



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2012/13 SESSION

10 December 2012

Thirteenth Sitting of the Second Meeting

(pages 553–590)

**Hon Mary J Lawrence, MBE, JP
Speaker**

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PRESENT WERE:

THE SPEAKER

Hon Mary J Lawrence, MBE,
Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

Hon W McKeever Bush, OBE, JP, MLA	<i>The Premier</i> , Minister of Finance, Tourism and Development
Hon Juliana Y O'Connor-Connolly, JP, MLA	<i>The Deputy Premier</i> , Minister of District Administration, Works, Lands and Agriculture
Hon Michael T Adam, MBE, JP, MLA	Minister of Community Affairs, Gender and Housing
Hon J Mark P Scotland, JP, MLA	Minister of Health, Environment, Youth, Sports and Culture

OFFICIAL MEMBERS OF THE CABINET

Hon Franz Manderson, Cert. Hon., JP	<i>Deputy Governor</i> , Member responsible for Internal and External Affairs and the Civil Service
Hon Samuel Bulgin, QC, JP	Attorney General, Member responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Hon Cline A Glidden, Jr, MLA	<i>Deputy Speaker</i> , Third Elected Member for West Bay Fourth Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for George Town
Mr Ellio A Solomon, MLA	Third Elected Member for Bodden Town
Mr Dwayne S Seymour, MLA	

OPPOSITION MEMBERS

Hon Alden M McLaughlin, MBE, JP, MLA	<i>Leader of the Opposition</i> , Third Elected Member for George Town
for	
Hon D Kurt Tibbetts, OBE, JP, MLA	First Elected Member for George Town
Mr Moses I Kirkconnell, JP, MLA	First Elected Member for Cayman Brac and Little Cayman
Mr V Arden McLean, JP, MLA	Elected Member for East End

INDEPENDENT MEMBER

Mr D Ezzard Miller, JP, MLA	Elected Member for North Side
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ABSENT

Hon Rolston M Anglin, JP, MLA	Minister of Education, Training and Employment
Mr Anthony S Eden, OBE, JP, MLA	Second Elected Member for Bodden Town

OFFICIAL HANSARD REPORT
SECOND MEETING 2012/13 SESSION
MONDAY
10 DECEMBER 2012
11.25 am
Thirteenth Sitting

The Speaker: Good morning. I am going to ask the Honourable Minister of Community Affairs, Gender and Housing to read prayers this morning.

PRAYERS

Hon. Michael T. Adam: Good morning. 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: 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 Honourable Minister of Education, Training and Employment and the Second Elected Member for Bodden Town.

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

OATH OF AFFIRMATION

[Administered by the Clerk]

The Speaker: Dr. Basdeo.

Dr. the Hon. Dax Krishna Basdeo: I, Dax Krishna Basdeo, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to law.

The Speaker: On behalf of this honourable House I welcome the Honourable Acting Deputy Governor and ask him to take his seat at this time.

Please be seated.

**Congratulatory Remarks re: Mr. Moses I.
Kirkconnell, JP, Appointment as Deputy Leader of
the Opposition**

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, good morning, I do not note it on the Order Paper, but I thought I should draw to the attention of the Chair and this House the fact that this is the first Meeting of this Legislative Assembly since the appointment of Mr. Moses Ian Kirkconnell as Deputy Leader of the Opposition. Although a great deal has been said about that matter, previously in other media, I think that it is quite right and proper that this House marks this momentous occasion. It is the first appointment of a Deputy Leader of the Opposition since the position was created by the 2009 Constitution Order.

I don't intend to say a great deal except to say that as Leader of the Opposition I am delighted and honoured and privileged to have someone of the caliber of Moses, the First Elected Member for Cayman Brac and Little Cayman (pardon me, Madam Speaker) to assume that role, that critically important role, and I and all Members of the Opposition are very proud and pleased that he has accepted the position. We know he will do a marvelous job in that role.

A lot of other things have been said in other media and I am not going to rehearse them here, but I do think that the House ought to recognise this appointment at this stage, and I would invite you, if it is within your pleasure, to allow Members of the House

to offer congratulations as is customary in matters such as these and on such occasions.

The Speaker: Thank you, Leader of the Opposition.

I forgot about the announcement in the paper myself.

Does any other Member wish to speak?

[pause]

Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, let me add my congratulations to the [First Elected] Member for Cayman Brac for finally being chosen as the deputy. The PPM, the People's Progressive Movement, has been ultra vires the Constitution since 2009. Ultra vires the Constitution! That means, Madam Speaker, that they have not gone according to the Constitution.

As much as they fling accusations around about dictatorship and not doing what is right, they have not done it. And I am glad that they finally acceded to the Constitution and appointed the Member from Cayman Brac. I have always had a good relationship with him. We often will have to be opposite one another on issues, but it is also true that he has voted with us many times against his party's wishes or against what they do or whatever. Nevertheless, he has voted with us.

I am thankful that certainly the Leader of the Opposition needed a balance and I believe that he has that in the Member for Cayman Brac. And we wish him all the best. We don't wish him to get him on this side, of course, but we wish him all the very best.

The Speaker: Thank you, Mr. Premier.

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

Elected Member for East End.

Mr. V. Arden McLean, Elected Member for East End: Thank you, Madam Speaker, mine will be extremely short.

I too would like to congratulate my good friend from Cayman Brac, the First Elected Member. I believe that he is a good man. I have found him to be a good man. His family and I are very good friends. As a former member of the PPM during my tenure there I found him to be a man of high integrity, straightforward, a man who you can trust. I think the people of Cayman Brac can be justly proud of him as a Representative, and I can only say to him that he has a big job in front of him.

I hope it is not that daunting that he gives up on it. It's a big job, but I have every confidence that he will live up to it and trust that he understands his responsibilities if anything happens, which we know can, he is next in line. I look forward to, at least up until 22 May, working very closely with the new Deputy Leader of the Opposition. It is a position that is Constitutionally required and I guess it will round out this parliament

like the Premier said, and I won't go as far as to say ultra vires the Constitution, but it will now round out the parliament with all the Constitutionally required positions.

So I warmly congratulate my friend and wish him well. Thank you.

The Speaker: Thank you, Member for East End.

Does any other Member wish to add their words? [pause]

Deputy Premier.

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

I also wish to avail myself of this opportunity to congratulate the PPM, the Progressives, for making the decision to put my friend and colleague, the First Elected Member for Cayman Brac as the deputy. In fact, I believe Quincy coined it best when he said at a cultural function in the Brac last week (Friday or Saturday) that the Brac is now well positioned as fully deputized and set for the next election. I believe it could not be said better. I wish him the very best and certainly we on this side of the Government have always embraced and acknowledged Cayman Brac. We expect no less of the Progressives as they regroup themselves in this regard.

I believe that the Member for Cayman Brac, as my friend from East End said, surely has a gigantic and colossal task ahead of him. As we all work together for the betterment of Cayman Brac I trust that the adversarial politics are not what we major in.

The Speaker: Thank you, Deputy Premier.

