Speaker, we will be hard pressed to maintain those rankings I referred to, if we maintain the precarious wastewater regime we have today.

On public health, Madam Speaker, the cost to our citizens for not having public sewerage is a major environmental problem waiting to explode. I put it that way because there is insufficient information about how much we have been harmed already by the injection of various grades of sewerage into the wells designated for that purpose. But what is clear, is that those territories with the lowest technology, such as Haiti, are in the greatest danger from diseases transmitted through water contaminated by human waste; such as diarrhoea, cholera, dysentery, typhoid and hepatitis B. Diarrhoea caused by unsafe water, Madam Speaker, is responsible for 1.8 billion deaths per year—90 per cent of which are children under the age of five.

The 1991 cholera outbreak in Peru cost that Government US\$4.2 billion in lost trade and travel revenue.

“According, to GESAMP (Group of Experts on Scientific Marine Aspects of Marine Environmental Protection) 2001, Contamination of the coastal marine environment by sewerage leads to significant numbers of infectious diseases linked to bathing and swimming in marine waters and to the consumption of seafood. Human exposures to toxins associated with algae blooms also imposed significant risks.”

It would only take one incident, Madam Speaker, of gastrointestinal infection, eye, ear, nose infection by a foreign tourist that swam in Cayman waters, to severely hamper our tourist industry. Pathogenic bacteria, they say, can survive in the sea from a few days to several weeks. Viruses can survive in water, fish or shellfish for several months. The hepatitis virus, Madam Speaker, can remain viable in the sea for over a year, according to GESAMP.

And so, depending on its source and collection methods, sewerage may also contain a range of

chemicals and specialised wastes including industrial chemicals, nutrients such as nitrates and phosphates, heavy metals, pharmaceuticals, medical wastes, oils and greases. These result in additional threats to our health.

Also waiting to explode is our current practice of injecting wastewater into the shallow brackish wells I mentioned, which has the potential of eventually cross-contaminating the same source water used for potable water in some places on Grand Cayman. Brackish water pumped from wells, Madam Speaker, is the source water used in the desalination plants on Grand Cayman.

Madam Speaker, they can say what the like. When I moved over 30 years ago into my house, I was used to drinking well water. My wife was not. She was raised on cistern water. And so, my well, I could drink it. I could bathe in it from my pump well. You think I can do that today, Madam Speaker?

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: It is as rank as the day as is long!

Why?

Do they think that is just happening by my grandson pee-peeing in the bathtub? No, Madam Speaker! It is because of how we have blossomed and developed and we have all of this going into the ground!

Oh, we got septic tank now, we got it made! Oh yeah? Well, Ivan showed us that we don't have it made.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: The south coast sewerage project in Barbados was justified on the basis of public health and environmental concerns raised over the continued use of lot disposal systems. Likewise, Madam Speaker, all wastewater projects that have been established in the Caribbean are justified based on public health and environmental concerns alone. The economic benefits for them were either taken as a given, or were simply assumed to ensue.

As our population density increases, Madam Speaker, the potential for cross-contamination in fresh water and in near-shore bathing waters is high and will continue to increase if the practice of sewerage injection continues in these Islands. In our view, it is simply no longer sustainable, particularly when we remind ourselves that there is currently no monitoring of these injection wells and no modeling of the aquifer systems to determine what impacts are occurring. Protection of the delicate coral reefs and the marine ecosystems—as much as they cursed me and talked about me because I support development—overflow from individual septic tanks and grey water can con-

taminate near-shore waters, our famous and delicate coral reefs and the marine ecosystems in general.

Madam Speaker, many studies have been done in the Caribbean, such as in Barbados and Tobago and in the Florida Keys, where the direct relationship between wastewater and grey water overflows have been shown to cause deterioration of the coral reefs through the formation of algae and algal blooms that cover and kill the reefs.

The coral reef in Cayman is a huge tourist attraction and also protects the Islands. Is this alone not a viable justification for changing the status quo in wastewater? What about the other problems that have been exposed by the Water Authority, Madam Speaker?

Madam Speaker, the Opposition from 2009 has been saying that our Government cannot perform and is not doing the right things and doing nothing for the country. How come they are asking us why we want to protect our environment and our people's health by putting in this sewerage system?

If the Opposition is as astute and have the foresight, as they are saying, they would find the facts and the empirical evidence instead of trying to misinform the public—as they have been doing, about everything in this country, not only about sewerage—without properly researching their facts and arguments. They are such a bunch of geniuses, according to them, yet they come into the House making accusations and saying the worst things possible, including trying to create the perception of impropriety.

The truth, Madam Speaker, is that the Opposition is a bunch of evil novices who have no ability to manage—

The Speaker: Honourable—

The Premier, Hon. W. McKeever Bush: —or have the vision to manage the country.

The Speaker: Honourable Premier. Honourable Premier, I have asked you [to] please refrain from those kinds of statements.

The Premier, Hon. W. McKeever Bush: Madam Speaker, that is not . . . I don't want to get into an argument with you, but that is not unparliamentary. They are evil novices.

The Speaker: It's . . . Whether you think it is unparliamentary or not, I would appreciate if you did not use those kinds of statements.

The Premier, Hon. W. McKeever Bush: Well, it is me speaking, Madam Speaker. Really, it is my speech.

The Speaker: Thank you. Yes—

The Premier, Hon. W. McKeever Bush: I don't want to get into an argument with you but, really—

The Speaker: I would hope—

The Premier, Hon. W. McKeever Bush: —I am not ultra vires the Standing Orders.

The Speaker: I would hope you would not want to get into an argument with me.

The Premier, Hon. W. McKeever Bush: No, we won't! I just need to finish my speech.

The Speaker: Okay.

The Premier, Hon. W. McKeever Bush: When they were out there yesterday, you know, challenging and talking about impropriety, that is when they should have been stopped and made to shut up. But it seems like improprieties can be challenged, but an “evil novice”?

Madam Speaker, they posed the question as to why we are doing this, in their eagerness to show something nefarious. That's why!

In recognising the issues and the dangers facing us, this is not only about economics. While any leader, Madam Speaker, with any modicum of vision or sense, will use assets that are available to them to take their country out of its economic crisis, there are very important points related to the environmental and ecological damage that must be considered to save the Islands for future generations. And it is not just the marine; I'm talking about on land.

From the things that they are saying and what their people are saying and the evilness that exists and the deliberate misinformation that they publish on *CNS*, they should be able to go to other news websites, that I believe tries to provide a more balanced reporting, *Caycompass.com*, and read the article that was published on the 15th January 2011 (is it 2010?)—15th January, 2010, with the headline—“The Sewerage System still under Par”.

Madam Speaker, I would like to read this article or some of it and I would lay it on the Table of this honourable House. And the story is:

“Several of the worst performing private sewerage systems in Grand Cayman have not been re-checked by the Water Authority since tests taken in 2008 revealed many fell [far] below the legally required standard of quality.

“In June last year, the Caymanian Compass revealed the 18 worst waste management systems in private estates and retail sites in Cayman. At the time, tests showed that one site was almost 275 times over the legal limit of total suspended solids, which are supposed to be broken down by the wastewater treatment plant.

“Wastewater systems are assessed in terms of their biochemical oxygen demand and total suspended solids. Under the Water Authority Law, sewerage treatment systems must be below 30 parts per million of BOD and TSS.

“While some of the sites have shown a marked improvement, most of the 18 still do not meet the legal standard, according to data released following a Freedom of Information request.”

I'm not going to call the names of those places. I want to go on to read:

“In a written response to the Compass, the Water Authority stated it had contacted the relevant stratas and business owners about the problems. It had also notified the housing ministry of the problem at” (one of those places I won't say, I'm not naming them) **“where the BOD is 859.5 and the TSS is 1,071.2 - but had not received a response as of mid-December.”**

Now, they are supposed to be below 30 parts. You see how serious this is?

“The Water Authority's Information Officer, Anita Fausett-Khan, said: 'No legal action has been undertaken against any owner/operator of a wastewater treatment plant.'

“Sampling done by the Water Authority at 186 sites throughout Grand Cayman between April 2008 and February 2009 revealed that two thirds did not meet the legal standard.”

“In an earlier interview with the Compass, Water Authority Director, Gelia Frederick-van Genderen said re-sampling would only be done once repairs had been carried out on the relevant systems.

“High levels of total suspended solids and biochemical oxygen demand accounts for unpleasant odours from sewerage systems and also can pose a threat to the environment if improperly treated wastewater gets into waterways.”

She said **“The concentration of TSS discharged via a well would be even more diluted as the settleable solids would be entrapped in the substrate.”**

“Effluent is indirectly discharged to near shore waters after passing through the substrate 40 - 100 feet below the surface,' the director said.”

Madam Speaker, the story goes on to name a number of places that measured well below the minimum quality standard in May 2008. And it was re-sampled in October 2009, but was still above the legal limit. While there was some improvement it was still above the legal limit of 30 parts per gallon.

Madam Speaker, in May 2008, another site showed a BOD of 449.5 and the TSS of 530. **“The Water Authority issued the property with a notice of violation on 30 June last year after it was determined the system was beyond repair.”**

Three other systems, Madam Speaker, were **“all found not to meet legal minimum standards in the original report.”**

“Original reports from the Water Authority showed tests taken at” (another site, or two other sites, right here in this town) **“fell below the mini-**

mum standard, but those results were discarded because of an error . . .”

Madam Speaker, I've read enough. I would like the Serjeant to lay this on the Table when he gets back.

The Speaker: So ordered.

The Premier, Hon. W. McKeeva Bush: The Clerk can do so. I would appreciate.

I don't need, Madam Speaker—

The Speaker: Just a minute, Mr. Premier.

The Premier, Hon. W. McKeeva Bush: Madam Clerk, please see that it is copied and passed to Members so that everybody can be aware of what was said.

Honourable Premier, please continue.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, the Government is not here trying to push any staff member out of work in the Water Authority. Instead, we are trying to protect their future.

I will say in this honourable House that the jobs of Caymanians will be protected, as I have told them. As I have shown, when I had direct responsibility for the Water Authority, Caymanian employment increased to 90 per cent, with five of the six top positions held at the time by Caymanians. And created 19 new jobs filled by Caymanians.

The Member, my friend from Bodden Town, was congratulating me because he remembers. He was part and parcel of the same administration.

Madam Speaker, one of this Government's main goals is to always attempt to create jobs and opportunities for Caymanians. This is not about taking an asset and a government company and giving it away. What this initiative is about, Madam Speaker, is to create better opportunities for Caymanians and protect the environment and the future health of our population.

This is the best time to deal with this. If we don't do so now it will deal with us in the very near future, and it will deal with us in a very negative way, not only for Caymanians, but also our visitors. Madam Speaker, the negative economic impact of not doing anything about this problem will be immeasurable. We might as well cite the truth about what we find, as the Director of the Water Authority did in that article. And they ask today, *Why do we need it?* It is evident why we need it.

We have two bodies, the Water Authority Board and a Technical Committee that will go through this, and the Central Tenders Committee; three that will administrate upon this matter. And after that, if Government is not satisfied we will get further advice.

So, Madam Speaker, are we here doing something that is wrong? That is nefarious? That is improperly done? No! As I said, Madam Speaker, it

has taken 20 long months to get to this point. I hope that the stalling stops and the stumbling blocks are removed. The Government supports, of course, this measure. We will not give it away. We will make the necessary enhancements for all of us. If I have my way that will extend to the Sister Islands as well, as that is what is intended, for, at least, Cayman Brac.

Thank you very much, Madam Speaker. I have been long. But I do hope that Members have listened to the facts as I have given them out here today.

And I do apologise to you, Madam Speaker, if it might seem that I get hot under the collar and call people “evil novices.”

The Speaker: Thank you, Mr. Premier.

Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Does any other Member wish to speak? If not, I am going to call on the mover of the Bill to make her reply.

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

Madam Speaker, I believe it would be remiss of me if I did not first and foremost say that it is the Minister responsible who is speaking, and secondly, that our Honourable Premier does not have a gag order on me or any other Member of Cabinet.

After having put that matter to rest, Madam Speaker, I would like to make some general comments in my response and rebuttal thereto.

The three Bills, Madam Speaker, form an overall package and together they are essential in regulating water and wastewater utilities, or in layman's terms, the public's drinking water and public wastewater services. It allows Government to efficiently control such services and, Madam Speaker, this control is to the extent of its water quality, effluent quality, efficiencies of public supply and rates throughout the entire Cayman Islands.

And, yes, Madam Speaker, we have not forgotten Cayman Brac and Little Cayman. I'll deal with that somewhat later.

Madam Speaker, the wastewater divestment process, I am happy to say now, is well underway. In fact, in October, 2010, the Ministry placed the advertisements in the local media inviting interested companies to submit proposals to the Water Authority's wastewater assets and services. The detailed request for the RFP was available from the 18 October 2010, and it is still on the Authority's website, which is www.waterauthority.ky in the event Members have not availed themselves of this valuable access.

Madam Speaker, the Honourable Premier, back in November 2010, announced the eight companies [that] had indicated interest in submitting various proposals. The deadline for the submission of the proposals was the 10th of December 2010, and there

is currently a technical committee reviewing the said proposals which have been received.

There were queries, Madam Speaker, as it related to the mandatory connections. And, in fact, we have ensured through the clauses that the public sewage system will be installed where required by Government thus a social and/or environmental need has been identified. If the properties are allowed not to connect, Madam Speaker, the unacceptable environmental situation will only continue to worsen. If properties are not connected, the owners of the wastewater system will not be able to recoup their cost of investment unless the rates of the connected properties are increased. In other words, Madam Speaker, the economies of scale is at operation as is the standard in businesses. The more connected, the cheaper the rates for the public consumers.

As it relates to the inquiry, Madam Speaker, about existing developments and the licence, it is planned to be successfully negotiated and it will state that these will be connected at no cost to the landowner (and that is to the existing development); that is all work on a property to connect will be done by the concessionaire.

As it relates to new developments, Madam Speaker, in the licence it will be stipulated that a connection fee will be allowed to be charged where the development is not built until after the wastewater service is available. Therefore, the landowner will be responsible to extend the pipeline to the property boundary. And this was an inquiry coming from the honourable Member for North Side.

There was also an inquiry as to private owners not being compensated for infrastructure on private land. Madam Speaker, clause 12 refers to the compensation assessment tribunal that can assess and award compensation for damages and for nuisance. As such, this provides a mechanism for compensation. It should also be noted, Madam Speaker, that the provisions of the wastewater services and public water supply are both very essential services to the public at large and, as such, if the concessionaire was required to pay rent, as was implied, in order to install this essential infrastructure on private property, these costs will have to be recouped from somewhere. And we know that in businesses, not only in Cayman but in any modern democracy, this is a pass through cost, Madam Speaker.

There was a question about the Attorney General having to take legal action, and I dealt with that in the other presentation that I made, Madam Speaker, but suffice to say, that was only as it related to public infrastructure.

There was also a query, Madam Speaker, as to whether the sewage will be treated before being expunged into a deep well, and I am happy to say that all wastewater collected by the concessionaires will be required to be treated to a high level before the effluent is discharged into the deep wells which are cased to 200 plus feet.

Contrary to popular belief, Madam Speaker, with septic tanks many of them are not meeting the current specifications and the Water Authority keeps quite busy trying to regulate throughout the entire Islands. Additionally, treatment to enable effluent to be reused for irrigation or golf courses, landscaping or agriculture purposes, is also an alternative disposal method.

Madam Speaker, there were inquiries to the social services element, and this will be a policy issue for the Government as the wastewater concessionaires will not be in a position to determine people's ability to pay, or affidavit of means for the wastewater service. However, a similar set of circumstances happens with other utilities and the Department of Family and Children Services is always very able and capable in dispensing where [there is need].

[pause]

The Deputy Premier, Hon. Juliana Y. O'Connor-Connelly: I beg your pardon, Madam Speaker.

The provisions under [clause] 5 of both the Wastewater Collection and Treatment Bill, 2010, and the Water Production and Supply Bill, 2010, for wastewater licensees and water supply licensees, are similar to the provisions under the Electricity Regulatory Authority Law (ERA) (2010 Revision), for licensees for generation and/or transmission and distribution of electricity. And, Madam Speaker, it is no different than how Cayman Water Company has been operating for the past 20 years.

[Clause] 5 of both the Wastewater Collection and Treatment Bill, 2010, and the Water Production and Supply Bill, 2010, states as follows, Madam Speaker, and I quote with your permission: **“A concessionaire under this Law is deemed to be the holder of a franchise for the purpose of section 4(1)(d) of the Local Companies (Control) Law (2007 Revision), and is exempt from obtaining a trade and business licence under the Trade and Business Licensing Law (2007 Revision).”**

And, Madam Speaker, this is nearly identical to subsection (4) of the existing Water and Production Supply Law (1996 Revision), which states, and again I quote: **“A concessionaire under this Law is deemed- [(a)] if a company, to be the holder of a franchise for the purposes of section 4(1)(d) of the Local Companies (Control) Law (1996 Revision); . . .”** And this, Madam Speaker, from my research and my technical staff's research, has been a part of the above law since 1995. So, the current Government is not inventing this provision or adhering to the speculation that has been wildly thrown in some of the debates that we have heard so far.

The Cayman Water Company operates under this provision and does not now currently hold a trade and business licence because it has been exempted before this Government by virtue of being the holder of a franchise under the section that I just quoted,

Madam Speaker, of the LCCL Law. This provision was carried over into the Water Production and Supply Bill and the Water Treatment Bill.

There is also a similar provision and the same principle, Madam Speaker, under the ERA Law. Subsection 23(10) of the Electricity Regulatory Authority (or the ERA) Law (2010 Revision), states, and I quote, Madam Speaker: **“No licensee is required to be licensed under the Trade and Business Licensing Law (2007 Revision), and all licensees shall be exempt from the Local Companies (Control) Law (2007 Revision).”** So, these sections that are now causing so much alarm have spanned various administrations and they seemed to have been quite satisfied with it then. And, unless there is *actus novus interveniens*, this Government sees no reason to so change at this time, Madam Speaker.

Madam Speaker, as I took myself to avail to the unedited Hansard Excerpt of various speakers, I would at this time now wish to confine response thereto: The Honourable Member for the district of East End in his presentation made a number of statements and the first that I would wish to refer to is that the Member for East End stated that the Water Authority has been operated over the many years quite efficiently, and this is from page 2 of the 10 January, 2011, unedited Hansard Excerpt: “The Water Authority has been operated over the many years quite efficiently, albeit, that the many years the Water Authority made money but none was put into Government. Why?”

Madam Speaker, I was fortunate that I did not have to answer ‘why’, because, first of all, that statement is not a statement of fact. The records will bear out that the Water Authority has contributed to the Government’s general revenue.

[inaudible interjection]

The Deputy Premier, Hon. Juliana Y. O’Connor-Connolly: Madam Speaker, I am saying they have contributed, and it is not an absolute statement of fact. And I say that as I present my argument, and it will become more evident as to why I have to look at the integrity of some of the statements that were made.

The second thing is, Madam Speaker, it is not the policy of the Government to sell the Water Authority; it is to *lease* the Water Authority and the Premier and the Honourable Minister of Education eloquently and articulately explained the reasons why we have come to this policy decision.

The Honourable Member for East End also stated, Madam Speaker, on page 3, that we “are getting rid of it because there is obviously somebody out there who likes the idea and the Government likes them.”

Madam Speaker, let me say it unequivocally, that this Minister, the Second Elected Member for Cayman Brac, has no knowledge of any such person or companies, I have no knowledge that any of my

colleagues on the Government Bench or Backbench have any knowledge of this, and if the Member for East End has knowledge of it, then it is his duty as an honourable citizen, to make these allegations to the appropriate authorities, ask for the appropriate investigations. And I can tell him that this Minister, Juliana O’Connor-Connolly, does not engage in this type of Government administration.

Madam Speaker, I therefore submit that that too is not a statement of fact. In fact, it is wild allegation and absolutely unfounded as it certainly relates to this Minister. And other Ministers can defend themselves, but as far as my knowledge is concerned, this is not a statement of fact.

