

OFFICIAL HANSARD REPORT
MONDAY
8 NOVEMBER 2010
10.41 AM
Fourth Sitting

The Speaker: I will ask the Member for East End to say Prayers.

PRAYERS

Mr. V. Arden McLean: Let us pray.

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

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

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

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

The Speaker: Good morning everyone. Please be seated. Proceedings are resumed.

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

Apologies

The Speaker: I have two apologies for absence: The Third Elected Member for George Town is away on a family matter; and the Honourable Minister for Community Affairs, Gender and Housing, who I think is in the Caribbean assessing some of the damage there.

[I have also received] apologies for the late arrival of the Honourable Second Official Member and the Honourable Minister for Education, Training and Employment.

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

[Static interference]

The Speaker: Somebody has electronic equipment on and the microphones are picking it up.
Member for East End.

QUESTION NO. 6

Mr. V. Arden McLean (Elected Member for East End) asked the Premier, the Honourable Minister of Financial Services, Tourism and Development, what progress there was on the cruise ship redevelopment project in George Town.

The Speaker: Honourable Premier.

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

A Memorandum of Understanding (MOU) was signed between DECCO (Dart Enterprises Construction Company) Ltd., the Government of the Cayman Islands and the Port Authority of the Cayman Islands on 15 April 2010, as the initial step to provide berthing facilities in George Town.

The framework agreement is currently being negotiated and this involves negotiations and commitments from the cruise lines. We have kept the public and the Opposition informed of the progress made to date through public statements and presentations, and we will continue to do so.

The Speaker: Are there any supplementaries?
Member for East End.

Supplementaries

Mr. V. Arden McLean: Thank you, Madam Speaker.
Madam Speaker, the question that I would like to ask is: Is there any unforeseen, or seen, delay in this project going forward that the Government is having difficulty with?

The Speaker: Honourable Premier.

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

Madam Speaker, what we have always said, and as I have said now, we are in the process of negotiations and that is always the difficult part. The lease is the part that we now have to negotiate and that's what Government is doing.

The Speaker: Member for East End.

Supplementaries

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

Can the Premier tell us if there is an anticipated date for the completion of those negotiations?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, as I have mentioned, on the signing of the framework agreement there was a four-month period given to that plus a possibility of a two-month extension to, of course, reach the final agreement.

The Speaker: Member for East End.

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

Madam Speaker, is the Premier saying [that] since April (6 months hence) it will be completed in the next two months?

The Premier, Hon. W. McKeever Bush: I thought what I said was very clear, that on 15 April we came to an agreement with the Memorandum of Understanding signed in April. In September we came to an agreement on the framework, and so the period would run out, I think, from September anywhere towards the end of this year.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, can the Premier tell us if he is comfortable that it will be completed by the end of this year?

The Premier, Hon. W. McKeever Bush: Madam Speaker, we are in negotiations and we have a two-month period after the end of that first four-month period, and, certainly, I hope to have it by that time.

These are not things that you can easily be comfortable with when the public is saying one thing, and the developer wants another thing, and the Government wants another thing. But that is what negotiations are all about. What I can say is that when it is completed I would hope that I would have been able to satisfy all concerned.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, seeing that the actual development will take quite a while, if the worst case scenario plays itself out, that it may be February or March before the negotiations are finished, when is it anticipated that this port redevelopment facility will be completed?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, the period the developer said that they would need is roughly 18 to 24 months, and I guess they have figured weather patterns and all like that into it.

The Speaker: Are there any other supplementaries? Are there any other supplementaries? Are there any other supplementaries? If not, we'll continue with questions.

Member for East End.

QUESTION NO. 7

Mr. V. Arden McLean asked the Honourable Premier, Minister for Financial Services, Tourism and Development if Government was still considering selling or leasing the Crown's property, including the Queen's bottom (that is, the seabed) which will be utilised for the cruise ship port redevelopment project in George Town, and, if so, on what terms?

The Speaker: Honourable Premier.

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

The framework agreement will lay out the initial structure for the construction of cruise berthing facilities in George Town. Subsequently, the definitive agreements to be negotiated will define the details and scope of the project.

There has never been any consideration by this Government of selling Crown property as a part of any port redevelopment. However, maybe the Opposition is confused since not so long ago they proposed to develop a cargo facility on private property, which would have meant giving up both ownership [and] operational control to a private entity.

We are in discussions with a private developer to build piers and reclaim land, and there is an agreement to lease the residual land which is the land not used or needed for cruise or cargo operations to the developer for a period of time necessary to allow the developer to make his investment financially feasible.

This would mean that the operational control of the Port, both cargo and cruise aspect, would always remain with the Government. And any land leased to the private entity would be land which was created as a part of the redevelopment.

The range provided for in the framework agreement is a long-term lease. And the definition of long-term is between 21 and 99 years. The reason for that range is because, until the revenue cost and risk analysis have been completed, it is not possible to determine the period of time necessary for the financial viability of the project. Obviously, the developer will want as long a lease as possible, and the Government is working to get as short a lease as possible, hence, the reason for negotiations. These detailed and highly sensitive negotiations are currently ongoing and the Government will inform the public at the earliest appropriate opportunity.

The Speaker: Member for East End.

Supplementaries

Mr. V. Arden McLean: The Premier can't resist. He had to throw a paragraph in there about the PPM. Anyway, Madam Speaker, that is not the basis of this question, and the Premier should restrict himself to answering the question as asked.

Madam Speaker, I wonder if the Premier can tell us, since there have been a number of press releases about this 99 years and he is now saying that the Government is seeking to have it as short as possible between that 21 and 99 [years], what is the preferred length of time that the Government would like to have?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, the problem with the Opposition is [that] they ask questions fully loaded—perhaps even fully answered already! And, further, they would like for us not to remind the public, all and one concerned, about what actually surrounds the matter that they are asking about. So, when they are talking about restricting ourselves to the question asked, they need to understand that we had to take into consideration what they did. What they did was to sign an agreement with a private individual on his land of control of that land. That's a fact.

Madam Speaker, in the matter of the amount of years and what Government would like, we would rather have zero, but the fact is . . . the financial reality is that that can't work. They need a certain amount of years to make their investment feasible. So, that is what the negotiations are all about.

The Speaker: Member for East End.

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

Oh what a tangled web we weave!

Madam Speaker, can the Premier say, as a result of the announcement and the press releases on the 99 years discussed, if Her Majesty's Government

through the FCO (Foreign and Commonwealth Office) or otherwise, has intervened?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I don't know of any intervention or interference by the Foreign and Commonwealth Office unless the Member knows something and he can tell me. All I can tell him in his remarks about '*tangled webs*' [is that] *tangled webs* are those when the Opposition find themselves asking for things that they have done and think that people don't remember and then want to blame it on the Government.

The Speaker: Are there any other supplementaries? [pause] Are there any other supplementaries? [pause] If there are no further supplementaries can we continue with the questions?

QUESTION NO. 8

Mr. V. Arden McLean asked the Premier, the Honourable Minister for Financial Services, Tourism and Development if the Government is in negotiations with Joseph Imperato to develop a port facility into the district of East End, in particular, the High Rock area.

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: The Government is aware of certain proposed developments by Mr. Imperato in relation to a port project in the district of East End. The public has been made aware of the details of the proposed project through the efforts of Mr. Imperato himself. Having been well ventilated in the public domain thus far, there is neither the need nor any obligation to go any further into that.

The Government has had discussions with the proposed developer. However, until a proper business plan, environmental impact assessment, an economic impact assessment is presented, negotiations, properly speaking, will not commence.

Madam Speaker, should the Government at that stage continue to believe, as it does now—as it did six years ago—that this project has the potential to be a significant net benefit to the district of East End and the Cayman Islands as a whole, we will then certainly embrace it and keep the public fully informed.

The Speaker: Member for East End.

Supplementaries

Mr. V. Arden McLean: Madam Speaker, the Premier in his reply said that the public has been made aware of the details of the proposed project through the efforts of Mr. Imperato himself. Is the Premier saying that that press release, which I have a copy of, is sufficient for the people of the country?

The Premier, Hon. W. McKeever Bush: Madam Speaker, of course not. But what we can say is that what he knows—he claims he has a copy of that release—is what we know as well. We don't know any more than that; no more than the man wants to do it there.

It's his land; he is going to spend the money. We have to protect the country through the various areas we have mentioned to see that there is a proper business plan and environmental impact assessment done and an economic impact assessment. That's our duty. When that is done we can determine properly whether that is what we want for the future.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, the Premier says that what they know is what I know—the press release. Allow me, Madam Speaker, to read from the Premier's answer and Mr. Imperato's release.

The Speaker: Is this a question?

Mr. V. Arden McLean: It is a question.

The Speaker: Is it framing a question?

Mr. V. Arden McLean: Yes Ma'am.

The Speaker: Please make the reading short.

Mr. V. Arden McLean: The Premier (second paragraph) says: **"The Government has had discussions with a proposed developer. However, until a proper business plan, environmental impact assessment and economic impact assessment is presented, negotiations, properly speaking, may not commence."**

Mr. Imperato's press release of the 26 October says: **"Mr. Imperato confirmed that he had submitted a proposal to the Cayman Islands Government (CIG) for its due consideration."**

Madam Speaker, my question is: How can the Premier say that he knows no more than I do?

The Speaker: Honourable Premier.

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

The Developer, as I have said, and said many times, has talked to Government. The developer has submitted or made a presentation of a concept, but that is as far as it goes. It's a concept; it's the one that I believe in. I made the world know that. But the developer has not submitted a full plan to the Government and we have said that what that plan needs to entail is an environmental impact assessment, a proper business plan and an economic impact assessment. None of those things have come to us; none of those things are done yet, as I understand,

and when the developer has it then we can consider the project in its entirety.