No one else would like to speak at this point? I think I would like to add my congratulations, but also to note the fact for the official records of this House that both deputies, the deputies from both parties are from Cayman Brac. I think that is a historically significant point as well.

PRESENTATION OF PAPES AND OF REPORTS

Government of the Cayman Islands Cabinet Office Financial Statements for the year ended 30th June 2012

The Speaker: Honourable Premier.

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

I beg to lay on the Table of this honourable House, the Financial Statements for the year ended 30th June 2012 for the Cabinet Office.

The Speaker: So ordered.

Does the Honourable Minister wish to speak?

The Premier, Hon. W. McKeeva Bush: No, Madam Speaker, just to acknowledge that the Cabinet Secretary, Mr. Orrett Connor is due to retire next month, I believe. So he was the first Cabinet Secretary of the Government of these Islands, and I think we can say that he has done a job in laying the foundation developing the Cabinet Office. That is up and running and serving the Government of this country. And after a distinguished career in Immigration and the Cabinet Office, the retirement is well deserved.

Of course there is going to be another opportunity for me to say publicly a tribute to Mr. Connor. But certainly in laying this last report I wanted to put that on record. Thank you kindly.

The Speaker: Thank you, Honourable Premier.

Government of the Cayman Islands Portfolio of the Civil Service Annual Financial Statements for the year ended 30th June 2012

The Speaker: Honourable Acting Deputy Governor.

Dr. the Hon. Dax Krishna Basdeo, Acting Deputy Governor: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Annual Financial Statements for the year ended 30th June 2012 for the Portfolio of the Civil Service.

The Speaker: So ordered.

Does the Honourable Member wish to speak thereon?

Dr. the Hon. Dax Krishna Basdeo: No, Madam Speaker.

Annual Report of Office of the Complaints Commissioner for the 2012/2011 Financial Year

The Speaker: The Chairman of the Complaints Commissioner's Committee, Deputy Speaker, Third Elected Member for West Bay.

Hon. Cline A. Glidden, Jr., Third Elected Member for West Bay: Thank you, Madam Speaker.

I beg to lay on the Table of this honourable House the Annual Report of Office of the Complaints Commissioner for the 2012/11 Financial Year.

The Speaker: So ordered.

Does the Honourable Member wish to speak thereon?

Hon. Cline A. Glidden, Jr.: No thanks, Madam Speaker.

STATEMENTS BY HONOURABLE MEMBERS AND MINISTERS OF THE CABINET

The Speaker: I have given permission for the Honourable Minister of Community Affairs, Gender and Housing to make a statement this morning.

National Committee on Gender and Family Violence

Hon. Michael T. Adam, Minister of Community Affairs, Gender and Housing: Thank you, Madam Speaker.

Madam Speaker, the Premier, Leader of the Opposition, fellow members of the Government bench, other Members of the Legislative Assembly and members of the public listening today, I rise to speak on issues relating to the Ministry of Community Affairs, Gender and Housing.

Madam Speaker, crime reduction remains a priority issue for the country. It is necessary to invest in institutional responses which contribute to crime prevention and intervention. Hence, the Ministry that I hold responsibility for formed the National Committee on Gender and Family Violence, which met for the first time some two weeks ago.

It was critical to re-introduce a multi-agency entity in order to bring a holistic focus to issues such as gender violence, family violence, child abuse, sexual assault, rape, sexual harassment and stalking. This national-level committee will be a significant step in improving the institutional responses to victims and perpetrators of these crimes.

I would like to take this opportunity to thank the two senior policy advisors who have been appointed by the Ministry to co-chair the committee on behalf of the Chief Officer, namely, Ms. Tammy Ebanks, Senior Policy Advisor for Gender Affairs, and Ms. Debbie-Ann Whittaker, Senior Policy Advisor for Human Services. Given the cross-cutting nature of these issues, it is most beneficial to have these two officers oversee and co-ordinate the work of this committee.

Other members of the Committee are senior staff of:

- Ministry of Health, Environment, Youth, Sports and Culture;
- Ministry of Education, Training and Employment;
- Ministry of District Administration, Works, Lands and Agriculture;
- Portfolio of Internal and External Affairs;
- the Department of Children and Family Services;
- Department of Community Rehabilitation;
- Department of Counselling Services;
- Health Services Authority;

- Judicial Administration;
- GIS Marketing and Communications;
- National Drug Council;
- RCIPS Family Support Unit;
- Youth Services Unit; and
- Cayman Islands Crisis Centre.

As you can see, Madam Speaker, membership is drawn from a wide cross-section of areas, and we have had an overwhelmingly positive response from the entities involved. Each member is equipped with broad knowledge of the issues and the represented agency's role in the systematic responses, and will serve for two years with an opportunity for re-appointment. While the committee consists mainly of government representatives, it will be incorporating representatives from non-governmental organisations to form sub-committees as necessary.

The committee will work on improving systems by providing recommendations to Government in relation to the development of policies, procedures, legislation, training, public education, and other responses to these important issues.

Madam Speaker, reflecting on the background and recommendations as some of my colleagues are aware, previously—in 2000—the National Domestic Violence Steering Committee was operational to oversee the Domestic Violence Intervention Training Programme for police officers, social workers, and other front line personnel. This steering committee eventually evolved into a National Committee Against Domestic Abuse (otherwise known as NCADA), which was one of the institutional mechanisms behind the creation of the Cayman Islands Crisis Centre. However, once the Crisis Centre was operational, the National Committee Against Domestic Abuse dissolved in 2003.

The Special Report on Gender Violence, which was approved by Government in late 2008, identified the need to re-establish such a national entity that would bring together a cross-section of key stakeholders to address gender and family violence and other related issues. The recent draft Crime Reduction Strategy and the IPAC Review of the Assessment and Treatment of Criminal Offenders also support the establishment of a domestic violence prevention task force, which is to be coordinated by the Ministry of Community Affairs, Gender and Housing.

Madam Speaker, the committee's Term of Reference is based upon the recommendations outlined in the Special Report on Gender Violence. It is envisioned that the committee will use this Report as a guideline to develop their work plan and that they may put forward additional proposals that they deem necessary.

The committee will have an annual work plan that includes a monitoring and evaluation component and shall provide quarterly reports on the progress of its work plan to the Ministry. The committee will also

provide an annual report to Cabinet outlining and evaluating its activities and accomplishments, as well as supporting and inhibiting factors. It is anticipated that during the first two years of operation, the committee shall focus its objectives in the following areas:

- 1) improving institutional responses and resources for victims and perpetrators of gender and family violence.; and
- 2) coordinating education of practitioners and the general public on gender and family violence and other inter-linked issues.

We all recognise that given the current economic constraints and limited resources the development of a comprehensive continuum of care for children and families will be a challenge. Hence, we must approach this task strategically, ensuring that we utilise existing resources and enhance collaborative efforts. This synergistic approach through strong partnerships with key stakeholders is therefore all the more important in ensuring that we are able to effectively address issues of gender and family violence.