Madam Speaker, he again reiterated that all of a sudden that “the Johnny-come-latelies are going to ride in on their white horse, and they are going to use the country’s money to make their own profit.” Madam Speaker, I deny this statement as it relates to my Ministry, and this Minister. Certainly, there are no horses on Cayman Brac or Little Cayman. I have no interest in meeting with anyone riding in on any horse because this is not the Wild West; it is a modern, open, fair, accountable and transparent Government. And the day that I find myself in any Government that does not live up to those standards, Madam Speaker, it will not take long for me to do the right thing—as I am sure that Member would be desirous of doing as well.

Madam Speaker, we are here to nation build and these types of unfounded comments do nothing to help us progress this country forward.

Then, Madam Speaker, the honourable Member went on to say, “The Minister now says give her some idea what to do.” The Member said, “Madam Speaker, during the Throne Speech I gave the Government a number of proposals” (and this was one of them) “give away Turtle Farm! That’s \$10 million a year” the Member said “that we are putting into it.”

The second piece of advice was [to] giveaway the Stock Exchange.

Madam Speaker, the last time I checked, and I checked quite recently as a part of my responsibility, constitutionally and otherwise, the Government is not a charitable organisation formed under section 80 of the Companies Law, and it is not there to give away any public assets. We are to exercise prudent fiscal management, and that is what the Government is doing. The Government inherited—and I will not take the time now to say the reasons why; some local, some internationally—a very poor economic condition. And on the face of making extremely difficult decisions to try to rebuild and recover the economic status that this country once boasted and was the envy of many other jurisdictions around the world.

He went on to say, Madam Speaker: “Are we going to give it away? Are we going to lease it? I don’t know. What are we going to get back?”

What we are going to get back, Madam Speaker, is a country that is well put back on the

economic footprint that it should have been—one in which we left it when we were last the Government, Madam Speaker. We recognised that worldwide there is an economic meltdown, but we understand that if we sit back and do nothing and just think that it is going to happen . . . there is a thin line, Madam Speaker, between faith and foolishness.

Madam Speaker, the honourable Member went on to say, “I’m not saying we do not have our problems with it . . .”, and that is after making very complimentary remarks to the Water Authority, of which I thank him for eventually making these statements of facts to the Authority. And he said, Madam Speaker, “. . . of course we do.”

Then, I ask him, Madam Speaker, if they have problems with the Water Authority then let me as Minister know what these problems are, and I am sure we will be happy to entertain any reasonable constructive Opposition or issues or concern if it is going to improve the wellbeing of all of the people in the Cayman Islands. I would be happy to sit down with or without the Water Authority, to hear what problems this Member has with the Water Authority.

Madam Speaker, the Member goes on to say, “Are we going to give it away or are we going to lease it? One of the three!” Now, Madam Speaker, I only got two when I counted that. And I’m not just being facetious, but I am setting my argument up to say, I asked for advice and I was expecting advice that was prudent advice, not advice that was not considered. And the devil is in the details, and things like this I look at when I take advice from any source, Madam Speaker.

The Member went on, Madam Speaker (that is the Member for East End), to say, “What is going to happen to the little old woman when all of a sudden Government is going to get back involved and say you cannot hook that one up or that other one up?”

Madam Speaker, if I could for a moment retrieve back my gender hat that I have given to my good friend, the Second Elected Member for George Town, Minister responsible now for Gender Affairs, what gives that Member, or any other Member, Madam Speaker, the right to stereotype? Does it mean because you are little? Does it mean because you are old? Does it mean that because you are a woman that you are not in a financial position to pay your bill? I don’t think so, Madam Speaker. And I would ask Members to be a bit more careful when they give their examples, because women in today’s world are capable of doing more than some men think they are. And I won’t say anymore on that, Madam Speaker.

In fact, he went on and made a Freudian slip. He said: “We will not have that control any longer.” And I had put a question mark, Madam Speaker, as to what control was the Member speaking about. But I will not have to go on that because the Member quickly corrected himself by saying, “We will not have the ability, not control. It’s ability to dialogue, discuss it with board members and the Director.”

Suffice to say, Madam Speaker, this Minister, meets with the boards and the directors to thank them for their invaluable services, but I do not interfere with my boards. I do not attempt to control my boards, Madam Speaker. And now that we have echo eyes they can ask and they will get that same response, Madam Speaker.

Madam Speaker, the Member for East End went on to say, “I would like to hope” (I guess that’s continuing future tense) “that the current Minister” (that’s me, Madam Speaker) in her 18 months has done the same thing. And I am sure she has. But all of a sudden we need to sell it.”

Madam Speaker, when I peruse statements like this, it then causes me to think for the second time whether or not the Member really is sincere about the advice he referred me to in his Throne Speech. Because, Madam Speaker, on the one hand the Member could easily have said that he is sure that I am not doing the things that he was speculating before about not keeping the Government’s mandate, not running the Water Authority efficiently. Because as soon as he said that speculative remark, Madam Speaker—which was totally uncalled for—he went on to say that he was sure that I was not, Madam Speaker.

“How is it going to employ more people if the provision is that all of the staff [will] come along with it?” This was a query from the Member. Madam Speaker, there will be a capital expansion. Therefore, on a balance of probabilities this has to enhance the possibility of more staff employment opportunities. It is just as simple as that.

Again, Madam Speaker, there was an inquiry which caused me quite a bit of concern. Towards the end, in fact, the penultimate paragraph, the honourable Member for East End said: “You won’t have to go through all of this. You won’t have to put the stress on the staff at the Water Authority who have been operating it efficiently and now, of course, their concerns are” (referring to the Water Authority) “*You mean, this is the thanks I get for working so hard all these many years? That the Government is going to undermine us and sell it out to someone else and we come under a new regime?*”

Well, Madam Speaker, my response thereto is as follows: Is the honourable Member saying that he spoke to a staff member or to a member of the Authority, or vice versa? Because, if he did, Madam Speaker, he should have stated who these persons were, and until he does, Madam Speaker, I take the respective position that it is purely his belief and is therefore pure conjecture, and that the Authority nor the staff members have gone to the Opposition to lay complaint against the Government on which they are non-politically aligned with.

Madam Speaker, moving on to the honourable Member for North Side—He had an inquiry where he wondered if the Government envisages a timeframe in term of the capital investment to put the sewage system in place, and what impact this is going

to have on the formula. And, Madam Speaker, the Government wants an aggressive builder, but, of course, this will have to be balanced against the cost to the consumers. And this will, of course, be dealt with in the negotiation process.

There was also an inquiry about the Government's policy. He said: "Am I not sure whether this is the piece of legislation—

Moment of Interruption—4.30 pm

The Speaker: Honourable Deputy Minister. . . Deputy Premier, we do need a motion for Standing Orders to continue after 4.30.

Suspension of Standing Order 10(2)

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

Madam Speaker, I beg to leave the suspension of Standing Order 2 [*sic*] so that the business of the day be allowed to go beyond the hour of 4.30.

[inaudible interjection]

The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly: Ten (2), I meant to say. I beg your pardon.

The Speaker: The question is that Standing Order 10(2) be suspended to allow the business of the House to go beyond the hour of 4.30. All in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Standing Order is accordingly suspended. The business will continue.

Honourable Deputy Premier.

Agreed: Standing Order 10(2) suspended.

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

Madam Speaker, just before we made the suspension I was dealing with the inquiry from the honourable Member for North Side, where he wondered whether it was the Government's policy of leasing the Water Authority to Consolidated Water for a number of years as some agreed, cash-up-front. And, Madam Speaker, I am here to say that indeed it is not the Government's policy and this is just pure speculation.

The other inquiry was as it related . . . in his other paragraph he made an inquiry as to . . . or, rather, a statement: ". . . whoever buys this water distribution system from the Government . . ." and we would just like again to say out of an abundance of caution, it is not a sale, it is a lease.

Madam Speaker, I wish to accept with great appreciation the conclusion that the Member for North Side made through the process of his analytical and deductive reasoning, that he did in fact appreciate the economic situation that the Government finds itself in. Of course, there were conditions subsequent that he put to that, but it was good to see that he did appreciate that and, I believe, would have some sympathy in acknowledging the economic situation that the country is now in, whether or not there is concurrence to the methodologies of how remedy it is to be decided. He has stated his position, and the Government has, of course, their policy. And each side has a right to take those positions.

Madam Speaker, there was a reference by the honourable Member for North Side that Cayman is going to be looking at several (this is on page 6) hundred dollars a month in addition to the cost of this as utility bill. And I would, with the greatest respect, submit, Madam Speaker, that this is not a reasonable assumption, and would make an inquiry as to where these figures came from, as if they are not factual, Madam Speaker, they can indeed cause unnecessary stress and anxiety to the listening public.

Madam Speaker, towards the end of the debate from the honourable Member for North Side, I got slightly confused in that up until the last perhaps two or three paragraphs I was under the distinct impression that he was not supporting the sale or divestment of the asset, but then went on to give a number of scenarios about what would happen if we sold it, how much money we could get, and, for example, he said: ". . . you should be asking somewhere between \$100 million to \$180 million for the franchise, even if that was over a period of time for that to be paid, and that the Water Authority, with an asset base of \$60 million to \$70 million should be at least \$350 million."

Madam Speaker, number one, let me say again it is not going to be sold. But we need to be very careful when we state figures, especially in the millions of dollars, because if, in fact, this was true, can we just imagine what the public would be paying in rates if this was the consideration that was being dealt with? Madam Speaker, I do not mind figures, but there must be something to substantiate them or back them up, otherwise, in this type of economic climate that we have, I cannot, for the life of me, see how it is going to be helpful.

I know the Member for North Side does quite a bit of research. I listen to him fairly regularly on Tuesday morning, and I would say in the majority of times his figures are accurate and he comes to very logical conclusions, but I would invite him that if he does have these figures, let me know and I will pass to the negotiation team because maybe we might not have to divest any other assets, we might just get away with doing one of them.

Madam Speaker, my staff has been here for quite a bit of time, and I should wish to thank them for being here for this support that they have given for the

many hours of research that they have [done], and for being the professionals that they are, Madam Speaker. It is not very easy to be close up to an organisation for as long as they have, to run it as effective, and as efficient as they have had, in this economic climate that we now live in, to make a profit, and, indeed, last year was in a position to assist the Government.

Madam Speaker, they have been given the policy of the Government, and we as a Government, have every confidence that they will carry out that policy. They will give us advice, and advice is just that. The Government has the discretion, to take it or not to take it; whether it is Water Authority, Shipping or any other Authority.

So, Madam Speaker, I would submit that it is not very fair for Members to try to express very favourable and congratulatory remarks in an effort to try to woo members at the Authority at this very delicate time that the country is going through, because it is difficult for them, as well as for the Government, to have to make these decisions. But both the Authorities and the Government and the Ministry, and I would hope that the Opposition as well, are looking at this economic situation from a holistic approach.

We are trying to do just what the Honourable Premier said we had a mandate to do; “recover from this economic downfall.” And we have to do whatever it takes that is in the best interest of the majority of people, knowing full well, Madam Speaker, that we will not please everybody. But we were not elected for a beauty contest or popularity race. We were elected to make these types of difficult decisions which are made by leaders with foresight and vision, resilience and determination in the interest of the Caymanian people and the residents alike. I believe that we are well on our way of carrying out that mandate, Madam Speaker.

I shall thank all Members for their contributions on both sides of the House. Those who were not as complimentary of the Government, as perhaps we would have liked, served a purpose because it perhaps forced us to look at some areas that we might not have contemplated, and we have responded as a government would have. And I trust that we would move on and do what we are being paid to do—improve the lives of the people of this country.

I thank you, Madam Speaker, for your indulgence.

The Speaker: Thank you Honourable Deputy Premier.

The question before the House now is: That the Water Authority (Amendment) Bill, 2010, be given a second reading. All those in favour, please say Aye. Those against, No.

Ayes and one audible No.

The Speaker: The Ayes have it.

Mr. V. Arden McLean: Madam Speaker, can we have a division please?

The Speaker: Yes, Member for East End.

[inaudible interjections]

The Clerk:

Division No. 31/10-11

Ayes: 9

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

Noes: 4

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

[inaudible interjections]

The Speaker: Please do not exchange comments across the floor!

[inaudible interjections]

The Speaker: The result of the division is 9 Ayes, 4 Noes.

The Water Authority (Amendment) Bill has been given a second reading.

Agreed by majority: The Water Authority (Amendment) Bill, 2010, given a second reading.

Health Practice (Amendment) Bill, 2010

The Clerk: The Health Practice (Amendment) Bill, 2010.

The Speaker: Minister of Health.

Hon. J. Mark P. Scotland: Madam Speaker, I move the Second Reading of a Bill for a Law to amend the Health Practice Law (2005 Revision) to make provision in respect of Medical Tourism Services; to establish a category of special registration; and for incidental and connected purposes.

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

Hon. J. Mark P. Scotland: Yes, Madam Speaker.

The Speaker: Honourable Minister for Health.

Hon. J. Mark P. Scotland: Madam Speaker, I rise to table this afternoon in this honourable House the Health Practice (Amendment) Bill, 2010. This Bill represents the first in a series of amendments which

will be proposed for the Health Practice Law in the coming months.

In July last year I appointed a committee which commenced the review of the Health Practice Law and Regulations. The original Law was enacted back in 2002 and since that time various councils, as well as the Health Practice Commission and other stakeholders, have made representations to the Ministries over the course of time regarding the proposed amendments that should be made.

Madam Speaker, the terms and references for the Review Committee include the following:

- 1) A general review and assessment of the Law and Regulations.
- 2) Assessment to assess the list of countries from which applicants are eligible for registration in the Cayman Islands in order to determine whether there should be an expansion of list of countries.
- 3) To determine the means of recognising and registering suitably qualified Indian practitioners.
- 4) To determine the method of granting registration to overseas qualified nurses seeking employment in the jurisdiction, and the means for the Nursing and Midwifery Council to grant the title of nurse or registered nurse.
- 5) To determine the competition of, and functioning of the Health Practice Commission in relation to the Health Practice Councils, including a review of the roll of the registrar.
- 6) Review of the registration process of practitioners, and any other areas under the legislation which deem necessary and/or beneficiary.

The Review Committee is comprised of the Chief Officer in the Ministry, as the Chair; the Chief Medical Officer of the Ministry of Health, the Director and Deputy Director of the Department of Health Regulatory Services; the Medical Director of the HSA; the Chair of the Health Practice Commission; the Chair of the Medical Dental Council; Chair of Nursing and Midwifery Council; the Chair of the Pharmacy Council; Chair of the Council of Professions allied with Medicine; and the Senior Policy Advisor to the Ministry of Health as the Secretary.

So, the Committee is very extensive and wide ranging in its composition, Madam Speaker.

The review is still ongoing and, as I said earlier, further amendments will be tabled in due course.

Madam Speaker, in the process of reviewing the Law, the Committee and the Ministry are also cognisant of an agreement (which everyone is aware of) that the Government entered into with the Doctor Shetty's group in April last year. Under that Agreement, Madam Speaker, the Government made certain commitments, including the recognition of Indian Practitioners for the purpose of registration, and provision

for exclusivity from competition for the project for a period of time.

Madam Speaker, the amendments which we are proposing today specifically addresses these commitments. But I would note as well, that these amendments will not only address our obligations under the Agreement, but the amendments are also intended to generally enhance our healthcare sector.

Madam Speaker, for example, by creating a special registration category, practitioners from countries other than those currently in the Law can also be considered for registration.

By creating designations of medical tourism services, provider and facility, the Government will also be able to have an added layer of regulation and oversight in the establishment of the medical tourism industry.

Madam Speaker, before I get into the details of the proposed amendments I want to speak briefly on the proposed CNHU (Cayman Narayna Health University) project and medical tourism generally here in the Cayman Islands.

I am sure that honourable Members are aware by now that Medical Tourism is one of the fastest growing industries worldwide. Statistics indicate a significant growth in the Medical Tourism industry. Only a few years ago it was estimated to be about a \$20 billion a year industry which is now projected to grow to \$100 billion a year by 2012.

In 2008, it was estimated that approximately 1.3 million Americans travelled abroad to seek health-care and that figure was expected to double by the end of last year. These statistics definitely indicate a strong potential for medical tourism in the future. And, Madam Speaker, given these strong statistics and the need and desire to diversify our economy, I am sure that everyone will agree the Government made a sound decision to encourage the development of medical tourism as a way to diversify and to grow our economy.

Our geographic location, regulatory regime and other factors make us well suited for medical tourism, Madam Speaker. The potential benefits to our economy from the development of medical tourism can be significant. These can include job creation, business opportunities, direct revenue to Government and more. Madam Speaker, I think we would all agree this would be very much welcomed at a time when the economy of the world and here in the Cayman Islands is going through a very slow period.

Madam Speaker, in encouraging the growth and development of medical tourism, a major component is the development of the CNHU, or the Doctor Shetty project. The Government was approached by Doctor Shetty and his group and they expressed an interest in establishing the project here.

Madam Speaker, just to note that there was consideration by the group to establish the project in several other jurisdictions as well, and also interest from other jurisdictions that were trying to persuade

the group to develop the project in their countries. Offers of concessions and other incentives were made to the group, including in one jurisdiction, even the offer to construct a facility for them. The point I am making here, Madam Speaker, is that, in the words of the Premier, "Cayman was not the only girl on the block", and, much like the tourism and financial industries, we have to compete with other jurisdictions in order to establish medical tourism here.

In order for us to get the project to be established here or developed here, incentives and concessions were offered. These included financial concessions such as reduced import duty, but also included commitments, such as the ones that are being addressed with these proposed amendments today.

A key factor in bringing the project to Cayman was to ensure suitable practitioners would be able to register, particularly in light of our existing legislation and registration process.

Madam Speaker, why would they commence the project, invest, construct the infrastructure and when it is time to open the hospital, then encounter difficulties with registering practitioners? Madam Speaker, they experienced that similar problem in trying to establish the project in several other jurisdictions as well. So, Madam Speaker, in order to address that one of our commitments in the Agreement is to ensure that timely registration of health practitioners including the recognition of suitable Indian medical qualifications to enable the holders of such qualifications to practice here in the Cayman Islands. And, as I said earlier, one of the proposed amendments today addresses that commitment.

But, Madam Speaker, as I also said earlier, it not only addresses that commitment and that concern, but at the same time as part of the ongoing review it also allows us to consider practitioners from jurisdictions outside of the current list of seven in our Law.

Madam Speaker, as I was saying earlier, there are considerable benefits to be gained, and the Cayman Islands has a unique opportunity at this time to take advantage of this project and indeed the medical tourism industry.

As I said earlier, Medical Tourism is a global expanding industry to which the Cayman Islands already has several of the attributes in order to be successful. Once the project is completed this single entity can contribute significantly to our Gross Domestic Product (GDP).

While it has been said that duty concessions awarded to the group are generous, and the concessions have even been called an investment on the part of the Government, I am confident that with a project of this magnitude and the positive gains for the Cayman Islands, Madam Speaker, the benefits will far exceed the concessions that are being made. Madam Speaker, concessions are incentives provided to developers from which they obviously derive a benefit, but the country also derives a benefit and without concessions there might not be a project and no

benefit to the country; It is that simple, Madam Speaker.

Madam Speaker, the proposed project will provide several benefits to the Cayman Islands and its residents once it is constructed and operational. There will be increased tourism arrivals for medical tourism purposes. And I should note that medical tourism is not as cyclical as traditional tourism. People will come year round, not only at certain times of the year as the traditional tourism industry where there are peak seasons and off seasons. There will also be increased on-island access to tertiary healthcare for all residents, thus reducing the cost to Government for tertiary healthcare.

Madam Speaker, we are all well aware that the Cayman Islands Government currently sends many of our patients overseas because of non-availability of tertiary healthcare locally. Government expends tens of millions of dollars annually on overseas tertiary care. And this does not include the cost to family members that have to accompany the patients. Patients will have the benefit of their families and friends at their bedside while receiving care, rather than having to travel overseas with them. This project will no doubt enhance the access to healthcare in Cayman, Madam Speaker.