I have heard the developer say that he has had meetings. I've seen it in the papers. I was not at any of those meetings. I heard that he said that he has had meetings with the East End Representative. I don't know anything about those meetings, but I am telling the country what we, as far as Government, have gotten thus far.

We have not gotten a presentation of the project plans as we want. We know about the concept: that it would be a container port; that there would be other entities that he would want to be there. But are all the other things done? Well, he has not presented it to us. That's what matters to us.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, to the Premier: If all of those things, and when all of those things are completed, and seeing that the Premier has been very forceful in his position in the last 16 to 18 months since he has taken the Government that that is where it is going to go, will the Premier tell this country now if that is the same position of this Government?

The Premier, Hon. W. McKeever Bush: Madam Speaker, I have been forceful in my position from six years ago, and perhaps even before that because I'm old enough to know that when the dock was built and I, by watching the procedure of the dock being built out here [knew] that was not something that I would have done in George Town, and that we were not looking far ahead, although this is now 30 years later, I don't think that it was sufficiently done.

What Mr. Berkley [Bush] proposed back then for the North Sound should have been it, but nobody supported that and nobody is still supporting it.

When it came to my turn to plan for the future of this country (and my colleagues surrounding me at the time) six years ago, I made a proposal after discussions with various people that that could be the area. We still propose that could be the area provided that the right environmental impact assessment is completed, the right economic impact is completed to our satisfaction, and the right business plan to our satisfaction is completed.

I believe that this country's future, the financial viability of this country for the future of shipping can be a part of it and should be a part of it, because shipping is growing. The Panama Canal is widening, the eastern seaboard of the United States surrounding close to us does not have the kind of docks that accept the kind of ships that they have and that will be coming through the Panama Canal [and] these Islands can have some transshipment.

Now, there are people who are making all kinds of speculation saying that it cannot be done there. I am not a seaman; I don't know about weather patterns, I don't know about these sorts of things. I

have to depend on the various expertises. What I believe is that it can work in that area—and I would have to be convinced that it cannot. What can help me to be convinced is a proper environmental impact assessment.

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, it appears like the Premier—I'm going to present it in a question—is prepared, once the assessment says that it can go there, to move ahead as forcefully as he has always moved ahead in his belief that it needs to be out of George Town.

The question is: Will this Government heed the Opposition, respect the Opposition of the people of East End in particular, and the country in general, or will they continue to do it whether people oppose it or not?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I haven't done anything in Government yet, and I haven't seen anybody do anything in Government yet, that was good for the people where we had full agreement from the public of this country.

What usually happens, Madam Speaker, is that you are cursed, you are called a thief, you are called crooked, you are called all sorts of things, and all sorts of imputations are made on matters when you go to do them in this country. Ten years after you've done it you hear that it was the best thing, and perhaps even after that somebody tweaked it a bit, put a fencepost by it, put a lamp by it or painted it a different colour, and they get the credit for it and say, *What a good thing this thing is!* But when it was being done it was the worst thing in the world.

Madam Speaker, we have many examples in policies in government, we have many examples in projects. Camana Bay was supposed to be the worst thing in the world, the worst thing for the country. Also the Ritz. We got many examples of that. However, I do believe that the country needs a good cargo facility and, as I said, it could capitalise on the growing transshipment industry that will bring tremendous revenue. If we had had that six years ago we would have been opening it now, if it was done right, and we would not have to charge people the tremendous amount of fees that we are charging people because we would have had a tremendous amount of revenue coming into this country.

Now, as to the people in East End, I have said that when all the things that I need to inform me properly are in my hands and we have a decision, I will be taking it to the people of East End to hear what they have to say.

I see in the meantime that the Member for East End is going ahead making opposition. He just says he does not want the dock in East End for vari-

ous reasons—none of them enumerated thus far. But, certainly he has made his opposition to it. I have seen a few people in the papers; some I know to be well rounded supporters of his and that's their business. What they said was that if I want one I should put it in my backyard. Well, if we had a place I would recommend if I thought I could get support for it, but I don't have anywhere close by to do that.

Certainly, the one place that could be done for a dock and could enhance this country tremendously is the North Sound, but nobody is going to propose it because you cannot get support for it. The late Mr. Berkley Bush explained . . . the papers carried his explanations. He talked in this town and in other areas about such a project. Nobody would support it.

That is the best place. We have the most natural harbour in the region, when it comes to the North Sound. But other considerations have taken place, and that is that they have said—I don't know if the study shows it—that the environmental impact on the North Sound would be tremendously much more damaging to the country than the good we would receive out of that dock transshipment island built up in the North Sound.

I intend to listen. We intend to have those impact studies done. And when it is done we will discuss it with the people in East End. In the meantime the Member for East End can continue doing what he is doing—raising objections to it. He is going to throw himself in front of the bulldozer; he is going to do this and that. I would like to see much more from him than that. I really don't want to see him throw himself in front of a bulldozer.

The Speaker: Member for East End, let's make this the last question please.

Mr. V. Arden McLean: Maybe I should invite him to drive the bulldozer.

The Speaker: I'm sorry. I'll—

Mr. V. Arden McLean: Madam Speaker, if I can just ask the Premier: Will the Government be conducting their own environmental impact study or will it be Mr. Imparato?

The Premier, Hon. W. McKeever Bush: Madam Speaker, when those impacts are done [they would] have to be satisfactory to the relevant departments—economics and business, commerce, finance and the Department of Environment. It would have to reach the satisfaction of them plus reaching the satisfaction of Cabinet.

The Speaker: Member for North Side.

Mr. D. Ezzard Miller (Elected Member for North Side): Through you, Madam Speaker, to the Minister of Finance, Tourism and Development.

Mr. Minister in my discussions with Mr. Imparato, he intimated to me that he had the agreement of the Cayman Islands Government to do a law similar to the London Dockyards Corporation Law that was passed for the development of the London Dockyards, and I'm wondering, if he hasn't done it, would the Government agree to pass such legislation if he was to request it?

The Premier, Hon. W. McKeeva Bush: Madam Speaker, the Government will agree to a special law if all of those other factors are met, because the Government intends, if all those factors are met . . . And, again, I have talked about the business plan, the environmental assessment and the economic impact assessment and the discussions with the country at large, but more to the point, the people in the eastern districts, because it is not just East End it will affect, it will affect the surrounding areas.

So, I intend to face the people myself. But, certainly, we will do whatever is necessary. If it means a law that can give a better working environment to the project, we would certainly support it. And I don't, offhand, see any reason. Other countries do that and make it possible. But it will have to be done to our satisfaction; what is going to be the benefit for the people of this country.

Will a road be necessary? If a road is going to be necessary we know we have planned a road that goes through the Island. And, Madam Speaker, that will have to be done and that development is going to have to foot some of it. Those are the kinds of things that will have to happen.

The Speaker: Are there any other supplementaries?
Last one, Mr. McLean.

[inaudible interjection]

Mr. V. Arden McLean: Yes, let's ventilate it properly.

[inaudible interjection]

Mr. V. Arden McLean: Unfortunately, the Speaker has made a ruling.

The Speaker: In actual fact, to continue we need to raise the Standing Orders.

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

The Premier, Hon. W. McKeeva Bush: [Madam Speaker, I move the suspension of] Standing Order 23(7) and (8) to allow questions to be asked after 11 am.

The Speaker: May I ask what that Standing Order is please?

[inaudible interjection]

The Speaker: The question is that Standing Order 23(7) and (8) be suspended to allow the continuation of questions after 11 am.

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

Ayes.

The Speaker: The Ayes have it.

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

The Speaker: Can we continue Member for East End? Last question.

[inaudible interjection]

Mr. V. Arden McLean: Thank you.

The Speaker: I think we've aired it quite well right now.

Mr. V. Arden McLean: Madam Speaker, the question to the Premier is: Since he says the Government will be mindful to do a law, a special provision to allow this to be built in the High Rock area, will the Premier say whether or not the Government is not currently at an advanced stage of drafting that law? And what will the law entail? Will it entail circumventing all Planning requirements?

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, this Government has not done anything to circumvent any lawful positions in this country. If we've done anything, we have brought laws here to amend so that we give people a lawful position, but we are certainly not circumventing any law in the country.

I don't know if he has something in mind or not, but the Government is not doing any drafting of any law. I know that the developer is considering and looking at the various laws now (this is what I'm told) and he will bring a completed draft to Government when that time is ready. But Government is not doing any draft.

The Speaker: This brings us to the end of Question Time.

Can we continue now with statements?

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I have notice of three statements by Honourable Members and Ministers of the Cabinet.

I have two statements from the Honourable First Official Member, the Deputy Governor. And I have notice of a statement from the Honourable Premier. I'll take the statements from the Deputy Governor first please.

Update on Phases 1 and II of the Public Sector Review

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

Madam Speaker, it is not only my responsibility, but also my pleasure to update this Honourable House on the progress of the Public Sector Review.

Significant savings are being achieved as a result of a vigorous and productive Phase I, and an equally vigorous Phase II is now underway, with the expectation that it, too, will be productive.

Madam Speaker, in the next few minutes I'll provide the background to this review, outline what it is intended to be achieved, highlight the achievements of Phase I, and give an overview of Phase II.

I remind the House and the listening public that in 2009 Her Majesty's Government (HMG) suggested, and the Cayman Islands Government (CIG) agreed to, a comprehensive review starting with the major spending agencies. It was a condition to approving the CIG's request to borrow some \$312 million of funds and causing some violations of the parameters of the Public Management and Finance Law (PMFL).

