

OFFICIAL HANSARD REPORT
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Thirteenth Sitting

The Speaker: I call on the Fourth Elected Member for George Town to say Prayers this morning.

PRAYERS

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

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

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

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

The Speaker: Good morning everyone. Please be seated.

Proceedings are resumed.

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

The Speaker: I have no messages or announcements.

I want to thank honourable Members for their tolerance of my problems yesterday, and the Deputy Speaker for carrying out his duties so ably.

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

Question No. 14

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 ("DER") as seeking employment.

The Speaker: Honourable Minister of Education, Training and Employment.

Hon. Rolston M. Anglin: The present estimated rate of unemployment in the Cayman Islands is 9.9 per cent.

At present 2,417 people are registered with the Department of Employment Relations ("DER"), of them 977 are registered as unemployed.

It should be noted that the Economics and Statistics Office ("ESO") are responsible for estimating unemployment and all major statistics in the country. While they use the DER data as part of the information gathered to arrive at their estimate it is not the DER's function to estimate unemployment.

The Speaker: The Clerk has just reminded me that we need to suspend Standing Orders 23 (7) and (8) to deal with the questions after the hour of 11 o'clock.

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

The Premier, Hon. W. McKeeva Bush: Madam Speaker, being after 11 o'clock, we move to suspend Standing Order 23(7) and (8) in order for questions to be answered after 11 o'clock.

The Speaker: The question is that Standing Order 23(7) and (8) be suspended in order for questions to be asked and answered after 11 o'clock. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Standing Order is accordingly suspended.

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

Supplementaries

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, the answer to the question notes that at present 2,417 people are registered with the Department of Employment Relations and it says that of them 977 are registered as unemployed.

I wonder if the Minister could explain the difference for us.

The Speaker: Honourable Minister.

Hon. Rolston M. Anglin: Madam Speaker, I will do that with pleasure.

Madam Speaker, the Department of Employment Relations is not placed to deliver the services this country and the public expect. In the Labour Law, Government is charged with assisting people in finding employment and accessing training opportunities. However, we have a Department that historically has not been able to communicate with other governmental agencies in an efficient manner, namely, the Immigration Department.

I am happy to report that the training of the staff of the Department of Immigration on the DER's data base was completed in February 2010. However, we still have huge legacy issues that we are seeking to address as expeditiously as possible. One of those is this whole matter of how the Department registers people and monitors and actively engages persons.

At present, of the 2,400 persons who are registered, the key difference between them and the 977 is the actual data that they provide us. As the Third Elected Member for George Town would, I believe, know, when a person registers they have options as to how they register. They can register as just a job-seeker, so it could be someone looking to find a second job or looking to move jobs; or, they could register as unemployed and seeking employment.

So, from the construct of his question I presumed that the answer would have sufficed in giving the data the Member desired. If the Member needs other data, I am happy to give as much as I have. But, the legacy issue that we are grappling with, Madam Speaker, is this whole matter also of being able to adequately place people. I am also happy to report that on Wednesday we had what would be the final presentation on an assessment tool that I need to sign off on as the assessment tool that we will use.

As Members of this House may not be aware, I think it is useful to state this here, Madam Speaker, so I crave your indulgence. Right now while the Department registers people, the Department has never had an assessment tool so that it could actually assess real skill levels of people. As we all appreciate, not everyone who has an associate's degree has the same level of literacy, or numeracy, for that matter.

Not every person who registers as a carpenter has the same skill set.

The tool that we are looking at is one that offers thousands of assessments and is widely used in Canada, the United Kingdom, Australia and the United States. So, we feel that it is going to be a very, very useful tool in our armour so that we can do a better job at matching people with actual job opportunities and be able to more competently deal with exemption requests. Members would know that if the Department of Immigration defers a work permit application they often send a request (or for the employer to come to the Department) for a letter to say whether or not we have someone who can fill the post.

Madam Speaker, without an assessment tool, what we are really doing is saying whether or not we have someone registered in that category, not whether or not they can fill the post. So, the assessment tool is going to be a critical piece of our armour.

The other bit, which, as I understand it [is] a project that has spanned approximately three administrations now, is this whole matter of electronic data management system which would better allow us to also be able to receive data electronically from the public and from employers, but also allow job-placement officers to be able to do electronic matching of candidates to potential jobs.

For example, the overall vision is to get to the point where we have thousands of jobs registered with us. And what we can do is have a tool that we are in advanced stages of looking at, that would allow our job-placement officers to query the database and do a search between applicants and jobs, and the tool itself gives predictors as to which applicant on paper can match a job. Imagine, Madam Speaker, having that and the assessment tool, having had everyone assessed. We would do a much better job at trying to place people.

As Members, we know the complaints we get from the private sector when they call us, or whatever. And this happened to me well before I became Minister, and I know this has happened, I would dare say, with all Members of this honourable House, when employers will say, *I advertised for X. I went to the Department and the person they sent me is a complete mis-match from what I actually need.*

So, when I started off by saying that there is a huge expectations gap . . . that is what we are looking to fill. It is critical that we do that if we are really going to be able to provide the public with the service they deserve.

The Speaker: Third Elected Member for George Town.

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

Noting what he said earlier, I wonder if the Minister can give us some indication of the numbers in the various categories of employment who are unem-

ployed. In other words, how many are professional, managerial, supervisory, skilled, unskilled and so forth?

The Speaker: Honourable Minister of Education and Employment.

Hon. Rolston M. Anglin: Madam Speaker, again, I want to underscore this point. I know the Member would appreciate my doing so. I want to underscore this point with the fact that this is what people are registered as. And until we can assess and really assist people we cannot validate the data that is before us.

But, people who are currently registered as “unemployed” fall into the following categories: persons who report that they have some technical or vocational skill, 52; some high school, 23; some college, 156; professional, 13; other, 1; master’s degree, 12; less than high school, 73; journeyman, 1 (this one should be with vocational/technical); high school diploma, 436; high school or equivalent, 478—that is a category that worries me, Madam Speaker, because, again, I do not know, I do not have any data to tell me whether these are people who really do have the equivalent of the high school diploma—doctorate, 1; certificate 55, bachelor’s, 44; associate’s, 39, coming up to a total of 977.

By age: under eighteen, 46; nineteen to twenty-five, 275; twenty-six to thirty-five, 255; thirty-six to forty-five, 189; forty-six to fifty-five, 142; fifty-five plus, 70—again, coming back to the same total of 977.

And the gender split is 573, female; 404, male.

The Speaker: Third Elected Member for George Town.

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

I wonder if the Minister can confirm that these 977 are Caymanians or persons married to Caymanians and, therefore, have the right to remain and work in Cayman without the need for a permit.

The Speaker: Minister of Education and Employment.

Hon. Rolston M. Anglin: Madam Speaker, I would not want to commit myself to the latter part of the Member’s question, not needing a permit, because, as we know, there are many complications about some people and their immigration status.

What I can say is that of these persons in this list, yes, on the face of it, these would be persons who do not require a work permit, save for 125 who have PR. And some of those, as you know, as categories, still have to go through a process before they can work if they were legacy of persons who existed before the 2003 Law. So that is why I do not want to go out on a limb and say that they do not need a work

permit; but they certainly have security . . . they have a relatively high level of security in the country, yes.

Madam Speaker, the other point that is very relevant here is that we went through an exercise in August and September and we actually even asked publicly for persons who are registered as unemployed to contact the Department. And I make that plea again here. Thus far, the Department has only been able to contact approximately half of these people. A lot of these people have pay-as-you-go phones and so the numbers change frequently. And then there are some that do not have email addresses, for example. So, when the Department tries to contact them, there is a huge difficulty.

That, again, hinders the work of the Department because, a) the data, what is the real data? And [b]) if an opportunity comes up and you have a person listed in that category and you are ringing the phone and you cannot get them . . . it is impossible for the Department to place someone they cannot reach.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, the Minister noted that there were 13 in the professional category; 12 with master’s degrees, and 1 with a doctorate. Leaving aside the 156 with college qualifications (because that could be a range of things, you really need to drill down to know what “college” means), of the 13 unemployed professionals, 12 master’s degrees and 1 doctorate, is the Minister in a position to say what their specialisation is or what their vocation was?

The Speaker: Minister of Education and Employment.

Hon. Rolston M. Anglin: Madam Speaker, I do not have that information available to me at hand. What I can commit to though, is to get a detailed written report that I will provide to Members of the House.

But I will also get a written update for Members of the House about the special work that we have actually been doing at trying to place the persons that we believe are easiest to place, not that that is the . . . some would disagree with that. But the fact of the matter is that we try to take a pragmatic approach to these things and the fact is for persons who do have formal qualifications, et cetera, and persons who have had, say, long tenures at firms (in particular financial services firms who for one reason or another may not have a presence here or have down-sized) are the persons a real focus has been placed on recently in trying to get them placed as quickly as possible. The vast majority of them, from my understanding, are work rated; those are longstanding, proven employees with very strong track records.

The one challenge that we have—and this is where our new electronic management system is going to greatly enhance our work—is, as the Member

and all Members of this House know, that there is no capacity within CIG at this present time, and has never existed, to project out and really be able to give the type of timely and relevant information that employers want, those who would go through the process of doing the searches.

We know that we have challenges. We know that there will be persons, employers, who take advantage of a system that has grown up around a very small population, cannot accommodate and cope with our current numbers, and so it's easy to throw your hands in the air and say, *We don't have access to data. Government, you cannot give us reliable data, we are simply going to continue on and keep our businesses afloat.* And that is a business person's perspective.

Through the two projects that I outlined earlier, we are going to be in a much stronger position to provide relevant data so that companies and the Immigration Department will be able to have access to credible data before work permits get approved, because there is that vexing issue. People look at these statistics, compare them to work permits and that is vexing for the Government and for all of us. I dare say it is vexing for the vast majority in the community, employers alike. But, at the end of the day you wind up with a situation where permits get approved, fees are paid, and you have Caymanians out of jobs, and who may have been out of jobs before it got approved. But we need to have access to credible, reliable data. And that ease of access is something that we are working diligently to really break the back of.

The Speaker: Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Speaker, in a major address to this House late last year, which has been widely reported, the Minister said that Cayman has an "employability" problem, not an "employment" problem. Much of what he said in that speech I do not disagree with in terms of the need to up-skill and educating many of our people. I think my record on that is well known.

But I wonder if the Minister, in light of these statistics, will agree or is prepared to acknowledge that while there is an "employability" problem, that there is also a significant "unemployment" problem and that that relates not just to those with limited education, but also to professionals and persons with second degrees and, indeed, in one case, a doctorate.

The Speaker: Minister of Education.

Hon. Rolston M. Anglin: Madam Speaker, the Member has quoted, I think he said in a major address to this House . . . it was part of a debate, so let us not call it a major address in that I came up with some big policy position. It was during a debate. And the fact of the matter is, I said clearly in that debate that unem-

ployment poses the single biggest threat in the community at present. And I stand by that. Unemployment is one of our biggest challenges. It is fed principally by a soft economy.

The other thing that we do not want to do often in this House is acknowledge that of the twenty-something thousand work permits how many thousands are domestic helpers. And in categories that we still struggle greatly, some of them are very well-paying jobs, I might add, but we still struggle greatly to get Caymanians to take up interest. Hence the reason yesterday I mentioned some of those technical and vocational subject offerings at CIFEC (Cayman Islands Further Education Centre) which we are hoping is going to drive a lot more Caymanians to the service industry, in particular tourism, where persons can make a wonderful living and have a great lifestyle in this country. The fact of the matter is that *maître d's* and headwaiters and that sort of thing in this country still do very, very well.

Madam Speaker, if we look at the face of the statistics—and I have already cautioned Members of the House in the use of the numbers that I gave, because none of these persons have been assessed—the key message that I wanted to get out there, and [to which] the Opposition and others have spun it their own way and run with it, and that is their prerogative, but the key message that I wanted to get out there, and I know the Third Elected Member for George Town can acknowledge, is that for too long in the country our persons who truly do struggle, their needs have not been addressed comprehensively. And they continue to be left behind and this Government is not going to continue that trend.

We are going to ensure that we try to put in place the programme offerings that are going to give every single person in this community who wants to access them, access to credible programmes to up-skill themselves. That is crucially important for us to build a strong community. We have to have a very vibrant life-long learning culture. That is something that we need to have.

I know the Third Elected Member for George Town agrees with that, and all Members of this House I am sure would agree with that. That is crucially, crucially important.

Madam Speaker, the numbers he quoted come up to 26 people of the 977.

The Speaker: Elected Member for North Side.

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

Just to ask the Honourable Minister if he would table the breakdown of the statistics that he quoted awhile ago so that we can have a written record of the breakdown.

The Speaker: Honourable Minister of Education.

Hon. Rolston M. Anglin: Madam Speaker, I would happily table the breakdown of both records; the 977 and the 2,417.

As I said, I am a conservative person by nature and I want to ensure that I put firmly on record that these numbers are how people have registered themselves principally. In a lot of instances there are categories that, at this point in time, we are not able to properly put in a discreet category and we have not gotten our assessments done. Of the 977, we have only been able to contact 50 per cent.

So, those are some huge caveats to this data that I am providing. I want to ensure that Members of the House and the public clearly understand that as far as I am concerned, while this is very useful and indicative data, let us not use it as gospel. Let us get the Department reorganised the way that I have announced as Minister. Let us get our assessment tool up and running and let us really, really put our shoulders behind the wheel to ensure that we put in place the human capital development framework that is going to serve our people. That is the basis on which the UDP ran; that was our manifesto promise.

I already have draft legislation that I am going to be circulating before the end of February so that we can bring it during the Budget Meeting of the House regarding what the new human capital agency would look like. I want to assure Members, once again, that all of that is being delivered in a cost-neutral way. There is no net new cost to the Cayman Islands Government; it is about how we are reorganising the entire gamut of e-labour and ensuring that a specific focus is on human capital development.

I believe that that restructuring is the right move. We have grown to the point where we cannot just have one section stuck in a labour law that is expected to be how we deal with human capital development needs and job placement needs from a Government standpoint. But with that caveat and explanation, I will happily table the Report with the data that I have provided.

The Speaker: So ordered.

Would you have them copied please for Members of the House?

Elected Member for East End.

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

I sympathise with the Minister because, obviously he cannot rely on his numbers in the absence of the tools necessary to measure. And that is not his problem; it is a problem that has existed since its creation, really. I hope he is successful in getting a system in place.

I have two questions, Madam Speaker. One is, whilst we recognise these numbers are not gospel (according to the Minister), can he say how the Passport2Success programme is assisting in taking some people off of that list, at least, if he does not have the right numbers of how many might drop off?

The Speaker: Minister of Education.

Hon. Rolston M. Anglin: Madam Speaker, I thank the Member for that question.

Passport2Success has been just that—a tremendously successful tool. Two cohorts have now gone through. Of the first 22, 10 are employed. Of the 24 that went through the last cohort, in which we had the commencement exercises on 13 December, 8 are already employed.

Of note, I do not have that statistic with me at hand, but I dare say over 50 per cent are also pursuing formal education, either through certificate programmes or degree programmes at UCCI.

I measure success based on how people find things, not on what I believe. And I think when you listen to the testimonials of these young people who have gone through the programme, the programme speaks for itself.

Overall, the Ministry wants to launch a sister programme. The idea always was that we would target other groups. Passport2Success was for young people. We knew from our statistics that people under 25 represented the single biggest number and percentage of unemployed persons. And the report that I just tabled will bear that out. But we will be focusing on some other target groups and again developing a programme around their specific needs.