So, with all of this in mind, I move back now to the proposed amendments. As I said earlier, under the Agreement the Government has committed to a number of undertakings to facilitate the development of this new project. Two of the undertakings require specific legislative amendments to 1) ensure timely registration of health practitioners employed to CNHU, including the recognition of Indian medical qualifications; and 2) to give CNHU the exclusive right to be the only non-Caymanian entity allowed to set up large scale medical tourism facilities (and large medical tourism facilities is defined as 25 beds or more) in the Cayman Islands for a period of five years from the date of commencement of the operations of the facility.

Madam Speaker, in order to effect these particular commitments the following proposed amendments are being made:

Clause 2 of the amendments creates the following definitions:-

- "medical tourism facility" which means a health care facility designated by the Governor;
- "medical tourism provider" is defined as a person designated by the Governor and unless designated as such, no person or company shall offer medical tourism services;
- "medical tourism services" is defined as inpatient and ambulatory medical and surgical services provided to individuals who have travelled to the Islands for the purposes of obtaining health care.

Madam Speaker, clause 3 introduces a requirement for medical tourism providers and medical tourism facilities to obtain Cabinet's approval prior to offering medical tourism services. The requirements for this designation will be in addition to the current requirements for registration of healthcare facilities.

Under this clause medical tourism services can only be offered by designated medical tourism facilities. The prospective medical tourism provider will first apply to Cabinet for the designation. When considering a request for designation under this section, Cabinet will consult with the relevant medical councils, such as the Medical Dental Council, Pharmacy Council, Nursing and Midwifery Council or the council for professions allied with medicine, as well as the Health Practice Commission, to seek their advice.

With this new clause Government will have the mechanism by which to provide the exclusivity to CNHU which was committed to in the Agreement. Under the Agreement no other non-Caymanian large-scale medical tourism providers will be permitted until five years after the hospital has commenced operations. Therefore, Government will not designate any other non-Caymanian large-scale facilities during this period.

The clause also provides the mechanism whereby Government can have an added layer of regulation over all medical tourism providers, large or small.

Madam Speaker, if we see this industry as having the potential to be a third leg of our economy, then it is quite appropriate that we should subject potential providers of the service to rigorous criteria in order to become established here.

Madam Speaker, as I just said, Cabinet approval for medical tourism providers is considered an additional layer of regulation. It does not preclude the medical tourism provider from applying to the Health Practice Commission for a certificate to operate a healthcare facility and the provider will still have to go through that process. That process was already quite rigorous, and last year we made significant improvements to it by appointing a health facilities inspector.

It is important to note that Cabinet has been given the responsibility to designate a person or a company as a medical tourism provider and/or a medical tourism facility. This will allow Cabinet the ability to maintain control and oversight of the expansion of medical tourism services offered in the Cayman Islands, allowing for the appropriate due diligence to be performed to ensure that the medical tourism industry is developed with the highest standards.

So, Madam Speaker, as I said, this amendment not only satisfies the agreement, but it is also very much forward thinking on our part as we encourage the development of the medical tourism industry.

Madam Speaker, clauses 4 and 5 of the proposed amendment provides for the establishment of a special registration category for medical practitioners.

At present, only practitioners registered in Australia, Canada, Jamaica, New Zealand, South Africa, United Kingdom and the US are eligible for registration on the principal list of practitioners here in the Cayman Islands.

By creating the new special registration category, practitioners who are not from those seven countries can have the opportunity to apply to the relevant councils for special registration. Cabinet will also designate facilities at which persons specially registered may be employed.

Madam Speaker, I note here that this has the added element of ensuring that those persons who will fall in the special registration category will be attached to a specific facility. In the case of Doctor Shetty, his practitioners will be attached to his facility and will not be able to freely move to another medical facility. In order to practice elsewhere a person on the special registration list will have to apply for full registration. Madam Speaker, the Review Committee saw this as a way in which to give some level of comfort to local practitioners; that those practitioners who come here for the Shetty project would not be able to move freely to other facilities.

The new special registration category will allow for registration of health care practitioners by the relevant Councils from additional countries once the criteria prepared by each Council are satisfied. Health care practitioners registered under this list must work only at designated facilities, as I said earlier. The special registration category is not exclusively for Indian health care practitioners, or medical tourism facilities, but will facilitate any health care facility or provider that has been designated to employ persons on that special registration list.

Madam Speaker, I know there has been some contention that the special registration category will be a lower standard of medical practitioner, but I can assure you this is not the case. We have created the category for several reasons. Persons who are not from any of the seven countries listed in the current law can now have the opportunity to apply and be considered for registration. The medical councils will still have to be satisfied of the same basic criteria under section 24(2) of the Health Practice Law, and then applicants will also have to satisfy the specific criteria developed for special registration by each of the relevant councils.

In addition, practitioners that register in the special registration category will only be able to practice at designated facilities. In the case of India, information regarding the registration of Indian practitioners has been provided to the Ministry and is now being reviewed by the review committee and each of the medical councils in order to establish the specific criteria for registration under the special category for Indian practitioners for CNHU.

I should note, Madam Speaker, also that it is expected that many of the practitioners to be em-

ployed at CNHU will be able to apply for registration on the principal list.

Madam Speaker, I want to make it clear that it is not the intention of this Minister, or the Ministry, or the Government, to in any way lower the standard of registration for medical practitioners here in the Cayman Islands. We have traditionally had a high standard of practitioners and health care throughout the years, Madam Speaker. And it certainly would not be in our interest, nor that of Doctor Shetty, for that matter, to lower any standards for registration, particularly if we want to encourage the development of medical tourism and if he wants to develop a successful and reputable facility.

Madam Speaker, I have also heard the concern from the Medical Dental Society, that allowing practitioners from jurisdictions, other than the seven in the current law, to apply for registration, could have the potential to open the floodgates for practitioners coming here, and potentially flood the market with additional doctors and other practitioners, and even disenfranchise Caymanians who want to go into the medical profession.

Madam Speaker, I have seriously considered these concerns and I can assure this honourable House again, Madam Speaker, that I would never do anything that would disenfranchise Caymanians in any way. In fact, I see the development of medical tourism here as a huge opportunity for Caymanians to enter the medical profession. In fact, one aspect of the CNHU project is a medical university, which will provide opportunities to train and prepare for careers in medicine.

In addition, Madam Speaker, the Minister of Education and myself have already had discussions on how to encourage and prepare more high school students to pursue a career in the medical field. UCCI (University College of the Cayman Islands) is also planning to implement a nursing school at its campus. And I will also continue my discussions with the Medical Dental Society's President regarding Caymanians pursuing careers in medicine.

So, Madam Speaker, while we work to ensure that CNHU project moves ahead, we are already making plans for the future of Caymanians to take advantage of opportunities that will be created.

As for the concern about the special registration category opening up the floodgates and encouraging too many doctors for the general population, again, after considering this I am confident that this amendment will not lead to any flood of doctors coming to the Island. However, if indeed this were to start happening, the amendment or the Law would not on its own be able to address that. Certainly, it would have to be addressed by the Employment Relations, Immigration, and the relevant medical councils working together.

As it presently stands, Madam Speaker, Immigration now defers to the relevant medical council and once the criteria are met to register a practitioner,

Immigration approves the work permit. In the future we should move to a scenario where the need must first be established. There are generally accepted ratios of practitioners to population size for the various types of doctors, and these ratios can be used to determine whether an additional doctor may be needed for the population and whether they should be registered and a work permit approved.

Madam Speaker, an added benefit from the special registration category will also be that in emergencies, such as hurricanes or other disasters, practitioners and other health care personnel can be registered a lot easier when they are needed in disasters.

The Bill creates the ability for facilities to apply to Cabinet for designation as a facility that is able to employ practitioners who are registered on the special list. Once approved by Cabinet, notice of this designation will be published in the *Gazette*.

Madam Speaker, clause 6 of the Bill allows for the Governor in Cabinet to issue policy directives to the Councils. Madam Speaker, this amendment is in line with other legislation, such as the Immigration Law which gives the Governor in Cabinet the power to issue policy directions to councils for their guidance in exercise of their powers, duties and functions under the Health Practice Law. It is again being said, Madam Speaker, that this clause will allow Cabinet to register doctors.

Madam Speaker, this clause is already in most other major pieces of legislation that exist here in the Cayman Islands. The important point for any directive that is issued is that it must be in accordance with the Law and, therefore, Cabinet cannot issue a directive to any of the councils which would not comply with the Law. The specific criteria for registration of practitioners are established by each of the councils and therefore Cabinet cannot issue a directive to any of the Councils to register any practitioner.

Madam Speaker, these are the proposed amendments, as I have presented to this honourable House, to the Health Practice Amendment Bill, 2010. As I said earlier, more substantial amendments reflect best practices and the changing health care landscape to benefit the residents of these Islands will be forthcoming later in the year.

In closing, Madam Speaker, I would like to express my gratitude to all of those persons who contributed to putting the amendments together. And I must specifically thank the members of the Health Practice Law Review Committee: Mrs. Myrtle Brandt; the Chief Officer, Jennifer Ahern; and the other Ministry staff.

Madam Speaker, I look forward to the support of my colleagues on both sides of this honourable House for these important amendments.

Thank you.

The Speaker: Thank you Honourable Minister of Health.

I would like to take a 15 minute break at this time if we are going to continue much longer. The House is suspended for 15 minutes.

Proceedings suspended at 5.04 pm

Proceedings resumed at 5.46 pm

The Speaker: Proceedings are resumed.

Please be seated.

When we took the break, the Honourable Minister for Health had just completed his presentation on the Health Practice (Amendment) Bill, 2010. Does any other Member wish to speak?

Member for North Side.

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

Madam Speaker, in my 30 years of involvement in politics in the Cayman Islands, and almost 10 years of service in this honourable House, I have never had to face a more troubling and disturbing Bill as has just been presented to this honourable House.

This Bill, Madam Speaker, in my view, is entirely unnecessary. There is absolutely no need to amend the Health Practice Law to promote, encourage, or further develop medical tourism in the Cayman Islands. In my view, Madam Speaker, this Bill has the potential to destroy any hope of developing or further developing a sustainable medical tourism in this country.

Madam Speaker, the provisions of this Bill fly in the face of all that Caymanian health care professionals have done to improve the quality of health care for Caymanians over the last 40 years, starting with the introduction of the first Health Practitioners Law in 1974. And here we are, Madam Speaker, in my view throwing all of that effort out of the window, only to satisfy one single foreign investor who has promised over one year ago to invest \$2 billion in the Cayman Islands to establish a 2,000 bed hospital facility and, according to their published financial projections, make billions of dollars for themselves.

To date, it is not my knowledge that this investor has as much as applied for registration or bought a piece of property in the Cayman Islands for this development. In fact, Madam Speaker, I would invite the Minister of Health to inform this honourable House if Doctor Shetty has applied, and whether he can, in fact, qualify to practice medicine in the Cayman Islands under the current regulatory regime that exists.

Madam Speaker, there is an old saying in Cayman [clearing of throat] (excuse me for my voice, Madam Speaker, but I will struggle on) that talks about throwing the baby with the bath water. Here, we are not only throwing out the baby with the bath water, Madam Speaker, but this House, if it passes this Bill today, is throwing out the bath pan as well through the window and there will be no hope to develop sustainable medical tourism in the Cayman Islands in the future.

Madam Speaker, unlike what we are being made to believe, medical tourism is not an invention of this investor group in the Cayman Islands in 2009. Medical tourism has been practiced in the Cayman Islands for at least 35 years that I am aware of, in various forms. What this Bill does, is take all of the possibilities of medical tourism and put it in the hands of one investor group. And, Madam Speaker, that is dangerous for anything, much less something as important as medical tourism.

Madam Speaker, one of the problems, in my view, that we have in our ordinary tourism has it genesis during the time when this country allowed one individual to control by far the majority of hotels and hotel rooms along the Seven Mile Beach corridor, and there was none of the necessary competition that promotes high quality. And that is exactly what we are doing in this case.

Madam Speaker, you will be aware that I have not done what I would usually have done on Bills that I agree with, and file amendments to various clauses, because, Madam Speaker, in my view, the only effective thing to do with this Bill is to withdraw it from this Parliament. And I am not the only person who feels that way, Madam Speaker.

Madam Speaker, I was invited to discuss this Bill in a meeting with the Cayman Islands Medical and Dental Society, which, up to that point (and me sending a copy by electronic means) had not seen the Bill. Madam Speaker, after about two hours of discussion they asked me to read this letter into the records of this honourable House. Madam Speaker, I will table it when I'm finished. And this letter is on the letterhead of the Cayman Islands Medical and Dental Society (CIMDS), P.O. Box 675, Grand Cayman, KY1-1107, Cayman Islands. It is dated the 9th December 2010. And it is entitled: "Statement on the Bill to amend the Health Practice Law (2005 Revision)."

And it reads as follows, Madam Speaker, and I quote:

"Whereas the Cayman Islands Government seeks to bring about amendments to the current Health Practice Law (2005 Revision), to make provisions in respect of medical tourism services and to establish a category of special registration of health practitioners and for incidental and connected purposes. Be it resolved that the position of the Cayman Islands Medical and Dental Society is as follows:

- **The CIMDS advocates for the highest possible standards of quality health care.**
- **Medical tourism is a viable economic engine for the Cayman Islands and in principle the CIMDS supports the development of such an industry.**
- **We welcome the prospect of medical services which were heretofore unavailable in the Islands.**
- **The CIMDS is of the view that the current credentialing process in the Is-**

- lands is already of a very high standard, on par with that of the first world countries, and as such, questions the need for the creation of a “special registration” status.
- **We are concerned however, over the lack of consultation with the local medical community in the drafting of the Bill.**
 - **The Bill will create the peculiar situation of two parallel health care systems.**
 - **Registration of health care practitioners will be potentially removed from the legitimate authority, namely the relevant Councils, and placed in the hands of politicians.**
 - **The criteria for designation as a “medical tourism provider” is nebulous at best.**
 - **The Cayman Islands Medical and Dental Society sees a potential for polarization of the medical community and unfair competitive advantages.**
 - **The CIMDS welcomes the opportunity to provide input, and indeed, partner with the Cayman Islands Government in developing high quality patient oriented accessible, fair and balanced health care delivery.**
 - **In its current form we regret that we cannot support the Bill.**
 - **We respectfully request withdrawal of the Bill and consultation to arrive at a more satisfactory document.”**

It is signed by the Executive Council Members of CIMDS: President, Dr. Sidney Ebanks; Vice President, Dr. Virginia Hobday; Treasurer, Dr. Wilbert Veit, Jr.; Secretary, Doctor Enoka Richens; Dr. Jan Pultr; Dr. Louis Cona; Dr. Barry Richter; Dr. Ruthlyn Pomaes.

Madam Speaker, I lay a copy on the Table of the honourable House.

The Speaker: So ordered.

Has that letter been copied to the Minister of Health?

[inaudible interjection]

The Speaker: Thank you.

[inaudible interjection]

The Speaker: Thank you.

Please have it copied and circulated to Members.

Mr. D. Ezzard Miller: Madam Speaker, as I said from the beginning of my debate, my reason for objecting so strenuously and so strongly to this Bill is because it is so absolutely unnecessary. It is the wrong thing to do for the wrong reasons and at the wrong time.

But, Madam Speaker, the million dollar question is: Why? Why is this House being asked today to amend the Health Practitioners Law in these particular ways? What is the rationale for this Bill?

We were told, the House has been informed, that it was the genesis of a committee that was established in July last year. And also, it is part of the requirement of an Agreement with a particular investor that was signed in April last year. And, Madam Speaker, that's what is wrong with the Bill—if the Bill had had the sole genesis from health practitioners or the community in the Cayman Islands needing to make changes to the regulatory regime for medical practitioners in this country.

Madam Speaker, the public also needs to understand that we are not only talking about doctors here. We are talking about doctors, nurses, pharmacists, lab technicians, x-ray technicians—the total spectrum of medical personnel and professionals that require to be registered. And they all do! All professionals [who are] practicing medicine in this country have to be licensed by one of four councils.

Madam Speaker, the second reason that the House has been told for the introduction of this Bill, is to ensure the Government's Agreement to provide exclusivity in medical tourism for one investor group. Madam Speaker, I have not been privileged to be invited to a single presentation by this investor group. And the public of this country should wonder a little why this investor group would come to the Cayman Islands and invite every Member of this House at various times to various presentations, except the only sitting Member who has any academic qualifications in health care or health care administration, that has any experience whatsoever in health care administration, including being a minister of Health in this country for four years. And whether you want to argue about what kind of minister of health I was is irrelevant! But what are they scared of to invite me to a presentation?

Are they scared that I would ask the one question that would destroy the picture of success and benefits that they have painted for this country? But, Madam Speaker, I think the public can draw an inference from that as to the very quality of the investment and the investor who is proposing this development.

Madam Speaker, all I know about it is what I read in the media and I have a copy of the Agreement that was signed. If I recall what has transpired over the last year with this investor group, it is that the first time we heard about this wonderful investor group all of their physicians were going to be American qualified, British and European qualified, and that their facility that they would put here would be capable of attaining US accreditation as well. That's when they

were talking about a 2,000 bed facility and investing \$2 billion and then it went down to a phased development of 200 beds, and the last number that this House was informed about was 150 beds, and the last thing I've seen in the media is they are down to one operating room at the hospital.

So, Madam Speaker, the genesis of this amending Bill is wrong! Any investor who comes to this country that needs the Parliament to make these kinds of laws and these changes to its laws, and, Madam Speaker, to the other three laws—two of which we have already done in this House, and one is pending for the agenda. This country does not need.

Madam Speaker, I am also aware . . . and let me make it clear, Madam Speaker, that I do not have any horse in this race. I do not have any interest in any proposed medical tourism facility or any existing medical facility. But I am aware that there are at least three, if not four, medical tourism facilities right now that would start construction in this country tomorrow if it was not for this exclusive Agreement, who are not asking Government to change a single law or give them a single dollar in concessions.

Madam Speaker, I will get to the Agreement because it took me about two pages just to record the individual concessions we are giving this man. And I am going to outline them here before we finish, because the public needs to understand what is happening here today.

Now, Madam Speaker, before I get into the details of the Bill and demonstrate my considered view of the dangers of the Bill, and, as I said, the absolute lack of necessity to change this Bill, indulge me, Madam Speaker, to make a few general comments about medical tourism, its benefits and its pitfalls. And, Madam Speaker, I must also say that [I am] sorry the Minister of Education is not here because I am really making a determined and valiant effort to rise to those lofty levels of debate that he insists I have lowered since I have been in this House. Because, Madam Speaker, I do not want to run the risk of being included in his group of Caymanians who have this employability problem.

[laughter]

Mr. D. Ezzard Miller: Now, Madam Speaker, I know from professional experience and knowledge of the business of medical tourism that it can work and can make a significant contribution to the local economy if launched and developed properly with proper regulations and international accreditation.

Not launched, Madam Speaker, because I think [one of] the first people who came here and did well—and they may still be operating today, I've been out of the medical field for quite some time—was a doctor who used to bring mostly women. And, Madam Speaker, my apologies to the lady Minister, because I am not intending this to be in any derogative way on her gender affairs. But they were mostly women who

came here for cosmetic surgery and spent a week or two in a condo on Seven Mile Beach and those who you saw walking along the beach with their jaws supported by cloth and some dark rings under their eyes and stuff like that, they had received some cosmetic surgery. And they could go back home and say, *You see what the fun in the sun did for me in the Cayman Islands?*

Nothing wrong with that but that was the genesis. That was the beginning of medical tourism in the Cayman Islands.

In fact, a medical facility for which I was the majority shareholder—Cayman Medical Centre—brought the first ENT (Ear, Nose and Throat) Specialist and the first Dermatologist, Doctor Porter, to this Island. He still comes today. So, the people must not believe that what the House today is creating is an industry that does not exist. The industry has existed for a long time.