The review will eventually include ALL public-service entities—these being core government ministries, portfolios and their agencies, statutory authorities, as well as government-owned companies. It is all encompassing. The approach was to start with the major spending entities.

Madam Speaker, the terms of reference are that the review should ensure that services provided to the public contribute to government's broad strategic outcomes and that the service quality and timeliness are in line with Cabinet's expectations. The review also will examine "value for money," so that the public money is spent as prudently and effectively as possible. It will also examine the processes used in delivering these services to the public, and recommend ways in which these processes can be made more efficient and effective.

The approach for both phases is similar, and it can be summed up in a few words: Ask the "W" questions—*Why* is a particular service provided?; *Who* benefits?; *What* does it cost?; *Why* does a particular department provide it?; *Would* it be better handled elsewhere or by the private sector? Ask *why* the public is not receiving good service. Ask *why* the legacy processes—those that were implemented decades ago—have not been modernised.

To summarise, the public service review is simple: Efficiency and effectiveness. The review aims to ensure that the civil service is protecting the public purse by using public funds wisely for the greater good.

In keeping with the 'efficiency' vein, the review, to date, has been conducted using the expertise found in the civil service, with strong support from the private sector. The public is likely well aware that to hire an outside agency to wholly handle the work would be terribly expensive which, of course, would also be terribly ironic for the Cayman Islands Government to do at this juncture. The more effective option was to select some of our brightest, up and coming civil servants to conduct the reviews, and to provide private-sector assistance as key support.

Madam Speaker, I must acknowledge the work of the Chamber of Commerce in identifying capable leaders in the private sector for this review, their participation alongside the public-sector staff. And in so doing we have seen a true and respectful public/private partnership model in action.

Civil servants undertaking the reviews have, in addition to the knowledge and expertise that they bring on their own, received useful training in order to better carry out their remit. Phase I review teams were trained by Russ Linden & Associates, a US-based management consulting firm. Since 1980, the firm has assisted governments and other organisations to foster innovation and improve organisational performance.

The 37 civil servants who are handling Phase II were prepared for the task by the Singapore e-Government Leadership Centre, in training organised by the Governance and Institutional Development Division of the Commonwealth Secretariat. This training, as was the training for Phase I, was conducted on Island. And let me add, Madam Speaker, that the training for the second phase was sourced at no cost to us.

Because these reviews fall under my remit, I have kept close watch over their execution and progress, respectively. I can stand before you, Madam Speaker, before this honourable House and before the public, and assure you that the civil service is committed to finding and eliminating wasteful processes and procedures. And again, the Phase I results (which I will come to shortly) bear witness to that.

Without asking for sympathy or acknowledgement, it must be recognised that many long hours were put into this effort, and they continue to be invested, by both the public sector and the private sector representatives. All of these persons are expected to perform their normal jobs as well, and many do so only by putting in extra hours and 'going the extra mile' so to speak! They are doing this country a great service, and I salute them for their dedication and selflessness.

Moving onto the results of Phase I: I am encouraged to report that it achieved the terms laid out in the terms of reference. Seventeen civil servants, joined by four volunteer private-sector representatives, were formed into four teams to review four public-sector entities, namely: Her Majesty's Prison Service (HMPS), the Department of Tourism, Public Works and the Cayman Islands National Insurance Company (CINICO). No civil servant was assigned to a team reviewing his/her own

agency. Together, those agencies represented an annual expenditure of about \$72 million.

Phase 1 review commenced in December 2009 and concluded in March 2010 with the identification of a potential savings of \$17 million which could be realised in 12 months to 36 months.

Obviously, different proposals have different 'gestation periods'; some will require legislative changes, some new resources, et cetera. After discussion with lead persons in those agencies and their respective Ministries and Portfolios, I am pleased to state that Cabinet approved \$15.2 million of the savings measures. That represents 90 per cent of the recommendations, Madam Speaker, and sends a clear and irrefutable statement of this Cabinet's commitment to reining in expenditure.

Madam Speaker, to realise \$15.2 million in savings from only four of government's 62 public-sector entities is a significant achievement. Perhaps Madam Speaker those skeptics who condemned the approach and affixed labels, such as, *the fox guarding the hen house*, will not be as critical going forward when they realise that the approach has yielded accepted recommendations for savings of 21 per cent of expenditure.

And while we should not expect the same ratio of savings from all entities, this confirms to the public that the civil service is serious about becoming more efficient and effective with the public dollar. It tells the people of the Cayman Islands that the civil service can indeed be critical of itself; that we can indeed look ourselves in the eye, if you will, and be honest about the practices, legacies and inattention for which we were responsible. Most importantly, it confirms that we are putting the old days and ways of "spend-by-habit" behind us.

I again thank the teams from Phase I for their diligent work in uprooting data, analysing it without bias, and making the hard, yet necessary recommendations that will greatly assist the Cayman Islands in reducing its debt.

Madam Speaker, I also thank the His Excellency the Governor and my honourable colleagues of Cabinet for having the fortitude to accept and implement the vast majority of the recommendations from Phase I.

The public also should know that Cabinet is fully committed to ensuring that these recommendations are implemented. The Cabinet has appointed a monitoring mechanism to ensure that recommendations are not given lip service but, instead, are carried out as quickly and efficiently as possible, and that it is kept regularly apprised of progress.

Again, I must underscore the collaboration that is, if I may say, unprecedented for the Cayman Islands. The public service review has been supported by the civil service, the private sector, the UK Government, and the Cayman Islands Government. One may say that this collaboration only occurred because desperate times demand desperate measures. And I would agree with that, Madam Speaker. After all, it was some 14 or 15 years ago that I first got involved in what was then an effort in terms of the reinvention of the public services

that, unfortunately, never got the attraction that we are getting today.

Encouraged by those results, we have recently commissioned Phase II. For this round, eight teams are reviewing eight public-sector entities: the Cayman Islands Airports Authority (CIAA), the Cayman Islands Port Authority (CIPA), Children and Family Services (CFS), Computer Services, Customs, Education Services, Fire Services, and the Royal Cayman Islands Police Service (RCIPS).

Madam Speaker, I would again thank the civil servants involved in this Phase, as well as the private-sector representatives fielded by the Chamber of Commerce, and PriceWaterhouseCoopers, which is providing external expertise and guidance, particularly in the areas of financial efficiency and effectiveness, to the eight teams. A few of the public servants are 'repeats,' Madam Speaker, and I commend them for recommitting to this round, but the vast majority are new to the exercise, and that is deliberate, Madam Speaker.

A key aim on my part is to try to expose a broad group of our middle management public servants to the principles and processes so that they can have the benefit of this knowledge and experience as they continue onward, and in many cases upwards, in their public service careers.

I have been closely following the progress of these teams, and I will continue to do so. They have been making good strides in their research phase and are already identifying areas in which spending reductions are possible. Their final reports to Cabinet are due on 17 December.

Madam Speaker, and Honourable Members of this House, the civil service is committed to major public sector reform. As you know, the Miller Commission Report strongly recommended reducing government's operational expenditures and improving efficiencies. Civil servants are carrying their share. Their salaries were reduced by the 3.2 per cent rollback of the cost of living adjustment and through the review they are seeking to put the public-service house in order.

Madam Speaker, let me say that government must continually improve the way it does business and the way it serves the people. Government certainly can learn applicable lessons from the private sector, but we have the added responsibility of ensuring that our measures of success—the safety, social stability and welfare of our people—are not only maintained, but appropriately enhanced.

These are challenging times, Madam Speaker. These are times when we—every last one of us—have to seek to purge ourselves of the tendency to do what has been traditional, what would be nice to do, and instead focus on only doing what is necessary and essential to achieving those measures of success. It requires saying no sometimes, Madam Speaker, but isn't that what we have been urging our young people to do? *Just say No.*

Madam Speaker, the Phase I report, a copy of which was provided to you and Honourable Members

of this House this morning (including my colleagues from Cabinet who would obviously have received it earlier), will be made available to the public during the course of today when it is posted on the government website.

Madam Speaker, thank you for this opportunity to update this Honourable House and the public on the progress of the public sector review, and our efforts to reduce operational expenditure while increasing operational efficiency.

Madam Speaker—

The Speaker: Just a minute please.

[pause]

The Deputy Governor, Hon. Donovan W. F. Ebanks:

Madam Speaker, with your kind permission I beg to lay a copy of the Report of Phase 1 on the Table of this honourable House.

The Speaker: So ordered.

The Premier, Hon. W. McKeeva Bush: *Make sure [inaudible] gets one!*

The Speaker: Your second statement, sir.

Pay Raises for Staff of Portfolio of Civil Service

The Deputy Governor, Hon. Donovan W. F. Ebanks: Madam Speaker, Friday's edition of the *Caymanian Compass* carried a headline "**Pay Raises for Gov't Portfolio**" seeking to advance the view that there was something inappropriate, or even sinister, about the fact that eight staff members of the Portfolio of the Civil Service had received salary increase earlier this year.

Madam Speaker, I was a proponent of the Freedom of Information legislation, and I welcome the openness to our activities that it affords the public and media. I accept that it is the privilege of media to use whatever 'ingredients' of information they choose to best create the message that they wish to 'sell' to the public. In this case, that message was that we, as public servants, are sly and even disingenuous!

Madam Speaker, what the writer of the story seemingly had no interest in stating was exactly when were these awards made, how much had they cost the Portfolio and what impact they had had on the Portfolio's overall expenditure. I will provide that, Madam Speaker, so that the public can have the privilege of knowing what the great American radio commentator, Paul Harvey, always referred to as "the rest of the story."