Madam Speaker, the key to all of this, though, will be the creation of a significant number of new programme offerings that we will be administering through UCCI. It is all good and fine to have those types of programmes that deal with the soft skills more than anything else, but we do need to enhance our offering of actual, real tangible skills, tangible programmes that result in people with an internationally accredited certification at the end of the day.

I have had some very useful discussions with different persons in the private sector who are working, and I have asked them to work in tandem with UCCI to come up with programmes, but to have them, while localised in content, underpinned by international qualification. I think all of us would recognise the necessity for that.

It is all good and fine for us to just develop something in-house, but when you have it and you do it in conjunction with an examining board that is internationally accredited, that is when we are really providing our people with the greatest tool, which is a qualification that they can hold up and there is no doubt about standards.

The Speaker: Elected Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker, and I thank the Minister for that explanation.

My last question to the Minister is, as much as the Minister says that those who are registered may change numbers and the difficulties that the Depart-

ment is experiencing in finding those people subsequently, he also said that there are (correct me if I am wrong) maybe over 100 professionals registered, that is, bachelor's degrees, master's, doctorate. Anyway, there are a number of those. I wonder what the Department is doing to try to place them and others as well. Certainly, they would probably be much easier to place as opposed to the skilled and unskilled and carpenters because the construction industry is down.

Does the Department staff develop relationships with the businesses and call them to say, *I have a doctor here who is (whatever discipline it is), I have two master's degrees, do you need someone?* Or does the Department wait until someone calls them to fill a position in their employ?

I believe that maybe if the Department called we may be able to at least get some of those professionals placed in the financial industry or whatever their discipline is.

The Speaker: Minister for Education.

Hon. Rolston M. Anglin: The Member's question is a key consideration for the Government and the Department. And one of the things that we are focusing on is trying, as I said earlier, to target the people that we . . . looking at the resume, looking at the registration and qualification that we believe is easiest and try to push and push on that front. Right?

But, as I outlined in a statement to the House, I think it was in July, Madam Speaker, when I spoke about the reorganisation of pensions and labour and having the creation of the new human capital development agency, one of the key operational considerations is going to be around how we not only manage data, but how we structure and have people work.

My vision is that we are going to have job placement officers responsible for specific industries. And I want to work with the private sector around getting them not only relationships, but a deeper understanding of what it is that industries need. That is going to be a re-training exercise that we are going to undertake later in this year.

Thus far, I have had very positive feedback from the business community. The persons to whom I have spoken [with] have all said they would be more than happy to have their HR professionals and some technical people come and sit down and give presentations and talk to our JPU (Job Placement Unit) staff about what it is they actually need, versus a job ad, and getting that better understanding.

When we can develop that sort of skill in-house . . . now I can tell you, we know that there is a risk when Government develops talent because we know what the private sector does with talent, right? But we, as Government, need to do that. We need to get to that level. I am sure that Members of this House would agree that we need to ensure that when a person in industry X needs a person and is going to advertise, they do not just call the Department, that they

have a contact that is their contact that they can feel ownership with, a person with whom they have developed a relationship and rapport with.

And the other key consideration, as the Member for East End has said, being more proactive now as well, so that when we do have something come in, those JPU officers have deeper relationships with the industry that they can then call and say, *Look, we have this person who is now unemployed, just registered today, do you have anything coming up?* It is only then that we really are going to be able to get to what the public expects, which is a real dynamic, well-informed, very well-oiled job placement function within government.

The Speaker: Fourth Elected Member for George Town.

Mr. Ellio A. Solomon: Madam Speaker, I have to say that as I listened to the back and forth dialogue taking place I am reminded, obviously, with the greatest of respect . . . it seems like a little dance we are engaging in. I hear Members talk about the position the general public will take. And I have the Third Elected Member [for George Town] over there begging for a question.

But, Madam Speaker, I think we need to keep things real—

The Speaker: It is question time. Please ask your question, sir.

Mr. Ellio A. Solomon: Correct, Madam Speaker.

And the question is, and I have one or two of them.

Madam Speaker, I heard the Minister talk about a system being developed. Because I believe that the question persons out there in the general public would be asking is . . . we are here in 2011. Could the Minister explain to me and to the public why we are here in 2011 and we still, to date, do not have a system, a database, that is allowing you to match employer with employee? That is a question that I think we need to ask. That's number one. Because, we have sites like monster.com that has been going at least for the last 12 years. I was wondering if the Minister, first of all . . . that's my first question. I hope I will have the opportunity to ask one or two more.

The Speaker: You will have the opportunity to ask as many as you need to ask. You need to give the Minister a chance to reply. I think he has been doing a very good job of doing that this morning.

Minister of Education, please continue.

Hon. Rolston M. Anglin: Madam Speaker, the question that the Member asks is a very important one. The question as to why it does not exist, unfortunately, I cannot say why it has not happened. What I can say is [that] is what we have found. And it is a

state that does not meet the needs of the general public and we are moving hastily forward.

All Members in here who have been Ministers can appreciate this point. I certainly wish that the wheels of Government could move quicker! I announced this restructuring 12 months ago. But I can say this much, my colleague, the Fourth Elected Member for George Town, and all the backbench colleagues, are 110 per cent supportive of the restructuring and where we are heading and have been pushing greatly on me as Minister to make sure that this is delivered because it is for the public. This is all about what the public deserves as a service. And he is quite right.

The technology exists out there to be able to match employers and employees. So we are pushing to get that done as quickly as possible and I can say to those who continually say that this Government doesn't do anything for people, oftentimes I think it is disingenuous or misinformed. But we are working very hard. And I think that in a very short period of time we will have continued to deliver key infrastructure in the whole employment and human capital development area. And I believe, from a policy standpoint, that focus is what is really driving it.

As long as you continue to mix labour and human capital development, that is where you continue to run into problems. How can an employer be expected . . . let's just think about this rationally. How can an employer be expected to interface with one agency when it comes to complaints and the same agency when it comes to wanting to place a person? It just does not work. It has not worked, and that is why the Government is moving with this real tremendous shift and I am hoping that all Members . . . I know Members on my side, in particular the Fourth Elected Member for George Town, supports this. I am hoping we will hear publicly that all Members of the House support this policy position.

The Speaker: Thank you, Minister of Education and Employment.

Fourth Elected Member for George Town.

Mr. Ellio A. Solomon: Madam Speaker, thank you very much. And I suppose in very succinct terms that would suggest to me, if I understand the Minister, that, unfortunately, it has not been a top priority over the many years. I thank the Minister for his comments and I look forward to seeing something happen before the end of this term because it needs to be resolved, to say the least, Madam Speaker.

At least two more questions. One is: We talked about the number of persons who are unemployed, and, again, we can question and debate unemployability another day. But can the Minister state for us how many persons have been placed into jobs, at least since he has taken office? Has his office, as in the Department of Employment Relations, been able to help place out there in terms of jobs? Thanks.

The Speaker: Minister for Education and Employment.

Hon. Rolston M. Anglin: Thank you, very much, Madam Speaker.

Madam Speaker, what I can say is that the numbers that are reported to us—and, again, when we talk about data, right, I am going to give some numbers that we know about. I will table it. We can give the numbers that we know about that have reported back to us.

Let me use a classic example. Of the 977 registered as unemployed, of the 50 per cent that we cannot reach, I do not know how many of them are employed at this point, for example. And, did they get employed because of a lead that we put them on? That is the sort of thing that really, really hampers our efforts. But, to answer the question, what we do know about, even in this very, very soft economy, and with the resource restraints that I have described, the Department, I believe, despite public criticism, has done a credible job.

In January 2010, nine people; February, 18 people; March, 13 people; April, 14 people; May 15; June 15; July 13; August 10; September 10; October 18; November 17; and December 16.

[pause]

Hon. Rolston M. Anglin: Just on a point of clarity, these numbers do not include Passport2Success, because students of Passport2Success are registered in that programme. Any of them that we placed out of the programme never were registered with DER. The ones that are unsuccessful after 30 days (I think it is) we then get them into the registration process, et cetera.

What has been very interesting is that the programme has been so popular (so Members will know), that employers have been going directly to the private sector company that is administering the programme.

The Speaker: Thank you, Honourable Minister.

Fourth Elected Member for George Town.

Mr. Ellio A. Solomon: Yes, Madam Speaker, I wish to thank the Minister. It is good to hear in terms of some degree of balance that, despite the number of persons that are unemployed, the efforts are being made in terms of trying to provide employment for those persons and despite the valley that we find ourselves in economically that on a daily or monthly basis the Minister can report some of those persons being employed. And I would like to complement that by saying as well, Madam Speaker, that I know with respect to even the clean-up programme, that the Department of Employment Relations has worked steadily in terms of trying to find employment for some of

those persons as well and has had some degree of success.

This has always been one of those areas of concern for me, that even for those persons who are employed in the workforce we do have an issue where under section 80, I believe (if my memory serves me correct), that there may be areas that need to be addressed. I was wondering if the Minister could tell us in terms of the enforcement officers, whether there is discrimination in the workplace, Caymanians perhaps feeling that, you know, *I was asked to do the same job for \$50,000 that someone had just been doing for \$70,000*—a lot of inequities and stuff that they talk about.

I was wondering if the Minister could mention a little bit about the enforcement. One, I would imagine that there is a problem with the same complement of staff, particularly with the circumstance that we are in. But if he could speak a little bit in terms of enforcement and some of his directions in that area as well, or intentions.

The Speaker: Honourable Minister of Education and Employment.

Hon. Rolston M. Anglin: Madam Speaker, Members are in a good mood at 12.40 pm. I think lunchtime is coming and rapidly approaching us.

The question is a very good one. And let me be, as I always have in Question Time, perfectly frank. The public expectation on the number of enforcement officers, in my humble opinion will never, ever be met by any administration. The public . . . and I do not say this as any sleight to the public, but this is not just in Cayman, it is in every country. Persons, when it comes to any sort of enforcement—police, immigration, border patrol—once there is an incident people automatically say there is too little, and why do we not have more, and why could this not have been avoided? I know that is not the question asked, but I wanted to ensure that I paint that picture.

What I can say on enforcement is that for some time now the number of complaints from the general public about not having access to people who can hear them out and give them advice, either get a matter settled or to a tribunal efficiently, is something that has been greatly, greatly reduced. And there has been lots of work done over the last few years in regard to some private sector persons who, as I understand, provided some very useful and critical training to the labour tribunals and how those are structured.

But, Madam Speaker, in regard to legislative reform, let me update the House in this way. I announced the reform of pensions and labour to come with an inspectorate that is going to give us a system that will be our one-stop shop for labour. In tandem with that will be some legislative reform as it relates to the Labour Law that is going to address some of the points raised by the Fourth Elected Member for George Town. I know where he is coming from.

He is talking about some of those areas that the Department has identified over the years as vexing areas of enforcement that they have not been able to tackle efficiently because we need legislative reform.

What I am happy to report, Madam Speaker, is that I received in mid-December a report that we have now reviewed that I will now be taking to my colleagues for review. The next step would be drafting instructions, once my colleagues agree with those changes. They are all non-controversial (in my mind) amendments that simply need to happen. There are some that will say, *No. What you need to do is form a committee and have a huge raft of labour*. I believe that if we put that out in a sensible white paper for consultation, [for] more than the 21 days required and bring it back during the Budget Meeting of the House, once we can get the drafting complete I think that that would be the best way forward.

Let us deal with the vexing issues as the Fourth Elected Member for George Town has pointed out and if there are bigger picture considerations that we need to look at, well then we deal with those later on. I think oftentimes, as Government, you get caught up in trying to get a perfect whole while there are individual pieces that are really, really weak that need to be fixed and fixed urgently.

The Speaker: Thank you, Honourable Minister.

Does any other Member have a question? If not, let us proceed to the next question.

Third Elected Member for George Town.

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

Madam Speaker, Question No. 15 standing in my name, directed to the Honourable Minister of Education, now has some level of redundancy in it, given the fact that it was submitted almost two months ago. Nevertheless, I will ask it. If there is anything that the Minister has not already said, then we can deal with that in supplementaries.

Question No. 15

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

The Speaker: Honourable Minister of Education, Training and Employment.

Hon. Rolston M. Anglin: Yes, Madam Speaker. As the Third Elected Member for George Town alluded to . . . and before answering the question, there is some level of redundancy in this one. I will certainly endeavour to get all questions answered quicker.

Construction on both the Clifton Hunter High School and John Gray High School campuses has recommenced.

As announced by the Premier during the Budget Meeting of the House these projects are being completed on a phasing approach. Clifton Hunter High School is the first priority and therefore will receive the greatest focus with John Gray High School to be completed over the next two fiscal years.

The estimated completion date for the Clifton Hunter High School is somewhere between September/December 2011 and John Gray High School somewhere between September 2012/13.

Madam Speaker, as we know, the UK has agreed to a three-year plan with CIG (Cayman Islands Government). And let me out of an abundance of caution make it abundantly clear that this has nothing to do with the affordability of any school projects by CIG in the sense that we have capacity to be able to fund more. But, given the fact that we have a three-year plan, as part of that the Honourable Premier in his negotiations with the FCO (Foreign and Commonwealth Office) spoke to the whole issue of how we were going to stage and time major capital projects.

Of course, the ones that received the greatest attention, as the Premier spoke to during the Budget Meeting of this House, were the high schools. Certainly, the UK understood where we were from a school plant perspective; they understood where we were from a construction standpoint. However, let me be frank in saying that they did not have a lot of sympathy in the sense that they looked at us and said, *Look, we are politicians too, and we have stopped a lot of school projects ourselves. We are cutting civil servants' majorly in the UK. You are going to have to make some tough decisions. How you are going to borrow and how you phase your projects is going to be determined within the scope of your three-year plan.*

And, Madam Speaker, given the fact that there are some matters in the courts surrounding this issue, and perhaps in the future, I would just say to Members that I would not want to go too far and compromise CIG's position as it relates to what some lawyers might want to argue in regard to the completion of the schools.

Needless to say, the Government has consistently stated that we are committed to completing the school projects and we will do so in a phased approach that brings buildings on line and then we just keep funding over a little greater period of time.

What I can also assure the House is that I will be bringing an update that speaks to how we are going to [inaudible] given phasing. And I am confident that it is going to be in a manner that all of us will be pleased with from the standpoint that our children will certainly not be disadvantaged.

The Speaker: Thank you, Minister of Education. Are there any supplementaries?

Then we will move on to the next item of business.

Minister of Education?

Hon. Rolston M. Anglin: Madam Speaker, I apologise. With your leave, could I table the job placement report that was requested by the Member for North Side? It slipped me to do so at the end of that question. So, with your permission I would like to table the Monthly Job Placement Report for 2010.

The Speaker: So ordered. Please make sure all Members have copies. Thank you.

Honourable Premier, are you going to make your statement this morning?

The Premier, Hon. W. McKeever Bush: Madam Speaker, I crave the indulgence of the House. I have an appointment waiting on me. I should have dealt with them. I think they are due to leave on a plane shortly. I would like to make the statement once we come back from the lunch break. And I ask that we take the lunch break at this point in time.

The Speaker: That's perfectly in order.

I suspend the House at this time until . . . [replying to the Premier] 2.30? You said you have an appointment; I am trying to accommodate it.

The Premier, Hon. W. McKeever Bush: Yes, Madam Speaker.

The Speaker: [Asking the Premier a question] Until 2.30?

I accordingly suspend the House until 2.30.

Proceedings suspended at 12.49 pm

Proceedings resumed at 2.48 pm

The Speaker: Proceedings are resumed. Please be seated.

When we took the break, the Honourable Premier was about to make a statement, which I have given permission for.