Madam Speaker, it is widely accepted that the home is the socialising agent for healthy, non-violent youths and adults, as well as the youth and adults who follow the path of violence and crime. This has been repeatedly documented and is reinforced by the 2006 Report on Pre-Disposing Factors to Criminality in the Cayman Islands, researched and prepared by Yolande C. Forde.

With escalating incidences of family violence crimes such as child abuse, domestic violence and elder abuse occurring in the confines of the home and negatively shaping the quality of life for victims and those indirectly affected, it is necessary to ensure that serious collaborative efforts are made in the Cayman Islands which contribute to raising healthy, non-violent adults. Therefore, the need to safeguard the health of our family units by providing optimum support and improving the coordinated institutional responses to those victimised by unhealthy relationships and gender based violence is a critical component to addressing these complex social issues.

The institutional responses to gender and family violence are unlikely to improve without key stakeholders having a forum in which they can come together to make a concerted effort to create or enhance synergies, increase the efficiency of resources dedicated to these issues, identify and eliminate duplication of efforts and inconsistencies in the national framework, provide seamless service delivery and address gaps in services and programmes.

Madam Speaker, the date of the first meeting of the National Committee on Gender and Family Violence and the date that I stand to address this honourable Assembly are symbolic. Sunday, 25th November marked the commencement of 16 Days of Activism Against Gender Violence campaign on the International Day for the Elimination of Violence against

Women. The campaign finishes today, 10th December, which is International Human Rights Day. This is very crucial as it emphasises that such violence is a violation of human rights.

This year's theme for 16 Days of Activism is "From Peace in the Home to Peace in the World: Let's Challenge Militarism and End Violence Against Women!" It focuses on how "peace in the home" can extend outwards to become "peace in the world." While the Cayman Islands are fortunate enough not to experience the conflicts of war, we know that there are victims of gender based violence in our community and we are currently experiencing increased and unprecedented threats of violence to the lives of our children and adolescents.

Madam Speaker, behind closed doors, too many of our homes are war zones, leaving families scarred and bruised for life. We must focus our efforts to ensure that we eliminate all manifestations of gender and family violence, as peaceful homes will create a more peaceful country.

In closing, Madam Speaker and fellow Members of the Legislative Assembly, I am confident that through the National Committee on Gender and Family Violence we will be able to harness local expertise and provide recommendations to Government to ensure that the institutional responses to victims and perpetrators of these crimes improve and, ideally, decrease the incidences of these crimes.

I hope that you will all join me in providing your full support to the important work of this committee, and I look forward to reporting on its successes.

Thank you, Madam Speaker.

The Speaker: Thank you, Honourable Minister.

I should have asked if anyone had any questions on the statement that was just made.

[no audible reply]

The Speaker: Proceed, Madam Clerk.

GOVERNMENT BUSINESS

BILLS

Suspension of Standing Order 46(1) and (2)

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I move for the suspension of Standing Order 46(1) and (2) to enable the Bill to be given a first reading.

The Speaker: The question is that Standing Order 46(1) and (2) be suspended to enable the Bill to be given a first reading.

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

Ayes and one audible No. *[Mr. D. Ezzard Miller]*

The Speaker: The Ayes have it.

Agreed: Standing Order 46(1) and (2) suspended.

FIRST READING

Elections (Amendment) Bill, 2012

The Clerk: First Reading. The Elections (Amendment) Bill, 2012.

The Speaker: The Bill is deemed to have been read a first time and is set down for second reading.

Suspension of Standing Order 46(4)

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I move for the suspension of Standing Order 46(4) to enable the Bill to be given a second reading.

The Speaker: The question is that Standing Order 46(4) be suspended to allow the Bill to be read a second time.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 46(4) suspended.

SECOND READING

Elections (Amendment) Bill, 2012

The Clerk: Second Reading. The Elections (Amendment) Bill, 2012.

The Speaker: Honourable Premier.

[Long pause]

The Premier, Hon. W. McKeeva Bush: Madam Speaker, I would ask for a short five minute break.

The Speaker: We will suspend for five minutes.

Proceedings suspended at 12.02 pm

Proceedings resumed at 2.19 pm

The Speaker: Proceedings are resumed. Please be seated.

Honourable [Acting] Deputy Governor.

Dr. the Hon. Dax Basdeo: Thank you, Madam Speaker.

I beg to move the Second Reading of a Bill entitled the Elections (Amendment) Bill, 2012.

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

Dr. the Hon. Dax Basdeo: Yes, Madam Speaker.

This Bill seeks to amend the Elections Law (2009 Revision) in order to bring the Law into conformity with the Electoral District Boundaries Order, 2012. That Order provides that the number of elected members of the Legislative Assembly shall be increased from fifteen to eighteen without any changes in the existing electoral districts or their boundaries.

Clause 1 of the Bill provides for the short title and commencement of the legislation. The legislation will come into force upon the next dissolution of the Legislative Assembly.

Clause 2 amends section 5 of the principal Law to give effect to the Electoral District Boundaries Order, 2012 as follows - (a) by increasing the number of elected members in the George Town Electoral District, from four members to six members; and (b) by increasing the number of elected members in the Bodden Town Electoral District, from three members to four members.

Madam Speaker, I commend the Bill to Members of this honourable House.

The Speaker: Thank you.

Does any other Member wish to speak?
[pause]

Member for North Side.

Mr. D. Ezzard Miller, Elected Member for North Side: Thank you, Madam Speaker.

It goes without saying that I would not support this Bill currently before the House. I have, for the last 40 years, from the introduction of the 1972 Constitution, advocated for and supported the principle of one man, one vote and the introduction of single member constituencies as I believe that is the best way to administer one man, one vote.

Madam Speaker, I said during the debate on the Electoral Boundaries Commission on which this Bill is based, the Government having taken one of the three recommendations contained in that report which allowed them to place two additional seats in George Town and one in Bodden Town, as opposed to taking either of the other two recommendations, that is, to create a seventh electoral district with three seats, or 18 single member constituencies with one seat each.

Madam Speaker, the Bill before the House seeks to increase the Representatives in the electoral district of George Town from four to six and the number of elected Representatives in the electoral district of Bodden Town from three to four. I think this is grossly unfair to the people whom I represent because the effect of this Bill here today is going to give a George Town voter six opportunities to influence the Government and how the Government is formed, simply because of their geographic location. Whereas the people that I represent will only have one opportunity to have any influence whatsoever on the formation of the Government.

Interestingly, Madam Speaker, for the first time in our modern democracy, a West Bay voter will no longer be equal to a George Town voter. In fact, a George Town voter will be worth 50 per cent more than a West Bay voter simply because they have six votes whereas the people in West Bay, who have always been equal to the people in George Town, will be left with their existing four votes. Madam Speaker, I also think that that is unfair.

[Inaudible interjections and laughter]

Mr. D. Ezzard Miller: Madam Speaker, I believe the Bill as presented to this House is unconstitutional in several ways. The first one is the fact that the Bill does not conform to section 77(2) of the Constitution which requires 21 days' notice. Madam Speaker, while the Deputy Governor may now claim that this Bill is urgent today, because, it is my understanding, on or before Wednesday, 12 December, the Governor has to issue a writ under section 28(1) of the Constitution and such a writ cannot be issued unless this Bill is passed today. That may be so, Madam Speaker, but the Electoral Boundaries Commission on which this Bill is based was tabled in this honourable House in June 2010, ample opportunity for Government to have brought the Bill in compliance with [section] 77(2).