The awards were made in February 2010 and took effect on 1 March 2010. The cost of the awards was \$22,344 per annum. They allowed the discon-

tinuation of allowances of \$46,800 per annum which were being paid prior to the awards.

The savings realised by not filling the four (4) vacant posts, which the article referred to, and which formed part of this action, amount to \$326,112 per annum.

Madam Speaker, clearly this decision was taken some months before the announcement of 6 May 2010 regarding the cut in pay and allowances referred to in the article. The numbers speak for themselves.

The proposals had my support when they were presented to me back in February, and the actions and results have my support today.

Thank you Madam Speaker.

The Speaker: Thank you, [Honourable] First Official Member.

Honourable Premier, you have a statement you wish to make?

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

Hurricane Tomas Appeal

The Premier, Hon. W. McKeeva Bush: As we in the Caribbean collectively breathe a sigh of relief now that Tomas is no longer a storm threat, we also regret the loss of life and the millions of dollars in damage left in its wake.

Having gone through similar experiences with Hurricanes Ivan and Paloma, the people of the Cayman Islands empathise with our friends and family in St. Lucia, St. Vincent and the Grenadines, Barbados, Haiti and Cuba. We know the challenges and the giant rebuilding effort that they now face.

In St. Lucia, one of the first Caribbean nations hit by Tomas, 14 lives were lost and several others are still missing. St. Lucian Prime Minister, Stephenson King, estimates that rebuilding will cost \$500 million, and that it will be a year before reconstruction in some of the hardest hit areas of his island will be completed.

Those in Haiti, who were already struggling to survive following January's epic earthquake and the recent cholera outbreak, must now be at [their] wits' end as they face the added misery that Tomas' flood waters brought this past weekend.

As these countries complete their damage assessments, we know their need for regional and international assistance will only increase. Consequently, as the Cayman Islands Government, we are doing our part to assist our Caribbean neighbours.

My Office, the Office of the Premier, is spearheading a drive to gather much-needed supplies for the affected Caribbean Islands. We hope to send these items on a special Cayman Airways charter scheduled for Wednesday, 10 November [2010]. But we cannot do it without the public's help, and so I appeal

to every resident, and to all our good corporate citizens in the private sector, for their assistance as well.

Working in close partnership with the Red Cross, we have a goal to collect the following items by close of business on Tuesday (tomorrow), November 9:

- Cases of water;
- Water purification tablets;
- Dry, preserved and canned food (especially evaporated milk);
- Blankets, sleeping bags and bedding (sheets, comforters, etc.);
- Lanterns and flashlights, with the right size batteries;
- Small transistor radios;
- Adult and infant disposable diapers and wipes;
- Female sanitary products;
- Baby food and formula;
- Cleaning supplies (including sanitary wipes, hand sanitizer), etc.; and
- Water containers and flasks

The items can be dropped off at the Red Cross on Huldah Avenue, or Cayman Airways Cargo facility on Airport Road.

Madam Speaker, the song, '*No Man Is an Island*' is one of my favourites, because it reminds us that we are our brothers' keepers. We are not alone in our journeys upon this planet. Many in the region rallied to Cayman's aid during our time of need in the months following Ivan and Paloma. Now, it's our chance to return good for good.

I implore the public to remember those who did not escape the destruction of Tomas. And I would ask to please give what you can, and please continue to pray for our Caribbean neighbours as they rebuild their homes, their economies, and their lives.

Thank you.

READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

Apologies

The Speaker: I have a notice that came in from Cayman Brac, sending apologies for Mr. Moses Kirkconnell. It came in mid-morning. So I want it to be recorded that he did apologise for not being here today.

OTHER BUSINESS PRIVATE MEMBERS' MOTIONS

Private Member's Motion No. 4/2010-11—Duty Concession

(Continuation of debate thereon)

The Speaker: Fourth Elected Member for George Town.

Mr. Ellio A. Solomon (Fourth Elected Member for George Town): Madam Speaker, considering in particular that there was at least a two-day break since I spoke on Friday, just by way of recap I would like to mention that when I stood on Friday and discussed very briefly the amendment that I was bringing to Private Member's Motion No. 4/2010-11, I stood and, in a very summary way, addressed some of the relevant issues. I talked very quickly about concessions, and that in my opinion concessions are good for the Cayman Islands, the people and business; and I took the position to look perhaps at the positive, insofar as the spirit or the intentions of the mover of the Private Member's Motion.

Madam Speaker, I mentioned on Friday during that discussion that several comments had been made. And I mentioned to you at that point in time that, obviously, I thought there were even attempts to speak, not only to the facts, but to my motives as well. I obviously felt obliged to be able to discuss some of those comments. So, I mention that up front as an entry into my discussion today so that it would hopefully put everything into some degree of context.

In starting on some of the comments, Madam Speaker, you will recall that I mentioned that even if we looked at duty concessions we would see some challenges, for examples, in trying to find a way to make sure that local businesses would benefit. And, Madam Speaker, when I discussed that, one of the things I raised was, for example, the Sale of Goods Law. And I can't help but note and mention that when the Member for North Side rose to give his comments in rebuttal to that, one of the comments he made was that he did not know anything about any Sale of Goods Law.

Madam Speaker, I think it is important to address it because oftentimes, unfortunately, the Opposition, that side of the Bench, would love to perhaps paint everyone on this side as students not knowing anything and having nothing to contribute. And it is unfortunate, but that is the way it is.

When I raised that, Madam Speaker, the Member for North Side said that he had no idea what the Sale of Goods Law is. And you see, as an individual who has been in the honourable House before, and for quite some time, I believe that there may be one, if not a significant number of persons, out there who may draw the inference that perhaps he is correct; there's No Sale of Goods Law. And that, I, the Fourth Elected Member for George Town, perhaps need to get [my] facts in order.

So, Madam Speaker, I have it in my hand today (because I asked the Serjeant-at-Arms on Friday to fetch it for me) the Sale of Goods Law, Law 12 of 1979, and this is the 1997 Revision. So, amongst other things, I am going to encourage the Member for North Side to have a look in this honourable House

when he has an opportunity and find a copy of this Law.

I think it is relevant, not only just in terms of us serving our constituents, but definitely if we are going to talk about helping local businesses and our consumers, that we would know about the Sale of Goods Law. It is one of those laws, Madam Speaker, that is as close as you like to some sort of consumer protection that we have. So it is a very, very relevant law.

Madam Speaker, seeing as how we are enlightened with those facts and understand that the Member for North Side was mistaken, I hope that the Member would just take the honourable position to admit that not necessarily any Member, and definitely not [he] himself, knows every single thing in this honourable House and that each of us has a contribution to make, including myself.

When I rose on Friday and talked about my amendment—despite my motives being questioned, it was honourable it—was simply to say that I want to help my people. And I believe that the Private Member's Motion that was coming before us was missing some things, to say the least, if not fundamentally flawed.

As I mentioned earlier as well on Friday, the Third Elected Member for George Town talked about other things in terms of, for example, words like “practicable,” saying it was simply an out for the Government, a way to escape and not have to live up to certain obligations. And, again, he took his time and walked through the Motion quite painfully and talked about it and the *nitty gritty* in terms of the amendment.

Madam Speaker, I'm going to point out that as I talk about the Member for North Side in terms of the Sale of Goods Law, it is important for our attention, and for the members of the general public to also understand, that after the Member for North Side spoke and said he didn't know anything about that particular Law, that the Third Elected Member for George Town also spoke and made no mention of it. The Member for East End spoke and made no mention of it. I believe the general public can perhaps draw at least one of two conclusions: either they themselves did not know, after many years—because the Member for East End, in particular, loves to throw me nine fingers, that he has been in here for nine years—about the Sale of Goods Law or that they knew about it and simply chose for one reason or another to not mention it.

When the Third Elected Member [for George Town] spoke about the issue and read through (painfully) the amendment and talked about the fact that I had “practicable” in there, [and that] meant that the Government was trying to escape, Madam Speaker, I am now obliged to take my time—unlike I chose to do on Friday when I spoke looking to the spirit and intention of the Private Member's Motion—to walk through it and explain to this honourable House and to the public why this Motion is flawed.

Madam Speaker, when we look at a Motion, typically, but not necessarily mandatory, we have the ‘WHEREAS’ sections and end with a ‘RESOLVE’ section. Those ‘WHEREAS’ clauses are important. So when you choose to put them in, it is because they are part of the equation that you are adding up that allows Members in this honourable House, or any member of the general public, including the press, to be able to understand and to say after reading all of these ‘WHEREAS’ sections and adding up and understanding that foundational logic behind it, *Do I now agree with the ‘RESOLVE’ section?*

So, Madam Speaker, if we walk through the Private Member's Motion No. 4/2010-11, brought by the Member for North Side, we see that there are three ‘WHEREAS’ sections and one ‘RESOLVE’ section. All three of these ‘WHEREAS’ sections must stand on their own.

The first one reads: “**WHEREAS Government often authorises duty concessions to potential developers in order—**”

Mr. D. Ezzard Miller: Madam Speaker, on a point of order, can I draw your attention to Standing Order 13(1)?

The Speaker: We don't have a quorum?

Mr. D. Ezzard Miller: No Ma'am so it may be a good time to take lunch.

The Speaker: We don't—

[inaudible interjection]

The Speaker: We don't have a quorum and I don't have a Serjeant.

I am going to suspend the House until one o'clock.

Proceedings suspended at 11:50 am

Proceedings resumed at 1:18 pm

The Speaker: Proceedings are resumed.

Please be seated.

Fourth Elected Member for George Town, would you continue your debate please?

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

When the Third Elected Member for George Town rose he did some legal dissecting of the amendment. Madam Speaker, I seek to do the same here today insofar as Private Member's Motion No.4/2010-11.