Madam Speaker, let's talk a bit about the necessity for proper regulation and international acceptance of our standards. Madam Speaker, have we as a country, as government, politicians, citizens, not learnt anything from our financial industry and its development and success and tribulations and failures and, hopefully (we pray) the continued sustainability? Now, Madam Speaker, our financial industry was launched in a very unregulated environment. In fact, Madam Speaker, if my memory serves me correctly, the Government of the day removed the one financial regulation that existed at the time to launch the industry which was Exchange Control.

But over the last 40 years we have been forced to rise up to meet international standards and introduce more and more regulations to meet the international standards, compliance and scrutiny.

Now then, Madam Speaker, why are we making the same mistake in enhancing the medical tourism product by removing, dismantling, undermining local medical regulations and laws that are up to today's international standards in compliance and can stand international scrutiny of any first world country? Because, Madam Speaker, that is what this Bill is destroying—those standards. Not just in the types of people that we are going to register, but by the sheer numbers that we are going to register to work in this institution.

Madam Speaker, this investor has not pulled any wool over my eyes. He has not spent a lot of time that I see, in the media talking about building a hospital. What they have talked about is building a health city. And that's substantially different from building a hospital. Hospitals in most cities are one of the last facilities that you get.

Madam Speaker, to staff a 2,000-bed hospital he is going to have to import between 20,000 and 25,000 professionals across the spectrum to staff that hospital. And if each of those brings a significant other we're up to 40,000 people. And if they have one or two children . . . and the continent from which these

come, Madam Speaker, loves children! They have a cultural propensity to have children. So, if there are three people coming we have already doubled our population.

And we are talking about the benefits that this investment will bring to the people of this country?

Now, Madam Speaker, how can it possibly be justified to do this for any one investment group that may ever come to this Island any time in the future? Does the projected income, taxes, contribution to the National Treasury warrant such an action? No, Madam Speaker. Because the number of concessions that this investor and development is being given, there is going to be precious little contributed to the National Treasury. Some of the concessions they are giving in here have the potential to last 100 years.

Does this action improve the access to high quality tertiary care that Caymanians were promised by this investment group and the Government in the several press briefings and promotional presentations made by the investor over the past year? No, Madam Speaker. It cannot possibly be an improvement in the quality of health care if we have to create a special registration list because they cannot meet the current regulatory regime to be registered to practice in the Cayman Islands, neither on the professional side nor on the facility side.

The proof that they cannot meet—they do not intend to meet—US accreditation standards is because we are putting the approval of the facilities directly in the hands of the Governor in Cabinet. And the designation is done specifically and deliberately by them because the House has just been told that that is necessary to ensure the exclusivity to the investor group that is included in the Agreement.

Madam Speaker, this investment group is not coming to Cayman for our benefit, they are only coming here because they believe they see an opportunity to put an investment in Cayman and they can get a very lucrative return on it. I do not fault them for that! I hold this House responsible to not lower our standards to facilitate them making a profit in this country.

Madam Speaker, what this Bill, if approved by this honourable House today, will do is what is known in the medical professional fraternity (particularly in some of the southern states in the United States) as the Mexicanisation of the Cayman health care industry and its regulatory regimes. Because, anybody who knows anything about the medical facilities that have been established across the border from the southern States in Mexico, will tell you that it is mostly quackery and voodoo medicine.

[laughter]

Mr. D. Ezzard Miller: Madam Speaker, as I said earlier, I believe that medical tourism has a potential to benefit the Cayman Islands' economy. And I also know from my knowledge and experience in the industry that it has to be small and it has to be niche

marketed, and it has to involve physicians in the North American market, in particular, who can refer patients to themselves in the Cayman Islands for their own financial benefit, or it will not work.

Madam Speaker, maybe someone in this House can explain to me why a cardiologist in Any Town USA has a patient come to see him—the patient's insurance will pay him personally, \$30,000 or \$40,000 to do bypass surgery on the patient; the facility where he takes all of his patients and where he trusts the health care professionals to assist him properly, probably gets another \$30,000 or \$40,000 out of it—not paid for by the patient. In most cases [it is] paid for by some third party, either Medicaid, Medicare or some private insurance—is going to say to his patient, *Now, I could operate on you in a top class facility for this \$30,000 and your insurance would pay me, but you know you could go down to the Cayman Islands and they have a facility down there which has sub-standard registered people and they can do it for \$11,000?* And that physician is not going to get anything out of the procedure. I do not know.

I have had some interaction, Madam Speaker, with insurance companies and MOH (Ministry of Health) in the United States in terms of them referring patients overseas. And we have had lots of discussions of why it cannot be done because they will have no jurisdictional control. So, when these people make these statements to the press and to me that they are being called five or six times a day by health insurance companies out of the United States to get this thing set up so they can send their patients down here, in most cases the insurance companies do not decide where the patient is treated. And I am not saying it is impossible, Madam Speaker, but I am saying it is highly unlikely that that is happening.

Madam Speaker, I believe that this country could be well served with four medical tourism institutions which are directly related to the diseases from which Caymanian suffer, so that we and Caymanians can have access to them. And that would be a cancer institute, a cardiac institute, a renal institute, and orthopedics in sports medicine. And, I believe, Madam Speaker, if we put out RFPs (request for proposals) for such facilities and the people involved in it see an opportunity where that same cardiologist in Any Town USA can say to that patient, *Well, the waiting list for me to get you into the hospital downtown is two months for this elective surgery that you need in your cardiac case, but I'm going down to the Cayman Islands next week for two weeks and I'm taking 20 patients with me and I will do your operation down there for you for \$35,000.* And that cardiologist operates and it is \$20,000 on his 20 patients, and he puts the money in the local bank, somewhere around \$600,000 taking out his expenses for the trip, interest free and tax free (well, not interest free, tax free), I believe they would send their patients.

Somehow I do not think this formula that this investor group has and that they claim they are going

to get all of these patients to come down here is going to work, particularly when they have to tell people that the medical professionals within their institution cannot meet the registration in the market that they come from and they cannot even meet the registration requirements in lowly, little Cayman, but they must take the risk and come anyway.

Madam Speaker, not to anticipate oncoming legislation, but we are talking about trying to address the cost of malpractice insurance for local physicians, in particular, by capping, making some changes to the Tort Law. But, Madam Speaker, any improvements or lowering of the price that that might accomplish, is going to be destroyed by this legislation, and it is going to be even more for malpractice insurance. But I will debate that when the time comes.

Madam Speaker, if there ever was a perfect storm and a recipe for failure in medical tourism in the Cayman Islands, it is this amendment to the Health Practitioners Bill, the amendment to the Tort Reform, the Tax Concession Law and the Organ Import and Export Law that is coming down the pike. That, combined with this Agreement we have signed with this investor, is guaranteed to bring failure on medical tourism and even failure to our existing medical treatment in this country.

Now, Madam Speaker, let us look a bit at the provisions of the [Bill]. The [Bill] in the first instance, Madam Speaker, in my view unnecessarily introduces three new definitions into the medical business in the Cayman Islands: "Medical tourism facility," "medical tourism provider" and "medical tourism services." Absolutely unnecessary to encourage open competitive high-quality style medical tourism in the Cayman Islands. The only reason it is in this Bill as the House has been told this afternoon, is to give the Government the facility to enforce and guarantee its exclusivity to this investor. There's no other reason to have it there!

As I said earlier, many of the existing medical institutions in this country, which are properly licensed by the Health Practice Commission and by the councils, have been and are currently practicing medical tourism. How does this Bill give the Government the ability to deliver that exclusivity to this one investor?

In section 3 it says: "**The principal Law is amended by inserting after section 7 the following section - 7A . . .**" And just let me read, Madam Speaker, for clarity, what the definitions of those three definitions are: "**'medical tourism facility' means a health care facility designated by the Governor under section 7A(2);**"

Note, carefully, Madam Speaker, the definition: "**'medical tourism facility' means a health care facility designated by the Governor under section 7A . . .**"—not licensed by the Health Practice Commission which currently licenses all medical facilities.

"'Medical tourism provider' means a person designated by the Governor under section

7A(1); . . ."—not a person licensed by one of the councils.

"'Medical tourism services' include inpatient and ambulatory medical and surgical services provided to individuals who have travelled to the Islands for the purposes of obtaining health care;". Again, Madam Speaker, a totally unnecessary, impractical, and unenforceable provision!

Before I get into what 7A says and how it puts these designations in the hands of Governor in Cabinet, and what "Governor in Cabinet" means in terms of this Law, and who it means is going to do it, let's look at what happens now. Somebody comes to the Island on a cruise ship or an overnight stay, they get a piece of mosquito into their eye and goes to see Doctor Mani. He treats them like any ordinary patient—many times many of the people in the health profession are some of our best ambassadors to tourists—right?

He charges them what he would charge any normal person and treats them. He does not have to worry about committing an offence against the current legislation. But once this Bill is passed it creates an offence for him to do that if the person came here as a medical tourist and he does not have the designation from the Governor in Cabinet to provide those services!

[It is the] same thing with the Chrissie Tomlinson Hospital. It has saved people's lives over the last years off of the cruise ships. One of the reasons the cruise ships are happy to come to Cayman is because we have one of the highest standards of medical care in this region. And I have often seen in the press that people get sick a couple of hours out of port in Mexico, but they wait until they get to Cayman to bring them to the hospital. Why? Because our present regulatory regime ensures that the quality of care they are likely to get is better than they were getting in the port they were leaving from!

But we are throwing all of that out today!

Madam Speaker, how long do you think it is going to take the litigation-minded American to discover that when he went to see a doctor in Cayman and he charged him for his treatment and he then claims that the only reason he came to the Islands was for medical treatment and the person did not have the designation, that he can sue him? And the physician treating the patient has committed an offence under this Law and is guilty of—I think it is 25,000 . . . "**is guilty of an offence and liable on summary conviction of a fine of twenty-five thousand dollars.**"

So, Madam Speaker, what we are going to do? Are we going to designate every clinic on Seven Mile Beach that a tourist might walk in to a medical tourism facility? Are they going to have to apply for that designation? And even if they apply for it, Madam Speaker, they cannot get it because the reason for creating this is to ensure the Government can deliver exclusivity under its Agreement to one investor.

Madam Speaker, section 7A [(1)] says: **“Where the Governor deems it to be in the national interest . . .”** And, Madam Speaker, those two words are cropping up in legislation here now. It must be something that the legal drafts people just discovered. There must have been some new precedent handed down from the Privy Council in London or something that I am not aware of that requires this thing to be inserted here. Or is it that it offers certain advantages and certain privileges by the existing Governor in Cabinet when they can frame anything they want to do in the national interest?

The national interest is not defined in the Law. It does not say what the criteria is. Does not say it has to be a hospital that provides ABC treatment, has X physicians or anything else. It says, **“Where the Governor deems it to be in the national interest, the Governor may by Order published in the Gazette designate any person as a medical tourism provider, upon such terms and conditions (if any) as may be specified in the Order; and, upon such designation, the medical tourism provider may provide medical tourism services at any health care facility designated in the Order, in accordance with this Law, any other relevant Law, any relevant Regulations and any terms and conditions specified in the Order.”**

Now, Madam Speaker, it does not even carry the requirement that a work permit does today for health care professionals where you have to be licensed by the Council to get your permit. And the reason they are doing it that way I'll get to in 24(2)! Because they are going to get up here and tell me the politicians are not licensing health care professionals, Madam Speaker. But they can call it anything they want. Unless they are going to file some amendments to this, that's what they are doing!

Madam Speaker, before I go any further just let me deal with this “Governor in Cabinet” business because this is being thrown around here now for various reasons in this House. And we have heard various definitions about it, so I [might] just as well put mine into the mix too, Madam Speaker, and see what comes out.

Madam Speaker, to find out what “Governor” means in this, we have to go to the principal Law. And the principal Law defines “Governor”—it says: **“‘Governor’ means the Governor acting in accordance with the advice of the Cabinet of the Islands;”**. *The Governor acting in accordance with the advice of the Cabinet of the Islands*.

Now, Madam Speaker, I am reading what is here and, like I said, we have had all kinds of interpretations to it so I am going to put my interpretation to it. Unlike what some of them might try to tell you in this honourable House, that I only grew a brain yesterday, Madam Speaker, you know different from that.

Now, Madam Speaker, the Governor acting in accordance with the advice of the Cabinet of the Islands . . . the amending Bill clearly states in [clause 3]

section 7A, throughout the Bill—they're not ashamed of it, they are proud of it. They repeat it every chance they get. **“Where the Governor deems it in the national interest, the Governor may by Order published in the Gazette designate any person as a medical practitioner . . .”**—not a medical practitioner licensed by a council in some other category. It says “any person”! That could be any Member of this House, any member of the general public.

And, Madam Speaker, they are specific conditions and only in those conditions can the Governor refuse to follow the advice to appoint Joe Blow or Dick or Harry as a medical tourism provider. And the Constitution is very specific.

One thing you know, Madam Speaker—

[inaudible interjection]

Mr. D. Ezzard Miller: —I keep getting lectures from their people about I am not an accountant so I should not be dabbling the Public Accounts trying to get the accounts finish for them. [I am] not a constitutional lawyer is the most recent thing, so I should not be interpreting the law—right. But, Madam Speaker, I can read and Aunt Mary beat me enough at the North Side Primary School that I learnt comprehension very, very well, Madam Speaker. And in those days, unlike today, you had to memorise a lot of things.

But I also have access to computers and I can find Google and I can type people's names in. Even if I spell it wrong I will still get some information on somebody.

[laughter]

Mr. D. Ezzard Miller: And, Madam Speaker, I got some information here that the people of this country need to know that came off of Google.

But, Madam Speaker, section 33 and the makeup of Cabinet is quite clear. The two existing ex-officio members in Cabinet, the Deputy Governor and the Attorney General can advise but they are not party to the decision-making process. They cannot make any decisions! They cannot vote!

So, the people who are going to make this determination and publish this notice in the Gazette as to who is a medical tourism provider are the five elected Members of Council.

An Hon. Member: In Cabinet.

Mr. D. Ezzard Miller: In cabinet. Sorry.

None of whom, Madam Speaker, have any knowledge about any of this.

Some of them [on] knowledge about this kind of thing, they do not even have at Chief Officer and Ministry level! So, when they get up here talking and telling the public that Ezzard Miller does not know what he is talking about on Tuesday mornings and they are not licensing anybody . . . one thing I know,

Madam Speaker . . . you know, the problem I have, Madam Speaker, is that they listen to me more on Tuesday mornings than they do up in here because most of them over there now are not paying me any mind, they are just talking to themselves and on their BlackBerry's twittering and all of that kind of stuff. But they listen to every word I say every Tuesday morning, because they can come here and quote what I said.

So, maybe I would be better off to discuss this on Tuesday morning. But I will repeat it there so the public can hear.

[inaudible interjection]

Mr. D. Ezzard Miller: So, Madam Speaker, section 33 of the 2009 Constitution clearly delineates when the Governor can refuse to accept the elected Members' decision in Cabinet. And it does not include appointing medical tourism providers or medical facilities or medical tourism services.

Section 33[(1)], Madam Speaker, reads: **"Subject to subsection (2) in any case where the Governor is required to consult with the Cabinet he or she shall act in accordance with the advice given to him or her by the Cabinet."** When the five elected Members decide that Joe Blow is going to be a medical tourism provider, the Governor has to accept! The Constitution says he *shall* accept their advice!

And there are conditions under which he can reject it. **"[33(2)] The Governor may act against the advice given to him or her by the Cabinet- [(a)] if he or she is instructed to do so by Her Majesty through a Secretary of State."**

Not likely to happen in this time. Because in spite of what we would like to believe, the FCO (Foreign and Commonwealth Office) and the Secretary of State really do not pay that kind of attention of what is happening in Cayman. And I know, Madam Speaker, because I asked them in November if they had seen this legislation and they told me no. **"[33(2)(b)] if in his or her judgement, such advice would adversely affect any of the special responsibilities of the Governor set out in section 55."**

None of those talk about licensing doctors or buildings. [inaudible] defence external affairs, internal securities, could only be used for licensing government employees and the Cabinet designated by the George Town Hospital medical facility because he has some administrative responsibility for them through the contractual arrangement and the Deputy Governor's service.

So, Madam Speaker, when they decide to appoint Joe Blow—who does not have to have any medical qualifications or anything else—the Governor shall and he must accept it and put the notice in the Gazette, and the person is so deemed to be a medical tourism provider.

Now, Madam Speaker, we were told awhile ago by the Member of Health who said that they would likely only be given these things after consultation with the facilities commission, and that they will have to be approved by the commission. Now, Madam Speaker, unless that is an amendment he intends to file, that is not what this Bill says, unless he is reading from a different Bill from me. If he wants to amend it I would look at it, but I still think it is wrong even if he amended it that way.

Now, Madam Speaker, [clause 3] section 7[A](2) again, puts the decision-making process squarely, unequivocally and entirely in the hands of the elected Members of Cabinet. It says: **"Where the Governor deems it to be in the national interest,"** (there's that word again; in the national interest) **"the Governor may by Order published in the Gazette designate any health care facility as a facility at which medical tourism [services] may be provided, upon such terms and conditions [(if any)] as may be specified in the Order; and upon such designation."**

Now, Madam Speaker, if the Bill is taking about the health care facilities that are approved by the Health Care Commission, we could have a little bit of comfort, but that's not what the principal Law says. The principal Law defines "health care facility," meaning premises at which health services are provided by a registered practitioner. It does not say . . .

So, when the amending Bill talks about designating health care facilities as a facility at which medical tourism services may be provided, it is not talking . . . it does not say that they have to be licensed by the Health Care Commission as a health care facility in the Cayman Islands **" . . . at which medical tourism services may be provided upon such terms and conditions (if any) . . ."** Very, very important, Madam Speaker. If any . . . Again, it does not say that these medical tourism services have to meet a specific set of criteria to get this designation.

They might appoint the Town Hall next door! Or this Legislative Assembly! Because all we need to do is to get one doctor to come in hear and start to practice out of the men's restroom and it will qualify for the designation.

And they are talking about they are not lowering the standards for this one person? We have standards now, what they are bringing has no standards. So, you know, it is like the old limbo song "How low can we go?"

But again, Madam Speaker, we get, in my view, an unnecessary and a curious breakdown in the definition of who they can provide these services to. And it says upon such designation **"[(2)(a)] medical tourism services may be provided at the health care facility so designated, to individuals who have travelled to the Islands for the purposes of obtaining health care; . . ."** And they express dismay or shock when I used the scenario awhile ago about the definition of medical tourism and how it is

going to affect what happens to the treatment of our regular tourists. And “[2(b)] **medical and surgical services may be provided at the health care facility so designated, to individuals who are normally resident in the Islands.**”

When I called the Chairman of the Medical Council to find out how the Medical Council . . . and if they had been consulted about this Bill, I was truly disappointed, because he told me, yes, they had been consulted. But they had no worries about it because really and truly Caymanians were not going to have any access to it and you know it was okay to have this group of people who are provided with the special registration that could not meet the standards, because Caymanians were not going to go there anyway. And, the only how they could get there was if that wonderful super-qualified Medical Director at the hospital recommended them and referred them.

So, I said to him, *Sir, I don't think you read the Law. Because the Law that I have says “medical and surgical services may be provided to the health care facility so designated to individuals who are normally resident in the Islands.” I believe that means that any Caymanian could walk into the door.*

But, you know, why would it be acceptable that we could create something here and have a comfort level that because Caymanians cannot go to it, it is good enough for the people who are going to come from foreign for it? As the Cayman Islands Dental and Medical Society suggested, we cannot have these dual health care systems with various standards in the country. It is going to destroy the reputation of Caymanian genuinely qualified practitioners in the health care field, in all areas of the field, because this is just not about doctors.

It says, “[2] **in accordance with this Law, any other relevant Law, any relevant regulations and any terms and conditions specified in the Order.**” Not specified in the current legislation; specified in this Order that the elected Members of Cabinet are going to issue.