Secondly, Madam Speaker, I believe that the Bill is in contravention of section 92 of the Constitution which is entitled "Right to vote at elections." This section reads: "**92. (1) Any person who is registered as an elector in an electoral district shall, while so registered, be entitled to vote at any election in that district for an [emphasis added by Member] elected member of the Legislative Assembly, unless he or she is prohibited from so voting by any law in force in the Cayman Islands . . .**"

What this Bill seeks to do is to increase the opportunity for a registered elector or voter in the district of George Town to vote for six elected Members of the Legislative Assembly as opposed to the constitutional right to vote for "an" elected Member of the Legislative Assembly. Madam Speaker, as I have said in the past, I have had some difficulty finding a dictionary that defined "an" to be any more than one. How we get six for George Town out of it, and four for

Bodden Town, I leave for the explanation of the Government.

Madam Speaker, we can correct that situation by amending section 44 of the current Elections Law (2009 Revision) by simply amending section 44 to allow each elector to vote for “an” elected Member of the Legislative Assembly. I have filed an amendment to amend section 44 of the Elections Law which would make it in compliance, in my view at least, with the Constitution.

The Elections Law, in section 44, says: “**No person shall vote for the election of more candidates than there are seats to be filled.**” It is this section of the Elections Law that the Elections Office allows people in George Town, and will allow people in George Town to cast six votes, whereas the people in North Side will only be allowed to cast one vote. Because there will be six seats in George Town and one seat in North Side. So I have filed an amendment.

Madam Speaker, I know that I have not been able to give the two days’ notice, but that was beyond my control. I received the Bill over the weekend. I think it was sent out from the Clerk’s office at 3.20 pm on Friday, 7 December, and on the first opportunity I had I filed the amendment to that section.

The amendment simply says that after the words “for the election of more candidates than there are seats to be filled” and replace them with “than one candidate” so that the new section (if approved) would say, “No person shall vote for the election of more than one candidate.”

We use the system in the Cayman Islands of first-past-the-post. So, if that amendment is passed, what would happen is that each registered elector in the district of George Town would go to the polls and vote for “an” elected representative of their choice—one of the many that are running. And the six people with the most votes would be the six people who won the election.

Instead of the person being allowed to go into the polls and vote six times for six different candidates, this amendment would only allow that person to vote for one person of their choice and that would make it equal throughout all the Islands. It would remove the greater influence that George Town has over all the other districts because each voter would only have one opportunity to influence the formation of Government in the Cayman Islands. Madam Speaker, I believe that that is a much more equitable system for the election and that’s why I have filed the amendment.

Madam Speaker, I believe that the Government is also in trouble with this legislation in section 16(2) of the Bill of Rights which talks about non-discrimination. I will quote the clause. It is entitled “Non-discrimination.” Section 16(1) says, “**Subject to sections (3), (4), (5) and (6), government shall not treat any person in a discriminatory manner in respect of the rights under this part of the Constitu-**

tion.” Section 2 reads, “**In this section “discriminatory” means affording different and unjustifiable treatment to different persons on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, associated with a national minority, age, mental or physical disability, property, birth or other status.**” Madam Speaker, I contend that giving a registered elector in George Town six times the influence on Government over a registered elector in North Side is discriminating negatively against the people I represent. And, Madam Speaker, I can promise the Government that they are likely to be challenged in a court of law by candidates who lose the election based on this legislation being passed here today.

We can even go further, you know, because in section 5 of the Cayman Islands Constitution Order 2009, “**Existing laws.**” “**5. (1) Subject to this section, the existing laws shall have effect on and after the appointed day as if they had been made in pursuance of the Constitution and shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.**”

If we accept that, then we have to accept that the Elections Law has to be read as if an elector so registered in order to comply with section 92 of the Constitution can only vote for “an” elected Member of the Legislative Assembly. I believe that the Government and the whole election process could be challenged on the basis of the Elections Office knowing—because I have pointed this out to them myself—and making no attempt, that I am aware of, certainly it is not represented in this Bill, it is unlikely that there will be any other Bills concerning the Elections Law between now and the election. But the Elections Supervisor and his staff and, by reference, the official side of Government will be knowingly condoning an action for an election that they know is unconstitutional. And, Madam Speaker, I believe it will be subject to challenges in a court of law that could lead for hundreds and thousands of dollars in expenditure for the Government, if not millions, and leave this Parliament in a state of disarray in not being able to call Parliament because the election has been challenged in its entirety. We have an opportunity to fix it, Madam Speaker, and I am recommending to the Government that we fix it.

I have also tabled a second amendment to the Bill to add a fourth clause which would be an amendment to section 67 of the Elections Law which deals with campaign financing, known in our legislation as election expenses. Currently, as I understand the Law, candidates, whether belonging to a political party or independent, only have to report expenditure to the Elections Office between Nomination Day and Election Day. Madam Speaker, I have filed an amendment to delete section 67(3)(b). Section 67 deals with limita-

tion on election expenses, and it says, “**(1) Election expenses shall not exceed the sum stipulated in subsection (2).**

“**(2) the Maximum amount of election expenses to be incurred in respect of a candidate at an election shall be – (a) where the candidate does not belong to a political party, or there is no other candidate belonging to the same party at an election in an electoral district, thirty-five thousand dollars; (b) where the candidate is not the only candidate belonging to a party at the election in an electoral district, thirty thousand dollars.**”

So the expenditure is limited, if you are running as an independent candidate, to \$35,000. If you are running as part of a party in that electoral district, you are limited to \$30,000. But then, curiously, the Elections Law goes on in section 67(3) to read, “**(3) In determining the total expenditure incurred in relation to the candidature of any person at any election no account shall be taken of (a) any deposit made by the candidate on his nomination in compliance with the Law . . .**” And that is understandable, Madam Speaker, and I can accept that because if you get 10 per cent of the vote you get your money back.

But then, Madam Speaker, the curious part is section 67(3)(b), which reads, “**(b) any expenditure incurred before the date of nomination of the candidate with respect to services rendered or material supplied before such notification**” cannot be taken into consideration. I believe that the opportunity there exists for candidates to spend quite large sums of money beyond the restrictions placed in the Law of \$30,000 or \$35,000 by simply creating the expenditure and settling the Bill prior to Nomination Day.

I know that already TV time is being booked for the May 25th election and deposits paid for the night before election.

[Inaudible interjection]

Mr. D. Ezzard Miller: Yes. And it’s going to be interesting to see, because the Law says you don’t have to report it! So I have filed an amendment to delete section 67(3)(b) which would, in effect, mean that any candidate, all candidates, would have to report all expenditure related to the election in spite of when it occurred and not only confined from Nomination Day to Election Day.