Madam Speaker, just prior to the suspension [I] established that, despite the comments by the Member for North Side, insofar as not knowing about the Sale of Goods Law, we see that one exists. And we see that that has been in existence since 1979.

And, as I mentioned earlier on, I have all 19 pages here in front of me as a 1997 Revision.

I mentioned as well that when the Member for East End and the Member for George Town rose, I believe it is important for persons in this honourable House and for the public to note that neither one of those two gentlemen—especially the Third Elected Member [for George Town] who is a lawyer, for example—made no mention about the Sale of Goods Law. I believe that it is only fair that we can draw at least one or two inferences from that, and that is that either they, the Third Elected Member for George Town or the Member for East End were in the same position as the Member for North Side, not knowing about the Sale of Goods Law, or that they knew about the Law but for whatever reason chose to stand in this honourable House and not mention that they were aware of that and that in fact those comments that I made had some validity.

So, Madam Speaker, that will hopefully work towards dispelling any possible position that someone in the public may have drawn, that my facts were not in order. I hope that that has given some clarity. And as I asked earlier on, I encourage the Member for North Side to have a look, to find himself a copy of the Sale of Goods Law [and] acquaint himself with it, because if we are going to talk about duty concessions or anything that is going to help consumers and the businesses, I believe, one has to make sure that one is fully aware and understands the Sale of Goods Law.

Madam Speaker, as we look through this Private Member's Motion—earlier on I said that when I came to the House on Friday I took it as best as I could, purely from the spirit or intention of what the mover was trying to achieve. Therefore, I didn't get into what the Third Elected Member did to my amendment. But today, Madam Speaker, I wish to show why we can see as a Government, as an honourable House, and hopefully the general public, media included, that this particular Motion is flawed.

Madam Speaker, when we look at the 'WHEREAS' sections of any motion, those sections are like parts of the equation that have to add up to make sure that on the other side of the equal sign, that 'RESOLVE' section, we can understand how the answer was reached. So, we want each one of those 'WHEREAS' sections to stand on its own merit, on its own weight. And as we look at this particular Motion brought by the Member for North Side, we see that the first 'WHEREAS' section reads: **"WHEREAS Government often authorizes duty concessions to potential developers in order to attract their investment to the Cayman Islands;"** Madam Speaker, I believe everyone here will agree with that 'WHEREAS'. That is what all governments do.

I mentioned on Friday that all of the governments take their time and go out and try to attract businesses, we try to encourage business whether it is from a local investor or whether it is from a foreign

investor. One of the ways we do that, Madam Speaker, very effectively so, is with the duty concessions.

The second 'WHEREAS' clause reads: **"AND WHEREAS these duty concessions are either complete waiver of duty, a reduction in duty or deferred duty, on goods to be imported into the Cayman Islands;"**

And, Madam Speaker, wishing to come back to it, I wish to draw the attention of this honourable House to the fact that it says: **"AND WHEREAS these duty concessions . . ."** So, we should view duty concessions as an umbrella term. Just like how the entire Motion is labeled "duty concession" let us view duty concession as the umbrella term. And under the umbrella term of duty concessions we now have, as the Member wrote, complete waiver of duty, a reduction in duty or deferred duty.

So we have a situation where it is a matter that you are talking about duty concessions and what are the different types of duty concessions. The Member mentions the waiver of duty, a reduction in the duty or a deferment of that duty on goods that are imported into the Cayman Islands. So on the 'WHEREAS' I don't think there is much issue with one and two.

As we move now, Madam Speaker, to 'WHEREAS' number three, it reads: **"AND WHEREAS these developers are allowed to import their goods themselves depriving the local merchants and local economy from any participation or benefits;"** So, Madam Speaker, right there, there is a flaw and a very serious flaw. The mover of the Motion (seconded by the Member for East End) is raising and building this resolution on something that is fundamentally flawed.

The Member for East End mentioned on Friday that every government . . . he agreed that every government has engaged in these duty concessions. So he admits that that is something his administration has done and this administration has done. So, Madam Speaker, the first thing I would ask the Member for East End, particularly, is that if it is a true belief, as it states in the Motion that he and his party have seconded with his name, that developers are allowed to import their goods themselves—depriving the local merchants and local economy from any participation or benefits—why is it that his administration chose to engage in these waivers?

Why would they have done it? If what they have there in the third 'WHEREAS' is, in fact, their true belief, that **"WHEREAS these developers are allowed to import their goods themselves depriving the local merchants and local economy from any participation or benefits"**, why did his administration give away so much concession?

Madam Speaker, I don't agree with that 'WHEREAS' section. I don't agree with it. And I don't understand how the Member for North Side or the

Member for East End reached the conclusion that nobody benefits from it.

The Speaker: Member you are debating the amendment to the 'WHEREAS' section. You have not mentioned in your amendment anything about the third 'WHEREAS' [section]. You've mentioned only the 'RESOLVE' section of the Motion. So, please keep your comments in that regard as brief as possible.

Mr. Elio A. Solomon: Will do, Madam Speaker.

I believe that we can only understand the amendment by having a good and proper grasp of the Motion that it is seeking to amend. And, with that, in addressing these 'WHEREAS' clauses, I state for the record that the 'WHEREAS' section number three is fundamentally flawed. And it is beyond me how we can have the Member for North Side, the Member for East End and, by extension, his entire party put a 'WHEREAS' clause like that.

But seeing as how no one on that side seems to even know about the Sale of Goods Law, I guess we are not surprised that they would put something like that in terms of the 'WHEREAS' section.

Madam Speaker, this Government [and I] are in complete disagreement with that, and it is that sort of information that is going out to the general public skewing and misleading the general public, when you have persons in this honourable House who have been in here for years, and should know better, do better, saying that when somebody is given duty concession it is depriving the local merchants and the local economy from any participation of benefits.

Madam Speaker, let's run through a few scenarios: If you gave a duty concession, everything off completely, not a single bit of duty paid, whether it is a local or foreign merchant, and they are picking up their goods, whether it is in Halifax, whether it is in Florida, no matter where it is, Madam Speaker . . . Let me ask the question: How is it that these individuals, Members of this House insofar as the Member for North Side and the Member for East End . . . how is it that they draw the conclusion that they deprive the local merchants? Would they not have to use a shipping company?

And if they are using a shipping company, for example, Thompson Shipping, is that not a good Caymanian family? Is that not someone, at the end of the day, we can say is getting an opportunity to be able to utilise their ships to be able to bring those goods here? Does that not benefit someone in the economy? So, how did they get to that conclusion in the 'WHEREAS' section? It benefits immediately someone's put on the ship.

Now, when you go on the ship who is working on the ship, Madam Speaker? Who is working on that ship? I would imagine that you would have to have some good Caymanians on there too that when they get their salaries it will help to feed their families and pay their bills. So how is it that the Member for North

Side and the Member for East End and, by extension, his entire party, draw the conclusion that concessions don't benefit the Caymanian people and don't benefit the local economy?

Madam Speaker, what about the fuel that goes on the ship? Is that not benefitting the economy? What about maintenance and repairs on the ships? Who does that? Does that not provide employment simply, again, because persons are utilising those ships, duty concessions or otherwise? Is that not a benefit when persons prepare to do the maintenance?

What about the sale brokers who were involved insofar as the transactions? The local insurance companies, what about when it lands at the port? And we have good hardworking Caymanians who are going to take the crane and lift it off.

The Member for North Side and the Member for East End are telling me that that is not benefitting the country; that's denying all persons of participation. That is the flawed and rhetoric, Madam Speaker, that they are out there putting on the streets. *No, don't give any foreigner; don't make them bring in anything. That is not benefitting anybody.* That is flawed.

We have the truckers who are going to take it from the Port. What about storage? And what happens when it arrives on the construction site? I sure think that somebody is not going to engage in \$1, \$100,000, [or] \$100 million worth of transactions and just sit the lumber down and make it rot. They are going to utilise it.

So what about the employment opportunities that it provides in this country? Carpenters to fix the roof and to hang the doors? The Members for North Side and for East End don't see that as benefitting Caymanians and their families?

The persons who are going to do the painting, the tiling, the plumbing, the electrical, Madam Speaker, every one of those persons . . . if the Government of the day, the government of the past or any government in the future, offers concessions and they are bringing those goods to this country to engage in construction, it is going to benefit the entire economy. It is going to [provide] employment for our people, whether they are on the ships, whether they are in the sales offices, whether they are on the port, or whether they are engaged in the construction.

So, Madam Speaker, what those two Members continue to propagate is false. It benefits the people of this country.

So, we move on to the 'RESOLVE' section and it reads: **"BE IT NOW THEREFORE RESOLVED that all such duty waivers to developers require that they shall purchase their goods locally to obtain such duty waivers as have been authorised by the Government."**

Now, just as the Third Elected Member for George Town attempted to dissect my particular amendment semantically, Madam Speaker, and spoke to my motive, even insofar as the use of the word "practicable" that that was merely some escape

window for the Government . . . If we dissect it, perhaps not quite as harshly, not quite as much pointing to any motive, the resolution section . . . earlier on I said I would draw attention to it again.

The second 'WHEREAS' [section] uses the umbrella term of duty concessions. And it says that those duty concessions are either the complete waiver of duty, a reduction in duty, or deferred duty. So, the movers of the Motion saw that there were three different ways that this happened; either the Government gives a complete waiver, they reduce the duty or they defer the duty.