[7A](3) **“The provisions in this Law relating to health care facilities apply to medical tourism facilities, and a medical tourism provider shall not operate a medical tourism facility without a certificate issued under this Law authorising the operation of the health care facility at which the relevant medical tourism services are provided.”**

Again, Madam Speaker, the only necessity, the only rationale for such a provision, is for the Government to be able to keep Caymanians from competing with this and getting involved with other people and setting up medical tourism businesses, and they can guarantee the exclusivity to this one investor and his Caymanian partners

“[7A] (4) No person other than a medical tourism provider shall operate a medical tourism facility.”

So, any Caymanian genuinely currently registered as a health practitioner by any board, including

the pharmacist who might fill the prescriptions for the tourists, and refill, [if] they claim that they had come to the Cayman Islands solely to receive health care, is guilty of an offence punishable by law, \$25,000. Because [7A](5), Madam Speaker, clearly says: **“Whoever operates a medical tourism facility in contravention of subsection (3) or (4) is guilty of an offence and liable on summary conviction to a fine of twenty-five thousand dollars.”**

Madam Speaker, why are we exposing genuinely qualified, genuinely licensed Caymanians to this kind of fine? Because, the medical tourist comes here, goes to a medical tourism provider, he gets a prescription, he hears that he can get a better price down the road from a local Caymanian, he goes there, he fills the prescription for him . . . and, Madam Speaker, this person has gotten big discount on Cayman Airways already too, so immigration would know who they are. Once they show up in Miami or any destination of Cayman Airways and say or have a letter from this institution that they are coming here, we are guaranteeing them a discount on their ticket.

The Agreement does not say what the discount is. The marl road on the street says that they have been promised 30 per cent on the cost of their tickets. I don't know whether that is true or not but . . . and I'm not making a claim that I know that, Madam Speaker. But the Agreement says that if you show up at Cayman Airways with a letter from this facility—this one investor facility, not any other medical facility on the Island—you are guaranteed a discount on Cayman Airways.

Madam Speaker, you know, I see some people over there shaking their heads and you know they will be getting up here in a little while and saying that the Member for North Side said this and the Member for North Side said that. And you notice, Madam Speaker, I never, ever have to wait to hear what anybody else is going to say, to say what I have to say, because I come here prepared to speak about the Bill.

Notice, Madam Speaker, I'm not accusing anybody in this House of anything; I'm dealing with what the Bill says.

[inaudible interjection]

Mr. D. Ezzard Miller: I'll give you room to get up and identify them—right. You want to do it now?

[inaudible interjection]

The Speaker: Stop the exchange across the floor please.

Mr. D. Ezzard Miller: Madam Speaker, I have read what is in this Bill. I have read what is in the Constitution. I have read what is in the substantive Bill. I am talking about what this House is doing today. And I made reference to one or two things that the Minister

of Health said in moving the Bill. I have not accused any other person in this House of doing anything else.

I talked about the investor group. Because, they raised it, Madam Speaker. They introduced this Agreement, not me! If they did not say that this was one of the primary purposes of bringing this legislation here today, Madam Speaker, I could not mention a word about it, as you well know. But, Madam Speaker, this . . . and I believe that to be the truth.

In fact, the Agreement demands it! And, Madam Speaker, the public would do well to read some of the 22 provisions and concessions that are given to this investment group, because some of them are going to demand and require large capital investments by the people of this country, such things as building a new airport, if these people deem it necessary to do so for their people—right.

[inaudible interjections]

Mr. D. Ezzard Miller: Madam Speaker, under section 2 of the Agreement, the Government's undertakings, 2.4 says: **"To upgrade the airport facilities (including, if appropriate, to establish a new airport facility elsewhere in Grand Cayman) to accommodate increased traffic in a timeframe that will facilitate the growth of passengers as a result of medical tourism where the Government is satisfied, acting reasonably, that there is significant increase in the number of visitors to Grand Cayman for medical treatment at CNHU and that the existing airport facilities are inadequate to facilitate the arrivals on accommodation of such an increase in visitors."**

Madam Speaker, once they decide that our airport cannot handle their traffic at their convenience and is fast enough on the volume that they claim they are getting, I think lawyers could well argue that we have to provide them a new airport.

And, Madam Speaker, you know I don't want to bore the House to read the whole Agreement, but I will if I have to. I took the time, Madam Speaker, to go through it to try and identify what was included in this Agreement, and what benefits will accrue to whom. I found, Madam Speaker, 22 concessions to this investor group and I found one concession to Caymanians—a 20 per cent discount for Caymanians who are referred from the HSA. The rest of us who are giving up all of these potential taxes and import duties on this medical equipment—that the rest of Caymanians are paying when establishing medical facilities in this Islands. . .

But, Madam Speaker, I tried here in April, May, June, during the budget, to get the Government to take the 10 per cent off of medicines for poor Caymanians and they would not do it. They put 2 per cent on to it. But this man comes here and promised them the world and we are giving him 22 concessions, including up to about \$160 million in duty concessions and unlimited duty concessions on anything that he designates as lifesaving medical equipment or medi-

cines or treatments for 50 years with an option to renew!

But Caymanians who are trying to open a little imaging centre have to pay the full duty or they go up to the Government and crawl around on their knees begging for a concession.

Now, Madam Speaker, I can promise you, subject to your approval, subject to somebody chancing the motion, that there is going to be a motion here in the Fourth Meeting to be debated to deliver these 22 concessions to every Caymanian involved in the medical fraternity at all levels. The Government can do what they normally do with my motions—accept them and do nothing about them; or reject them. That's politics! But, Madam Speaker, I will have done my duty.

So I promise them that it is going to be itemised and I am going to move the motion to get it for every Caymanian. Because, Madam Speaker, many, many, many Caymanians are struggling to provide high quality care in this country. And here we are prepared to give this investor and his Caymanian partners the kitchen sink and everything else that goes with it. And they had the opportunity in April to remove the duty on medicines and they would not do it, knowing, Madam Speaker, that they had signed this agreement less than a month before—because the agreement is dated the 7th of April.

So, when they refused my suggestion to take the duty off of medications for Caymanians to lower the cost, they knew that they had given it to this investor group. But, Madam Speaker, if they can live with that—

[inaudible interjection]

Mr. D. Ezzard Miller: —I can live with it.

[inaudible interjection]

Mr. D. Ezzard Miller: I have been accused many times as being a foreigner-hater in this country and anti-investors and all of that. Madam Speaker, I was chairman of the Immigration Board for 15 months. They cannot bring a single foreigner that Ezzard did anything against while I was sitting on that board. I have done more for foreigners in Cayman than I could do for Caymanians [while] there.

[inaudible interjection]

Mr. D. Ezzard Miller: And, Madam Speaker, you know we all have a history, Madam Speaker. But let me tell you something; there ain't too many skeletons in my closet that I am ashamed of.

[laughter and inaudible comments]

Mr. D. Ezzard Miller: Now, Madam Speaker, [clause] 4 [(a)] of this legislation says: ". . . **by repealing sub-**

section (3)” (of the principal Law) **“and substituting the following subsection- “[3] Each register established by a Council under subsection (1) shall consist of five lists-**

- (a) the principal list;**
- (b) the visiting practitioners list;**
- (c) the overseas list;**
- (d) the special registration list; and**
- (e) the provisional list.”**

Madam Speaker, it is this special registration list that this Bill is here to introduce.

And it says, **“[(b)] in subsection (4) by inserting after paragraph (c) the following paragraph-”** and it reads: **“(Ca)’ (the new section that [is] their institution) “in the special registration list, the names of persons who are registered under section 24A as registered practitioners who are specially registered to practise in the Islands on the terms specified in that section; and**

“[5.] The principal Law is amended by inserting after section 24 the following subsection-”

Now, Madam Speaker, section 24 of the Law says, **“Subject to this Law, a person who satisfies the conditions mentioned in subsection (2) shall be registered by the relevant Council as a fully registered practitioner in the principal list, the visiting practitioners list or the overseas list under section 23.”**

Section 2 says that the conditions of the applicant are made in the prescribed form and manner, and that the applicant (a) satisfies the Council that he is of good character; has the necessary knowledge of English; has a relevant qualification recognised by the Council; satisfies the requirements of the Council as to experience; satisfies the Council that his resignation would be in the public interest; and has paid the prescribed fees.

Registration under this section shall be for a period of one year and a practitioner wishing to renew his resignation shall apply for such renewal not less than 60 days prior to the expiration of his registration.

In cases of emergency the Chairman of the Council may approve the registration for applicant for a period not exceeding 90 days.

Now, Madam Speaker, not entirely onerous requirements that we would expect any high quality practicing medical practitioner to meet. To satisfy the Council that he is of good character. I think the regulations require that he produces two letters of reference to do that. Right? Have the necessary knowledge of English—could be a problem for people coming from India.

I love dear old Doctor Kumar to death. He is a very good practitioner. He has been here for 30 years. Most Caymanians, including me, still cannot understand a word he says. So, that might be necessary. You see, he was prepared to do what these should have to do. He went to Jamaica and did the necessary work and took the exam. [He] has the relevant qualifi-

cation recognised by the Council. That is the problem that they are going to have.

Because, Madam Speaker—and I won’t deal with all four of the Councils but the requirements are generally the same. The qualifications that are accepted by the Council for registration: **“An application to a Council for registration shall be accompanied by-**

- (a) a letter stating reasons for applying for registration on the Islands;**
- (b) certified copies of diplomas, certificates and current licence under any other jurisdiction;**
- (c) an original or certified letter of good standing from a current board of registration;**
- (d) two original letters of professional reference made no earlier than six months prior to application for registration;**
- (e) a police certificate;**
- (f) a reference as to good character (made no earlier than six months prior to application for registration) from a person unrelated to the applicant by birth or marriage being a person of good standing in the community in which the applicant resides . . . and who has known the applicant for at least four years, and who is acceptable to the Registrar (including an attorney-at-law, a Notary Public, Justice of the Peace or a Minister of religion;**
- (g) Subject to sub-regulation (2), a report as to the physical and mental health of the applicant meeting the requirements and sub-regulation and made no earlier than six months prior to application for registration;**
- (h) one full face passport-size photograph of the applicant, certified as taken no earlier than six months prior to the application for registration;**
- (i) the relevant application fee; and**
- (j) such other documents and information as the Council considers necessary in determining the application.”**

Two says: **“The report given under sub-regulation (1)(g) shall be given by the applicant’s medical practitioner, who must not be related to the applicant by birth or marriage, and must have known the applicant for a period of at least two years.**

“(3) If the Registrar is satisfied that, because the condition and sub-regulation (2) cannot be met, no such report can be given, the Registrar may satisfy himself as to the mental and physical health of the applicant (so far as he considers necessary to do so having regard to any examina-

tion required under sub[regulation] (4) by a report given by a registered medical practitioner who, in giving the report relied on the medical records of the applicant made by the registered medical practitioners of whom the applicant was a patient (or by partners of such practitioners) for a period in aggregate of at least two years.

“[(4)] In satisfying himself under sub-regulation (1), (2) or (3), the Registrar may, if he thinks it necessary, require from the applicant any information which in addition to that required by sub-regulation (1) and in relation to sub-regulation (2) and (3) may require the applicant to be examined by a registered medical practitioner nominated by the Registrar.

“[(5)] In order to satisfy himself about the good character of the applicant the Registrar shall take account of-

- (a) the reference provided under sub-regulation (1)(f);
- (b) any criminal offence of which the applicant has been convicted;
- (c) the fact that the applicant has been previously struck off irrelevant register in any place, or had been subject to any other type of professional discipline; and
- (d) any other matter which appears to the Registrar to be relevant to the issue.

“[(6)] An applicant may pay a registration fee within 60 days of the date of the approval of his registration, and the registrar shall only enter the applicant's name on the register of payment of such a fee.

“[(7)] An applicant who defaults in paying a registration fee within the period referred to in sub-regulation (6) shall incur a penalty of \$250.

“[(8)] The documents referred to in sub-regulation 1 shall be in English and translated versions of documents shall be certified that they are certified documents.

“[(9)] Where certified documents are required or accepted they may be certified by-

- (a) a local or overseas justice of the peace;
- (b) a local or overseas notary public;
- (c) a local or overseas attorney-at-law; or
- (d) any other person approved from time to time by the registrar.

“[(10)] Where an applicant is a non-Caymanian health practitioner (full time resident or visiting) he shall provide written evidence of the date for application that he is or will be affiliated with a registered Caymanian health practitioner in the Islands or with one of the registered health care facilities in the Islands.

“[(11)] Where an application is for temporary registration for the purposes of emergency in

accordance with section 24(4), the Chairman of the Council may accept the references of the applicant's current employer in place of the references required under sub-regulation 1(c), (d) and (f).

“[(12)] A reference under sub-regulation (11) may refer to the physical and mental health of the applicant, and the Chairman of the Council may accept this in place of the medical report required under the regulation.”

Now, Madam Speaker, all of that is normal stuff and these Indians that we are going to register for this investor can meet most of that in one form or another.

“Five says: [(1)] “An applicant shall be eligible for full registration where-

- (a) he is registered as a health practitioner in-
 - i. Australia,
 - ii. Canada,
 - iii. Jamaica,
 - iv. New Zealand,
 - v. South Africa,
 - vi. the United Kingdom or
 - vii. the United States of America.”

Now that's one of the problems that this investor has with the people coming here to work in his facility. Because, in spite of him, if he is going to stick with his original declaration, that all of his staff could be registered in the United States, Canada or Europe, and that he is registered in England, then there would be no need to change the Law. The problem is that the people that he intends to bring here and who currently work in his Cayman famous institution—I wouldn't describe it as world famous, because I know institutions that are world famous, but his Cayman famous institution—cannot meet the registration of these other countries.

And, Madam Speaker, the question comes to mind: If the Government wants to accommodate him, why don't they just add India to the list of countries that are being registered? That's a much simpler amendment than what we are doing here today. But they know, Madam Speaker, they could not sell that in the medical community.

Madam Speaker, I heard one of the local investor groups declaring that Ezzard Miller did not know what he was talking about because these people were registered, certified by MCI (Medical Council of India), and that was a very reputable licensing body in India, and they would be as good as anything that is registered in the United States or any of these other seven countries registered here because of MCI.

Now, Madam Speaker, I took the time to Google MCI. Madam Speaker, it is very interesting some of the things that I found. You will find that the Chairman of the Medical Council of India, President. . . (I won't try to pronounce his name) has had to step down because he has been charged with millions of

dollars in corruption for doing exactly what we are doing here now today—finding a way to licence people and institutions in India that did not meet the qualifications. So, they had to find a different route to go to meet their investor.

Now, Madam Speaker, there are still . . . and, Madam Speaker, I can table this, just in case anybody thinks that I am making it up.

The Speaker: So ordered.

Mr. D. Ezzard Miller: So, Madam Speaker, I agree with not adding India as a country. I am making that clear! That's not a route that would have satisfied me as maintaining the current level of standards that we have. But there were other alternatives which the Law accepts that these people could do.

“(b) he has met the Caribbean regional registered requirements, to practise as a health practitioner, as set out by any relevant organisation including, but not limited to the Caribbean Association of Medical Councils for the Caribbean Regional Nursing Body.”

Now, Madam Speaker, again, I took the time to go online and see what the requirements were for these people to get registered by CAMC (Caribbean Association of Medical Councils). Madam Speaker, these are the requirements: Original of degree certificate must be presented at time of applying; copy of degree certificate, copy of registration certificate, copy of internship certificate; the original medical reference from consultants worked with within the past year or interim assessment forms; one certified passport size photograph; exam fee, US\$600 for both parts of the exams, and you must be successful in part 1 to move to the clinical part 2; \$400 for each part of the exam if wishing to sit part 1 and then part 2 separately; exam clinical fee US\$400 for a person repeating the clinical exam.

So, it is not a very onerous procedure. And, Madam Speaker, this exam is offered in Jamaica (right next door to us) twice a year; April/May, October/November.

Madam Speaker, I took the time to email the Medical Council and asked them if qualified Indian doctors can sit the CE exam which is held in Jamaica in April and October and November each year. Right? The email come back and said 'yes'.

“Dear Mr. Miller,

“Qualified Indian doctors can if they wish sit the CAMC exam which is held in Jamaica in April, May, October [and] November each year. If you pass this exam you would therefore be registrable in Jamaica, and as the Cayman Islands [is] a part of the Caribbean Association of Medical Councils, you would therefore be able to practice there.

“Yours faithfully,
Muriel Lowe,
Registrar”

So, Madam Speaker, if these professional medical people that are coming to work for this investor are these bright and wonderful practitioners that they say they are, they should be able to pass the Caribbean Medical exam and be registered to practice in Cayman. End of story! That's what the Cuban doctors that I have been associated with had to do when they came to Cayman. They had to go to Jamaica and do the exam and get registered and they could be registered here.

The Speaker: Member for North Side, you said you were laying a document on the Table. This is two documents. Do you intend to lay two documents on the Table or just one?

Mr. D. Ezzard Miller: Yes Ma'am, you can have all two of them. That is all the information about that wonderful MCI that we were told is such a wonderful honest—

The Speaker: Well, what you need to do is to say you are laying two documents on the Table, because other than that . . . I can accept one.

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

I wish to table the two documents that I got from the internet about the Medical Council of India and the charges against the Chairman for corruption for licensing physicians and university trained physicians and other practitioners who did not meet the criteria for licensing.

Madam Speaker, also on the Internet . . . and, Madam Speaker, you know these people could go on from . . . they don't even have to wait until they come to Cayman to prepare to go to Jamaica to do the exam. All of the information is on the Internet, including the application form and the full curriculum of what the test is based on.

So, Madam Speaker, in my view, that would have been a much more acceptable alternative for this investor's doctors to be able to practice in Cayman and it would not require this Bill or upset the standards that we currently have. But why that route is not taken by the Government I do not know. I would still recommend to the Minister of Health that that is a more equitable and a more judicial way to go about providing the opportunity for this investor to register his physicians to work and other health care people in the Cayman Islands.

The only impediment to them passing that would be their comprehension of English and their ability to write and understand English. And if they cannot do that at the level to pass the exam, then I would also suggest they should not be practicing in the Cayman Islands, because if they are going to deal

with North American clientele, speaking English is probably going to be a very important criteria.

The Premier, Hon. W. McKeever Bush: [inaudible]

Mr. D. Ezzard Miller: Madam Speaker, the Premier is asking me how they practice all over the world. Let me tell him.

They want to practice in England, most of them have to go to school for three years, then they can do the State Board exam—exactly what I am suggesting to do here. If they want to go to the United States, most of them have to do the whole course over and then they are allowed to take the State Board exam.

They have to meet the criteria of the country or the state that they want to practice in. That's all I'm saying, that they must meet ours. Take the Caribbean exam. I would not even go as far as to say that we should try to develop our own exam, which we should be looking to do in the very near future. But we don't have to do it because the Caribbean exam is here and they can be licensed there.

[inaudible interjection]

Mr. D. Ezzard Miller: Well if you think that because the Prime Minister of England went to India and invited a couple of doctors to England, that that is going to give them the right to practice medicine in England, I would suggest that the Prime Minister does not have the authority to override the Medical Licensing Council in England or the United States or Canada.

The Premier, Hon. W. McKeever Bush: [inaudible interjection]

Mr. D. Ezzard Miller: Mm-hmm.

Madam Speaker, you know, I draw your attention to Standing Orders—I'm not putting up with this; I'm just not putting up with it!

[inaudible interjection]

Mr. D. Ezzard Miller: Madam Speaker, I draw your attention to Standing Order 34 and I would invite you to strictly enforce 34(a) because, Madam Speaker, I sit here day after day . . . I don't get involved in the crosstalk, I don't get involved in the name calling, I don't interrupt them when they are criticising what I said.

Most of them would have nothing to say if they were not replying to what I said, because they don't take the time to prepare to come here to speak on the issue and they can only speak after somebody like me has spoken on the issues and get up to criticise what I said.

And, Madam Speaker, they have the temerity and the audacity—in particular, the Minister of Education—to suggest that I have lowered the standard of

debate in this House when they have their Premier behaving like he just behaved?