Honourable Premier.

STATEMENTS BY HONOURABLE MINISTERS AND MEMBERS OF THE CABINET

Performance of the Tourism Industry, 2010

The Premier, Hon. W. McKeever Bush: Madam Speaker, this statement (which I will lay on the Table of this honourable House today) provides an overview of the performance of the tourism Industry for the year ending 2010.

Madam Speaker, given that we are at the beginning of a New Year, I thought it prudent to share with this honourable House some statistics and information on how the tourism industry performed over 2010. I would also like to take this opportunity to highlight some of the critical steps that the Department of Tourism is taking to revitalise this sector and move forward in 2011 (this year).

State of the Industry at the start of the Recession

You will recall, Madam Speaker, that the global recession started in December 2008, and by mid-2009 its effects were affecting [us] across the Cayman Islands. In the USA, which is our major tourism market, unemployment was on the rise and consumer confidence was at an all-time low. As people tightened their belts in response to the economic crisis, vacations were being sacrificed and persons who were still travelling were doing so on the spur of the moment, rather than making their bookings months in advance.

Once the recession took further hold, competition became fiercer between destinations and deeply discounted rates were being offered to consumers to sweeten the deal. Finally, the Caribbean Tourism Organisation (CTO) predicted that tourism in the Caribbean region would decrease by 30 per cent.

Throughout 2008, air arrivals into the Cayman Islands were showing a steady increase, topping out at 302,000 at the end of the year. By the end of 2009, as the recession hit harder, air arrivals had declined by 10.26 per cent to 271,000. It was apparent that if left unchecked, 2010 would unquestionably register a further shortfall.

DOT Response to Global Crisis

Madam Speaker, to combat the effects of the slump, the Department of Tourism (DOT) began working even more closely with Cayman Airways and private sector stakeholders to offer short-term, tactical promotions, designed to increase visitor arrivals. Additionally, rather than cutting back on marketing efforts, for example, the Cayman Islands were being aggressively marketed, particularly to families, and our diverse range of accommodations—from hotels to condos to small vacation rentals—were highlighted to provide cost-effective alternatives to suit every budget.

In short, the Cayman Islands stayed the course and marketing messages that we knew would resonate with our smart and sophisticated travelers were reiterated. Monthly newsletters and weekly e-blasts were sent to DOT's (Department of Tourism) extensive distribution lists, highlighting the current deals and promotions in order to influence bookings. Social media sites, such as Facebook and Twitter, were used to speak directly to consumers and a wide array of promotions—from "Get Warm", to "Summer

Splash", to "Companion Flies Free" deals—were all being proactively pitched to drive visitation.

2010 Strategic Business Objectives

With this as the backdrop, Madam Speaker, the Department of Tourism developed six key objectives, which are as follows:

1. Achieve 300k Air Arrivals in 2010.
2. Develop an integrated Digital Marketing Strategy.
3. Increase the public's understanding of DOT's Programmes and Initiatives.
4. Increase the awareness of the virtues of a Cayman Islands vacation amongst the CI target visitor.
5. Receive 60 per cent or higher Value For Money assessment from visitors by end of 2011.
6. Increase tourism partners who implement environmental initiatives.

Of the six objectives, the primary focus for 2010 was to achieve 300k air arrivals—and, more specifically, to grow visitation from Europe by 5 per cent and from Canada by 10 per cent.

Increased Airlift – CAL

To achieve these lofty goals, our national airline was strategically deployed to support the tourism sector by reintroducing two new routes out of the United States. In November, Cayman Airways resumed its twice-weekly service to Chicago's O'Hare Airport, and in December, it began operating a twice-weekly service from Washington, DC, to Grand Cayman, which is scheduled to run until the end of 2011.

Both Washington, DC, and the Chicago area are proven key gateways for thousands of visitors to our Islands. In the case of Washington, DC, the new service provided travelers from the northeastern region of the US with an alternative option to the existing service out of New York City's JFK Airport, and the Chicago flight opened up the possibilities for visitors from the Midwest.

Increased Airlift – Delta Airlines and WestJet

In addition to the new CAL flights, Delta Airlines and WestJet also began offering services into Grand Cayman. Delta introduced a weekly non-stop service from JFK, which is timed to allow for European connections, and WestJet introduced three flights a week from Toronto. This additional airlift is tantamount to being a vote of confidence in the Cayman Islands by some of the world's leading airlines and has increased our capacity. It is also of important note that during 2010 it was also announced that in 2011 United would start service from Washington, DC, once again adding to our air capacity in the first quarter of 2011.

Performance Indicators

As a result of the Department of Tourism's targeted marketing and promotions and the increased airlift, visitor arrivals up to November 2010 confirm that we have been trending positively throughout the year. Statistics indicate that we are up 6 per cent YTD (Year to Date) through November for total stay over arrivals, and more specifically, the USA is showing an increase of 6.2 per cent, Canada 8.8 per cent and Europe an increase of 2.8 per cent.

Cruise visitor arrivals are also up 4.4 per cent. Although figures for December have not yet been released, the expectation is that the positive trends will have continued through to the end of the year. It should also be noted that private aircraft arrivals have increased by 15 per cent this December and outside of this positive growth the Cayman Islands also received additional new aircrafts this December due to an extremely cold winter in Florida, and elsewhere, of course.

Partnering with Cayman Airways

The Department of Tourism and Cayman Airways continued to work strategically together throughout 2010. While each organisation has a unique business purpose with its own set of goals and objectives, the working relationship between the two entities continues to advance and strengthen. The Department currently provides marketing, promotions and PR services for Cayman Airways, which is enabling benefits such as significant economies of scale and cost savings to be realised at a National level.

Specific services provided for Cayman Airways include:

1. **Media Planning and Buying:** The Department strategically purchased Television in key markets with a special consideration placed on CAL markets. CAL was prominently showcased in ads.
2. **Print Advertising:** When applicable CAL is used as the call to action in print advertising in gateway cities.
3. **TV Advertising:** The Department works closely with designated wholesalers to ensure CAL is identified as the call to action on all TV ads in designated cities.
4. **Interactive and Direct Marketing:** DOT builds customised web sitelets for CAL to promote special offers to consumers and drive business through to caymanairways.com.
5. **Public Relations:** The Department PR develops and distributes press releases, feature articles and the like and maintains a high level of awareness of CAL in the international media.
6. **Regional Sales Promotions:** The Department promotes CAL routes at consumer events, travel trade shows, blitzes and sales

calls along with *Hot Happenings'* and consumer and trade newsletters.

Key Marketing Programmes and Initiatives

Madam Speaker, over the last decade, the Cayman Islands tourism industry has been impacted by a slew of man-made and natural disasters including the US terrorist attacks in 2001, Hurricane Ivan in 2004, Hurricane Paloma in 2008, the economic recession in 2008/2009 and the volcanic ash cloud over Europe in 2010. In the face of each adversity we have shown our resilience and bounced back, and I am confident that with the appropriate direction, innovation and resources, the Cayman Islands Tourism Industry can and will rebound to unprecedented levels.

To address the challenges presented in 2010, the DOT focused on a three-pronged, results-driven approach designed to:

1. Stimulate the market through targeted marketing and promotions.
2. Deliver on excellence by raising service standards.
3. Ensure sustainability by encouraging more Caymanians to become involved in the hospitality industry.

Stimulate the market through targeted marketing and promotions initiatives Prior to the recession, in a typical 12-month period, two destination promotions would be offered in collaboration with Cayman Airways and private sector stakeholders. In 2010, understanding that value was the new order of the day, the Department was particularly proactive and offered six destination promotions. The goal was to stimulate the market and increase visitor arrivals and from this perspective, all of the programmes successfully delivered on their objectives.

"Get Warm," for example, which ran from December 2009 to March 2010, attracted more than 29,000 unique visitors to its website and statistics show that many of these converted into actual visitors to the Cayman Islands.

Deliver on excellence by raising service standards: Recognising that excellent service is intrinsic to perceived value, the Department has conducted over 180 PRIDE (Personal Responsibility in Delivering Excellence) workshops in an effort to train persons working in the hospitality industry—particularly those on the front line—in the consistent delivery of excellent customer service. PRIDE is an acronym for Personal Responsibility in Delivering Excellence, and to date, more than 2500 "tourism ambassadors" have completed PRIDE workshops. In addition, a pilot programme was developed for schools and rolled out to 11th and 12th grade students.

It is of particular note that the Cayman Islands Department of Tourism, in 2010, concentrated PRIDE efforts on the transportation industry as well as the ports of entry.

Ensuring sustainability by encouraging more young Caymanians to become involved in the hospitality industry: The third element of the three-pronged approach addresses the issue of human capital development. While it is accepted that airlift and service excellence are critical to the growth of the industry and that these areas must be supported by strategic marketing initiatives and promotions, it is equally important that programmes also exist that pave the way for Caymanians to become involved in tourism.

I am therefore particularly pleased to note that 52 Apprentices have graduated with CARIBCERT certification and 22 new apprentices have enrolled in the 2010/11 programme. One young lady, who completed the apprenticeship programme at the top of her class in 2008, went on to pursue an Associate's degree in Bakery and Pastry-making at the Culinary Institute of America and is now employed as an Assistant Pastry Chef at one of our more prestigious restaurants. This is just one of the programme's success stories, and it is my hope that many others will be sufficiently inspired by such stories to also view tourism and hospitality as a viable career choice.

And I should say here, Madam Speaker, that one thing is certain. As long as we are training Caymanians, we have to have the places for them to work, bearing in mind that we still have only, what, four hotels on this side plus the East End hotels that are up and running. They cannot hire everybody. And the more we build up the expectations of these young people, the more jobs we are going to have to provide for them. That means accepting the investment that is proposed.

Certainly, I want to see the Mandarin and the Four Seasons and probably another resort in these Islands.

Sister Islands Product Enhancement Initiatives

Moving on to the Sister Islands, throughout 2010 the DOT collaborated more closely with SITA (Sister Islands Tourism Association) and increased the level of support to provide targeted assistance with promotions in order to heighten awareness of the product offerings in Cayman Brac and Little Cayman.

Specific achievements include:

- Airport Enhancement Signage which included destination Branding of the Gerrard Smith International Airport, was completed in Immigration and departure lounges;
- Directional road signage indicating points of interest was installed at various locations;
- Point of interest maps for both Cayman Brac and Little Cayman were produced, highlighting attractions and heritage points. These are available at strategic locations as well as at the airports.
- Inspection and licensing awareness seminars were held for both the Brac and Little Cayman.

Sister Islands E-business Support

In this age of technology, Madam Speaker, it was also necessary to provide a range of e-business support to the Sister Islands, such as:

- Creating a dedicated promotions page for accommodation specials which directed visitors to a designated website for further information
- E-Blasts, or what we would typically refer to as flyers, were distributed electronically advising potential consumers about day trips offered to Cayman Brac.
- Newsletters were produced and also distributed electronically and included a web link straight to the Sister Islands specific information.
- All businesses in the Sister Islands were given the opportunity to distribute their information via the Sister Island businesses database.
- Information about the Sister Islands was posted on Twitter and on Facebook. Additionally, separate photo albums about Cayman Brac and Little Cayman were also posted on Facebook.
- Finally, the Department of Tourism's 'Travel Planner' was revised to include updated information about the Sister Islands in an easier less repetitive format.

Sports Tourism

Madam Speaker, I mentioned just now SITA, which is the Sister Islands Tourism Association. And I would not like anyone to believe that that was the only means that Government gave support to the Sister Islands because the representative, who is the Deputy Premier, works on our end and constantly talks to me about the various problems and various needs that Cayman Brac has. So it is not just the Association that is aware or asks for things at times. And while the Deputy Premier is not a part of SITA, she, as I said, plays her role tremendously in keeping me, as Minister of Tourism, and in fact the tourism council, that is the Parliamentary Council, aware of the needs of the Sister Islands. So, I want that on record.

And, Madam Speaker, more specifically, the role that is played by Cayman Airways, the Deputy Premier is constantly discussing with me the various problems that she virtually is back and forth on a daily basis, at least we can say on a weekly basis most of the time on Cayman Airways to Cayman Brac and, of course, sometimes through Little Cayman. So she is acutely aware and looks out for the interests of Cayman Brac through our connection with Cayman Airways.

Madam Speaker, in addition to identifying new and innovative ways to market programmes, events and activities for all three Islands, the Department also recognised the potential of sports tourism as one of the fastest growing sectors in the travel industry. Consequently, financial assistance and other support, was provided to 12 notable sporting events during 2010. Among them were:

- Cayman Squash Open
- CARIFTA Games
- Flowers Sea Swim
- NORCECA volleyball championship
- Friends Invitational Golf Tournament
- Cayman Islands Marathon
- Garmin-Cervelo Transitions Cycling Camp

Madam Speaker, I suspect that this year we will be pressed for as many or as much support.

Throughout 2010, the Department of Tourism worked diligently with local and international sports groups to maximise the use of existing infrastructure and lay the groundwork to fully capitalise on the business of sport. While there was awareness that servicing this sector could yield immense benefits, attention was also paid to ensuring that the events that were supported promoted the Cayman Islands Brand and attracted an audience that fit well within our target market and demographic. So far, expectations in terms of benefits to the destination and the potential growth of this sector have been exceeded and the Department anticipates that this trend will continue for the foreseeable future.

Financial Management in 2010

The Department has reduced its budget by approximately 7.3 per cent over the past two budget cycles, and with the restructuring of its US offices, approximately C\$1 million will be re-diverted to support strategic objectives that deliver the most ROI (Return on Investment) moving forward.

It is particularly noted that the Department had to make the difficult decision to cut the Cayman Jazz Fest event in order to meet budget targets. The budgeted amount cut was \$1.5 million. At the time, efforts were made to secure private sector assistance to share the burden of the majority of the funding, but this did not come to fruition in 2010.

Summary of 2010 Highlights

By any measure, Madam Speaker, 2010 was a challenging year, but as with all challenges, it also brought opportunity and achievements. In addition to the successful implementation of several travel promotions and marketing initiatives which brought visitors to our shores, the Department can also count the unprecedented global media attention which resulted from the sinking of the *Kittiwake* among its successes. *CNN*, *NBC*, *CBC*, the Associated Press, *Yahoo* and a host of major networks and publications from New York to New Zealand and Los Angeles to London, all covered the event, bringing the Cayman Islands to an audience of several millions around the world. The advertising equivalency value or the amount we would have paid if we bought the space for just one of these mentions on a major us network is almost half a million dollars, so it is safe to say that the PR value de-

rived from the sinking of the *Kittiwake* is significant and equates to millions of dollars.

Madam Speaker, I am sure also that the sinking of that ship as a new dive [site] in these Islands will offer tremendous value to our diving destination. I believe that, as has been said, tremendous interest has now been afforded these Islands because of the final purchase and sinking of that ship as a dive. And, Madam Speaker, I want to congratulate and thank the industry, in particular Mrs. Nancy Easterbrook, for persevering and getting this done. Government had to put in significant sums of money, but it is a new spot to dive and I believe it is going to be very interesting.

Certainly, I am not going to see it, unless I can see it from a water glass.

[laughter]

The Premier, Hon. W. McKeever Bush: But, Madam Speaker, I know that even Caymanians are willing and wanting to dive that spot now. And I should say, Madam Speaker, that I would thank the Department and my colleague, Mr. Glidden, the Third Elected Member for West Bay, and also the Tourism Counselor for the hard work. I was down with the flu and did not get to any of it, none of the receptions or the “thank-you’s”, not even to see the sinking. I did see it on a virtual website. But I do want to thank everyone, because I think it is very important that that has happened. And it will pay dividends to the Islands.