Madam Speaker, I believe that that is fair and justifiable. I have circulated the two amendments. When it comes to Committee Stage I intend to move the amendments and, Madam Speaker, I believe that I will have done my job even if it does not succeed in raising the awareness of the possibilities that exist in the election for May. So, Madam Speaker, unless these amendments are accepted for the current legislation, I will not be voting for the legislation in its current form. Thank you.

The Speaker: Thank you, Member for North Side.

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

Elected Member for East End.

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

Before I make a short contribution to the Election (Amendment) Bill 2012, just allow me to express my sincere thanks to all those who expressed condolences and sympathies on the passing of my sister. I would also like to express those to your good self and the staff of the Legislative Assembly and all my colleagues. I appreciated your presence at the funeral and I think it made us much better off as a result of you all being there, and the rest of the country too.

Madam Speaker, I think the Elections Law has been in my view for quite some time now, whether it is in my windscreen or my rearview mirror, it has been there for quite some time.

This November was 12 years since I was elected to this Parliament, to this Legislative Assembly, and ever since coming here I have asked religiously that we modernise the Elections Law to make it more efficient for people of the country. This is one of the most important documents when it comes to the democratic process which happens every four years. Nevertheless, we don’t touch it until every four years just before the election when we don’t have sufficient time to do it. That goes for every Government that has ever been elected in here in the past 20 years I believe.

Madam Speaker, I know that the current amendment concerns the increasing of seats in the different districts of Bodden Town and George Town, the three additional Members. I have supported the three additional Members but I certainly do not support them being added to multi-member constituencies. I believe the true spirit of democracy is equality. And equality in the democratic process, the election process, means one man, one vote. So, I can’t, in all fairness and on behalf of the people of East End, further disenfranchise them from an equality perspective by voting to allow this to happen.

Madam Speaker, there are a number of other areas in the Elections Law that I believe require attention. I just don’t understand why we haven’t brought them, more so now since we have a new Constitution. This election will be the first election under the new Constitution.

One of the areas that I have been talking about for the last, at least, two years, has been section 3 of the Elections Law, which says, “**The Governor, in his discretion, shall appoint a senior public officer to be Supervisor of Elections who shall- (a) exercise general direction and supervision over the administrative conduct of elections and en-**

force on the part of all election officers, fairness, impartiality and compliance with this Law; (b) issue to election officers such instructions as from time to time he may deem necessary to ensure effective execution of this Law; and (c) execute and perform all other powers and duties which by this Law are conferred and imposed upon him.” That is a very powerful position, Madam Speaker.

Now, when I questioned it in these hallowed halls, the then Supervisor of Elections was reaching retirement age and has since retired. Madam Speaker, I believe there is a particular reason why a senior public officer is appointed to that position. And it is partially, and importantly, that the confidence that is placed in that individual from being a civil servant under the direction of the Governor. That, in itself, where the civil servant must subscribe to the Civil Service rules and the direction of the Governor lends some credibility to the process.

I have never questioned the integrity of the people who as civil servants ran the election process. I have never once questioned it. The Cabinet Secretary is one of the deputies. The former Director of NRA is the other one. And the former PS is the Supervisor. And I have never had reason to question their integrity. However, it becomes a different matter when they are retired, like the last one will be . . . well, all three of them are retired, Madam Speaker. The Cabinet Secretary is the only one now on extended stay in Government until they get someone to replace him.

But it is my understanding that Government has justified the three of these individuals staying in place as the head of the election process, because they have been appointed by the Governor and he has the authority to do so.

Well, someone needs to explain to this country the definition of “civil servant” and “contracted civil servant” because it is my view that when you are retired you can no longer be considered a civil servant. You can be considered a contracted civil servant, but it does not stop you from having private interest outside of the Civil Service and you are contracted to come back and do a job. I understand that is the justification the Governor is using.

Madam Speaker, let me say this, the Governor’s office, or the Deputy Governor’s office . . . and this is no disrespect to anyone. I am just trying to avoid what I hope will not happen, which is a judicial review in this country on our election process, which we have had and has never been questioned (except once I believe and it was between two individuals; one individual saying something about the other; that is, Candidates, Madam Speaker.

Now, Madam Speaker, the advent of the Bill of Rights which came into force on 6 November 2012, we have begun to see Caymanians prepared to use it. Reviews are happening all over the place, Madam Speaker. We have never had one Bill of Rights or the

people of this country challenging so much the Government in these situations. We saw a challenge at the last election. It is coming fast.

Madam Speaker, I see these challenges all the time in the eastern Caribbean. We just witnessed one in Nevis. And the judges ruled the election null and void. Of course the appeals go through and the likes. But the shadow it casts on that country, and the integrity of the people who manage those election processes, far outweighs what it takes to come to this Parliament and change the Law.

Madam Speaker, I personally do not have a problem with Mr. Gomez or the Cabinet Secretary or Mr. Scott being in charge of the process. We need to change the Law to ensure there is no ambiguity in this Law to prevent anyone challenging an election. If we say “former” civil servants, or “senior” civil servants, I’m fine with it. That would be very hard to challenge. But, Madam Speaker, we continue to insist, whether the legal opinion comes from outside of Government or from the Attorney General’s Chambers, the Attorney General is one person. You get another human being who is a lawyer and he gives you a different opinion and there we go, straight over to the court house. And when we get to the court house, I’ve never heard of a win/win over there yet. Somebody wins and somebody loses. And the country will lose if one of those judges rules that an election is null and void, or that the Law is incompatible with Human Rights, which is what they are allowed to do, and then send it back here and there is no Parliament to be held.

Madam Speaker, This is a serious, serious matter. I respect the Attorney General has his own legal training. We know he has about four of them in here, and all four of them are going to have a different opinion on that same thing. Or, may not be totally 180 degrees away from each other, or 90 degrees each one would be from each other, but, Madam Speaker, there would be some differences in how they will advise you from what their experiences are.

We need to ensure that we do not have a challenge on a judicial review or a challenge, for that matter, on this Law with good people doing what is right and in a position, albeit they are appointed. I trust these people but, you know, it’s just so far you can trust anyone. So, Madam Speaker, that has been one of my contentions.

I believe the excuse for trying to get around it, Madam Speaker . . . and we might as well say this. It is an excuse. Mr. Gomez has been the Supervisor of Elections now for 20 or 24 years. And they have not trained one person to take over from him. That is the reason, Madam Speaker, and we need to stop that in this country. How long have we talked about succession planning in the Civil Service? Mr. Gomez and the Cabinet Secretary and Mr. Scott are healthy young, middle-aged men, you know. They look like they could probably last and run the elections for the next 20 years. But that’s beside the point. The fact is that if

they are challenged, our democratic process will be one step closer to a banana republic. That is the problem.

Let's correct it so that it is never challenged before the next election. I don't know, I may have to challenge it. And Madam Speaker, you see what happens . . . 18, because you know this is already going to be 18. Let's walk through this. Eighteen Members get elected. Someone didn't, because you know it is going to be more than 18 now, about nine parties all over the place, plus the Member for North Side and I. Madam Speaker, 18 win. There are many more that will not. I have always said many will answer the call, few will be chosen. Eighteen win. One loser challenges it and it is declared null and void. The 18 that just won have to go through another election and three or four of them lose. Then it's challenged again. That's how it works, AG; the validity of the election.