Madam Speaker, understand that the screaming and hollering and name calling does not intimidate this Member. And I can sit here while they are calling me all kinds of names because the greatest thing in the world, Madam Speaker, is a clear conscience. And I can sit here and read my book, *Conflict, Peace and Development in the Caribbean*, and pay them no mind!

I really don't find it very helpful to the process that goes on in here, Madam Speaker. And I don't mind what they say about me because, you know, they are going to have to search long and hard to find out something to say that somebody has not already said! And I'm still here. And I'm not going anywhere, whether they like it or not. And I'm not towing the line for neither side!

I am not part of the UDP. I have no desire to be a part of the UDP. I was there and I left for my own personal reasons, which shall remain my reasons. I have no desire to join the PPM.

[inaudible interjection]

Mr. D. Ezzard Miller: I sit here—

[Replying to the inaudible interjection] Not ever!

I sit here as an independent representative of the people of North Side, and, Madam Speaker, I promise you any time I get up here I am dealing with whatever they bring before me and what I think about it. I do not need to get into the name calling.

But, Madam Speaker, it really is of no help to the process, and it does not really contribute to get what is best for the country.

Madam Speaker, I will tell you the big difference between being here since May '09 and being here from '84 to '92. From '84 to '92, we may have differed as individual politicians in here or groups of politicians, on issues, but the one underlining factor on what we always came back to, was what was good for Cayman. I do not find that here now.

There are a couple of things that come before Cayman now—like party and self—and then maybe Cayman just happens to get a benefit. But right now most of what debate transpires in here on any issue, is about one party trying to beat up on the other party, and blaming the other party and trying to get the other party from getting the positions that they have.

And somewhere we need to get back to what the genesis and the reason for the existence of this House is, and it is about providing what is best for Cayman and what is best for Caymanians!

Madam Speaker, you will notice that I do not make any speeches in here worrying about what the political fallout is going to be, or whether I am going to win the next election. I talk about what I see as the facts.

The investors sent their emissaries to me to tell me that, you know, I had an opportunity here to get some consultant work and to do work permits and all that if I would just calm down! Madam Speaker, this has nothing about Ezzard Miller getting work. This has to do with what D. Ezzard Miller believes is best for the North Side people, firstly; and secondly, for Caymanians all.

And, Madam Speaker, what we are doing here today is not good for the long-term interests of Cayman and, in particular, the Caymanian health care professionals.

Now, Madam Speaker, getting back to the Law: There in clause 5 of this Bill, **“The principal Law is amended by inserting after section 24 the following section: Special registration 24[A.](1) (and it says), “Subject to this Law, a person who satisfies the relevant Council of the matters specified in section 24(2) may apply to be specially registered under this section, and that person shall be registered by the Council as a registered practitioner in the special registration list.”**

Madam Speaker, would you be so kind as to tell me how much time I have left out of my two hours?

The Speaker: Madam Clerk.

The Clerk: Ten minutes.

The Speaker: Ten minutes.

Mr. D. Ezzard Miller: Ten minutes? Okay, Ma'am.

[inaudible interjection]

Mr. D. Ezzard Miller: I don't need that.

This section, Madam Speaker, that they say is: **“Subject to this Law, a person who satisfies the relevant Council of the matters specified in section 24(2) may apply to be specially registered under this section, and that person shall be registered by the Council as a registered practitioner in the special registration list.”**

Section [24A] (2) says: **“The Governor may by order published in the Gazette designate a health care facility as a facility at which persons specially registered under this section may be employed, whether or not together with any other registered practitioners.”**

Section [24A] (3): **“A person specially registered under this section may practice at the health care facility specified in the person's application (being a facility designated under subsection (2)) but not otherwise.”**

Both of those are specific designations by the Governor in Council. And, Madam Speaker, they are saying that subject to the Law . . . but subject to the Law, [section] 24 and the conditions there, the people cannot be registered. But they can be registered only

on a special registration list if they can only work at the facility that Cabinet designated them and they have a medical provider designation. So, you tell me, Madam Speaker, that Cabinet's not licensing physicians? I tell you that they are.

But, Madam Speaker, the worst clause in this whole Bill is clause 6, which reads, and introduces a new 42A. And, Madam Speaker, anywhere in this other Law it talks about the Governor consulting with the relevant councils to make changes to regulations and all of that. This introduces a whole new autocratic system. It says: **“The Governor may, from time to time, issue policy directions to the Councils, for their guidance in the exercise of their respective powers, duties and functions under this Law, and it shall be the duty of the Councils to put into effect and to carry out such directions.”**

Now, Madam Speaker, when I read the Bill I spoke to the drafting person who was down here early in the week and asked him if the second “directions” should not be “directives.” And the Minister of Health in moving the Bill identified this as being issuing “directives” and not “directions.”

And there is an interesting difference in the definition of those two words, Madam Speaker. “Directives”—which is what the Minister of Health in moving the Bill said this represents—says, “An official instruction issued by a higher authority.”

Direction and policy in most of this legislation is usually about general policy for the good of the health of the people, and it is all usually done in consultation with a body to which the directions or policies are being given. This allows no such discourse between the Cabinet and the Council. This is a unilateral *directive* to provide licensing for these physicians and medical tourism facilities, medical tourism providers and what not.

Madam Speaker, I think that is a mistake and I say it is going to come back to haunt this country, and I believe that it is going to make it difficult to introduce proper sustainable high quality medical tourism in this country.

Madam Speaker, with those few words, I cannot support the Bill before us. Thank you.

The Speaker: Thank you, Member for North Side.

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

Fourth Elected Member for George Town.

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

Madam Speaker, I want to just say up front that I am going to pray the indulgence of the House, because I think, unfortunately, Madam Speaker, the Member for North Side takes a position that you can sort of stand on that side of the aisle and throw out things, slurs, accusations, whatever they may be, Madam Speaker, and that they are not supposed to be addressed. Even before coming to this honourable House I understood the parliamentary privileges and

procedures as well. So I pray the leniency of this House, Madam Speaker, to address it.

You see, for example, you could not say to someone, *Well, so and so should answer the question of where he or she was last night*, and then, for example, when the individual seeks to address that and all of the other circumstances surrounding it, you probably want to jump up and call a point of order on relevance, and the list goes on.

So, Madam Speaker, I wish to address some of those issues and at the same time, hopefully, offer some clarity with respect to what the Government is trying to achieve.

Madam Speaker, I've heard the Member suggest in this honourable House and I've heard him say it on his Tuesday morning show—

The Speaker: Leave—

Mr. Ellio A. Solomon: —to the effect—

The Speaker: Leave the Tuesday morning show out of it. We are dealing with the matters before the House and there is a Bill before the House. Try and stay within what has been said here and answer that.

Mr. Ellio A. Solomon: But, Madam Speaker, the inference that the Member is calling on, Madam Speaker, for example . . . and this one is in direct relation to something of which I have been involved. And that is the issue of trying to suggest, for example, that the human organ and tissue transplantation law that is going to come to this Parliament, for example, Madam Speaker, is nothing but politricks and one of the worst things that the country will ever have to face.

But, Madam Speaker, let me say for the Member and for the benefit of any one of those persons out there, Madam Speaker, in the general public, that insofar, as myself bringing a motion with respect to human organ and tissue transplant, Madam Speaker, I believe I initially put that in place in this House in April. And for a myriad of reasons I think it was later on in the year (September) before it actually came to the floor of the House.

Madam Speaker, again, I have to make reference [to] the real world, the talk show, because, again, it is relevant. I worked on the talk show for two and a half years. And part and parcel of the reason why I would be given some parliamentary privileges here is because I should be able to discuss those issues without fear or favour and concern as to whether I am going to be sensitive to the point where I can't deliver this discussion.

Two and a half years, Madam Speaker, I stood on the talk show and I discussed issues. One of those things that I discussed was the fact that once when Dr. Tomlinson, a local doctor, to which the Member for North Side says has no involvement, came on the talk show programme, Madam Speaker (this is important for the public)—came on that talk

show. There was no Dr. Shetty that I know about, here 4 September 2006. He came on the talk show and one of the issues that he raised, Madam Speaker, was the fact that in the Cayman Islands either it was so nebulous that it would not be permitted or that it was a situation where in some circumstances he felt that it was one way implied or expressly prohibited the ability for doctors in this country to engage in the process, Madam Speaker, of human organ and tissue transplantation.

And not just the Member for North Side, Madam Speaker, or the Member for East End, can puff up their chests and talk about how they love Cayman and how they love Caymanians and that everybody else is just something different, something odd, corrupt, or politricks. So, I made up my mind, Madam Speaker, from then, that I wanted to bring a motion to make a change.

I heard about some of the things that the Member for Bodden Town, the Second Elected Member, was attempting to do. And there is one of those good Members, Madam Speaker, who, unlike the Member for North Side and the one for East End, does not just sit there and flap all day, but actually does something. So, I heard about what he was trying to do, Madam Speaker, and I wanted to bring that motion.

And let me share something else with the listening audience, as irrelevant as that may seem, drawing on the real world, Madam Speaker, to make real difference in this Parliament.

After I was elected I had the privilege to have a young man and a young woman come and sit in the office at the National Housing Development Trust, because at the time I did not have an MLA office and that is where I was seeing some of my constituents. And those two individuals, Madam Speaker, sat there, and their concern, amongst other things, Madam Speaker, [was] that this young lady was suffering from a specific disease and, amongst other things, it had affected her kidneys.

I looked at the young man and understood that that was her husband; actually a Jamaican national. And that that young man, Madam Speaker, had given one of his kidneys to his young wife. These individuals, Madam Speaker, were in their 20s and they were talking, amongst other things, about the difficulties that they had as a couple, as a family and the medical situation, Madam Speaker, had not made it any easier.

Madam Speaker, just on that issue alone there are persons who are engaging in expenses back and forth in this country month after month, year after year, trying to find a match. These are challenges that people are facing in this country on a daily basis. And that is just one of the many persons, Madam Speaker, who was able to share their story with me.

Madam Speaker, I saw the other night when the Cayman 27 (I don't believe perhaps he would mind me mentioning his name), I think it was Mr. Ben

Meade who had done a story, for example, on the whole issue of human organ and tissue transplant. He and the commentator at the time, Ms. Donna Bush, were engaged in dialogue and there was a series of pictures being shown, Madam Speaker, showing many of our Caymanian people in that dialysis unit and the suffering to which they face.

Madam Speaker, I was particularly touched by the story because I believe it was not just the aridity of some numbers and some words, Madam Speaker, but [it] actually showed pictures (as they say a [picture] paints 1,000 words) as to some of the challenges that our people are facing in this country.

So, Madam Speaker, I take serious issue when the Member for North Side is going to sit in this honourable House, on the talk show or anywhere, Madam Speaker, and try to suggest that the reason I am bringing the motion is pure politricks and somebody else has an agenda.

Madam Speaker, not only that Member has some answers for some of the problems that face this country. Not only that individual, as highfalutin as he may try to put himself, Madam Speaker, has a right to stand in this Parliament and to try to serve the people of this country. I do too! At least until 2013! That's why I brought the motion! That is why, Madam Speaker, the law will come before this House.

So, as I stated earlier, there was no Dr. Shetty on the screen at that point, Madam Speaker. When I brought that, the Honourable Mark Scotland, Madam Speaker (and I thank him for it as well) gave me an opportunity to be able to chair that particular committee. I sat around the table with, amongst other things, some good hardworking Caymanians, some with expertise and some with just good commonsense who said *I want to help*.

And we worked, Madam Speaker, to help draft some ideas in terms of working towards this piece of legislation. And I will add, when he talks about lack of involvement of expertise . . . you see, because he is talking, Madam Speaker, the Member for North Side. Why wasn't he contacted? Why wasn't he contacted? Madam Speaker, there is a lot of expertise in this country.

[laughter]

Mr. Ellio A. Solomon: The Member for North Side is not the only one who has ever opened a medical book.

So, we had, for example, on that committee, Dr. Fritz Hendriks, which I can assure you, the gentleman there. . . the honourable Member for North Side, Madam Speaker, that individual was engaged in human organ tissue transplants around the world. Dr. Tomlinson, the same one who sat on the talk show many moons ago before the gentleman from North Side was talking, was also there to lend his expertise.

The Speaker: He is the Member for North Side.

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

So, the Member for North Side, Madam Speaker, needs to understand that he is not the only one who has ever opened a medical book.

Madam Speaker, we had on that committee some good Caymanian expertise. We had foreign expertise, Madam Speaker, and we have put that law together, Madam Speaker, despite what the Member for North Side would wish to state.

Madam Speaker, we did so because at the end of the day we have the best interest of the Caymanian people at heart. And if at the end of the day the Member does not recognise it, it is a matter that we have to do what we can as a government for the forty-plus persons who are in the dialysis unit today, and, unfortunately, Madam Speaker, God for forbid, others who will be there tomorrow. And there are a lot of persons who have been waiting for a long time for the piece of legislation that is to come before this House. I would encourage the Minister to get it done as quickly as possible.

Madam Speaker, again, begging the leniency of this House, because you can't just throw slurs and not have them addressed—I heard the Member talk about the Minister of Education and about the issue of employability. Madam Speaker, let me tell you something else that the Member for North Side has said. He stated, Madam Speaker, that when he worked at Deloitte and Touche (these are his words) he was hired, amongst other things, Madam Speaker, to ensure that it was crafted, designed, that certain Caymanians could not get a job! And he stayed there quite a while doing it.

[laughter]

Mr. Ellio A. Solomon: But if you listen every day, Madam Speaker, no one loves Caymanians more. But yet you were employed, and a hired gun, Madam Speaker, to make sure you could eliminate them in the hiring process. Hypocrisy, Madam Speaker!

The Speaker: Ah—

Mr. Ellio A. Solomon: Ensuring, Madam Speaker, I can't be denied—

The Speaker: Member for George Town, you are stepping across the line.

Please, we are keeping the debate on the subject before the House. We are debating the Health Bill and it is now ten minutes to eight. I've been in this chair since early morning and I would like to get out of here some time tonight.

Please, can we just—

[inaudible interjection]

Hon. Rolston M. Anglin: Madam Speaker, on the point of procedure.

If a Member has mentioned a point in his debate, because any point that the Chair raises applies to all Members. Am I to understand that a memo and a circular is going to come from the Chair to all Members that we can no longer debate points that other Members have raised?

The Speaker: You are stretching the point. I did not say that.

[inaudible interjection]

Hon. Rolston M. Anglin: I am asking, Madam Speaker, on that point, because as I . . . I thought I had heard the same thing. And I must say that, in my view, the Member greatly impugned one of the finest establishments in this country. And the next time I publicly speak I am going to speak on the point, because he seems to believe (the Member for North Side) that he can throw anything and use parliamentary procedure to do anything with it. And that is what I talked about, the level of debate.

So, you know, we have to defend ourselves and defend whom we think is appropriate to be defended if other Members choose to behave in that manner.

[inaudible interjection]

The Speaker: Member for George Town, please continue.

[inaudible interjection]

Mr. Ellio A. Solomon: Madam Speaker, thank you.

And, Madam Speaker, I want again to stress, Madam Speaker. I am begging for the leniency of the House, because, Madam Speaker, the Bible I read pretty much *[inaudible]* and I paraphrase, the truth is never out of place. And, Madam Speaker, you cannot stand in this honourable House and say, for example, no one invites me to do anything and then when I stand on this side of the House and say, *Invite? You want to know why you are not invited?* And then I cannot be stopped!

I would ask you, Madam Speaker, because when the Member says why the Minister for Health, Madam Speaker, didn't invite me, it is going to cause the general public to draw an inference that this Government is not operating right. Here is one Member of the Parliament—

[inaudible interjection]

Mr. Ellio A. Solomon: —suggested, Madam Speaker, that we are scared, we are afraid of an embarrassing question. You are going to cause, Madam Speaker, the general public to draw negative inferences about

this Government that is trying every day to do what it can for the people of the country.

So when we talk about the invitation, Madam Speaker, I again beg this honourable House for the leniency to address the issue of invitation! Because the Member cannot cause the general public to draw the inference that he is never invited to participate in anything.

[inaudible interjection]

Mr. Ellio A. Solomon: So, Madam Speaker, if we talk about invitation, let's talk about invitation. And it is relevant, Madam Speaker, to the point simply to refute when he talks about not being invited.

He was invited, Madam Speaker, again, despite of how many times he wants to pump his chest that he loves Caymanians. At the end of the day he stands there, he gets an invitation to be on the Immigration Review Team and rejects it!

So, it's not an opportunity now to go anywhere you want to go and pump your chest on how you love Caymanians. Here's a chance to serve! Put in input, do something! And, Madam Speaker, it is rejected.

And again, just a few days ago the Member for East End made a similar comment that the same Member for North Side made today. And, again, it draws insofar as the invitation, Madam Speaker, that even on the cleanup, the gentleman was invited . . . the Member for North Side was invited about the cleanup. Why he didn't participate? Regardless of how much they want to pump their chest [that] they love Caymanians, they didn't do it because they could not get [\$]80,000; the Government could only offer [\$]50,000.

Madam Speaker, all of that to say don't talk about this Government not inviting him and other Members to serve and to help in their community. But, unfortunately, what it boils down to, one too many times, is a lot of talk, Madam Speaker, and not a lot of action.

The one thing that perhaps the Member will accuse other persons of, Madam Speaker—politricks.

So, Madam Speaker, passing the issue there of the invitation and having touched briefly on this human organ and tissue transplant, the one to which I have had some degree of responsibility (and I thank the Minister for the opportunity to be involved), that legislation is needed. And, unlike what the Member would try to cause the general public to infer, it is not there to accommodate any one particular person. It is there, Madam Speaker, to accommodate any one in this country that needs it today. And because I can stress as well, the records will reflect that the Cayman Islands per capita is one of the places with the most diabetes perhaps in the world, I can assure you there are going to be more. That's why it's there, Madam Speaker. That's why we are bringing it.

Constantly we hear in this honourable House that everything that is being done is strictly to accom-

moderate a foreigner and that this is a bad thing; a business owner who is simply going to do it, not for us, but to make a dollar. Let's be clear on something: A local business owner or a foreign business owner . . . why do [they] open a business? Entrepreneur, Madam Speaker, is defined as someone out there engaged in taking a risk with the hopes of making a profit. That's the definition.

When the Member for North Side owned a business, it was the same thing; entrepreneur, one who is incurred in that risk with a hope of making a profit. It did not make him an evil person. And it does not make anyone who is engaged in the same entrepreneurship an evil person.

So, how does it work? How does this virtue of selfishness as Ayn Rand would refer to it—how does it work to benefit the country? Because even when the individual engages in a business with the hopes of making a profit, as selfish as one would like to indict them of being, Madam Speaker, assuming especially if it is a good one, and if it's legal it must be a good one, it carries him, his family and the community, the city and the nation, forward. That's how it works!

That's why I can go right now to just about any store in this country and buy whatever I need because somebody out there, regardless if they want to indict them as being selfish, has engaged, as an entrepreneur, incurring risk with the hopes of making a profit.

And, Madam Speaker, we have an opportunity in this country to be able to provide services for our people, first and foremost, that we never had before. Anyone at home right now, that falls in need insofar as tertiary services, has pretty much one option. Get on a boat or a plane and you go overseas. That's the option. That's what tertiary services are right now. So, how would we be doing an evil thing, whether it is local entrepreneur or a foreign entrepreneur, if we can avoid our people having to spend the excess money in terms of a plane ticket, a boat ticket, hotel accommodations, the food, you name it, how is that an evil thing, Madam Speaker? That's a good thing.

Because first of all, we are reducing the cost for that individual, his family and, in turn, we are keeping some of that money back home. That's good for the economy. That is what has taken place here.

It is a matter, Madam Speaker, as I mentioned to the committee when I was there with the human organ and tissue transplant—this is something that we are doing for the benefit of the Cayman Islands and for the Caymanian people. Will it dovetail with some of the efforts with Dr. Shetty? Absolutely! Does it dovetail with the hospital that Dr. Tomlinson has? Absolutely! Because any hospital right now, 25 rooms or less, can engage in the same medical tourism.