Ready to Rebound

Madam Speaker, I believe that we are ready to rebound. As we move into 2011, the growth, sustainability and economic viability of the tourism industry will remain as top priorities and the Department of Tourism will continue to work assiduously to identify new offers and further develop our existing products and infrastructure. Competition from destinations outside of our usual competitive set, like Latin America and the Gulf States, is expected to increase and the playing field is likely to become much tougher than it has ever been. In addition, we can be certain that consumers will be researching more, spending smarter and demanding more value for money which is why the DOT is placing emphasis on improving customer service standards and enhancing the visitor experience.

Madam Speaker, I hope that the system was on all that while [speaking to the technical aspect of the recording system due to microphone volume going from low volume to high volume].

This month Madam Speaker, the Department of Tourism will be unveiling a new brand campaign in the USA called “CaymanKind” which refers not just to the three Islands of Cayman but to the entire Cayman experience. “CaymanKind” encompasses everything that makes the Cayman Islands unique—from the friendliness of our people from Cayman Brac to East

End and West Bay—and our rich cultural heritage to our cosmopolitan style, stunning natural beauty and warm welcome, which we extend to those who visit our shores.

Coincidentally, Madam Speaker, according to Trendwatching.com, which is the world's most visited source for consumer trends and insights, Random Acts of Kindness ranked number 1 of the top 10 most crucial consumer trends for 2011. So, this helps to illustrate we are on the right track. I mentioned this because while it is well-known that tourism is dynamic and easily impacted by external forces, I firmly believe that it also has the ability to play a pivotal role in supporting the revival of our economy.

Clearly, the key to our future success relies on our ability to continually adapt and grow our product base, but more importantly, it lies within each of us, in our ability to extend 'Cayman Kindness' to those who visit our shores. It however does not end there. As I indicated in my New Years Day address, my personal theme for this Season and for the New Year is "Hope, Love and Tolerance". So, let's recapture what has made our Cayman Islands such a wonderful place to visit in decades past and extend 'Cayman Kindness' to not only visitors but to all that live and work within our wonderful Cayman Islands.

Our drivers need to be more than careful on our roads, particularly, on the West Bay Road. I should take this opportunity to say that when we were talking about building the By-pass Road, there was the hope that the West Bay Road would remain a service road. Yes, some people would travel it from West Bay and the area, but that it would be less travelled.

I do not know why they are not using the By-pass as much, but the West Bay Road is far too busy now with Government having spent all of that money to build the By-pass and it is not being used as much. And, Madam Speaker, the heightened traffic is causing danger to our pedestrians on West Bay Road which, at sometimes in certain places it is not lit as much as we would like it to be. And, certainly, our visitors coming from all over the world sometimes do not understand how the traffic moves.

So, I would implore our driving population, vehicular population, to be more than careful and to be ever more mindful of our pedestrians. Not just foreigners, but our local pedestrians, particularly on the West Bay Road.

Madam Speaker, having said that, I want to thank the Tourism Council, the Chairman being the Counselor, the Third Elected Member for West Bay, the Deputy Speaker, Ms. Pilar Bush and Mr. Jude Scott, and the technical staff, which would be the Chief Officer for Tourism and Mr. Shomari Scott who works with them from the Department.

I would also like to thank Mr. Shomari, who has been holding on, acting in the post for a long time. I had hoped that I would see that post, as I understand under the rules of the House should be advertised, but that it would be advertised and give the

young man an opportunity to apply so that he can move forward in the position that he has been acting in now for so long.

Having said that, Madam Speaker, I also want to thank all of those private sector partners that work with us and sit on various councils, the Cayman Islands Tourism Association (CITA) and the Tourism Council (CT) headed by Ms. Kerry Bergstrom Bothwell. So, I certainly want to thank everyone.

This business of tourism is difficult. Competition is strong. And the Cayman Islands, over the years, did not do a whole heap to attract new business. And many of our old visitors that we had over the years do not travel any more. Traveling demographics have changed tremendously and expectation. For instance, we still only have one really active golf course, as such. And that is something that drives.

So, medical tourism, sports tourism, these are efforts that the Government will continue to concentrate on. But nothing beats a safe destination, one where people are kind. I ask everyone to remember that—'Cayman Kindness'.

Thank you, very much, Madam Speaker, for your indulgence.

The Speaker: Thank you, Honourable Premier.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

Prisons (Amendment) Bill, 2010

[Continuation of debate thereon]

The Speaker: When we paused on this legislation yesterday afternoon, the presentation had been made on the Bill and the Floor was open for debate.

Does any other Member wish to speak? [pause] Does any other Member wish to speak on this Bill? [pause] Does any other Member wish to speak? [pause]

If not, I am going to call on the mover of the Bill.

Honourable Premier, were you rising to speak?

The Premier, Hon. W. McKeeva Bush: No Ma'am.

The Speaker: I call on the mover of the Bill to make his reply.

Honourable First Official Member.

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

Only to thank Members for their tacit support. Thank you.

The Speaker: The question is that The Prisons (Amendment) Bill, 2010, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Prisons (Amendment) Bill, 2010, given a second reading.

Criminal Procedure Code (Amendment) (No. 2) Bill, 2010

The Clerk: The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010.

The Speaker: Honourable Second Official Member.

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

Madam Speaker, I beg to move the Second Reading of a Bill for a Law to amend the Criminal Procedure Code (2010 Revision) in relation to the preliminary inquiries, charging of offences in the same indictment, the joinder of summary offences on an indictment; to replace references to the attorney general with references to the director of public prosecutions; and for incidental and connected purposes.

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

Hon. Samuel W. Bulgin: Yes, Madam Speaker, thank you, briefly.

This Bill seeks to amend the Criminal Procedure Code (2010 Revision) to improve the efficiency of the handling of certain criminal proceedings. The proposed amendments, as mentioned earlier, in relation to preliminary inquiries, the charging of offences in the same indictment, the joinder of summary offences on an indictment; to replace references to the Attorney General with references to the Director of Public Prosecutions where it appears in that law and for incidental and connected purposes.

In seeking to achieve those objectives, I will simply just briefly mention the clauses in the Bill, at least some of them, just to assist Members and the public in following what is being proposed.

Clause 1 provides the short title to the Bill.

Clause 2 amends section 2, which is the section of the Law dealing with definitions. We have inserted a definition for the term "young person." "Young person" means a person under the age of seventeen years."

Clause 3 amends section 84 to include a power to transmit matters to the Grand Court.

Clause 4 amends section 85 to remove the reference to offences not triable summarily; that is what we commonly refer to as "Category A" offences. We therefore in doing so restrict the holding of an inquiry to written statements only. A new section 85A is inserted to abolish preliminary inquiries in relation to Category A offences and outline the procedure for their immediate referral to the Grand Court.

Just to give an example of Category A offences, [those are offences] such as murder, rape, and those more serious offences. So there will not be any preliminary inquiries in respect of those.

Clause 5 repeals and replaces section 86 as a result of the amendment to section 85 thereby removing the references to the giving of verbal statements by the accused and the calling of witnesses.

As a consequence of the abolition of long form preliminary inquiries, clause 6 seeks to repeal section 87 as clause 7, which repeals and replaces section 88 to provide the procedure for committal for trial based only on written statements.

Madam Speaker, what happens is that it simply means the Evidence Law already provides that where both sides agree, the defence and the prosecution, that the statement on the face of it discloses *prima facie* case, the magistrate simply signs off and the case is transmitted up to the Grand Court. So there is really no evidence to be taken, but, of course, it requires agreement of both sides. That is how most preliminary inquiries are conducted these days.

Clause 8 makes provision, where a person is committed for trial in the Grand Court, for also committing any such summary offences for which he is charged and which are punishable by imprisonment or involve obligatory or discretionary disqualification from driving.

I will give an example of that. If someone is charged with dangerous driving, which is a Category B offence, and arising out of that incident he is charged for driving without valid insurance, as it is now, the dangerous driving, if it goes up, the insurance charge has to stay in Magistrate's Court and be disposed of on a separate occasion. Now, all of those matters can be transmitted up to the Grand Court and be dealt with in one fell swoop.

As a result of the abolition of these long form preliminary inquiries, clause 11 repeals sections 91 and 92 that deal with taking the statement of an accused person and the evidence and address in defence.

Clause 12 repeals and replaces section 93 which speaks to the discharge of an accused person where a magistrate is not satisfied that the evidence is sufficient.

Clause 13 repeals section 95 which also speaks to committal for trial.

Madam Speaker, a lot of these provisions really deal with taking out words that speak to expressions or to witnesses and taking of evidence and so.

Clause 15 amends section 98 of the CPC (Criminal Procedure Code) dealing with an accused person's entitlement to copies of depositions before trial where such person is committed or has his matter transmitted. Simply put, Madam Speaker, even though there is going to be committal in paper, the matter is transmitted up to the Grand Court in the case of an A offence. The person is still entitled to copies of what we call the depositions or statements as the case may be as part of their right to be able to prepare their defence.

Clause 17 amends section 105 to provide for the transmission of written statements to the Grand Court and the Director of Public Prosecutions (DPP).

Clause 18 amends section 107 to replace references to depositions (since there will not be any more depositions, they will now be written statements) with written statements.

Madam Speaker, the treatment by the Grand Court of summary offences when they are joined on an indictment is provided for in clause 19 of this Bill.

Clause 20 abolishes the rule prohibiting murder from being charged in the same indictment as another offence. That simply means, Madam Speaker, as it is now, those who have been following, for example, the tragic murder of Mrs. Estella Scott Roberts, will have noticed that even though we have dealt with the murder charge, there are outstanding matters to be tried because under the current system they could not be taken all together. This amendment would avoid our having to do that going forward.

Clause 21 makes provision for the joining of a summary offence on an indictment where the lesser offence is founded on the same facts or is part of a series of offences of the same or similar character as the indictable offence, which sort of ties into the earlier explanation that I gave.

Clause 22 amends the Criminal Procedure Code by substituting all references to the Attorney General with references to Director of Public Prosecutions. This amendment is to bring the Criminal Procedure Code in line with section 57 of the 2009 Constitution which provides for the DPP to undertake criminal prosecutions.

Madam Speaker, clause 24 inserts a new Fifth Schedule into the Law which makes provision for application for the dismissal of a matter transmitted to the Grand Court for trial where the Grand Court is not satisfied that the evidence is sufficient to put the applicant on trial.

Madam Speaker, if I might just explain that. What happened is when the Bill was originally circulated to the law associations for comment, and the Human Rights Commission, they basically wrote back supporting most of the provisions of the Bill, except the provision that had to do with the abolition of jury trial for certain offences. But, in respect of the other

issues, they really have no objection to what was proposed.

The Bar Association and Law Society pointed out that they would get more comfort if, notwithstanding their approval for the transmittal of matters up stairs, there was a provision which allowed the Grand Court, once a matter is sent upstairs, to be able to examine the paper before arraignment and trial is set to allow the defence to make an application for the matter to be dismissed, where, in the face of the statements the Grand Court takes a view or the defence, for that matter, takes a view, and urges on the Grand Court that the statement does not provide sufficient evidence to justify the matter being dealt with by the Grand Court.

So the new Fifth Schedule, Madam Speaker, was put in there to allow for the defence to make that application. So, whereas in the current arrangement all of this would be done in the Magistrate's Court, the accused person would probably be sitting in custody for months, awaiting us to get to this stage. Now, what will happen is that the matter can only, once an offence, can only be mentioned once in the Summary Court and will immediately have to be kicked upstairs, as it were. And once it gets upstairs, by virtue of what is called case management the Grand Court will be able to look at the statement and the defence can make an application to say, *We have examined these statements, we are not persuaded that on the face of it there is an offence made out and we are making an application to dismiss.* And the Grand Court (as a Magistrate would have been able to do) would now be able to say, *I agree with you* (or disagree as the case may be.) If they agree, then the matter is dismissed. Or, if not, the matter is arraigned and a trial date is set.

So, that is the benefit of having the Fifth Schedule in the Law, Madam Speaker. This process does not deprive any accused persons of any rights that they would have enjoyed by way of having a right to preliminary inquiry in the sense that there is still this filtering process once a matter gets to the Grand Court to be able to make a dismissal applied for and obtain a dismissal if necessary.

The Bar Association, as I said, the Law Society, Human Rights people, having examined the proposals, pointed out one or two things, flagged a couple of issues that they would like to see addressed which were all taken into account, but, generally, Madam Speaker, had no objections to the provisions herein.

The Bar Association and the Law Society have mentioned an issue about custody time limits and the amount of time persons can be kept in custody prior to matters being tried and so. Madam Speaker, we have been looking at that and it is felt that probably that might best be accommodated in another piece of legislation. So that is a matter that is under active consideration for us.

They have also raised a concern—I think it was more of an objection—about certain offences being made C offences. They had some concerns about what we call assault occasioning actual bodily harm, for example, ABH matters. As it is now, they are B offences and can be tried in the Grand Court as well as in the Magistrate's Court. And, if we understand it, the tiers of assault, there is common assault, the most minor of the assaults (pointing a finger at someone, or something, or waving a weapon at someone). Then there is assault occasioning actual bodily harm, which occasionally arises from sort of fisticuffs, two people slugging it out with their fists, or someone pelting a rock hitting someone, and so. And then there is the grievous bodily harm, which is the most serious of those. It is usually by way of a weapon which probably almost severed a limb or cause of some permanent injury.

The grievous bodily harm and all of those are very serious offences and are still retained in the Grand Court. Those can carry a sentence up to 14 years.

Assaults occasioning bodily harm, most times if it goes to the Grand Court are usually in instances where there is domestic violence, a domestic assault issue, and an election is made to the Grand Court so that the matter can be dragged out. By then tempers cool, reason has resumed and so on, and the spouse usually turns up and says, *Well, I did not need the police to intervene, it was in the heat of the moment* and so on. And, of course, [there is] great difficulty in compelling the spouse to testify.

I recall last year one of the Grand Court judges in passing—well, really, not seriously—mentioned that maybe we should try some of these people for wasting public funds with the police being called to investigate these matters and then resiling from the complaint. But the fact is, Madam Speaker, it goes to the Grand Court, it is dragged out at great public expense and eventually it has to be withdrawn or disposed of because the parties have reconciled. Those are usually the ones that go to the Grand Court.

Where there is a rock involved, someone pelting someone with a rock or a stick, or so, many of them are dealt with in the Summary Court. And a small fine, if any at all, is usually imposed.

So, the idea here is that the more serious assaults will still be matters that can go to the Grand Court, as long as the assault occasioning actual bodily harm is concerned, those matter will now be dealt . . . as a matter of fact, this is probably one of the few jurisdictions that I know of where assault occasioning actual bodily harm is an indictable matter that goes to jury trial.

So, those matters will now stay in the Summary Court where the Magistrate can give up to four-year sentences, if necessary, and the matter can, most importantly, be disposed of quite quickly rather than having the Grand Court clogged up.

The other point, Madam Speaker, I think there was changing or dividing up of theft offences, and coming up with two categories. One, where the amount that is stolen is \$5,000 or less stays in the Magistrate's Court and is dealt with as a C offence. And if it is more than \$5,000 it goes to the Grand Court.

The current arrangement is that if it is \$5 or \$10, the person can elect to go to the Grand Court. And whilst that might have been in order, 10 or 15 years ago when the Grand Court did not have that kind of traffic, clearly . . . I do not think one could really argue that you could send a theft for \$5 or \$20, or even \$1,000 for that matter, to the Grand Court in circumstances where all Magistrates are not lay magistrates but, certainly, trained persons and so.