Madam Speaker, that should raise some concerns for all of us. Let's just change the Law. We are here now. Those who come in to run in the next general election will have to run in accordance with the Law. But now the 15 of us are here and we will do it the way we think it's necessary in the best democratic way possible.

I know the Attorney General is going to get up and I hope he does so he can explain this to the world and to all of us, because I have been beating my gums up about it for many years and there has always been some excuse that Arden is not saying it right. Well, somebody needs to start saying it right because the Premier said at the beginning of this sitting that the Cabinet Secretary will be retiring next month, or February. There we go again. The election is in May. We cannot do without the Cabinet Secretary in the election process because we have not been training sufficient people with the knowledge that the Cabinet Secretary has. And I am not saying let's do without him, because I think we need those three gentlemen to run this process. But we need to do it right. Let's do it right and stop saying that Arden is making mistakes or Arden is not right. If there is a concern let's make sure that concern is removed. That is the problem.

Madam Speaker, the other area that I believe we have failed in bringing some efficiency to, is section 12 of the Elections Law, "Compiling quarterly register of electors." There is some merit in saying that he who comes of age to be registered as an elector should have some responsibility and ensure that he/she gets registered. I know during the last session of this Legislative Assembly I think we did the one where if you are 18 by that date you can get registered prior to. And I welcome that. I think that was when we were in Government.

Now, Madam Speaker, many years ago this law was enacted. What happened was we said "quarterly" then, because in those days we used to write on brown paper with charcoal to get people on the register. That's no longer the case. (Madam Speaker, I was

trying to show how antiquated it was compared with now in the electronic age.) That's no longer the case. The Elections Law gives the registering officer the right to ensure that people are registered. But it also extends to the Registering officer—not the Supervisor of Elections, because the Registering officers are in the districts—to remove people from the register based on the information made available to them.

The judge has (and usually it's the magistrate) to approve the registration of electors on the advice of the Registering officer. The Registering officer takes the necessary information, such as Cayman status, birth certificate, whatever the Registering officer requires; copies of passport, to verify that you are eligible to be registered as an elector. That Registering officer approaches, makes application to the judge and says, *I have 40 people I have deemed eligible to be placed on the register*. Now, Madam Speaker, that magistrate does not go through every application and look at every birth certificate and the likes. The onus lies with the Registering officer, and rightly so. We have to trust those people.

Nevertheless, it takes the Registering officer three months to get you on the register. It just doesn't make sense any more, Madam Speaker. In the days when it was handwritten, yes, I understand all that. But now you should be able to register people in a much shorter period of time. When you get 20 you make your application to the magistrate, or you get 200 or 2 or 1, it doesn't matter.

Now, where the problem lies is with objections. When someone objects to someone being on the register, then that person has to be notified to make representation to the magistrate to give just cause as to why they should be there and then the plaintiff to say why they shouldn't be there. That's a different matter altogether, Madam Speaker. But just straight registration, they are cutting off on January 2nd; and the Election is 22nd May. That nah four months? It just doesn't make sense. We need to work backwards with that registration from the day of election and then it can apply throughout the rest of the years.

I understand, Madam Speaker, we say that the other . . . one of the reasons that I have been given is that people have to apply for postal ballots. Well, Madam Speaker, you know where you are living. You are living in George Town. You can start applying now for postal ballots. You ain't going to know who the candidates are and they can't send out the ballots until after nomination day, a couple of days after nomination day, which is six weeks before the election, or thereabout. But it just doesn't apply . . . you should be able to register up until weeks prior to the general election wherein you . . . and once you are on the register it takes two . . . The Law also calls for it to be published in the papers or at the post office, a public building and the likes. Madam Speaker, I can understand two to three weeks before the election. The reg-

istration of electors has nothing to do with the election other than that they are on the register. It has nothing to do with the whole process to elect candidates in this country. It has nothing to do with it, other than the little X that some of us go and beg for which they can give us. But the registration of those electors has nothing to do with the election.

Those processes are two distinct and separate processes. And here we are four months before the election cutting it off because the Law says so. And I am not saying that they are not . . . they are doing it based on section 12 where the Supervisor of Elections and his people are taking the numbers and working backwards so that they can be in conformity with the Law. That's all they are doing. And they have come up with January 2nd. And there is no need to shut off the registration of electors on January 2nd. By Law there is a requirement; but physically there is no need to do it, because the magistrates are here. They don't leave.

It takes one day, a few days, so they can slot the request to have a hearing by a Registering officer to go to court and say, *I have . . . that's what they do all the time, Madam Speaker. You have never heard the magistrate reject the Registering officers—I've never heard of it—or their applications to register someone. I have never heard of the magistrate going through all of these application forms and scrutinizing them one by one, I have never heard of that. What we rely on are the objectors to someone going on. And that's when it becomes a court case where we go in there and make our presentations one side or the other. That's a different matter. And then the magistrate is the final arbiter and he/she will take the person off if there was a mistake made or there was some validity in the plaintiff's position taken.*

But, Madam Speaker, these are the things we need to do to make life more efficient. You really think that those who are today eligible . . . there are many people in this country eligible. We have a knack as human beings to procrastinate. A month down the road, the end of January, there will be many people in this country who will say, *I wish I had registered, because that's a good candidate that I see coming there now.* They are depriving this country of a process by an antiquated law. It just doesn't make sense.

The Speaker: Member for East End, is this a good time to break and we can . . . ?

Mr. V. Arden McLean: Yes, Madam Speaker.

The Speaker: Can we return at 3.00 please?

Proceedings suspended at 1.13 pm

Proceedings resumed at 3.10 pm

The Speaker: Proceedings are resumed. Please be seated.

When we took the break the Member for East End was debating the Elections (Amendment) Bill, 2012. I would ask him to continue his debate at this time.

SECOND READING

Elections (Amendment) Bill, 2012

[continuation of debate thereon]

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

When we took the luncheon break I was discussing the length of time the Elections Law requires the Registering officer to prepare and make application to the magistrate for the registration of electors. I was saying that it is most crucial in an election year, but it is also exercised each quarter of other years as well, and it creates somewhat of a timeline for them to be able to do it by law, and if they follow the Law each quarter they still have to apply those timelines.

Now, my submission is that what needs to happen is that those timelines for registration of electors needs to be removed to facilitate easier registration of electors, those who become importantly eligible and those who are eligible . . . when I said "those who become eligible" I am talking about those who come of age, and the others who are eligible and want to be registered. So, there are two categories; those who become eligible within the year and those who make the decision who are already eligible by virtue of age and want to become registered as electors.

Madam Speaker, on the luncheon break we discussed (some of the Members) the possibility of an amendment to remove the provision in section 3 where it says "public officer" at Committee stage. I believe the timelines are too detailed and cannot be changed in Committee stage. That cannot be considered consequential, or incidental thereto (the Bill that is in front of us). That is substantive changes to the Law to effect that because it changes other sections of the Law with those timelines. I believe that if the Government is so minded I would invite them to look at these and possibly bring them back in January.