In the 'RESOLVE' section it speaks only to the duty waivers and it says: ". . . **all such duty waivers to developers require that they shall purchase their goods locally to obtain such duty waivers as have been authorised by the Government.**" Notice, Madam Speaker, it does not mention, for example, again for semantics, a reduction in duty or deferment of duty. I don't know if it is a statement that somehow the Members may believe that the deferment of duty or the reduction in duty may be of benefit, but the others are not. I don't know, Madam Speaker, but it only speaks to the waiver of the duty.

Madam Speaker, I believe that when we read this Motion we will see it is fundamentally flawed. It does not achieve what I thought when I started on Friday, insofar as my amendment, believing the best in terms of the [spirit] and the intentions of the Motion. It does not achieve insofar as helping the Caymanians and the local merchants.

So, Madam Speaker, I came forward with an amendment insofar as the 'RESOLVE' section that reads: "**BE IT NOW THEREFORE RESOLVED THAT the general Government policy on all such duty waivers to developers will be to give a higher percentage to local purchases where practicable.**" Now, when I went through some of the math the Member for North Side (again, just like with the Sales of Goods Law) said he did not understand where those numbers were coming from. Again, I would encourage the Member to look and to inquire with respect to the construction.

But it is a case, Madam Speaker, that if we look in terms of the importation of goods, the local merchants are going to be typically paying for the goods overseas, they are going to have to be paying in terms of the shipping, the insurance. All of those costs are going to be incurred as they engage in terms of purchasing the goods to give to anyone in this country, be it local merchants, foreign merchants, whether they have duty waivers or not. And it is a case that you need to look at it and ask yourself fundamentally, *Would someone who is pointed in the direction of having to purchase locally be able to get the same deal if they were able to purchase overseas?*

Madam Speaker, one of the things I mentioned on Friday . . . I would state that, first of all, whether it is the Caymanian or a non-Caymanian, whether they live here or they don't, nobody wants to

be told where they have to shop. They don't want to be told. They want to have the ability to be able to engage and to shop around and to get the best price. But it is a matter, Madam Speaker, working towards the spirit and intention, that if we were going to look and see how we can help to better ensure that the local merchants would have a chance, I felt it was absolutely fundamental and necessary to amend the Private Member's Motion No. 4/2010-11 because it is flawed.

This resolution asks, Madam Speaker, that *such duty waivers will be given a higher percentage to local purchases where practicable.* And a simple explanation: there has to be in terms of the incurring costs by the local merchants. Something has to happen to be able to offset that to some degree to allow the local merchant to be able to sell his or her goods and to actually get some financial benefit out of it. I'm sure that they are not in the business simply to know that they are going to bring in goods and hand it over, at best, at cost. They want to be able to bring those goods in and be able to pass it on to their consumers, locally or otherwise, and to those persons who have duty waivers, and actually make some degree of profit.

So, at the risk of being punished with the simplistic analogy, Madam Speaker, if we were to imagine that the Government said that a person who is getting a reduction in terms of some waiver by, say, 10 per cent off of those goods, how could we encourage a person to shop locally as opposed to going overseas? What are we doing in terms of offsetting the costs? Therefore, this resolution says, as an example, if you are given that duty waiver of 10 per cent, then give it . . . perhaps vary that percentage a little bit; maybe a little extra insofar as the local merchants are concerned. If it is 10.5, 11 [per cent], or whatever it is that allows the local merchant to engage in the business and be able to resell those products to persons on the duty waivers and actually be able to make some degree of business profit on it.

In the absence of that, Madam Speaker, at best you would end up with a position where the local merchants really do not get any benefits. And, Madam Speaker, the Members over there should actually know it. We have had persons in this country for years, in terms of what are they doing, end up going to Customs and paying the duties and they have to come up with all that upfront cost. They have to wait for someone to then come, get the goods insofar as this duty waiver is concerned (this is on the best scenario, Madam Speaker) and then run around waiting for Government to write them back a cheque, assuming they have all their paperwork in order. These are the practicalities, Madam Speaker.

So, when the Members come with this Private Member's Motion that, as I've stated before, is flawed in its 'WHEREAS' clause . . . and it is unfortunate when we are sending the wrong message to our people, that duty concessions are not benefitting them.

Madam Speaker, what are we really doing? If we are going to build a great country, build it strong, we really need to get past all of the divide in terms of *foreigners are bad*. All of that has to stop. We have to stop viewing it that every businessman is a bad person. I don't know about the Member for North Side or the Member for East End, but my hopes and aspirations would be that all of our local people one day can be given an opportunity to perhaps own their own business. And when our local people are all owners of their own business they are not going to be bad people. They are the same good people that they were before they started a business.

Madam Speaker, if we are going to offer today an amendment or a motion that is truly going to benefit the local merchants and get them further involved in this whole process, we see that the duty concessions, irrespective of how they are given, benefit the local people and local economy. But if we want to be able to help those local merchants, which is surely something I want to do, we have to be able to say that the Government is willing to go an extra mile to be able to perhaps offset some of those costs and burdens that the local merchants would be engaged in if we are going to ensure that it becomes financially viable.

To me, Madam Speaker, when we look at that, I believe that that is common sense. We cannot expect that the person who is allowed to go to Miami right now and just bring the goods in without duty is going to be able to just walk down to the local store and get the exact same price. There has to be something that the Government of the day, and hopefully governments of the future, will go that extra mile to be able to help our local merchants get more directly involved into that process.

So, Madam Speaker, I know that the discussion continues, but I believe (succinctly in summary) that is the reason why I have brought forward this amendment today. It is because the Government is not looking for any escape route, the Government has good intentions. That's why we engage in the duty concessions, because we see the benefit for our people. We want to continue to help them, but it is a case that when you look at the Motion as it has been delivered by the Members for North Side and East End . . . irrespective if they want to admit it or not, it is flawed, riddled with problems. And even the Third Elected Member for George Town alluded to that. I don't know how much legal advice he gave on it, but it is flawed.

And the amendment seeks to deal strictly, insofar as correction and the spirit and intention of the Motion, that if that resolution is accepted in this amendment we will, as a Government, show just as we have continued to do over the last 18 months . . . go the extra mile to ensure that we can include our local merchants in the process and give them an opportunity to be able to have a viable business and participate on that.

Madam Speaker, with that I thank you very much for the opportunity to be able to present and

give some closing comments on the proposed amendment, and I would ask for the support of all the Members of this honourable House. If we truly want to help our Caymanian people let us accept that the amendment to this Motion is required to ensure that we can do that.

Thank you, very much, Madam Speaker.

The Speaker: The question is that Private Member's Motion No. 4/2010-11 be amended in the 'RESOLVE' section by deleting that particular section and substituting a new 'RESOLVE' section: "BE IT NOW THEREFORE RESOLVED THAT the general government policy on all such duty waivers to developers will be to give a higher percentage to local purchases where practicable."

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

Ayes and Noes.

Mr. Ellio A. Solomon: Madam Speaker, if we could have a division?

Hon. D. Kurt Tibbetts: You won't give the [Speaker] a chance to say anything about it, man?

[laughter]

The Speaker: The Ayes have it.

Mr. Ellio A. Solomon: Madam Speaker, if I could kindly ask for a division—

The Speaker: Madam Clerk, can we have a division please?

The Deputy Clerk:

Division No.4/10-11

Ayes: 6

Hon. W. McKeever Bush
Hon. Rolston M. Anglin
Hon. J. Mark P. Scotland
Capt. A. Eugene Ebanks
Mr. Ellio A. Solomon
Mr. Dwayne S. Seymour

Noes: 3

Hon. D. Kurt Tibbetts
Mr. V. Arden McLean
Mr. D. Ezzard Miller

The Speaker: I can't hear the replies.
Please stop the exchange across the floor.

[inaudible interjection]

The Speaker: I know. That's why you should not say it in front of me.

The result of the Division, 6 Ayes, 3 Noes.
The Ayes have it.

Agreed by the majority: Amendment to Private Member's Motion No. 4/2010-11 passed.

The Speaker: Now we are going to debate the Motion as amended.

Does any other Member wish to speak? [pause] If not, I'm going to call on the Member for North Side to wind up his debate on the Motion.

Private Member's Motion 4/2010-11, as Amended

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

Madam Speaker, on Thursday last week when I moved Motion No. 4/2010-11 to deal with duty concessions, I did so on a very high plane. I never accused the Government, the Opposition or any past government, of any sins of commission or any sins of omission. I simply said and acknowledged that duty concessions in the form of waivers was a carrot that was frequently used by governments to entice investment and development in the country, usually for one or two reasons, or for both: to grow the local economy, therefore provide jobs for Caymanians, and/or, depending on what the waiver entailed, and other fees that may be collected from the development, to increase Government's coffers.

Madam Speaker, I went on to explain that in the current situation I did not believe that what I at that point assumed was Government's policy (as had been the case of all the other governments who offered these duty concessions to developers) was that they encouraged the developers to buy locally. I was rather surprised when my Motion was "Ello-Einsteinised" in order to demonstrate that the Government of the day was proposing an amendment to the 'RESOLVE' section of my Motion, that sometime in the future it will be Government's policy to encourage developers to buy locally by giving them the incentive, where practicable, that if they bought the goods for which they had concessions locally they would in fact receive a higher concession.

I believe that that, Madam Speaker, is going to be somewhat difficult to manage from the Government's point of view. But I will leave that to the Government to work out.

Madam Speaker, my concern is a very simple one: When developers are given these concessions and they are allowed to purchase 100 per cent of the goods for the project overseas, it bypasses the local economy. It bypasses the local merchants who employ Caymanians, pay pensions and pay health insurance, from getting any part of the business. And I believe that if that business was transacted in the Island, the funds would remain in the economy and continue to benefit all of us, because, certainly, particularly in the building material business and in the hardware business, prices are affected by volume and the local merchants would then be in a position to buy a big enough volume to get better prices to pass on to Caymanians living in the Islands.