In that regard, Madam Speaker, we divided it up, as I said, and we will now have two categories: \$5,000 and under will stay in the Magistrate's Court; and over \$5,000 will go to the Grand Court to be dealt with as a Grand Court matter.

I have circulated a committee stage amendment which would show a distinction in this sentence as well, because if some are going to be dealt with in Grand Court and some in the Magistrate's Court the distinction should not just be the amount that is stolen, but it should also be reflected in the sentence that one can get. So, if you go to the Grand Court, you should be able to get up to 10 years. The Magistrate's Court, certainly the maximum of seven years, no more than that.

Madam Speaker, these are timely amendments, and they certainly enjoy general widespread support all around. And those of us who were in the Grand Court on Wednesday would have heard about the amount of indictments being carried forward and the backlog, so to speak, as a result of the amount of traffic that is going up there, compounded by the constraints in terms of personnel and space and so on.

So, the Magistrate's Court, even though they have their difficulties, would be able to deal with some of these matters where it does not really actually belong there. We are able to send that upstairs much quicker. We will not have a murder preliminary inquiry or a rape preliminary inquiry languishing in the Summary Court for four, six or eight months to be dealt with, when, in fact, the Magistrate really cannot deal with it, other than once a *prima facie* case is made out (which is usually the case 99.99 per cent of the time) and send it upstairs and so on.

Once those matters are out of the way, the Magistrate's Court can then turn its attention to dealing with the matters over which it properly has jurisdiction to try the case and make determinations and so.

So, Madam Speaker, I think I have covered all the areas in the Bill and I will certainly commend this Bill to this honourable House.

Thank you.

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

Elected Member for East End.

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

Madam Speaker, I guess a couple of concerns that I would like the Attorney General to respond to whenever he is responding.

Madam Speaker, I have for many years wondered why someone committed to stand trial in Grand Court for a serious offence and then they can be out on bail, and we continue to do that. And I see it is represented here again where the Magistrate commits an accused person in the Grand Court pursuant to [new section 88](4), under clause 7, which repeals section 88 “. . . **the Magistrate shall until the trial, either admit him to bail or send him to prison for safe keeping.**”

I do not know why we do that, when it is such a serious offence that it has to be tried in Grand Court. We put them back out on bail and they commit other offences. We put them with the trackers on them and they commit more offences, and society is worse off as a result of the Magistrate's allowing them bail.

The real concern I have, Madam Speaker, is that a few days ago the Deputy Governor, in reply to a question from the Third Elected Member for George Town on the Government's timetable to implement the Constitution, said that the next issue to be dealt with is the appointment of a Director of Public Prosecution. And somewhere in that answer, Madam Speaker, he said that the job evaluation has been carried out and, subject to funding, the position will be advertised in the next two to three months. And then [he] goes on to say that Members would be aware that the Judicial and Legal Services Commission will advise the Governor on this appointment.

He goes on further to say that the Budget Allocation and Strategic Policy Statement for the financial year 2011/12 for the office of the DPP is \$2.85 million, which is made up of existing cost of prosecution services and wages/salary for DPP and secretary. And then, once the DPP is in place, the reorganisation of the Portfolio of Legal Affairs to effect independence of the prosecution service will need to take place and, as such, will be reflected in the 2011/12 budget.

Now I see the Attorney General come with clause 22, which says, “**The principal Law is amended by deleting the words ‘Attorney General . . .’**” which is him as responsible for prosecution “. . . **wherever they appear and substituting the words ‘Director of Public Prosecutions.’**”

I do not know how that works. Is it that we are putting the cart before the horse? The DPP is not in place at this time. I just have my concerns as to why we are changing that now. Is there a reason why it can be changed now to effect that? And, if it is changed now, will it not affect prosecutions between now and when the DPP is put in place [and] the office

is fully occupied in accordance with the provisions of the Constitution?

That raises some concerns for me and I trust that the Attorney General has his explanation which will satisfy my concerns. Thank you.

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

[inaudible interjection]

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

If not, I will call on the Second Official Member to conclude the debate.

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

Sorry for the rush of adrenalin, but it is consistent with my approach to be as courteous to the honourable Member as possible.

An Hon. Member: Oooh.

Hon. Samuel W. Bulgin: Madam Speaker, just to briefly touch on this issue of bail. It is true that there is provision for the granting of bail, even though the offence is a Category A offence, a serious offence. The Bail Law was amended in 2005 to sort of remove the presumption of a right to bail for certain offences—murder, rape, and those sort of offences. But the court's still retain discretion to grant bail for those offences.

What I can say, as a matter of practice, is that it is not unusual for a person to be held awaiting committal to be granted bail for those sort of offences. There are the exceptional circumstances, of course.

Also, Madam Speaker, by virtue of this amendment what will happen is that it will be less applications before the Magistrate's Court for bail for these offences because the matter will only be mentioned once in the Magistrate's Court. It now has to go up to the Grand Court where it will be dealt with by a Grand Court judge to deal with things like case management, bail, directions, et cetera.

And, something I need to point out is that, whereas under the current arrangement when a person is committed from the Magistrate's Court he has to wait until the next Grand Court opening, which is usually three months or so, depending on first time. Now the person can be committed to what we call the “current session.” So, he can be committed by the Magistrate today and appear before the Grand Court tomorrow. He does not have to wait until the next session is opened in March before it can be mentioned in Grand Court. So, all of those allow for a speedier disposal, speedier hearing and case management and so.

And the issue of the Director of Public Prosecutions, Madam Speaker, is something that I am hoping . . . certainly, for my part, I cannot wait for that to happen. I think this country has reached the level of maturity for a decade or more for a personal, independent separate body to be in charge of public prosecutions as is the case in most developed countries. It is high time we get to that level.

I am elated that we are now at that stage. What that means, Madam Speaker, is that since 6 November 2009 the office of the Director of Public Prosecutions became a live matter under the Constitution. What the Constitution provides in the Constitution Order itself, to which the Constitution is annexed, is a transitional provision which says that until a DPP is appointed the Attorney General will continue to have responsibility for public prosecution matters. So, for all intents and purposes, the Constitutional creature—the DPP—is already in existence, although no one has been appointed. The Attorney General is basically baby-sitting the office for the time being until such person is in post.

So, it is not premature to amend the Law to put in place references to Director of Public Prosecution. As a matter of fact, it is quite appropriate to do so. Under the normal course of things it should have or could have been done prior to 6 November, but the Constitution itself recognised that not all things would have been in place by the time we got to the appointed day. So, it does put in place what we call these “transitional arrangements” so that things can be done in a way that we consider still vires.

Thank you.

The Speaker: The question is—

Hon. Samuel W. Bulgin: Sorry, Madam Speaker, it just falls on me to thank honourable Members for their support.

The Speaker: The question is that a Bill shortly entitled The Criminal Procedure Code (Amendment) (No. 2), Bill, 2010, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010, given a second reading.

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

House in Committee at 4.04 pm

COMMITTEE ON BILL

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

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

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

Advisory District Councils Bill, 2010

The Clerk: The Advisory District Councils Bill, 2010.

Clause 1	Short title and commencement
Clause 2	Interpretation
Clause 3	The Advisory District Councils

The Chairman: The question is that clauses 1 through 3 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 3 passed.

The Clerk: Clause 4 Composition of the Councils

Proposed Amendment to Clause 4

[Withdrawn]

Mr. D. Ezzard Miller: Excuse me, Madam Chair, I gave notice of an amendment to clause 4. The amendment asks that the entire existing clause 4 in the Bill be deleted and a new clause 4 be substituted to read as follows:

“4 (1) The Council membership shall include all residents of the relevant District but only registered electors for that District may vote and hold office.

“(2) The Council shall elect by secret ballot the following officers to manage the affairs of the Council -

- (a) a Chairman**
- (b) a Vice Chairman**
- (c) a Secretary**
- (d) a Treasurer; and**
- (e) not more than six Directors.**

“All officers shall be elected for a period of one year.”

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

The Premier, Hon. W. McKeever Bush: Madam Chair, we are not accepting this amendment. That would destroy the whole purpose of this Bill. It is unworkable, not well thought out, and all that is being done is to create more strife and trouble in this country that we do not need.

[Inaudible interjection]

Mr. D. Ezzard Miller: That is supposed to be normal, but I mean nothing around here seems to be normal anymore.

Madam Chairman, based on those comments—which I do not agree with—I have other reasons, and it has to do with the promotion of democracy and allowing the residents of the district to make decisions as to who the officers of their own district councils are. Having heard those comments, Madam Chair, I guess you can put it to the vote.

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

Ayes and Noes.

The Chairman: The Ayes have it.

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

Mr. D. Ezzard Miller: Madam Chairman, may I have a division recorded please?

The Chairman: I am sorry. The Noes have it.

[Laughter and inaudible interjections]

Mr. D. Ezzard Miller: I understand what happened and I know the Chairman is aware that it was a slip of the tongue to say that the Ayes have it. It's just a matter of the frequency from which it has to be repeated in this House.

The Chairman: That was my error.

Mr. D. Ezzard Miller: Can I have a division, Madam Chair, please?

The Chairman: Madam Clerk?

Division No. 33/2010-11

Ayes: 5

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

Noes: 8

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

The Chairman: The result of the division is Ayes: 5 and Noes: 8, the amendment proposed has been negated.

Negated on Division: Amendment to clause 4 failed.

Mr. D. Ezzard Miller: Madam Chair, can I ask in the spirit of keeping strife down, and in the spirit of generosity expressed, can I asked for a much smaller amendment to be put in what is the existing clause 4(4), just for my own clarity and also I think to better represent what the Premier said in his debate and what was also said in his statement?

The amendment I would ask for is that where it says, "**Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2) of the Constitution, the party shall be entitled to nominate up to three members to the relevant Council.**"

I wondered if they would consider changing the second "party" to "Member" and the figure "three" to "seven" members of the relevant Council.

The Chairman: You have given notice of that amendment?

Mr. D. Ezzard Miller: No, Ma'am.

The Chairman: Does any Member wish to speak to this new proposal?

The Premier, Hon. W. McKeever Bush: Madam Chairman, this Bill has been explained over, and over, and over again. If the Member for North Side does not want to take Government's word for it, then that is his problem. The Bill stands as it is.

Mr. V. Arden McLean: Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: There is some confusion as to clause 4(4), which certainly affects the constituency that I represent, in that what is written in the Bill says one thing, the presentation by the Premier said another, and the statement that he made recently, yesterday in here, says a completely different thing. So, I think we need to try to find out how [clause] 4 affects a Member who does not belong to the ruling party in that constituency, and how it relates to [clause 4](1) where the Governor appoints— *one, two, three, four, five*—the membership. Because, if the ruling party is only allowed to recommend three under subsection (4) and then Cabinet is allowed to appoint the others, the person . . . there is no provision made for that Member from the Constituency of East End, or in this case, East End/North Side, having any authority to appoint anyone.

The Premier, Hon. W. McKeever Bush: Madam Chairman, I am sorry that I cannot make Members understand any more than what I have tried to make

them understand nor am I really responsible for them not being able to understand. Again, the Bill is very clear. Government's intentions are clear. And the Member is wrong in his assumption. As I said, I am really sorry that I cannot make him understand.

Mr. V. Arden McLean: Madam Chair, I do not have a problem with being wrong in my assumptions. Could the Premier point out to us where, then, would a Member such as exists now—not from the ruling party in East End and North Side—where in this Bill would they be able to nominate someone or appoint someone?

The Premier, Hon. W. McKeever Bush: Madam Chairman, I think I have explained that, and I am not wasting any more time this afternoon in doing so. I have done that in several different places, several different times, and, as I said, I am sorry if they cannot see the way that Government has explained it. I am not going to bow to their wishes because they want to confuse—and that is all that every one of them has done, including the one that is grabbing the microphone now.

They have done nothing but confuse this Bill and confuse the people of these Islands and they can talk, and talk, and talk. If they want to continue to talk—and however much leeway you want to give them, then it is up to you, Madam Chairman. But I have no more to offer them.

We have said what the Bill means. The Bill plainly says, **“Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2) of the Constitution, the party shall be entitled to nominate up to three members to the relevant Council.”**

It says what a “member” is—a member of the district. **“If single-member constituencies were to be introduced or new electoral districts added, subsection (4) shall apply to them in the same way as it applies to constituencies existing at the commencement of this Law.”**

Mr. D. Ezzard Miller: Madam Chair, Madam Chair, I am not getting involved in this name-calling and back and forth accusations. I am not a lawyer.

But, Madam Chair, maybe somebody can explain to me. . . . my understanding in reading this is that the word “party” in this clause refers to the ruling party. And, Madam Chair, if the ruling party is only going to recommend to nominate three members, other than clause [4](1), which allows them to separately appoint the four officers (because these three will only be part of the six), who is going to nominate the other three?

I ask the Attorney General, because, Madam Chair, it does not make . . . maybe he can advise the House because I think that . . . and I will let Mr. McLaughlin speak.

Mr. Alden M. McLaughlin, Jr.: Madam Chair, this is a legitimate drafting point which, if we do not clear up one way or the other, is going to result in tremendous confusion with the appointments to this important Council.

[Clause] 4(4) says, and I am quoting, **“Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier”** (that is, the governing party) **“. . . , the party shall be entitled to nominate up to three members to the relevant Council.”**

Generally, the interpretation of that would seem to indicate that the ruling party could nominate three members to the relevant council. I do not think that was what was intended, but that is the way it reads. But support for that is contained in the statement made to this House by the Premier yesterday when he said, on page 3 (and I am quoting): **“That section 4(4) stipulates that the ruling party would in such cases be limited to no more than three nominations to the Council. Again, clearly the point is to give the Member”** (meaning the Member for that electoral district) **“a recognisably strong hand in the Council. This is not the approach that would be taken by a government whose intent was to control the councils in the dictatorial manner that has been charged in the inflammatory language of . . .” the Bill’s opposers.** [2010/11 Official Hansard Report, page 788]

So, the Government appears to have recognised, or at least the Premier appears to have recognised that as presently drafted, [clause] 4(4) confers on the governing party the ability to nominate up to three members to the relevant Council where an electoral district does not have a Member who belongs to the governing party.

Now, the problem with that in the general context of the Bill is that the Council itself is appointed by the Cabinet. [Clause] 4(1) reads: **“A Council shall consist of the following members, all of whom shall be appointed by the Governor in Cabinet.”** So there is no other entity or individual or office who can appoint members to the Council except the Cabinet.

And then, subsection (1) goes on, **“A Council shall consist of the following members . . . - (a) a Chairman; (b) a Vice Chairman; (c) a Secretary; (d) a Treasurer; and (e) not exceeding six other members at least two of whom shall, subject to subsection (2), be recommended by the Leader of the Opposition . . .”**

So, when we look at this in the round, what we have now is a Council which can only be appointed by the Cabinet, the four officers on the Council are clearly, entirely, exclusively within the remit of Cabinet as far as appointment is concerned. So, the three members who are referred to in [clause] 4(4) as being [inaudible] have to come out of the six available positions in [clause] 4(1)(e), that is, six other members

at least two of whom shall be recommended by the Leader of the Opposition.

So, at present we have four members, that is, the four officers appointed by the Governor . . . well, by the Cabinet (which is the Government).

[inaudible interjection]

Mr. Alden M. McLaughlin, Jr.: Three by the party in power.

Mr. V. Arden McLean: And it must be two by the Leader of the Opposition, and I am getting one little old one.