I will stress just for the benefit of all those who are looking at the size and the magnitude, Dr. Tomlinson's hospital is an 18 bedroom hospital as large as it is and as expensive as it is to run it—and he will be the first one to tell you—that is an 18 bed-

room [hospital]. So, don't think a 25 bedroom hospital is a small animal. That's a huge animal. They can engage in medical tourism.

How is that evil and wrong for the people of this country? Why is it that every day we must hear like a jackhammer something is wrong and killing the Caymanian people?

[inaudible interjection]

Mr. Ellio A. Solomon: Little jackhammer.

So, Madam Speaker, it is not an evil institution.

One of the things that made us great, Madam Speaker, is because we understood economics many years ago. That is what made us great. Our forefathers understood that they went to sea because there were limited opportunities here. But they understood, Madam Speaker, that in large part they were going to try to send as much of that money home as possible for the poor mothers, Madam Speaker, who also were playing their part. So, Madam Speaker, we saw a union and the teamwork of a father going to sea and working and the same diligent hardworking mom at home, working together, Madam Speaker, to help to build this economy.

When we talk about financial services, the Member for North Side refers to, on one hand—and he seems to give it on one hand and take it away on the next, because on one hand we are doing an evil thing because we are drafting legislation specifically to accommodate an evil empire, a business that is not for the benefit of Caymanians, and on the other hand, we don't have any regulations. I'm not quite sure how that works.

But, Madam Speaker, in order for us to have developed this financial institution (the institutions that we have here) we had to create a playing field. Somebody had to pass a law that said you can set up a bank and what a bank does and what it does not do. You had to do it! Because no one was going to come here and spend \$50 or \$50,000 or \$500 million to build something that is nebulous and they are not sure if it. No! They needed some security, Madam Speaker.

And that security, amongst other things, came and comes today, Madam Speaker, no differently than when you get up and you say the first thing we have to do (just like talking about constructing a house) is to get a piece of property. Get the landscape laid out, get your perimeters down, get your markings down. That is what you did in terms of the legislation. Where is it going to go? How is that going to work? And, Madam Speaker, we did it with the financial services and we have to do it again today when it comes to medical tourism.

But what has made us great amongst other things, Madam Speaker, is that we had that entrepreneur spirit. We had the vision to say, you know what—*nothing tried, nothing gained*. We were willing to go

out there and venture. Unfortunately, that seems to be a rare commodity nowadays. Because all I hear every day is a lot of scaremongering. But I still believe in the good Caymanian spirit, in the entrepreneurial spirit of the Caymanians to say, *Listen, we are going to develop something here.*

The Member talked about the financial services and the way it is today and the things that have gone wrong. Madam Speaker, what you have there is an entrepreneurial people, a great people, Madam Speaker, that created a playing field that became great in terms of financial services. And, like anything else, your competitors will do everything they can to try to get and maintain a competitive advantage over you.

That's why we are always with these pieces of legislation. Not necessarily because Cayman again was doing anything evil; that's just natural. You find another advantage in one area, they are going to try and stop you in another one. But we developed it, Madam Speaker, and we could stand here today and we can say we're the fifth largest financial industry in the world because someone was entrepreneurial. The people had that spirit about them, Madam Speaker, and were willing to pioneer and say, *Listen, we are going to take a risk and we're going to do it.*

It calls on us to do the exact same thing today insofar as medical tourism. We take the risk. And does it mean that we can dot all of the i's and cross every single t? Madam Speaker, we will try, but you are bound, probably, to miss something. And that is part of the reason for our discussion, debate or discourse. But, Madam Speaker, we have to take those risks and we have to engage in it.

So, with respect to bringing a Dr. Shetty, it does not matter. Again, I will go back to the fact that Dr. Tomlinson, who is right here now with an 18-bedroom hospital can engage in medical tourism. But I believe that if Dr. Tomlinson . . . but I have had numerous discussions with him and I am just talking about him but I'm sure there are others, Madam Speaker. In fairness I'm sure they are going to say, *You know if someone else is out there who really has the resources, is marketing this country for the services that arguably I could even provide, I don't think that is a bad thing.* In fact, the tourism market does that every day. They depend on government to help do some of that marketing as well.

In this case, Madam Speaker, you will have a hospital that when it is engaged in talking about two billion dollars investment into the country, amongst other things, the individual, the company, the institution must invest on everyone's behalf; not just his behalf, on everyone's behalf. He must market the Cayman Islands as the place to do medical tourism. And if you have the 1, 2, 3, 18, 24.5 beds, Madam Speaker, as a hospital, then you too can engage in medical tourism.

Now, Madam Speaker, I am not going to go through the painful exercise of reading line by line

something that is in the legislation. Again, I will make reference to one of the things the Member for North Side said: that he comes prepared. And, Madam Speaker, prepared does not mean that we are going to stand here and read and go through as arid as possible with all of this legislation. I believe the public, Madam Speaker, would have walked away with one or two things (or a combination of both) after the Member for North Side spoke, that either it was bad or that it was complicated or both, it was bad and complicated.

But, Madam Speaker, it is actually a good thing. And it is really not as complicated as the Member for North Side would try to paint it. It is very straightforward.

So, let us just start very briefly on Dr. Tomlinson as a Caymanian with a hospital, 18-bedrooms. When this legislation is passed (forget about Dr. Shetty for a minute) Dr. Tomlinson, a Caymanian, can engage in medical tourism. And if he wants to bring now a doctor from Canada, Jamaica, Afghanistan, India, he could do it! And it does not mean we have thrown all of the rules out of the window or the baby out with the bath water, Madam Speaker, for any one particular person, and in this case, Dr. Tomlinson. No!

The Health Practice Commission has not gone away. They still have to do their reviews. They still have to make sure that the benchmarks are met. I am sure if you go and look into the legislation and if you want you can read it in all its full aridity, I am sure you are not going to see in the legislation that Dr. Tomlinson's hospital should have X amount of beds, how the beds should be kept, how the walls should be clean. It does not have all of that! That does not mean that it is unregulated.

No, you have your Health Practice Commission amongst other things, Madam Speaker, to make sure that in terms practitioners who are going to practice that they are up to scratch.

I sat there and had these discussions with them myself, engaging in the due diligence to make sure the person has not done something dubious in the background, and the list goes on.

In fact, what has been introduced is an additional check and balance, that even after the Health Practice Commission went ahead with respect to their approval, it goes towards the Cabinet. So, that is an additional check, Madam Speaker. That is an additional check to what you have right now.

So, again, this is not a bad thing. It is not a complicated thing and it is definitely bad and complicated. It is a good thing and it is very easy for us to understand. We are ensuring that right now . . . and here is something for the general public as well, Madam Speaker.

The legislation would now have identified seven countries of which their practitioners can come to this country and engage in medical services. And, Madam Speaker, I can ask this question to just about

any one (of which I can tell you, I pretty much did) to say, why those countries? How did we choose those countries? And, Madam Speaker, you will get a lot of blank looks, and somebody will perhaps start to formulate some answers. But, beyond that, Madam Speaker, it is a matter of ensuring. Countries do it every day.

How does the standard work? How does the standard work, other than somebody just getting up and mandating to you that you must follow ISO (International Organization for standardization) 9,000 standards? Standard works and it started the same way.

This country gets up and says, *I like what that country is doing; satisfied with that and because I feel comfortable when I went over there I am willing to engage in it.* It is one of the same reasons, Madam Speaker, that there is no law against you getting up out of the Cayman Islands and flying to Cuba for medical services. Same thing! You feel comfortable with it; it's a standard that meets yours, go for it! Believe it or not, that is what it is.

It is the same thing, Madam Speaker, with respect to our standards. That's how they started. That's how standards begin. And somewhere along the line somebody created this benchmark of saying, *Out of the air whatever that methodology was we'll accept these seven countries coming to us and engaging in medical services.* It was never meant to be that no other country in the world will ever be able to have medical practitioners in the Cayman Islands. It was not meant for that. I am pretty confident that was not the intention of the Law.

So, all that is happening here now is that you were going to expand. You were going to say the Health Practice Commission, by way of standards, investigation, background checks, et cetera, is going to ensure who has the ability, the capacity under law as well to practice in the Cayman Islands. And those individuals will now be able to practice in the specified institutions here in the country.

The Member for North Side, amongst other things, was talking about the fact of someone coming here to the country if they had something in their eye that meant they could not go to Dr. Mani. Madam Speaker, that is very, very convoluted. If someone, Madam Speaker, around the world is getting on a plane or a boat or some conveyance that is going to be there in the future, and is coming to the Cayman Islands for the sole purpose of medical tourism, then the law says where they go for medical tourism. One of those cases, it may be Dr. Tomlinson's hospital. That may be an approved institution or medical institution or a medical institution, of which you can now go there for medical tourism if you came for the sole purpose.

That does not stop tourists. And the Member for North Side should not try to get persons in the public to infer it. It does not stop an individual who came here on vacation, having a good time with their family, like I knew an individual a few weeks ago, and then

have a serious illness here that he can't go to Dr. Tomlinson's hospital or anybody's hospital and get taken care of. That is not going to happen!

Why try to encourage the general public to believe something like that? Why? It is not the case.

So, Madam Speaker, despite all of that misleading, it is not bad and it is not complicated. It is good and it is very clear to understand. We are trying, amongst other things, with the human organ and tissue transplant, to address real problems that are plaguing our Caymanian people. The things they have been calling for, for many years, and unfortunately, for one reason or another has not been addressed by previous administrations. That's what we are doing.

Insofar as to the medical tourism, the same human organ and tissue transplant legislation would have been passed. And, whether it is a Dr. Tomlinson or any one of our people in the future, they are going to be able to come out and engage in that institution.

What protections, Madam Speaker, has the individual who is talking about coming here and setting up a medical facility asked for? On that particular area, Madam Speaker, it was negotiated that it was 25 rooms and above. So, 25 rooms and below, no problem! That's still in surplus, still in excess to what Dr. Tomlinson has now. The individual wants, obviously, to try to ensure that they are going to be able to recoup their expenses. So, they are simply saying, *If I am going to build 200 or 2,000 bedrooms, I don't want you to give permission to someone else who is building 200 or 2,000, and to do so for a specific period of time.*

So, for these 10 years I don't want you to give it to anyone else. Give me an opportunity to be able to recoup what I am spending; to get on my feet insofar as these 200 or 2,000 bedrooms. Not that I'm trying to prevent Caymanians who have . . . like the Dr. Tomlinson's who have 18 bedrooms or less, or even someone who wants to go higher to as high as 25.

No! We have done that for numerous years.

When it was the Cable and Wireless that had to come here and make initial investment there were certain protections, and when those times came forward, the same Government, the same UDP, made sure that we could live our lives, telecommunications, to introduce another one. And the time will come, hopefully, Madam Speaker, I hope to see the day when we will be introducing the other medical tourism facility or a large scale medical tourism facility. That day can come and it will come if we engage in what we have always engaged in, Madam Speaker, in this country. And that is that same spirit, that same pioneering spirit that we have always had.

Madam Speaker, I know that the Member again made some comments with respect to Mexicanisation, et cetera, but I don't think that particular thing is even perhaps worthy of addressing.

I know that there were comments being made by the Member for North Side about MCI (Medical Council of India), and I believe, Madam Speaker, that

these things are, at the end of the day, perhaps arguably something that those institutions I am sure can defend themselves. But, Madam Speaker, just having a quick read of this, there is one particular article that was pulled off of *Frontline* to which the Member has tabled.

It talked about being removed from MCI, it talked about the same individual being removed from another institute and that was in relation to income tax. Madam Speaker, I'm not sure if this is meant to either be an indictment against this gentleman, Mr. Ketan Desai, or if this was simply talking about that the legal institutions in India were working.

Madam Speaker, what I will say is that it would definitely say, amongst other things, that the courts in India are working and that the institution has a way of weeding out whatever problems it has. Because, I have been along in this world long enough to know that I can go to church and find one or two persons but it should not cast a whole shadow over the entire congregation. Eh? No, no, that would not be fair. One person who was attending church regularly goes to prison and the whole church is bad?

[inaudible interjection]

Mr. Ellio A. Solomon: No! So, why try to use . . . I mean, this is, you know, one argument.

Go to the US and do the research on someone who would have been removed from the FCC [Federal Communications Commission] and tell me now let's shut that down. Because I can remember one or two myself, and I've been engaged in technology for a long time. So, we are going to shut down the FCC in the United States. And then what about SEC [Securities and Exchange Commission] doing all of those stock exchanges? Tons of . . . shut that down too! Madam Speaker, it does not work that way.

We have to pride ourselves and when you even get into the arguments, I can give some local examples. We had the Hassan Syed in the Cayman Islands.

[laughter]

Mr. Ellio A. Solomon: The fact that Hassan Syed was removed, hopefully, at the end of the day it is a good thing we got rid of that. It does not mean that UCCI is bad. Now, we can argue about how he got there and how long and why he was allowed to stay there, and the list goes on.

Same thing with one of the [past] attorneys general who was removed from the Cayman Islands. It should not cast aspersions on all attorneys general of the past or all of those present or in the future.

The [past] commissioner of police who was removed [from the RCIPS] in the Cayman Islands.

According to the Member for North Side's argument, that is a good reason now for the *Guardian* to write something you see and the whole place is cor-

rupt! No, it shows, if anything, that the institutions are working.

[inaudible interjection]

Mr. Ellio A. Solomon: And if there is poison in the system we'll find a way to regurgitate it to get it out of our system.

So, Madam Speaker, kudos again to whatever institution it was that got rid of whatever plague it was that was plaguing them, because that is what it is going to take.

Madam Speaker, in wrapping up and in closure, on this issue, I want to just stress very quickly and recap to say that the human organ and tissue transplant, insofar as the motion and the legislation, is something that is good for the people of this country. It is neither bad nor complicated. It is good and it is clear. It is something that is required and it is something that this Government is going to do for the benefit of the Caymanian people who need it now, Madam Speaker, presently and all of those persons in the future.

And insofar as to medical tourism in this country, at least in the areas where I was engaged in those negotiations, I can tell you I sat there and one of those efforts was going to be to make sure that Caymanians were going to be able to engage in medical tourism as well. And if Dr. Tomlinson can share with me the experiences and the cost of running an 18 bedroom one, I can assure you 25 is not an easy burden. But up to 25 bedrooms you can engage in medical tourism.

And just like how you see that big shark moving and the little remora fish eating off of him, well those little 25 bedroom, medical tourism facilities, like the remora, Madam Speaker, can feed off of that same big shark if we can get this Dr. Shetty project off the road, if we can get engaged in this medical facility.

And it means that when the 10 year window is up and if they want to expand and go to 26, or 106, or 206, that they can do so. And they do so, Madam Speaker, for the benefit of all of the Caymanians who want to engage in tertiary services or if they found themselves in a position where they needed to get an organ transplanted, they no longer have to go overseas, they can do it locally. And we have also ensured that when they get it done locally they are going to get it done at a reduced cost as well.

So, Madam Speaker, that is what we are doing. And I think it is unfortunate, to say the least, when on every issue that the Government is going to raise, all you can have is a black flag, a black cloud cast over it that it is bad and it is complicated. Madam Speaker, it is good and it is clear that it is beneficial for the people of this country—both the human organ and tissue legislation (the legislation we are passing today), and the medical facilities.

It is going to provide opportunities for Caymanians who want to come back home and practice medicine, who before may have been engaged in ei-

ther removing, storing or transplanting a kidney that would have had to have done it in a foreign facility, they can do it locally now. It's going to encourage even more of our people to engage in the medical field right now that we could not before.

Let me just give one example: The United Democratic Party Government when they allowed the St. Matthews University to come here, Madam Speaker, that was a major facility. And let's just look very briefly, Madam Speaker, at the opportunities that existed. A facility came here of which you had individuals travelling from around the world, there was rent being paid, both by the facility. It had individuals who were coming here into the institution spending money in that institution, buying food, renting hotels, creating the economy, Madam Speaker.

I remember at the time having been engaged somewhat personally in the real estate market, the amount of apartments that were being rented. Tremendous! And when I checked last, Madam Speaker, it is Caymanians, primarily, who are owners of small businesses, including the apartments. That's what it was providing!

But you can never hear the Member for North Side get up and talk about anything good that can come out of this project.

The Premier, Hon. W. McKeever Bush: Nothing!

Mr. Ellio A. Solomon: You're not going to talk about the fact that potentially we are saying that over a period of 10 years you could potentially have as much as 50, 60, 100-plus Caymanian doctors.

You are not going to care about the fact that you may have hundreds of persons who are going to come here, engage in employment, renting, buying food . . . and what does it mean? It means opportunities for Caymanians.

If you want to engage in the lawnmower business or the landscaping business, more opportunities; rent apartments, more opportunities; open a restaurant, more opportunities; more diving, anything! You name it. That is more opportunities. How is that an evil institution that is bad and convoluted for the people of this country? No! It is good and it is clear that it is beneficial for the people of this country.

What we are lacking today and what is being encouraged by the Member for North Side is this negative spirit, Madam Speaker, that we are failing, we are falling through the tubes and we can accomplish nothing. And it is defeating the very spirit of what we are as Caymanians, because it definitely was not what I grew up in.

I was raised to go to school, pat your head at the end of the day, don't worry about your circumstances today, and look forward to the future and what you can accomplish. And by the grace of God that is one of the reasons why I'm here! I really wonder at the end of the day how our children are ever going to grow up to be something with all of this negativity that

we can accomplish nothing . . . that's going to fail, it's a bad idea. Not one single drop of encouragement. Does anything good ever happen in some people's lives?

I don't know how they sleep! They see monsters everywhere! Never see anything good!

He talked about skeletons in the closet and I would like to stress. I would invite him to my home. That's how transparent I am and he will see I don't even have doors on my closet.

[laughter]

Mr. Ellio A. Solomon: Madam Speaker, we need to get past that.

You cannot be so shortsighted to the point of what you are trying to achieve that you are willing to destroy your country in the process. Just looking power, Madam Speaker! No!

It is a matter and I believe in my heart of hearts, Madam Speaker, that the public understands that. That when you talk about saying I can allow Caymanians who may fall—and tell me which Caymanian probably does not have someone in their family, for example, with diabetes, and does not understand that if my father, my mother, my brother, my sister, my aunt, my uncle needs an organ tomorrow, I have increased the chances of their survival simply by this piece of legislation. Who doesn't understand that? And why is bad and complicated? No! It is good and clearly for the benefit of the people of this country.

So, Madam Speaker, I thank you very much for the opportunity to make the contribution. And I don't believe that it is necessary to engage . . . and it's not about preparedness, Madam Speaker.

I don't believe . . . you see because I don't need a lectern and the aridity of this Law to actually deliver something. I am prepared and can stand here because, unfortunately, or fortunately (however one wants to view it), I'm not going to ask to be invited. I have done something, I have been invited and I am doing something, not just talking about it.

There's a prophet that says that some persons are like birds in a cage with their wings out just looking pretty, but you're not going anywhere. Madam Speaker, I want to fly. And, by flying, in that sense I have to do something productive, and that's what I'm standing here doing. Whether it is the human organ tissue transplant or we are talking about medical tourism; we have to do something. That's how we are going to go places.

I thank you very much for the opportunity for having been able to make this short contribution. Thank you.

[inaudible interjection]

Mr. Ellio A. Solomon: But important contribution.

[inaudible interjection]

The Speaker: Thank you, fourth Elected Member for George Town.

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

Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Thank you, Madam Speaker.

Madam Speaker, I want to say at the outset that the possibility, the prospect, the potential of a facility or facilities, such as those proposed and explained by Dr. Shetty and his team, I believe is something which we ought to embrace, something that as a country we ought to pursue with enthusiasm and vigour. And so I have nothing to say at all, as I think the Government would be well aware if I had some complaint to make about the concessions and so forth, I would have long since made that known to all and sundry.