The only problem with that, Madam Speaker, is that the current cutoff date is 2nd January. I hadn't thought about that. So, it would not affect this election process. And that is not possible to do. It might be in the interest of all of us to do it at Committee stage if the Attorney General is so mindful that his people could come here and possibly do it. At least we know the problem and if the entire House agrees to a particular timeline then we can do it now and that time can be extended.

I know that over the years the Election Office has made a number of proposals. I don't know where they are right now, but I have seen numerous pro-

posals that did not materialise and they were good proposals on behalf of the Elections Law. Another one that I believe needs to be looked at is the proviso for being eligible to vote. Even if you are an elector, if you are off Island or subsequent to becoming an elector, you are living overseas, then you are not eligible, if you haven't been in the country for a specified period of time (I think it is three within five) . . .

[Inaudible interjection]

Mr. V. Arden McLean: That needs to be removed as well. As a Caymanian, you can go to Timbuktu and you're still Caymanian! You still have a vested interest in this here country.

We may say that we are not going to do postal ballot for those people and we may want them to come home on Election Day to vote. That happens wherever in the world we go. Many places in the world you go home to be able to vote. Or, we look at America. They just had their election. People were voting months and months in advance. Granted, it is for a presidential election. Or they were making application for postal ballot in order to get them back in time. So why not Caymanians who live overseas who are already on the Register? But because the Law dictates these timelines we are taking the people off because we know they are not in Cayman.

We need to make sure that we provide the environment for Caymanians so they feel a sense of belonging and a sense of ownership in this country and a sense of participation in the democratic affairs of this country. Until we do that, we continue to drive our own people away from us. There are so many Caymanians overseas but they have a home here, and they have a home over there. Are we saying that in the Law . . . and it's not the fault of the Elections Officer; it's the Law. And the Law is antiquated. We need to have some serious changes made in this Law. There needs to be serious amendment to this Law.

These little piecemeal changes to the Law to facilitate now an increase in number, we constantly do that and we do not review the Law in its entirety and get something done about it. It is unfortunate that we continue to do this and at the same time we disenfranchise Caymanians, or they feel like they are being disenfranchised because they have investments in their home country and they live overseas. Of course, the Elections Office has to go by the letter of the Law or they will be challenged in that regard also.

Madam Speaker, we were talking about section 3 of the Law where it says that the Governor shall appoint a senior public officer. Madam Speaker, the Constitution defined "public official" as including a public or governmental body, including any statutory body or company or association in which the Cayman Islands has an interest and which performs a public function or duty. That is a public official. And then it

goes on to say it includes any organisation or person carrying out a public function or duty, including the Governor, except where the nature of their act is private.

Madam Speaker, I was directed to 124, and it says, "**public [officer] means, subject to subsection (2), an office of emolument in the public service.**" *In the public service.* And if you are in the public service you should be permanent and pensionable. You shouldn't be contracted. That can't be that you're in the public service. That is precisely what I was coming to.

The Attorney General has the responsibility to advise Government legally, therefore, I would expect that he would advise them accordingly. I am sure that there are others who would consider public service permanent and pensionable, and once you are retired you are no longer pensionable, unless we are saying that the pension is considered in the public service. But it says "emoluments."

Then, Madam Speaker, under Part VI of the Constitution, "Appointment, etc. of public officers," [section] 109 says, "**(1) Power to make appointments to public offices, and to transfer, remove or exercise disciplinary control over persons holding or acting in such offices, is, subject to this Constitution, vested in the Governor acting in his or her discretion.**"

Whilst I recognise that the Governor has the authority under the Constitution to appoint people as civil servants, I cannot see where someone . . . there is a thin line that separates a public servant being permanent and pensionable after he/she has then become pensionable and retired . . . I can't see them being a civil servant still. If they come back, it has always been understood that they are a contracted officer. The Constitution doesn't say anything about contracted public servants or officials. Now, when we have a statutory entity or company of government we appoint directors. Are they civil servants? I don't think so.

There has always been that discussion surrounding public servants and public officials. I think we need to finalise it and ensure that it does not become a stumbling block or a detriment to the democratic process. The democratic process in this country is of paramount importance to its future. I fear that more and more . . . we see now where there is supposed to be some 2,000 lawyers practicing Cayman Law. So, Madam Speaker, anyone; they are likely to be in Hong Kong, Dubai, anywhere likely to bring suit against this country. It is unfortunate that so small a country is being asked to make so many sacrifices for so little. But that one we have to stop!

So, Madam Speaker, I would encourage the Government to let us do what we can do to try to correct this now. Maybe it is in our best interests that the Government should engage Mr. Gomez, the Cabinet Secretary and Mr. Colford Scott and see what they

have been working on for all these times and see if we can bring them down here to try and let's see if we can get this straightened out today in order that something different can be done to assist this democratic process.

My greatest concern—I repeat, Madam Speaker—is the Bill of Rights. We know that section 16 of the Bill of Rights says (many of us know) “non-discrimination.” It says, “**16. (1) Subject to subsections (3), (4), (5) and (6), government shall not treat any person in a discriminatory manner in respect of the rights under this Part of the Constitution.**

“(2) In this section, ‘discriminatory’ means affording different and unjustifiable treatment to different persons on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, age, mental or physical disability, property, birth or other status.”

Madam Speaker, we have to be extremely careful that someone doesn't consider it political discrimination. So, those are my major concerns and I would like to see if all of us could get together and avoid the possibility of anything happening in that arena. Thank you, Madam Speaker.

The Speaker: Thank you, Member for East End.

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

Honourable Attorney General.

Hon. Samuel W. Bulgin, Attorney General: Madam Speaker, just very briefly, just to allay some of the fears that have been expressed.

I think the first one I need to address is the concern by the Elected Member for North Side about the wording of the Constitution. Just to point out that the wording of the Constitution itself, in section 92 does not necessarily mean that a person can only vote for one elected Representative. It is a common way of drafting. I just point my friend; maybe the easiest way to do that is to use two references.

One is a well-known text called *Crazy and Statutory Interpretation*. [UNVERIFIED] It speaks to how you interpret numbers and genders. It says: “Use of singular to be preferred to use of plural.” It says, “It was once a generally applied rule in legislative drafting and it is still a very serviceable rule, although less widely adhered to, that one should for preference draft in the singular and rely on the principle set out in section 6 of the Interpretation Act (1978) to include plural. And there is good reason for this rule of thumb despite the fact that it is not in accordance with the natural tendency of common conversation. It would, for example, be natural to describe fox hunting as the process of hunting foxes with dogs. But in drafting a law prohibiting fox hunting, it is better to say a person commits an offence if he uses a dog to hunt a fox than

to say he uses dogs to hunt foxes.” [UNVERIFIED QUOTE]

[Inaudible interjection]

Hon. W. Samuel Bulgin: It also points out, Madam Speaker, that in any act unless the contrary intention appears, which it does in this Law (it says you can only vote in one electoral district in the Constitution), words in the singular include plural and words in the plural include the singular.