Mr. Alden M. McLaughlin, Jr.: Two recommended by the Leader of the Opposition, and none by anybody else because there is no provision here for the Member from that specific electoral district to make any nominations at all. That is not what I believe is intended.

But we need to fix [clause] 4(4) because what I believe is intended is that the Member for that electoral district is entitled to nominate up to three members to the Council. That would be entirely in keeping with the policy that seems to run through the draft legislation, which is that the Government appoints the majority of members to these Councils. But, at present, the Member for the electoral district in question, as contemplated by 4(4), has no ability to nominate anyone to this Council. And we need to fix that.

The Premier, Hon. W. McKeever Bush: Madam Chair, as I said, in my opinion the job of the Member for George Town is to confuse everything that can be confused to make it be said that they are the only ones who know.

On [clause] 4, what we can say in that, **“Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2) of the Constitution, . . .”** (that is the ruling party—“the party”). And we can add in “or Member” “. . . shall be entitled to nominate up to three members to the relevant Council.”

So, we would be prepared to have the words “or Member” added right there. Madam Chair, that is what we are prepared to do. I think that makes it clearer for them. If they do not want that, then that’s up to them; but we are prepared to do that and I shall move such an amendment.

Mr. V. Arden McLean: Madam Chair, which party is he talking about? The ruling party?

The Premier, Hon. W. McKeever Bush: Madam Chair, the Member needs to read it again: “Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2) of the Constitution, the

party” (or Member) “shall be entitled to nominate up to three members to the relevant Council.”

Mr. V. Arden McLean: But you cannot—
Which party?

The Premier, Hon. W. McKeever Bush: Which party would be the ruling party?

Mr. V. Arden McLean: Good.

So, you are telling me that Ezzard and I would have to subject ourselves to whether or not the UDP wants to invite us to submit those names. You cannot do that!

The Premier, Hon. W. McKeever Bush: No, we are saying that you have that possibility.

Mr. V. Arden McLean: That cannot be right. I would like to know who did the drafting of this thing. It cannot be right, Mr. Premier.

The Premier, Hon. W. McKeever Bush: The people who drafted this are the people who draft every other law in this House. So, I do not know that they are wrong. I think that you have that ability.

Mr. Alden M. McLaughlin, Jr.: Madam Chair, may I respectfully—

The Premier, Hon. W. McKeever Bush: “Entitled to nominate up to three members to the relevant Council”, it is saying—“or Member.” Suppose the day happens that either one of those district’s Member belongs to a party. What then?

Mr. V. Arden McLean: *[Not speaking directly into the microphone so a bit inaudible]* But I belong to a party. I belong to the PPM! He’s an independent. You are going to put it now that the party can do it or maybe the Member!

The Premier, Hon. W. McKeever Bush: Or Member.

Mr. V. Arden McLean: Come on, man!

The Premier, Hon. W. McKeever Bush: So what do you want it to say?

Mr. V. Arden McLean: It must be the Member. It cannot be the party, the party—*[not speaking directly through the microphone, a bit inaudible]*.

Mr. Alden M. McLaughlin, Jr.: *[inaudible interjection]*.

Mr. V. Arden McLean: —got to come from Cabinet there who they are appointing for.

The Premier, Hon. W. McKeever Bush: No, the party must have some ability to appoint some members as well.

Mr. Alden M. McLaughlin, Jr.: Madam Chairman, may I respectfully suggest that we ask the Learned Attorney General for his view on this? Because this is hugely confusing and it is going to—

The Premier, Hon. W. McKeever Bush: And that's what your objective is, to further confuse it! You have said . . . I have talked—

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: Madam Chairman, I have talked to Mr. [Bilika Simamba], the Legal person who made this Bill and that is what he offered. He said that is perfectly okay. That is what we are preparing to do, Madam Chair.

Now, if you want to stop and get an amendment made to that extent, or we accept that we can include that without a written amendment, then okay.

Mr. Alden M. McLaughlin, Jr.: Madam Chair, again, I respectfully ask that we pause and ask the Attorney General for his view on this, because this is such an important matter and I am not kidding. This is going to be challenged legally if this leaves this level of confusion or possible interpretation in relation to the constitution of these councils.

The Premier, Hon. W. McKeever Bush: Madam Chairman, the Member does not frighten me about what is going to be challenged legally. The court cannot challenge what this House has made after it has made law unless there is some kind of kangaroo court that he is going to make.

But if he wants the Attorney General to answer that, then go ahead. But I can say just what Mr. [Bilika Simamba] has said; that we can include the words "or Member."

Mr. V. Arden McLean: But nevertheless, last night it was [inaudible].

The Premier, Hon. W. McKeever Bush: You see now, Madam Chair? I just gave way to them . . . now, if it were up to me I would leave it the way it is, you know. But I am—

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: No, you asked me, now I am going to give it to you. You said you were right. I am going to say . . . and I have asked—

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: You can tell the people anything . . . this is what you want, you know. You want exactly what is happening because you feel, and the Third Elected Member for George

Town feel, that you all are not getting anywhere unless you are pouncing on me.

Now, Madam Chair, I am going to ask that the Committee adjourn at this minute and we are going to do a . . . we are going to take a break at this minute and we are going to do that amendment.

Mr. V. Arden McLean: You invite us to jump on you. That is what you do with your behaviour!

The Chairman: The question is—

The Premier, Hon. W. McKeever Bush: Madam Chair, don't let them start talking about behaviour! You see?

The Chairman: The question is—

Mr. V. Arden McLean: Yes, let's get it going!

The Chairman: The question is that we do suspend for a few minutes to allow this matter to be sorted out and an amendment properly drafted. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it. We will suspend for five minutes? Ten minutes? Ten minutes.

Proceedings in Committee suspended at 4.30 pm

Proceedings in Committee resumed at 5.50 pm

The Chairman: When we took the suspension, we had a proposed amendment on the floor [to clause 4] from the Member for North Side. We need to vote on that amendment first.

[Inaudible interjection]

The Chairman: Pardon me?

Member for North Side are you saying something?

Mr. D. Ezzard Miller: I had moved or asked the Government to consider amending clause 4 in a particular way—to replace the second word "party" with "Member."

The Chairman: Yes.

Mr. D. Ezzard Miller: And I think they are offering an alternative to that which I do not have yet. Theirs, I guess, in order of precedence that is the second motion that has to be [inaudible]

The Chairman: That was not a motion you made then, that was a suggestion that the Government consider? Is that what you were saying?

Mr. D. Ezzard Miller: I think in absolute terms they would have had to bring a motion. So, if I can see what they are doing, then, Madam Chair, maybe I can simply withdraw mine.

Are they amending the one that I am doing? Or are they making a separate amendment?

Maybe you should vote on the one I moved and then let them move theirs, Madam Chair.

The Chairman: Can we circulate the motion that has been developed?

[inaudible interjection]

The Chairman: We will just vote on that one too. Vote on both of those.

Are you going to put your motion in words? Or are you going to withdraw it?

Mr. D. Ezzard Miller: Madam Chair, in the interest of time, I withdraw my motion.

The Chairman: All right.
Honourable Premier.

Amendment to Clause 4

The Premier, Hon. W. McKeever Bush: Madam Chair, in accordance with the provisions of Standing Order 52(1) and (2), I, the Honourable McKeever Bush, give notice to move the following amendment to the Advisory District Councils Bill, 2010: That the Bill be amended as follows: In clause 4(4) by inserting after the word “party” the words “or Member.”

Mr. D. Ezzard Miller: Madam Speaker, I believe that out of an abundance of clarity, because “party” is used twice in the same clause, that it should identify which “party” the words are coming after in the motion.

The Chairman: I am trying to find out . . . by inserting after the word “party” the words “or Member” you are saying there are two words “party”?

Mr. D. Ezzard Miller: Yes Ma’am. The word “party” is the first word in the second line of the clause, and the third word in the third line of the clause. I think for the motion to be clear it should identify which “party” the words “or Member” will come after. I do not think it is appropriate to put it after the first “party.”

The Premier, Hon. W. McKeever Bush: Madam Chairman, “Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2) of the Constitution, the party or Member shall be entitled to nominate up to three members to the relevant Council.”

Madam Chair, it seems to me that that is absolutely clear. I cannot make it any clearer if they do not understand—

Mr. D. Ezzard Miller: Madam Chair, all I am asking . . . if the Premier had read the motion out in the complete clause, as said, I would not have asked the question I had.

The Premier, Hon. W. McKeever Bush: If I had read it out? What did I just do?

Mr. D. Ezzard Miller: You put this on the Table and you moved the motion, I asked which “party” it was. You did not read the clause and identify which “party” you were putting it after.

The Premier, Hon. W. McKeever Bush: Madam Chair, this amendment is amending clause 4.

The Chairman: No, he is saying that the word “party” is mentioned twice in the same sentence. And you needed to identify which “party” you were—

Mr. D. Ezzard Miller: —[inaudible] second “party” that is all I am saying, Madam Chair.

The Chairman: Well, this is what he has said.

The Premier, Hon. W. McKeever Bush: Madam Chair, I said that before the Committee stopped. When we came back I read the clause. Now I have read the Bill, where it is. That should be clear enough now. Is it not clear enough?

The Chairman: The amendment has been duly moved. Does any Member wish to speak thereon?
Third Elected Member for George Town.

Mr. Alden M. McLaughlin, Jr.: Madam Chair, the Premier has asked if it’s clear. It is clear as mud!

Madam Chair, I am not sure what the Premier is seeking to achieve. But if it is the Government party (or the party which is Government, to be correct) who will have the ability to nominate up to three members then it seems to me to be only sensible and logical that we put that beyond doubt by saying so. Then there are no questions about it.

And that should say so in the third line of subsection (4) where the word “party” is used. It should say “the party in Government as the case may be.”

But that aside, Madam Chair, what does not make sense in that context is that it says the “party or Member.” Now, the Member will not belong to the Government party. He (or she) will be either an Independent or a Member of the Opposition party. So, what is being created here by the use of the word “or” is a situation where the provision says three members may be nominated by the Government party or by the

Opposition party or by the Independent Member. And that is just a recipe for even more confusion.

The Government has the numbers, Madam Chairman. They can achieve whatever policy they want in terms of the legislation.

All that I am seeking to do . . . I tried, we have all tried to get them to see it our way. They will not. Fine! I accept that. But let's try to make the provisions clear so that whoever is reading this, whoever is interpreting this, whoever is applying this, knows exactly what it is that the legislation intends. That is all I am trying to achieve here.

The Premier, Hon. W. McKeever Bush: Madam Chairman, when an amendment is made, or any matter is brought, but in particular an amendment to a Bill, do you not take the substantive Bill and the amendment and relate each to the other? That is what sensible people do.

Now, if you take what this says, "Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2). . ." Now, who is that?

An Hon. Member: That's the Government.

The Premier, Hon. W. McKeever Bush: All right. That is the Government.

And 49(2) of the Constitution says, "**Where a political party gains a majority of the seats of elected members of the Legislative Assembly, the Governor shall appoint as Premier the elected member of the Assembly recommended by a majority of the elected members who are members of that party.**"

Okay?

Now, this Bill goes on to say, "the party". Now, which party are you talking about? It can only be talking about the party that we just completed talking about. Then it goes on to add "Member" to try to keep the peace with you all—not that I believed that we needed to do that—but to try to keep the peace with you all, it gives it even much more clarity. The party or Member shall be entitled to nominate up to three members to the relevant Council.

Do we need to spend more time on this to spell this out? I do not think I can make you understand anything, Mr. Member for East End, because you do not want to understand. You all want to do what you are doing, and that is delaying and wasting more time.

And I ain't got no more time to waste on this, Madam Chairman, I suggest we put the vote to it.

Mr. V. Arden McLean: Madam Chair, he brought me into this one now again.

Now, I do not know whose time he has to waste. I do not have any time to waste on him either. I want him to know that. But this is precisely the problem in this country.

Madam Chair, I am going to vote against it anyway, so whatever the Government wants to do—

The Premier, Hon. W. McKeever Bush: Yes. Of course.

Mr. V. Arden McLean: —they have the authority to do. And they will put in there what they want.

The fact is that . . . why is it that the party, the ruling party, and not only from their perspective, forever and a day, will still be allowed to appoint three members?

The Premier, Hon. W. McKeever Bush: And why not? Can he tell me why not?

The Government of the day will have to take up the ideas put forward by you and whoever you appoint on that Council in East End. The Government of the day has to find money, when it comes to money. The Government of the day has to go through the policies. The Government of the day has to get their staff to do all of this, and the Government is not going to have some substantial say in the committee?

Which world are you living in? Or do you want to live in?

Mr. V. Arden McLean: But you went out yesterday and told the people of this country that I would have seven people.

The Premier, Hon. W. McKeever Bush: That you would have seven?

Mr. V. Arden McLean: Appoint seven.

The Premier, Hon. W. McKeever Bush: I did not tell anybody that.

Mr. V. Arden McLean: By inference that is what you did.

The Premier, Hon. W. McKeever Bush: Well, you can say by inference. I said that you had—

Mr. V. Arden McLean: Because you said—

The Premier, Hon. W. McKeever Bush: Madam Chair—

Mr. V. Arden McLean: —only the ruling party would be allowed to appoint—

The Premier, Hon. W. McKeever Bush: Madam Chairman, under the Standing Order I put the question—

The Chairman: We are getting out of—

Mr. V. Arden McLean: You can't cut me off like that, you have to wait until I am finished speaking too. You

want respect, but you don't want to show any. That is your problem.

The Chairman: Let's—

The Premier, Hon. W. McKeever Bush: No, you don't know what respect is, Mr. Arden.

The Chairman: Let's—

Mr. V. Arden McLean: No, just like you. Just like you. I am just following in your footsteps!

The Chairman: Let's leave the recriminations out of it.

Mr. D. Ezzard Miller: Madam Chair—

The Chairman: Let us just say what we have to say relating to the clause before the House.

Mr. D. Ezzard Miller: Madam Chair, Can I ask another question with this amendment?

The Chairman: Yes.

Mr. D. Ezzard Miller: And, Madam Chairman, I am not interested in wasting anybody's time or wasting my own time. I would like to ask the Premier: Under this scenario is this going to be a Council of seven members only? Or is this going to be a Council with all the rest of 10 members? In that case, who is going to nominate the other three people along with the officers and these three people to make up the 10?

The Premier, Hon. W. McKeever Bush: Madam Chairman, I would ask the Member to listen, to read the Bill, but I will read it into the records again.

Compositions of Councils in the Bill, says, in clause 4(1): **“(4) A Council shall consist of the following members, all of whom shall be appointed by the Governor in Cabinet –**

(b) a Vice Chairman;

(c) a Secretary;

(d) a Treasurer; and

(e) not exceeding six other members at least two of whom shall, subject to subsection (2), be recommended by the Leader of the Opposition appointed under section 68 of the Constitution,

and in making the appointments, the Governor in Cabinet shall be cognizant of recommendations made to him from within the electoral districts.

“(2) Where the representation in the Legislative Assembly for any given electoral district is split between two or more political parties, each party may make recommendations for appointments to the Council for the district but where the recommendations for the party in opposition are accepted, subsection (1)(e) shall have no effect.

“(3) A member of a Council shall be a person who lives in the relevant electoral district and

who is by reason of his special qualifications, training, experience or knowledge of the district suitable for appointment to a Council.

“(4) Where an electoral district does not have a Member who belongs to the party whose leader has been appointed Premier under section 49(2) of the Constitution, the party” or Member “shall be entitled to nominate up to three members to the relevant Council.”

Madam Chairman, this tells you that there can be appointed up to 10 people; a chairman, a vice chairman, a secretary, a treasurer, and not exceeding six other members. Up to . . . it does not say 10; it could be up to 10.