I have no issues to take at this stage with what the Government has conceded or promised to concede. We will see how that works out, and if criticism is called for because all the detail is not provided in the Agreement or the statements, then in due course I will say what I think about that.

My concerns relate, Madam Speaker, to the Bill, particularly the sections relating to registration of doctors and the special registration provision, and that of medical tourism facilities. But before I get into that, Madam Speaker, I just wish to make this observation: The Member for North Side obviously carried out a tremendous amount of research and did a tremendous amount of work. He spoke for the full two hours—the full two hours—and he went through, in sometimes excruciating detail, the various provisions of the Bill, the Law, and explained what his concerns were.

He did so at times very forcefully, but I thought he did so completely in keeping with the responsibility which he has, and in keeping with the general tenor that one would hope obtains or should obtain in parliament.

I hear all of this, Madam Speaker, about negativity. And I hear all of the personal attacks and so forth. Madam Speaker, I have (I think everyone knows) been here 10 years. And this is my third term. I have lived through a whole lot of that sort of stuff. But I wonder, Madam Speaker, if we in this House truly understand how low in the national esteem this House, and consequently the Members who occupy it, have fallen.

I wonder if we understand the growing irrelevance of this place to the national debate and national discussion. I wonder if we understand that we are standing here at 8.30—or I'm standing here, the rest are sitting—talking to ourselves. There's not a single member of the media in the box. We've hounded some out; others don't bother to stay at this hour be-

cause they say, *for what?* I am not asking/speculating that because they have spoken to me.

Are we not listening to what the people on the street are saying about these offices that we hold? And in large part that, Madam Speaker, is because we fail to debate the issues that are important to people and before the House. We engage in hours of personal attacks and rhetoric.

[inaudible interjection]

Mr. Alden M. McLaughlin, Jr.: So, Madam Speaker, I am not going there. I have striven over the last few years to avoid that kind of engagement.

[inaudible interjection and laughter]

Mr. Alden M. McLaughlin, Jr.: I will deal, and continue to deal, with the issues and whatever it is before the House as strongly and as forcefully and robustly as I possibly can.

But, Madam Speaker, the Member who spoke before me spoke, spoke for, I guess, 40 minutes or so. And, ironically, he never referred to the Law or to the provisions which give cause for concern to us on this side, which were identified by the Member for North Side. And that, Madam Speaker, is the kind of debate which must ensue if we are to discharge the duty that we have to the people.

Madam Speaker, enough about that!

Madam Speaker, my concern relates to the transfer, if I may say that, of responsibility from organs or bodies which were established under the original Health Practice Law for the registration or licensing or permitting, whatever we call it, of medical facilities and the like, to the Cabinet.

Madam Speaker, the Health Practice Law established a creature called the Health Practice Commission, which had a myriad of functions and purposes, including—it's found, Madam Speaker, in case you wish to follow, in section 3, subsection (1) of the Health Practice Law (2005 Revision)—“(a) **advising the Minister on policy relating to health practice in the Islands including determining the types of health professions which should be permitted in the Islands; [(b)] providing guidance to the Councils and monitoring their performance in order to ensure consistency in their practices; [(c)] advising the Director of Planning on applications for the development of health care facilities; (d) the certification and inspection of health care facilities; and [(e)] such other purposes provided in this Law or as the Governor may, from time to time, determine.**”

Madam Speaker, section 5 subsection (1) provides that the Commission may, upon an application being made to it, issue a certificate to any person to operate a health care facility.

The First Schedule to this Law sets up the Commission, the Health Service Commission and . . .

sorry, the Health Practice Commission and says how it should be structured and so forth.

The point of explaining all of that, Madam Speaker, is that there is an entity, there is a body; there is a vehicle in the Law already which is set up, geared up, both in terms of its powers and its functions, and which also has appointed to it suitably qualified and experienced persons capable of making judgments about what health care facilities ought or ought not to be authorised, and what those facilities ought to have in terms of resources and amenities.

But the Bill before the House, which seeks to create a new type of facility or to . . . I should say legislatively recognise a new facility called a medical tourism provider or to authorise or to designate—let me use the language from the Bill—designate a health care facility as a facility at which medical tourism services may be provided. It doesn't seek, as one would expect, to utilise this Commission already established, already resourced under the Health Practice Law to carry out this function.

It would seem to me a logical extension of the functions of the Health Practice Commission to give it this duty as well. But what the Bill now does, or seeks to do, is to give this new function or this extended function to Cabinet—which is supremely unqualified to make those sorts of judgments.

I have not heard any explanation as to why that is the case. And I am not going to rush to buy into the theory of the Elected Member for North Side that this is all part of some arrangement or understanding, or the fulfillment of some obligation which Government has to ensure the exclusivity of the various services and facilities to be provided by the Dr. Shetty group. For I believe that that exclusivity can be achieved, must be able to be achieved, without these sorts of legal gymnastics.

I believe, Madam Speaker, it is a huge error for Cabinet to arrogate to itself this function which ought to be carried out by a suitably qualified body—which it has already established under the Law.

There is no need for direct political considerations to be brought to bear on deciding which facility qualifies as a medical tourism facility. That's unnecessarily injecting political considerations into what ought to be simply an administrative exercise. Either you meet the criteria or you do not meet the criteria to qualify as a medical tourism facility.

If Dr. Shetty (as I believe to be the case) and his group are being granted exclusivity for the establishment of such facilities over and above 25 beds for a 5- or 10-year period, whatever it is, I am not arguing against that, but that then becomes the policy of the Government—no facilities. And if we need to write it in the Law or the regulations or the directions, or however we do it, then we do so. There will be no licences or permissions, or whatever the term is, in . . . write it there, that there will be no licences issued in respect of medical tourism facilities that have more than 25 beds for this period.

[inaudible interjection]

Mr. Alden M. McLaughlin, Jr.: —then that is the case.

Hon. J. Mark P. Scotland: We change the Law.

Mr. Alden M. McLaughlin, Jr.: We change the Law. We're changing the Law now!

[inaudible interjection]

Mr. Alden M. McLaughlin, Jr.: But what is happening now, if this goes through and the Government always have the numbers—is that Cabinet . . . it becomes a pure political consideration. If you support the Government, you get it; if you don't support the Government, you don't get it. That is going to be the perception whether that is the reality or not.

I believe that the Government . . . and far be from me, to give political advice to the Government, but I believe the Government is creating an unnecessary whip for its back and giving it detractors a greater basis on which to complain about politics as usual in relation to something as critically important as this. And so I really would urge the Government to reconsider this. Give this function with whatever conditions and so forth needed to be included in the legislation. Give this function to the entity best qualified to deal with it, which is your Health Practice Commission.

Madam Speaker, I am sorry that, because of the lateness of the hour, there is no one from legal drafting here, because I have struggled with this particular provision here for some hours now, wrestled with it and I can't quite grasp it.

Madam Speaker, the scheme for registration of doctors under the Health Practice Law is as follows: It is section 24 . . . well, actually, I should start with section 23. Section 23, Madam Speaker, sets up a system of councils and the establishment of the office of the registrar, and these councils have the responsibility and the wherewithal to register health practitioners.

There are, as far as health practitioners are concerned, four categories. There is what is called the principal list, the visiting practitioners list, the overseas list, and the provisional list. And then the legislation goes on to describe or to define who is to be registered on which list.

Section 23 subsection (4): “**Each register of a profession maintained by a Council . . .**”—and I should say, Madam Speaker, there is a separate register for each profession. So there is one for pharmacists, there is one for nurses, and there is one for doctors and the like.

The Speaker: Excuse me, where were you reading from?

Mr. Alden M. McLaughlin, Jr.: From section 23, subsection (4) of the principal Law, the Health Practice Law (2005 Revision).

The Speaker: Oh. This is the wrong revision I have here, that's why it's missing.

Sorry, go ahead, I'll follow you.

Mr. Alden M. McLaughlin, Jr.: Subsection (4): **"Each register of a profession maintained by a Council shall contain- (a) in the principal list, the names of persons who are registered under section 24 as fully registered practitioners and who are practicing in the Islands for a period exceeding ninety consecutive days in any one year;"**. So, the principal list really is made up of your doctors who are in active practice on a full time basis in Cayman.

"(b) in the visiting practitioners list, the names of persons who are registered under section 24 as fully registered practitioners who practise in the Islands for any period not exceeding ninety consecutive days in any one year;". So, those are persons who have full registration as practitioners in Cayman but don't work on a full time basis; they work in Cayman for less than 90 days in any given year.

And then (c) there's the overseas list and on this are the names of persons who are registered under sections 24 and are not practicing in the Islands. So, these are persons who are fully registered to practice medicine in Cayman but who don't practice in Cayman.

And then there is what is called the provisional list and this includes the names of persons who are registered to work under supervision in posts approved by the Councils under section 25 as part of the completion of their training and recognised by the relevant institution. So, these are essentially your interns on the provisional list.

So, that is the scheme that the Health Practice Law has set up. And these Councils are all administered by the profession, essentially. You have the Medical and Dental Council, the Nursing and Midwifery Council, the Pharmacy Council and the Council for professions allied with medicine.

Now, we come to how you get registered, which is in section 28 of the Health Practice Law, the 2005 Revision from which I am reading. It says: **"The Governor may, after consultation with the Councils, make regulations respecting registration and the registers maintained by a Council."** **[(2)] The regulations may, in particular, make provision as to- [(a)] the form of keeping of the register;"** . . . and so forth and so on. I need not go into all of that.

But it also includes the ability for set the content, assessment and conduct of any test of competence, the rules or tests of competence by which a Council shall determine whether a practitioner may be registered as a specialist; and so forth and so on.

Now, Madam Speaker, section 24[(1)] says, **"Subject to this Law, a person who satisfies the conditions mentioned in subsection (2) shall be registered by the relevant Council as a fully registered practitioner in the principal list, the visiting practitioners list or the overseas list under section 23."**

And the conditions are that the application is made in the prescribed form and that the applicant satisfies the Council that he is of good character; has the necessary knowledge of English; has a relevant qualification recognised by the Council; satisfies the requirements of the Council as to experience; satisfies the Council that his registration would be in the public interest; and has paid the prescribed fees.

Now, Madam Speaker, if we want to find out what are the relevant qualifications recognised by the Council, we have to look at the regulations. The regulations are made by Cabinet pursuant to the Health Practice Law itself in the usual way. And the Health Practice Law, the 2005 Revision, Health Practice Registration Regulations, regulation 5 sets out what are the qualifications to be eligible for full registration. **"An applicant shall be eligible for full registration where – (a) he is fully registered as a health practitioner in-**

[(i)] Australia;

[(ii)] Canada;

[(iii)] Jamaica;

[(iv)] New Zealand

[(v)] South Africa;

[(vi)] the United Kingdom; or

[(vii)] the United states of America;

(b) he has met the Caribbean regional registration requirements, to practise as a health practitioner, as set out by any relevant organisation including, but not limited to, the Caribbean Association of Medical Councils or the Caribbean Regional Nursing Body;

[(c)] he has obtained qualifications from-

[(i)] the University of the West Indies;

or

[(ii)] any institution accredited by the Caribbean Health Education Accreditation Board; and has completed any internship required by the University or the institution where has obtained such qualifications; or

[(d)] he provides evidence that he is eligible for full registration in any of the countries listed in paragraph (a)."

So, that is how you get full registration in Cayman; via one or other of those qualification criteria.

Now, Madam Speaker, the Bill in clause 4 proposes to amend section 23, which is the section that sets out the four categories of registrations, to include a new category. So we have now, or we will have the principal list, the visiting practitioners list, the

overseas list, and the new one is the special registration list, and then the provisional list.

The description or definition of the special registration list, it says, subsection (4) of section 23 is to be amended by inserting after paragraph (c) the following paragraph— **“[(ca)] in the special registration list, the names of persons who are registered under section 24A as registered practitioners who are specially registered to practise in the Islands on the terms specified in that section.”**

Now, Madam Speaker, clause 5 creates this section 24 and it says (it’s under the marginal note—“special registration”), 24A subsection (1): **“Subject to this Law, a person who satisfies the relevant Council of the matters specified in section 24(2) may apply to be specially registered under this section, and that person shall be registered by the Council as a registered practitioner in the special registration list.”**

It has taken me a while to get to this point but I had to explain all of that. And I hope that the Minister of Health would hang on a moment so that he could perhaps provide the explanation which I seek when he winds up on the Bill.

The big problem that I have is that section 24(1) . . . well, section 24(1) says . . . in clause, clause 5, which creates a new section, 24[A](1) says **“Subject to this Law, a person who satisfies the relevant Council of the matters specified in section 24(2) may apply to be specially registered under this section, and the person shall be registered by the Council as a registered practitioner in the special registration list.”**

But curiously, there is no description. There is no provision which explains what constitutes the qualifications which allow you to become specially registered. As far as I have been able to see, there is nothing in the Bill which is before the House, and obviously, the Health Practice Law itself sets out only the requirements for full registration and the circumstances under which you can become provisionally registered, which is where you are an intern.

So, maybe I am missing something, but I don’t think so, Madam Speaker, because I have searched this over, I don’t know how many times, because I was convinced that there must be some provision which defines or sets out how you get to be specially registered. What are the qualifications that allow you to become specially registered?

We know what they are to be fully registered, because the Law says so. We know what they are to be provisionally registered. We know what constitutes a visiting practitioner, we know what constitutes a— what’s the other one?

[pause]

Mr. Alden M. McLaughlin, Jr.: —what constitutes an overseas practitioner. We know what constitutes a visiting practitioner, we know what a principal practi-

tioner is, and we know what a provisional practitioner is. But there is no (as far as I have been able to see) definition or any qualifications set out in any criteria to be met by this new category called the specially registered practitioner.

Now, that is a pretty glaring omission, but [chuckle] I believe it is one that we better fix if we are going to head down this particular road.

[pause]

Mr. Alden M. McLaughlin, Jr.: Now, Madam Speaker, I have seen and heard listening to the contribution by the Elected Member for North Side, the concerns from the Cayman Islands Medical and Dental Society in which, among other things, they say (referring to the letter which he tabled) two things: **“The Bill will create the peculiar situation . . .”** Well, I should say:

- **“We are concerned however over the lack of consultation with the local medical community in drafting of the Bill.**
- **The Medical and Dental Society is of the view that the current credentialing process in the Islands is already of a very high standard on par with that of first world countries and, as such, question the need for the creation of a “special registration” status.**
- **The Bill will create the peculiar situation of two parallel health care systems.**
- **Registration of Health Care practitioners will be potentially removed from the legitimate authority, namely the relevant Councils, and placed in the hands of politicians.”**

Now, Madam Speaker, as I said when I opened my speech, certainly, that is the case in relation to the credentialing of medical tourism health care facilities. But unless there is something that the Minister has not told us, that would not appear to be the case with the credentialing of health practitioners.

What there appears to me to be is a lacuna or gap in the draft legislation as it relates to credentialing of this special registration category of practitioner.

[inaudible interjections]

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, the Elected Member for North Side noted his grave concern at a provision in clause 6 which proposes to introduce a new section 42A to the Health Practice Law, and which provides that the Governor may from time to time issue policy directions to the Councils for their guidance in the exercise of their respective powers, duties and functions under this Law. And it shall be the duty of the Councils to put into effect and to carry out such directions.

But, Madam Speaker, my understanding of administrative law and, indeed, constitutional law, is that I do not believe that this will entitle Cabinet to send specific instructions to the Councils telling them—

The Speaker: [speaking to other Members talking to each other while the Member is speaking] Order please.

Mr. Aiden M. McLaughlin, Jr.:—who they can or who they should credential, or who they should not credential. The directions must be of a general nature.

And so it seems to me, Madam Speaker, the proper place for any definition or criteria relating to special registration status, is that it must be in the Law.

Having said that, Madam Speaker, I have to register my unease and disquiet about the creation of this new category of specially registered practitioners. I don't know that I can accept without more.

The Minister's explanation or rationale for this, meaning that it is somehow to deal with the competition concerns expressed by Members of the local health practice professions, and that this will be one means of essentially keeping the Shetty practitioners on their reservation and not allowing them to wander off into the wider Cayman community to put out their shingle and practice. I believe the proper way to deal with that, if in fact that is (I know it is a concern) a policy to be effected by the Government, is through the usual work permit process. They don't get! Even if you have to pass regulations or legislation, you just can't transfer out of this reservation into the wider community. Or, you put real restrictions on how it can be done.

I do not believe the way to do that is to create . . . or the way we should be doing that is to create a new category which appears to allow substandard qualified practitioners to be introduced into the Caymanian medical profession.

Madam Speaker, let's be clear about something: There is a huge reputational risk involved in this project. Now Dr. Shetty himself is a man of international renown and I have listened to his presentations, the ones he made personally and some made by his team—very, very impressive. And, as I said at the start, this is a project that I would really wish to see go ahead. I have some lingering doubts about whether it will, or at least on the scale that has been proposed, because the scale, I have to tell you, is such that it is to me absolutely mind boggling.

Whether one entity has the resources to make all of that happen, I don't know! But I certainly do not want to say anything or do anything or in any way be an obstacle to it. I told Dr. Shetty and his team that myself. I think—not think, I know—that Cayman needs to make as many efforts as it possibly can to broaden our economic base. We have to understand that! And medical tourism . . . education, is another area that

even when I was a minister, we were talking about the potential that Cayman has for that.

So, I am all in favour of us pressing ahead with these. But I am really, really worried about the reputational issues of introducing a significant number of medical personnel into the Cayman environment with the perception, if not the reality, that they are somehow under credentialed. And I believe that we will be the subject of real criticism, if not condemnation, particularly if something goes wrong; that we have allowed into Cayman a facility and personnel of a lower standard to provide care for international patients, principally, of a lower standard than that which obtains for persons who are resident in Cayman.

That, I do not believe is going to be defensible anywhere. And there must be, given the kind of resources that appear to be available to this group, a better way for us to meet whatever needs they have in that regard. And I am not an expert in that field.

I heard what the Elected Member for North Side said about the relative ease with which you can actually sit the Caribbean medical examinations and get your registration, provided you can speak English. But I cannot comment on how easy or difficult that is because I just do not know. And so I am not going to necessarily adopt that as part of my debate or argument.

But every instinct in me screams 'no' to the creation of a category of registration which is opened to the kind of criticism which this obviously is. And given the long-term nature of this, given the implications for the thousands, if not hundreds of thousands of people who are expected to come through this system, we need to endeavour to get this part right. And given the reputation of Dr. Shetty and his organisation, I find it difficult to accept that he is prepared to start his operation—even before he starts his operation—for it to have attached to it the stigma that the doctors he is bringing here are not able to meet the Caribbean standard of credentialing for medical practitioners.

And so, I urge the Government to give consideration to those three points I have raised. Just to summarise, Madam Speaker: (1) that they consider allowing the Health Practice Commission to be the entity that approves medical tourism facilities; (2) if they are persisting with the special registration category, that the Law needs to provide a definition or set out the criteria of which you can become specially registered; but overriding all of that is my concern that we do not create a substandard—or a perceived substandard—category of medical practitioners practicing from Cayman with all of the attendant problems, criticism, and concerns, if not condemnation, that that is bound to invite, both locally, but even more importantly, internationally.

There is a reputational issue here and Cayman is so small that whatever affects one industry internationally is bound to have spilled over into finan-

cial services, tourism, and our image and reputation generally.

Thank you, Madam Speaker.

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

Does any other Member wish to speak?

[inaudible interjection]

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

Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, we were proposing to adjourn.

The Speaker: You have a motion for adjournment at this point?

The Premier, Hon. W. McKeever Bush: Just a minute.

[pause]

ADJOURNMENT

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

Madam Speaker, we propose to adjourn this honourable House until 10 am tomorrow morning. And I am going to ask every Member to try and be on time so that we can get started here at 10 o'clock.

The Speaker: The question is that this honourable House do stand adjourned until 10 am tomorrow. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

The House stands adjourned until 10 am tomorrow.

At 9.13 pm the House stood adjourned until 10.00 am, Thursday, 13 January 2011.