Now, Madam Speaker, I guess I should not be surprised, being here on this my second occasion, that one can never predict what the reaction is going

to be by any government on anything that is moved in this Parliament. Because, Madam Speaker, it did not take them long to get to the inferences of motives and to drag out that old can of paint that they have been trying to paint me with for the last 17 months with their paint brushes, that I hate foreigners, and that what I am against is foreign investment.

Madam Speaker, the words "foreign investment" do not appear in my Motion. And I used two examples demonstrating where I thought that if the Government put in place such a rule it would help the economy, and both of those were Caymanians. But, Madam Speaker, that is a simple, straightforward example [of] *I can't deal with the message, so let's deal with the messenger*, and detract from the message.

Madam Speaker, sometimes I feel sorry for the Fourth Elected Member for George Town, because he often quickly gets lost in his vociferous [verbosity] in trying to make a point. But I certainly was glad that he took the opportunity in his winding up to explain what he meant by higher percentage in the 'RESOLVE' section. I don't know how that is going to affect somebody who already has a 100 per cent waiver in duty, but I'm sure his calculator will calculate that for him.

He gave me a lecture in what knowledge I should have, Madam Speaker. But I have never been one to come to this Parliament and claim that I knew all the laws in the Cayman Islands. Never have! But I think I said I was not aware that the Sale of Goods Law existed, because we are talking about how it affected those concessions. And I have the Law before me. Actually it is a 26 page Law—calculator missed again. But I have consulted only very briefly with the legal advisor in this House—

The Speaker: Order please. I want to hear the Member for North Side.

Mr. D. Ezzard Miller: —and there is nothing in this Law that talks about where people should buy. This simply provides protection for you mostly when you have bought and therefore created a contract and what your benefits and rights are. It does not say anything about duty concessions.

Now, Madam Speaker, they declared that if I make—

The Speaker: We can take another suspension if you all want to continue the conversation across the floor. I can't hear the Member for North Side and I want his speech to be recorded properly.

Mr. D. Ezzard Miller: I would draw your attention in accordance with Standing Order 39(c) because, Madam Speaker, I have sat here for three days and I never commented while another Member was speaking and never interrupted him. And I believe, although I am the ultimate minority, I deserve the same amount of respect that I give.

So, Madam Speaker, I expect you to enforce Standing Order 39(c).

Now, Madam Speaker, the Minister of Education was really troubled by the word “shall.” I think he described it as a fatal flaw to the Motion. But if you check my record in this House, most of the legislation that I support and bring here uses the word “shall,” wherever it can be used, over “maybe,” because I have never believed in giving the legal fraternity any more wiggle room than necessary. And “shall,” as opposed to “maybe,” reduces that wiggle room.

But, Madam Speaker, I belong to another fraternity where we call statements like that from people who do that, “diplo-crits” being unintentionally rude, so I understand the politics involved.

Madam Speaker, I chose the words in my ‘RESOLVE’ section—which was changed—very carefully, and it says: “**NOW BE IT THEREFORE RESOLVED THAT all such duty waivers to developers require that they shall purchase the goods locally to obtain such duty waivers as have been authorised by the Government.**” In other words, if you don’t buy the goods locally, you don’t get the waiver; very simple straightforward English.

[inaudible interjection]

Mr. D. Ezzard Miller: If you can’t get it locally then you don’t get the duty waiver. That’s what it means.

Now, Madam Speaker, I have done my duty. People in the business community raised a matter of concern that they believe is more serious, particularly at this economic time, than it is when everything is honky-dory and everybody is making money. And they believe that they should be allowed and assisted by the Government in amending and requiring that duty concessions being given by the Government—that they elected—to people. They should be allowed to compete and get an opportunity to sell the goods and grow the local community and the local business.

Madam Speaker, I believe that to be true! So, I drafted the Motion and brought it here. And the Government—at the very least, I guess . . . I [along with] the Member for East End, who reminds me that he has been here ten years, not nine years—so the calculator is wrong again!

[inaudible interjection]

Mr. D. Ezzard Miller: [We feel] that they [should] be allowed an opportunity.

One of the examples I used in presenting the Motion was the Frank Hall low-cost housing. Now this development, I’m sure, in order to keep it within the range that can be identified as low-cost, prices—particularly of building materials—are absolutely critical to the project, and having it delivered on time. And if that developer can build low-cost houses in Cayman without duty concessions and pay the local price for the goods which include duty concessions, certainly,

Madam Speaker, developers who are selling products for millions of dollars and have substantially more room for price variations in their profit margins should have, and be encouraged—be made to have not only an economic, but a social conscience to this country, because the saying goes: “**To whom much is given, much should be expected.**”

So, Madam Speaker, I understand that the Motion has been neutered and that the business people in the community will get no benefit from the amendment which will be passed. But, at least, by bringing the Motion here we have gotten them to commit to a change to where they will encourage them to buy it here.

Thank you, Madam Speaker.

[inaudible interjections]

The Speaker: The question is that Private Member’s Motion No. 4/2010-11, as presented to the House in amended form: BE IT NOW THEREFORE RESOLVED THAT the general Government policy on all such duty waivers to developers will be to give a higher percentage to local purchases where practicable.

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

Ayes and Noes.

The Speaker: The Ayes have it.

Mr. D. Ezzard Miller: Madam Speaker, can I have a division please?

The Premier, Hon. W. McKeever Bush: You fell into the same trap that Kurt was complaining about.

The Speaker: Yes.
Madam Clerk.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: They got us to do something, but can’t support it.

[laughter]

The Premier, Hon. W. McKeever Bush: Oh Jesus!

The Deputy Clerk:

Division No. 5/10-11

Ayes: 6

Hon. W. McKeever Bush
Hon. Rolston M. Anglin
Hon. J. Mark P. Scotland
Capt. A. Eugene Ebanks
Mr. Ellio A. Solomon
Mr. Dwayne S. Seymour

Noes: 4

Hon. D. Kurt Tibbetts
Mr. V. Arden McLean
Mr. D. Ezzard Miller
Mr. Anthony S. Eden

The Speaker: The result of the Division, 6 Ayes, 4 Noes.

Agreed by majority: Private Member's Motion No. 4/2010-11, as amended, passed.

Private Member's Motion No. 5/2010-11—Central Tenders Committee

The Speaker: Member for North Side.

Mr. D. Ezzard Miller: Madam Speaker, I beg to move Private Member's Motion No.5/2010-11—Central Tenders Committee:

WHEREAS the Government is required by the Public Management and Finance Law (2005 Revision to utilize the Central Tenders Committee for the purchase of services;

AND WHEREAS the Government is required by the Public Management and Finance Law (2005 Revision) to utilize the Central Tenders Committee for the sale of Government Assets;

AND WHEREAS the current rules of the Central Tenders Committee provide for the publication of the successful bidders on all purchases or sales by the Government;

BE IT NOW THEREFORE RESOLVED THAT the Legislative Assembly instruct the Government to amend the rules of the Central Tenders Committee to provide that all activities of the Central Tenders Committee be done in public and that all tenders for all projects be made public, at the time they are opened by the Central Tenders Committee.

The Speaker: Is there a seconder for the Motion?
Member for East End.

Mr. V. Arden McLean: Madam Speaker, I beg to second Private Member's Motion No. 5/2010-11.

The Speaker: The Motion is open for debate. Does the Member wish to speak thereto?

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

Madam Speaker, in this age of transparency everybody wants to make sure that they have full knowledge of all and sundry that goes on in Government. I know that the practice of the Central Tenders Committee is to publish, I think on a quarterly basis, the list of successful tenders and the amount. And I also realise that the Government is usually not obligated to take the lowest tender. But providing the information as to which tender, does not really provide the knowledge that the public would be in a position to determine whether, in fact, the Government had taken the best bid, because they don't even know what the other bids for that project were.

So, I believe it is time for the Government to open up the tendering process, and when the bids are

opened, they are opened in front of all the people who bid, in front of the media, and the amount of each bid made by each entity is announced publicly at the time that they are opened. When the technocrats continue with their analysis and they select what is the best bid, then the public is, I believe, more ably informed to make a decision whether, in fact, it was likely to have been the best bid received.

Madam Speaker, I ask the Government for their support.

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

Honourable Premier.

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

Madam Speaker, I have announced a review of the way the whole procurement process is done, and that I would support this Motion but I would like [a] change to provide the word in "consider," so that the review considers it. That's what I want to do.

Bearing in mind why I'm doing that, is that there are times when the committee would not be able to go public for various reasons. And one of the things that you are finding more and more in the country [is that] good people are unwilling to serve on boards because they like the secrecy of their making decisions which affect people's lives.

In a small country, we have that problem all around. And we have problems now with people who don't want to [serve] on [a] jury. So, it's a problem we do face; that is one.

The other problem we have is that there certainly should not be certain things done before government makes a decision itself. Now, some people might not want to support that position. But the fact is that the Government of the country is elected to run the country, particularly when it deals with Government's finances. The Cabinet must be the final arbiter, not a board. And so sometimes when these decisions are put out before Cabinet even knows that they are put out, it does not help elected Members of Cabinet and does not help the country, and does not help the people that the people elected to govern.

So, Madam Speaker, we have no problem in making changes where necessary. As I said, I have said publicly, I called the Auditor General and we agreed with the Governor that we were going to change the process because the process needed to be changed. And, in fact, there would be a whole new reworking of membership. And I hope that that will be done before the whole matter is completed. But we are in the process of starting that revision.