Mr. D. Ezzard Miller: That is the exact question I am asking.

Is it the intention with this clause that the Council established in this particular set of circumstances as spelled out in subclause (4), is it intended to be a Council of seven members? Because if it is going beyond the seven members, then, we have to make a provision for somebody to nominate the other three members.

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: No. I know one thing we cannot do anything about you because you done born—

The Speaker: Ah—

Mr. V. Arden McLean: And all of you are too big for that.

The Premier, Hon. W. McKeever Bush: Madam Chairman—

The Chairman: I am—

The Premier, Hon. W. McKeever Bush: I have explained—

Mr. V. Arden McLean: [inaudible] re-born—

The Premier, Hon. W. McKeever Bush: —this . . . we have explained this. I am not prepared to go any further with it.

Now, if you want to sit down and let them talk all night long. Go ahead.

Mr. D. Ezzard Miller: Madam Chair, I believe . . . with the greatest of respect, Madam Chair, I am entitled to an answer. I am asking a very simple question.

The Premier, Hon. W. McKeever Bush: And I have told you!

Mr. D. Ezzard Miller: You have not answered the question.

The Premier, Hon. W. McKeever Bush: I do not care how much I am telling you, you are going to find another question because you did not have that question before.

I cannot tell you any more, Member for North Side. I cannot tell you any more. Okay?

Mr. D. Ezzard Miller: I don't want to bring other people in it but I had this conversation with the Attorney General before the break and I raised this question with him then.

My concern, Madam Chair, is that the District Council established under this particular set of circumstances in [clause] 4 is going to be limited to a membership of seven. I am not saying whether that is right or wrong. I am saying that if it is intended to be like the other districts, to be up to 10, then the Government or somebody has to nominate the other three people.

The Premier, Hon. W. McKeever Bush: Madam Chairman, I have explained over and over, and he will have to leave it up to the Cabinet who will appoint the members after they get recommendations from the Member and after they get recommendations put in by the public. The Cabinet will make appointments. They will decide whether it is going to be 10 or up to the 4 plus the 6.

The Chairman: We have an amendment on the Floor of the House. Shall we just vote on it and then you all can have your arguments about whatever else is missing or included and bring amendments at another time?

The question is that the amendment proposed to [clause] 4 as currently on the Floor of the House be accepted or rejected.

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

Ayes and Noes.

Mr. Alden M. McLaughlin, Jr.: No! A thousand noes!

Mr. V. Arden McLean: Can we have a division too please?

The Chairman: Yes.

Division No. 34/2010-11

Ayes: 9

Hon. W. McKeever Bush
Mrs. J. Y. O'Connor Connolly
Hon. Rolston M. Anglin
Hon. Michael T. Adam
Hon. J. Mark P. Scotland
Capt. A. Eugene Ebanks
Mr. Elvio A. Solomon

Noes: 4

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

Mr. Dwayne S. Seymour
Mr. Anthony S. Eden

The Chairman: The result of the division – Ayes: 9 and Noes: 4. The amendment shall stand part of the clause

Agreed by majority: Amendment to clause 4 passed.

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

Ayes and Noes.

The Chairman: The Ayes have it. The clause as amended stands part of the Bill.

Agreed: Clause 4 as amended passed.

The Clerk: Clause 5 Functions of the Councils.

The Chairman: The question is that clause 5 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes and one audible No.

The Chairman: The Ayes have it.

Agreed: Clause 5 passed.

The Clerk: Clause 6 Funding, and remuneration of members.

Proposed Amendment to Clause 6

Mr. D. Ezzard Miller: Madam Chairman, I also gave notice of an amendment to clause 6, by deletion of clause 6(3) and (4), and the renumbering of [subsection] (5) as (3).

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

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

Ayes.

The Chairman: Do you know what you are voting on?

[Inaudible interjections and laughter]

The Premier, Hon. W. McKeever Bush: Madam Chair, can we have a division?

The Chairman: We have not voted.

The Premier, Hon. W. McKeever Bush: I thought you had.

The Chairman: No.

I am trying to find out what the vote is because nobody was paying attention and . . .

Mr. D. Ezzard Miller: Madam Chairman, I certainly voted Aye.

The Chairman: I asked that the amendment as proposed stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

[inaudible interjections and laughter]

The Chairman: I do not know if they want a division. Nobody is asking.

The amendment therefore falls away.

Mr. V. Arden McLean: Was there a declaration of Noes having it?

The Chairman: Are you asking for a division, sir?

Mr. V. Arden McLean: No, Ma'am. You said it falls away, but I did not hear what the result of the vote, Ayes and Noes, was.

The Chairman: The Noes have it.

Mr. V. Arden McLean: The Noes have it?

The Chairman: Yes.

Mr. V. Arden McLean: With all those Ayes that came from over there first?

[inaudible interjection]

The Chairman: The Noes have it, the amendment falls away.

Negated: Amendment to clause 6 failed.

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

Ayes.

The Chairman: The Ayes have it.

The clause will stand part of the Bill.

Agreed: Clause 6 passed.

The Clerk:

Clause 7 Amendment of Schedules

Clause 8 Regulations

The Chairman: The question is that clauses 7 and 8 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Clauses 7 and 8 passed.

The Clerk: Schedule 1 - District Business

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

Ayes and Noes.

The Chairman: The Ayes have it.

Schedule 1 stands part of the Bill.

Agreed: Schedule 1 passed.

The Clerk: Schedule 2: Constitution and General Proceedings of Councils.

Proposed Amendment to Schedule 2

Mr. D. Ezzard Miller: Madam Chair, I had given notice of an amendment to section 3(6), to delete the words "but the Chairman may determine that a particular meeting or matter shall be discussed in camera.", and to put a full stop after "a."

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

If not, I will put the question.

The question is that the proposed amendment stand part of [Schedule 2]. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it.

Negated: Amendment to Schedule 2 failed.

Mr. D. Ezzard Miller: Madam Chairman, before you take the vote, I have a question that I need some clarification from the Attorney General on. And that is in section 3 (5) of Schedule 2.

It says—

The Chairman: I need to finish this particular part of the vote—

Mr. D. Ezzard Miller: No. If you take a vote on the [Schedule] then I cannot raise the matter. The matter I am trying to raise is about this same Schedule.

The Chairman: You are raising a question?

Mr. D. Ezzard Miller: Yes Ma'am.

The Chairman: Okay.

Mr. D. Ezzard Miller: In section 3(5) [of Schedule 2], **“Minutes of each meeting shall be kept in a proper form and shall be confirmed by the Chairman as soon as practicable at a subsequent meeting; and a copy of the minutes as confirmed by the Chairman shall be sent to the Governor in Cabinet and to the relevant Member on a timely basis.”**

The clarification I am asking from the Attorney General is whether that conflicts with 47(3) of the Constitution which gives me, as a Member of a constituency that does not have representation in Council, constitutional authority to appear before the Cabinet on a regular basis to discuss the needs of the district.

The question I am asking is, given that authority to submit minutes and stuff for the district to the Council, is there any conflict with that section of the Constitution? And who should have constitutional authority to report to Cabinet?

The Chairman: Second Official Member?

Hon. Samuel W. Bulgin: Madam Chair, the honourable Member did speak to me about the provision. I promised him that I would take a look at it, which I have done. I have read the provision in the Bill. I have also looked at sections 47 and 119 of the Constitution itself. And, having done so, I was not able to discern any conflicts with the role of the honourable Member as an elected Representative. Neither could I discern any usurpation of his function as well.

Under section 47 of the Constitution, and in particular section 47(1), Madam Chair, the Cabinet can invite a person (which, of course, in this case could include the Chair or a member of the District Council) to Cabinet whenever the business before it (before it, meaning the Cabinet) renders the presence of that person desirable.

However, Madam Chair, when you contrast that with section 47(3) of the Constitution, it is different in that it vests an elected Representative (in this case an honourable Member) with a constitutional right to attend once every three months, not merely by way of invitation but as of right, whereas, a Council member can only attend by way of invitation. Or the Council member can send minutes, or should send minutes, rather, which also have to be sent to the elected Representative, in which case the Council member cannot send anything to Cabinet which the elected Representative is not aware of because the law requires that he be copied on the minutes as well, if we look at paragraph 3(5) of the Bill.

So, there is really no conflict at all because the Member's right to attend Cabinet is enshrined in

the Constitution, not in the legislation. The right of the Advisory Council member to attend Cabinet, or the ability, rather, is subject to an invitation from Cabinet. The only right that Council member has, or obligation, really, is to send the minutes to Cabinet which have to be copied to the Member.

So, on the plain reading of it, there is really no conflict with the Member's position; and neither can I see any usurpation of his role as a duly constitutionally elected Representative from the district.

Thank you.

Mr. D. Ezzard Miller: Through you, Madam Chair, the fact that this statute now elevates the chairman of the District Council above the expectation of an invitation from somebody else, or of a Member who has a right, does not infringe either, because what we are giving now is the chairman statutory right to submit minutes on a monthly basis to the Council.

[inaudible interjection]

Hon. Samuel W. Bulgin: Well, he has a right. But, let's face it now . . . the truth is, that even if he were not a member of a Council he could send something to Cabinet. There is nothing to prevent him from making a submission to Cabinet.

[Inaudible interjection]

Hon. Samuel W. Bulgin: Well, from my part it is just really codifying an existing situation.

But Cabinet can also invite any member whether he is a member of Council or not. So, the fact is that there is no usurpation of the honourable Member's position as an elected Representative, because whereas other persons can only go by invitation, he has a right to attend. So, there is really no usurpation.

Sorry?

[Inaudible interjection]

The Chairman: The question is that Schedule 2 do stand part of the Bill.

All those in favour, please say Aye.

I would like to hear the voices because I don't want to have to go through division after division.

The question is that Schedule 2 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Schedule 2 stands part of the Bill.

Agreed: Schedule 2 passed.

The Clerk: A Bill for a Law to provide for the establishment of Advisory District Councils to operate as advisory bodies to the Elected Members of the Legis-

lative Assembly; and for incidental and connected purposes.

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

Ayes.

The Chairman: The Ayes have it.
The Title stands part of the Bill.

Agreed: Title passed.

Water Production and Supply Bill, 2010

The Clerk: The Water Production and Supply Bill, 2010.

- Clause 1 Short title and commencement
- Clause 2 Interpretation
- Clause 3 Application
- Clause 4 Governor in Cabinet may grant concessions
- Clause 5 Application of certain other Laws
- Clause 6 Protection of concessionaires from distress, etc.
- Clause 7 Supply of water
- Clause 8 Supply of water to defaulters may be cut off while default continues
- Clause 9 Inspection, etc., of supplied premises

The Chairman: The question is that clauses 1 through 9 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes and one audible No.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 9 passed.

The Clerk: Clause 10 Concessionaire's powers of entry, etc.

The Chairman: We have an amendment to clause 10.

Honourable Minister.

Amendment to Clause 10

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Honourable Juliana O'Connor-Connolly, give notice to move the following amendment to the Water Production and Supply Bill, 2010: That the Bill be amended in clause 10 as follows – In clause 10(a), line 3, by deleting the words “to occupiers for” and substituting the words “with respect to”.

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

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 10 passed.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 10 as amended passed.

The Clerk:

- Clause 11 Interference by private installations
- Clause 12 Compensation Assessment Tribunal
- Clause 13 Damages for injury to public amenities
- Clause 14 Regulations
- Clause 15 Offences and penalties
- Clause 16 Repeal and savings

The Chairman: The question is that clauses 11 through 16 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 11 through 16 passed.

The Clerk: A Bill for a Law to repeal and substitute the Water (Production and Supply) Law (1996 Revision); to improve the concession-granting process; and for incidental and connected purposes.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

Wastewater Collection and Treatment Bill, 2010

The Clerk: The Wastewater Collection and Treatment Bill, 2010.

- Clause 1 Short title and commencement

- Clause 2 Interpretation
- Clause 3 Application
- Clause 4 Governor in Cabinet may grant concessions
- Clause 5 Application of other licensing legislation
- Clause 6 Protection of concessionaires from distress, etc.
- Clause 7 Collection, conveyance and treatment of wastewater
- Clause 8 Collection, conveyance and treatment of wastewater from defaulters may be cut off while default continues
- Clause 9 Inspection, etc., of supplied premises

The Chairman: The question is that clauses 1 through 9 do stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 9 passed.

The Clerk: Clause 10 Concessionaire's powers of entry, etc.

The Chairman: You have an amendment to that particular clause?

Honourable Minister.

Amendment to Clause 10

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

In accordance with the provisions of Standing Order 52(1) and (2), I, the Hon. Juliana O'Connor-Connolly, give notice to move the following amendment to the Water Production and Supply Bill, 2010: That the Bill be amended in clause 10 as follows—In clause 10(a), line 3, by deleting the words “to occupiers for” and substituting the words “with respect to.”

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

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: Only to say, Madam Chair, that as in the previous Bill, clause 10 in this one . . . we thought it prudent to make the amendment so that compensation can be made not only to occupiers but either to the owner or occupier, tenant or both, depending on the damages.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 10 passed.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 10 as amended passed.

The Clerk:

- Clause 11 Interference by private installations
- Clause 12 Compensation Assessment Tribunal
- Clause 13 All buildings to be connected to wastewater system
- Clause 14 Damages for injury to public amenities
- Clause 15 Regulations
- Clause 16 Offences and penalties

The Chairman: The question is that clauses 11 through 16 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 11 through 16 passed.

The Clerk: A Bill for a Law to provide a regime for the Privatisation of wastewater collection, conveyance and treatment; and for incidental and connected purposes.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

Water Authority (Amendment) Bill, 2010

The Clerk: The Water Authority (Amendment) Bill, 2010.

- Clause 1 Short title and commencement
- Clause 2 Amendment of section 2 of the Water Authority Law (1996 Revision) - definitions and interpretation

Clause 3 Amendment of section 6 - duty of Authority in regard to water supply and sewerage

Clause 4 Amendment of section 7 - powers of Authority in regard to water supply and sewerage

The Chairman: The question is that clauses 1 through 4 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 4 passed.

The Clerk: A Bill for a Law to amend the Water Authority Law (1996 Revision) so as to allow the divestment of the Water Authority's wastewater assets and operations; to provide for the regulation of concessionaires; and for incidental and connected purposes.

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

Ayes and one audible No.

The Chairman: The Ayes have it.

Agreed: Title passed.

Health Practice (Amendment) Bill, 2010

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

Clause 1 Short title and commencement

Clause 2 Amendment of section 2 of the Health Practice Law (2005 Revision) –definitions

The Chairman: The question is that clause 1 and clause 2 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 and 2 passed.

The Clerk: Clause 3 Insertion of section 7A – medical tourism services.

The Chairman: The question is that clause 3—

Mr. D. Ezzard Miller: Madam—

The Chairman: Oh, I'm sorry.

Mr. D. Ezzard Miller: Madam Chairperson, I have circulated notice of an amendment to clause 7A(1), to delete the words "Where the Governor deems it to be—

[inaudible interjection]

Mr. D. Ezzard Miller: Huh?

[inaudible interjection]

Mr. D. Ezzard Miller: This is the 3rd clause of your Bill, sir, that they are dealing with.

[inaudible interjection]

Mr. D. Ezzard Miller: Huh?

[inaudible interjection]

The Chairman: We're doing the Health Practice Bill.

Mr. D. Ezzard Miller: That's what they are doing, the Health Practice Bill.

[inaudible interjections]

Mr. D. Ezzard Miller: It's the same one.

It's only one bill.

Look, you all just voted for clause 1 and 2 of a medical tourism bill then. If you all want to go late you need to keep alert.

The Chairman: I don't know, because I don't see a medical tourism bill here.

The Clerk: The Health Practice (Amendment) Bill.

The Chairman: Let's go back.

[inaudible interjection]

The Clerk: [inaudible] when I see that.

[inaudible interjection]

The Chairman: I'm looking at the Bill.

Let's go back and do it again.

The Clerk: Clause 3 has to do with medical tourism.
Health Practice (Amendment) Bill, 2010

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

Clause 1 Short Title and commencement

Clause 2 Amendment of section 2 of the Health Practice Law (2005 Revision) - definitions

The Chairman: The question is that clauses 1 and clause 2 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: Clauses 1 and 2 will stand part of the Bill.

Agreed: Clauses 1 and 2 passed.

The Clerk: Clause 2 Insertion of section 7A – medical tourism services.

[inaudible interjections]

The Clerk: Clause 3 Insertion of section 7A – medical tourism services.

Proposed Amendment to Clause 3 [7A(1)]

Mr. D. Ezzard Miller: That's the margin note on the clause. That's the same thing we did a while ago.

Anyway, Madam Chairperson, I had filed an amendment to clause [3] [of section] 7A(1).

The amendment reads: By deleting the words, "Where the Governor deems it to be in the national interest, the Governor may by Order published in the Gazette designate any person" and substitute the following: "The relevant Council may designate a person licensed by that Council".

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

Hon. J. Mark P. Scotland: Madam [Chair], in my presentation on the Bill I made it clear why we had it this way, and the Government is not prepared at this time to accept that amendment.

The Chairman: No other Member wishes to speak?

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

One Aye and Noes.

The Chairman: The Noes have it. The amendment falls away.

Negated: Proposed amendment to clause 3, section 7A(1) failed.

Proposed Amendment to Clause 3 [7A(2)]

Mr. D. Ezzard Miller: Madam Chair, the second amendment that I gave notice of relates to the same clause [3] [section] 7A, but in section [7A] (2) to delete the words where it says, "Where the Governor deems it to be in the national interest, the Governor may" and substitute the following words: "The Health Practice Commission may" and by replacing the semi-colon after the word "Order" (with a capital 'O'), with a full-stop, and deleting the remainder of the subsection.

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

Hon. J. Mark P. Scotland: Madam Chair, the amendment as proposed would change the intent of the change to the Law as we are proposing. Again, we don't plan to accept that at this time.

The Chairman: Okay.

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

Ayes and Noes.

The Chairman: The Noes have it. The amendment falls away.

Negated: Proposed amendment to clause 3 section 7A(2) failed.

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

One audible Aye and one audible No.

The Chairman: The Ayes have it.

The clause will stand part of the Bill.

Agreed: Clause 3 passed.

The Clerk: Clause 4 Amendment of section 23- establishment and maintenance of registers.

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

Ayes.

The Chairman: The Ayes have it.

Clause 4 will stand part of the Bill.

Agreed: Clause 4 passed.

The Clerk: Clause 5 Insertion of section 24A –special registration.

The Chairman: You have an amendment?

Proposed Amendment to Clause 5

Mr. D. Ezzard Miller: Madam Chairperson, I had also circulated an amendment to [clause] 5, 24A(2), to delete the word "Governor" and substitute the words "relevant Council."

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

Hon. J. Mark P. Scotland: Madam Chair, again, the proposed amendment here would change the intent of the amendment that we are making to the Law, so we are not prepared to accept that at this time either.

The Chairman: Does any one else wish to speak to it?

If not, the question is that the amendment stand part of the clause. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Chairman: The Noes have it. The amendment falls away.

Negated: Amendment to clause 5, section 24A(2) failed.

The Chairman: The question is that clause 5 stand part of the Bill. All those in favour please say Aye, Those against, No.

Ayes and Noes.

The Chairman: The Ayes have it.

Agreed: Clause 5 passed.

The Clerk: Clause 6 Insertion of section 42A – directions to Councils.

Proposed Amendment to Clause 6

Mr. D. Ezzard Miller: Madam Chairperson, I had also circulated an amendment to clause 6, which introduces a new section to the Bill, 42A; to delete the words after . . . The section reads: “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 . . .”

I’m proposing, Madam Chair, to delete the words, “and it shall be the duty of the Councils to put into effect and to carry out such directions”, and replace it by substituting the words “after consultation with the relevant Council or at the request of the relevant Council.”

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

Hon. J. Mark P. Scotland: Madam Chair, again, for reasons I gave in my presentation on the Bill, and the fact that the clause we are inserting here is the standard clause in many of our existing legislations, we are not prepared to accept at this time either.

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

Ayes and Noes.

The Chairman: The Noes have it. The amendment falls away.

Okay?

Negated: Amendment to clause 6 failed.

Mr. D. Ezzard Miller: I have one other question on that clause, Madam Chairperson.

In his moving of the Bill and winding up of the Bill, the Honourable Minister of Health used the word “directives” to the Councils, and I wonder if he wishes to change the word “directions” to “directives”, because I believe the word “directives” is more suitable for what the Government intends in the clause.

[inaudible interjections]

Hon. J. Mark P. Scotland: Madam Speaker, I’m assured by the Legal Draftsperson and the AG that the term “directions” is the appropriate term. So . . .

Mr. D. Ezzard Miller: “Directives” or “directions”?

Hon. J. Mark P. Scotland: “Directions” as—

Mr. D. Ezzard Miller: Okay.

Hon. J. Mark P. Scotland: —as is in the Bill.

The Chairman: Okay.

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

One audible Aye and one audible No.

The Chairman: If I counted I would have a tie. I need to hear the answers a bit clearer because they are being recorded by the recording instruments.

The Premier, Hon. W. McKeever Bush: Aye.

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

Ayes and one audible No.

The Chairman: The Ayes have it.

The clause will stand part of the Bill.

Agreed: Clause 6 passed.

[inaudible interjections]

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

Ayes and one audible No.

The Chairman: The Ayes have it.
The Title will stand part of the Bill.

Agreed: Title passed.

Prisons (Amendment) Bill, 2010

The Clerk: The Prisons (Amendment) Bill, 2010.

Clause 1 Short title

Clause 2 Insertion of new section 43B in the Prisons Law (Law 14 of 1975) - smuggling

The Chairman: The question is that clauses 1 and 2 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 and 2 passed.

The Clerk: A Bill for a Law to amend the Prisons Law (Law 14 of 1975) to create the offence of smuggling; and for incidental and connected purposes.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

Criminal Procedure Code (Amendment) (No. 2) Bill, 2010

The Clerk: The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010.

Clause 1 Short title

Clause 2 Amendment of section 2 of the Criminal Procedure Code (2010 Revision) - definitions

Clause 3 Repeal and substitution of section 84 - power to commit for trial

Clause 4 Repeal and substitution of section 85 - court to hold preliminary inquiry

Clause 5 Repeal and substitution of section 86 - magistrate to read charge to accused and explain purpose of the proceedings

The Chairman: The question is that clauses 1 through 5 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 through 5 passed.

The Clerk:

Clause 6 Repeal of section 87 - taking of depositions

Clause 7 Repeal and substitution of section 88 - committal for trial on written statements

Clause 8 Insertion of new section 88A - power to join in indictment count for summary offence if punishable with imprisonment etc.

Clause 9 Amendment of section 89 - variance between evidence and charge

Clause 10 Amendment of section 90 – remand

The Chairman: The question is that clauses 6 through 10 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 6 through 10 passed.

The Clerk:

Clause 11 Repeal of sections 91 and 92 - provisions as to taking statement of accused person; evidence and address in defence

Clause 12 Repeal and substitution of section 93 - discharge of accused person

Clause 13 Repeal of section 95 - committal for trial

Clause 14 Amendment of section 96 - complainant and witnesses to be bound over

Clause 15 Repeal and substitution of section 98 - accused person entitled to copy of depositions

Clause 16 Amendment of section 99 - binding over of witness conditionally

The Chairman: The question is that clauses 11 through 16 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 11 through 16 passed.

The Clerk:

- Clause 17 Amendment of section 105 - transmission of records to Grand Court and Attorney General
- Clause 18 Amendment of section 107 - mode of trial upon committal to the Grand Court and preferment of indictment
- Clause 19 Insertion of new section 149A - treatment of summary offence by Grand Court when joined on indictment pursuant to section 88A
- Clause 20 Amendment of section 161 - joinder of counts in indictment
- Clause 21 Insertion of new section 161A - power to join in indictment count for summary offence if founded on the same facts, etc.
- Clause 22 Amendment of principal Law to substitute Director of Public Prosecutions for Attorney General

The Chairman: The question is that clauses 17 through 22 do stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 17 through 22 passed.

The Clerk: Clause 23 Amendment of the First Schedule - mode of trial and arrestable offences.

The Chairman: Honourable Second Official Member.

Amendment to Clause 23

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

In accordance with Standing Order 52(1) and (2), I beg to move the following amendment to the Bill: That the Bill be amended in clause 23 as follows – In clause 23(c) by deleting the words “Ten years” where they first appear and substituting the words “Seven years”.

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

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

Ayes and one audible No.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 23 passed.

The Chairman: The question now is that clause 23 as amended stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clause 23 as amended passed.

The Clerk:

- Clause 24 Insertion of Fifth Schedule - application for dismissal
- Clause 25 Savings and transitional provisions

The Chairman: The question now is that clauses 24 and 25 stand part of the Bill. All those in favour, please say Aye. Those against, No.

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 24 and 25 passed.

The Clerk: A Bill for a Law to amend the Criminal Procedure Code (2010 Revision) in relation to preliminary inquiries; the charging of offences in the same indictment; the joinder of summary offences on an indictment; to replace references to the Attorney General with references to the Director of Public Prosecutions; and for incidental and connected purposes.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: That the Bills be reported to the House.

House resumed at 6.13 pm

The Speaker: Proceedings are resumed. Please be seated.

Suspension of Standing Order 10(2)

The Premier, Hon. W. McKeever Bush: Madam Speaker, I think we should suspend Standing Order 10(2) in order for the House to commence work after 4.30 pm.

[inaudible interjection]

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

Ayes.

The Speaker: The Ayes have it.
The Business of the House will continue.

Agreed: Standing Order 10(2) suspended.

REPORTS ON BILLS**Advisory District Councils Bill, 2010**

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I have to report that a Bill shortly entitled The Advisory District Councils Bill, 2010, was examined in a Committee of the whole House and amended.

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

Water Production and Supply Bill, 2010

The Speaker: Honourable Minister.

The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly: Madam Speaker, I have to report that a Bill shortly entitled The Water Production and Supply Bill, 2010, was considered by a Committee of the whole House and passed with amendment.

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

Wastewater Collection and Treatment Bill, 2010

The Speaker: Honourable Minister.

The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly: Madam Speaker, I have to report that a Bill shortly entitled The Wastewater Collection and Treatment Bill, 2010, was considered by a Committee of the whole House and passed with amendment.

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

Water Authority (Amendment) Bill, 2010

The Speaker: Honourable Minister, Deputy Premier.

The Deputy Premier, Hon. Juliana Y. O'Connor-Conolly: Madam Speaker, I have to report that a Bill shortly entitled The Water Authority (Amendment) Bill, 2010, was considered by a Committee of the whole House and passed without amendment.

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

Health Practice (Amendment) Bill, 2010

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

The Speaker: Minister for Health.

Hon. J. Mark P. Scotland: Madam Speaker, I have to report that a Bill shortly entitled The Health Practice (Amendment) Bill, 2010, was considered by a Committee of the whole House and passed without amendments.

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

Prisons (Amendment) Bill, 2010

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, I beg to report that a Bill shortly entitled The Prisons (Amendment) Bill, 2010, was considered by a Committee of the whole House and passed.

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

Criminal Procedure Code (Amendment) (No. 2) Bill, 2010

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, I beg to report that a Bill shortly entitled The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010, was considered by a Committee of the whole House and passed with one amendment.

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

THIRD READINGS

Advisory District Councils Bill, 2010

The Clerk: The Advisory District Councils Bill, 2010.

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: I beg to move that The Advisory District Councils Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Advisory District Councils Bill, 2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Speaker: The Ayes have it.

Agreed: The Advisory District Councils Bill, 2010, given a third reading and passed.

Water Production and Supply Bill, 2010

The Clerk: The Water Production and Supply Bill, 2010.

The Speaker: Honourable Deputy Premier.

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: I beg to move that a Bill shortly entitled The Water Production and Supply Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Water Production and Supply Bill, 2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Speaker: The Ayes have it.

Agreed: The Water Production and Supply Bill, 2010, given a third reading and passed.

Wastewater Collection and Treatment Bill, 2010

The Clerk: The Wastewater Collection and Treatment Bill, 2010.

The Speaker: Honourable Minister, Deputy Premier.

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: I beg to move that a Bill shortly entitled The Wastewater Collection and Treatment Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Wastewater Collection and Treatment Bill,

2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes and Noes.

The Speaker: The Ayes have it.

Agreed: The Wastewater Collection and Treatment Bill, 2010, given a third reading and passed.

Water Authority (Amendment) Bill, 2010

The Clerk: The Water Authority (Amendment) Bill, 2010.

The Speaker: Honourable Minister, Deputy Premier.

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: I beg to move that a Bill shortly entitled The Water Authority (Amendment) Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Water Authority (Amendment) Bill, 2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes and one audible No.

The Speaker: The Ayes have it.

Agreed: The Water Authority (Amendment) Bill, 2010, given a third reading and passed.

Health Practice (Amendment) Bill, 2010

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

The Speaker: Honourable Minister of Health.

Hon. J. Mark P. Scotland: Madam Speaker, I beg to move that a Bill shortly entitled The Health Practice (Amendment) Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled The Health Practice (Amendment) Bill, 2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes and one audible No.

The Speaker: The Ayes have it.

The Health Practice (Amendment) Bill, 2010, has been given a third reading and passed.

Agreed: The Health Practice (Amendment) Bill, 2010, given a third reading and passed.

Prisons (Amendment) Bill, 2010

The Clerk: The Prisons (Amendment) Bill, 2010.

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, I beg to move that a Bill entitled The Prisons (Amendment) Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Prisons (Amendment) Bill, 2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Prisons (Amendment) Bill, 2010, given a third reading and passed.

Criminal Procedure Code (Amendment) (No. 2) Bill, 2010

The Clerk: The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010.

The Speaker: Honourable Second Official Member.

Hon. Samuel W. Bulgin: Madam Speaker, I beg to move that a Bill entitled The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010, be given a third reading and passed.

The Speaker: The question is that a Bill entitled The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010, be given a third reading and passed. All those in favour, please say Aye. Those against, No.

Ayes.

The Speaker: The Ayes have it.

Agreed: The Criminal Procedure Code (Amendment) (No. 2) Bill, 2010, given a third reading and passed.

The Speaker: That brings us to the end of the Order Paper, and I would call for a motion for the adjournment.

ADJOURNMENT

The Premier, Hon. W. McKeever Bush: Madam Speaker, I would like to thank you for the many hours put in at times in tediousness of this House, in particular yesterday when you had some difficulty. We thank you for being here nevertheless, you and all the staff,

the Clerk, the Deputy Clerk and all the other staff members who service this Legislative Assembly.

Madam Speaker, I believe that we will have to come back before the month is out. So, I would adjourn this honourable House for a date to be fixed. I so move.

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

Ayes.

The Speaker: The Ayes have it.

At 6.25 pm the House stood adjourned to a date to be fixed.