Therefore, if the Member is willing for me to change this word to "consider," I would certainly support the Motion before the House.

[inaudible interjection]

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

[inaudible interjection]

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

As I said, there are several reasons, national security included, why matters cannot be made public immediately.

[inaudible interjection]

The Premier, Hon. W. McKeever Bush: All the time.

So, where it says, “instruct . . .” [it should say] ‘. . . the Government to *consider* amending the rules of the Central Tenders Committee to provide that all activities of the Central Tenders Committee be done in public and that all tenders for all projects be made public, at the time they are opened by the Central Tenders Committee.’ This is something we would like to consider during the process.

It would have been . . . but to show that we are willing to work with the Opposition, I would amend the Motion to say . . . and I ask for your permission, Madam Speaker, to take five minutes to get that constructed so that the word “amend” goes in, instead of “instruct.”

The Speaker: I’m trying to find out where this change is going to be made.

“Be IT NOW THEREFORE RESOLVED THAT the Legislative Assembly—”

The Premier, Hon. W. McKeever Bush: Madam Speaker, to help you . . . what I’m suggesting is that we take a break so that I can put it on paper. You will see the total end result of the Motion of the RESOLVE section.

The Speaker: Okay

We will suspend the House for ten minutes. Is that enough time?

The Premier, Hon. W. McKeever Bush: I would think that is long enough to get the . . . The Clerk is here, right?

The Speaker: Yes.

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

The Speaker: The Deputy Clerk is here.

Proceedings suspended at 2.19 pm

Proceedings resumed at 2.53 pm

**Private Member’s Motion No. 5/2010-11, as
Amendment**

The Speaker: Proceedings are resumed.

Please be seated.

Under Standing Order 25(2) I have given permission for the Honourable Premier to present an amendment to the Motion before the House.

Honourable Premier.

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

[pause]

The Speaker: Honourable Premier, are you ready?

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

Madam Speaker, in accordance with the provisions of Standing Order 25(1) and (2), I, the Premier, Honourable Minister for Financial Services, Tourism and Development, seek to move the following amendment to Private Member’s Motion No. 5/10-11 by deleting in the ‘RESOLVE’ section of Private Member’s Motion No. 5/10-11 the following: “. . . Legislative Assembly instruct the Government to amend . . .” and inserting the words “Government consider amending” after the words “BE IT NOW THEREFORE RESOLVED THAT.”

So the ‘RESOLVE’ section will now read: “BE IT NOW THEREFORE RESOLVED THAT the Government consider amending the rules of the Central Tenders Committee to provide that all activities of the Central Tenders Committee be done in public, and that all tenders for all projects be made public at the time they are opened by the Central Tenders Committee.

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

The Premier, Hon. W. McKeever Bush: Madam Speaker, I consider that I have explained Government’s position quite correctly. Hopefully, it is accepted, as I understand that Members are satisfied with this, that we will consider as I had announced, a whole revision of the whole processes. Therefore, we are about to do that.

So, Madam Speaker, I don’t think I need to say any more than that at this time. Government is willing to consider taking all matters into consideration.

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

If not, [would] the mover of the amendment [wish to reply?]

The Premier, Hon. W. McKeever Bush: Madam Speaker, as I said, I don’t think there’s anything for me to reply to.

I do want to thank all Members for their co-operation here.

The Speaker: The question is that Private Member's Motion No. 5/10-11—Central Tenders Committee, be amended as follows: By deleting “. . . Legislative Assembly instruct the Government to amend . . .” and inserting the words “Government consider amending” after the words “BE IT NOW THEREFORE RESOLVED THAT.”

The ‘RESOLVE’ section will now read: “BE IT NOW THEREFORE RESOLVED THAT the Government consider amending the rules of the Central Tenders Committee to provide that all activities of the Central Tenders Committee be done in public, and that all tenders for all projects be made public at the time they are opened by the Central Tenders Committee.”

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The amendment to Private Member's Motion No. 5/2010-11 passed.

The Speaker: I'll call on the mover of this Motion to wind up his debate on the amended Motion.

Private Member's Motion 5/2010-11, as Amended

Mr. D. Ezzard Miller: Madam Speaker, only to thank the Government for its cooperation. I support the amended Motion.

The Speaker: Thank you.

The question is that Private Member's Motion as amended: BE IT NOW THEREFORE RESOLVED THAT the Government consider amending the rules of the Central Tenders Committee to provide that all activities of the Central Tenders Committee be done in public, and that all tenders for all projects be made public at the time they are opened by the Central Tenders Committee.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 5/2010-11 as amended passed.

**Private Member's Motion No. 7/2010-11—
Amendment of Standing Orders in accordance
with the Cayman Islands Constitution Order 2010
(Deferred)**

The Speaker: The mover of that Motion is not here.

Are you going to speak to it, Leader of the Opposition?

Hon. D. Kurt Tibbetts: Madam Speaker, may I?

The Speaker: Yes.

Hon. D. Kurt Tibbetts: Madam Speaker, as you indicated earlier this morning, the Third Elected Member for George Town is unavoidably off the Island. And, having been in contact with him . . . and I have to seek your guidance here because, first of all, I don't know when we adjourn this afternoon whether the Meeting is complete, or whether we are only adjourning until a further sitting in the Meeting. I say that because if we are adjourning until a further sitting in the same Meeting, then I would crave your indulgence and ask for this to be deferred until a further sitting. And if it is the other way around and we are going to have a new Meeting, then I would ask for it to be deferred until the next Meeting; whichever one applies.

The Speaker: As I understand it, we will be adjourning for another sitting.

Am I correct Honourable Premier?

The Premier, Hon. W. McKeeva Bush: *[inaudible]*

The Speaker: Yes?

So would you make the move that we can put it to the vote.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker.

I again crave your indulgence and move that Private Member's Motion No. 7/10-11, Legislative calendar, be deferred until a further sitting in this Meeting.

The Speaker: The question is that Private Member's Motion No. 7—

Mr. V. Arden McLean: Madam Speaker, I beg to second the [deferral of the] Motion.

The Speaker: I'm sorry. We needed a seconder, yes.

Mr. V. Arden McLean: Madam Speaker, I beg to second the Motion.

The Speaker: The question is that Private Member's Motion No. 7/10-11 be deferred until a further sitting of the House.

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

Ayes.

The Speaker: Private Member's Motion No. 7/10-11 has been deferred until a further sitting of the House.

Agreed: Private Member's Motion No. 7/2010-11 deferred until a further sitting of the House.

The Speaker: I have a request from the Premier and have granted for a statement to be made at this time.

ADJOURNMENT

The Premier, Hon. W. McKeever Bush: Madam Speaker, I think we moved the adjournment.

The Speaker: You want to do it on the adjournment motion? Yes?

Move the adjournment then.

The Premier, Hon. W. McKeever Bush: Madam Speaker, I move the adjournment of this Honourable House. And I want to say to Members that it is more than likely it will be on Monday, 22 [November], however, out of an abundance of caution we had better move it sine die just in case.

The Speaker: The question before the House is that the House do adjourn sine die.

Statement on adjournment

The Speaker: Now you can make your statement. Before we take a vote you need to make your statement.

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

Madam Speaker, you and all Honourable Members of this House will recall that I made a statement in this Legislative Assembly last Friday, 5 November 2010, that provided summary details of Government's, and the entire public sectors', performance during the year that ended on 30 June 2010, and its financial position on 30 June 2010, that culminated in the announcement that: (1) Central Government's deficit for the year was \$13 million; (2) the overall performance of statutory authorities and government owned companies was a combined net loss of \$1.5 million for the year; and (3) therefore, the entire public sector had an overall deficit for the year ended 30 June 2010 of approximately \$15 million.

I also made it abundantly clear that these results are subject to audit by the Office of the Auditor General.

Madam Speaker, needless to say, you might have seen what the headlines said this morning. Of course, they can't resist so I don't expect any better from them. They are a bunch of troublemakers aimed to do no good for this country.

Madam Speaker, there have been requests for further information as to the particular areas from which the \$30 million improved performance emanate when compared to a revised budget deficit for the entire public sector of \$45 million.

Attached to this statement are expanded details for management accounts for the year ended 30 June 2010. And, Madam Speaker, they provide support for the information that I made in my 5 November 2010 statement. As an illustration of the greater level of detail that is available, the attachment shows a statement of financial performance that indicates the following:

1. The various categories of revenue that have an overall \$10 million better than revised budget performance.

2. The categories of operating expenditure that have an overall \$18 million less than revised budget expectation.

3. Extraordinary activity expenses were approximately \$1 million less than the revised budget expectation.

4. That the net loss performance of statutory authorities and government-owned companies were approximately \$1 million less than the revised budget expected.

These four categories totalled the \$30 million improvement and the fiscal performance of the entire public sector.

Madam Speaker, the details attached to this statement allow honourable Members to examine individual revenue lines, such as customs duties, financial services licence fees, et cetera. As an example on the expenditure side, individual makeup of the transfer payments category, such as payments in the form of financial assistance to certain members of the public.

My public pronouncements are all supportable. Madam Speaker, thank you.

Perhaps they will take the time if they care to understand these to see what I was saying and that I did promise in Bodden Town on Tuesday last week, and again, last week (Thursday or Friday) that I would make the financial statements available to the public as soon as I can.

Thank you, Madam Speaker, and I want to lay this now on the Table of this honourable House.

The Speaker: So ordered.

The Premier, Hon. W. McKeever Bush: Hopefully, they will understand and will see that they got them now. Let's see what the headlines will be now.

The Speaker: The question before the House is that this honourable House do [now] adjourn sine die.

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

Ayes.

At 3.09 pm the House stood adjourned sine die.