And, Madam Speaker, they make reference to the 1978 Interpretation Act. And the language is also to be found in our Interpretation [Law] in section 4. That's the [Interpretation Law \(1995 Revision\)](#). It says, “**In this Law and in all Laws and other instruments of a public character relating to the Islands now in force or hereafter to be made, unless there is something in the subject or context inconsistent with such construction, or unless it is therein otherwise expressly provided- (a) words importing the masculine gender include females; and (b) words in the singular include the plural, and words in the plural include the singular.**”

That is how we always interpret legislation.

[Inaudible interjection]

Hon. Samuel W. Bulgin: Well, I didn't write this.

I am just reading the Interpretation Law to tell you that is what happens.

It is a common way of dealing with these issues and it is just how things are drafted. I mean in law we don't say “men.” We refer to a “man” or a “woman.”

[Inaudible interjection]

Hon. Samuel W. Bulgin: The other point in respect of the incumbency of the Supervisor of Elections as contemplated by section 3, my understanding is that following Mr. Gomez's retirement he was given an underlying appointment to the Portfolio of Internal and External Affairs, which qualifies him as a public officer. And then he was asked to stay on as Supervisor of Elections. So there are two appointments so to speak. There is an underlying appointment to the Portfolio of Internal and External Affairs and that qualifies him to be Supervisor of Elections.

So, while the concerns are quite legitimate, the fact is that steps have been taken to address these issues. I hope I have assisted.

Mr. D. Ezzard Miller: Madam Speaker, on a point of order, under 34(b), if the Member would allow for a question of elucidation.

The Speaker: You are talking about Standing Orders now, right?

Hon. Samuel W. Bulgin: Yes, not the Interpretation Law.

Mr. D. Ezzard Miller: Yes, Madam Speaker, Standing Order 34(b).

The Speaker: Okay.
Member for North Side.

Mr. D. Ezzard Miller: Just to ask the Honourable Attorney General if the “an” when it talks to “an elector” in “an electoral district” could also be interpreted in the plural, meaning I can vote in more than one electoral district.

Hon. Samuel W. Bulgin: [Microphone not turned on] Madam Speaker, I think I have mentioned to him that there is somewhere . . . it might [inaudible] seem 92 which expressly, because the Interpretation Law says unless the contrary intention appears. I am just trying to find it here that it does say here that you can only vote in one district.

[Inaudible interjections]

Hon. Samuel W. Bulgin: Yes, unless the contrary intention appears, somewhere it says that you can only vote in one district. So the Interpretation Law makes it quite clear. So, unless the contrary intention appears, and it is quite expressly stated here that you can only vote in one electoral district. Contrary is not true when it comes on to whether you can only vote for one elected Representative.

[Inaudible interjection]

Hon. Samuel W. Bulgin: And the answer is that it is not prohibited. The Constitution does not prohibit it.

The Speaker: We can do this in Committee if we have to have a discussion.

Does any other Member wish to speak?

[pause]

Were you finished?

Does any other Member wish to speak?

[pause]

Does any other Member wish to speak?

[pause]

Fourth Elected Member for George Town.

Mr. Ellio A. Solomon, Fourth Elected Member for George Town: Madam Speaker, I rise to make a short contribution insofar as the Elections (Amendment) Bill. Just before entering into that I would like to take this opportunity to publicly extend my condolences to the Member for East End and to the rest of his family and friends. I imagine that the Member is feeling a tremendous degree of loss and I believe it is fair to say that every Member here in this honourable

House and many members of the general public extend those same condolences as well. So, I definitely wanted to do that publicly. I had an opportunity to speak to him privately, but I believe it is important that we do that publicly as well so that persons perhaps just looking on do not get the wrong impression that because we have to debate vigorously on the Floor of the House that that means we are not going to be civil and kind to one another. So, again, condolences to the Member.

Madam Speaker, I will start with all of the glorious parts first. And that would be to commend the Member for East End on a tremendous amount of the points that he raised. I join chorus with him that perhaps it is something, I know in terms of actually bringing this particular amendment here today, we were seeking obviously as the Government to address a specific concern which naturally I think all of us are cognisant has to be addressed and has to be addressed very quickly.

But, that said, I believe it is important to echo that the Member for East End has made some meritorious comments. When you look at this whole issue of the elections, and understand that the cutoff date is going to be January 2nd, I think that is something that we could definitely work, hopefully in Committee, to actually change. I think, Madam Speaker, that perhaps we could share the view that if you are arguably going to be 18 years of age perhaps even as much as May 21st, at 11.59.59, some may take the position that you should be able to register to vote. There are varying positions, Madam Speaker. But I believe that even if we don't want to go from one extreme to another, at least perhaps there is a compromise position that the January 2nd cutoff date could in fact be extended to allow persons to register.

Particularly when we understand that it is going to be Christmas, New Year, and, as he quite rightly states, many persons just in terms of their day to day activities would perhaps have forgotten. So I think that extension would only be a good thing to allow many persons to register. I believe that there are a lot of voters generally that want to register and I definitely know there is a tremendous number of young voters that want to be registered as well, some of them now 18 or 19, and some of them just turning 18 before or just right after January 2nd.

I think he also raised some other important points, Madam Speaker, that I think are meritorious. I will simply leave it to say that I join chorus that I commend him for those comments because I think in large part we should be able to hopefully deal with some of those issues in Committee. And if it happens that we are unable to do so today, then it would be unfortunate, but nevertheless, I believe that at the next sitting or session we should definitely make every undertaking to see if we can actually make it happen.

This issue of the Bill of Rights has arisen. The Member for North Side also raised the points about

one man, one vote. I just want to touch very briefly on it because I am pretty sure that as we get closer and closer to May that this issue about one man, one vote, or one person, one vote, is not going to go away. I have a sneaking suspicion.

So, Madam Speaker, on this issue of one man, one vote, I think it needs to be clear that the United Democratic Party Government coming here today and making the amendments that we are making is not coming here simply because we as a Government decided all on our lonesome that this is the right thing to do, this is the best way to do it, this is the only way to do it. That is not the situation, Madam Speaker. In fact, just a few days ago there was a similar dovetailing puzzling piece of legislation that had been amended and changed, and we had good consensus here in the House—the Leader of the Opposition holding his heart and voting in favour of it. Because understanding, Madam Speaker, that there is a need in terms of having the 18 Members. And even though there were expressions made in this honourable House that perhaps those numbers should be 17 or 19, in order to try and avoid a situation where you could have a Government elected, or Members being elected and perhaps not even able to get a formation of a Government simply because no one had a majority or you had a hung situation, for example, 9/9 in terms of the 18, there was still nevertheless majority agreement in this honourable House for that to actually proceed.

So, on this issue of one man, one vote, not long ago this country, under the previous administration, engaged in a constitutional process. In that constitutional process there was every effort made to discuss and to reach decisions on a myriad of different issues. One of those issues was also the issue of one man (or one person), one vote. I have heard the Leader of the Opposition, I have heard other Members of his group, his team, his party, making mention that one of the reasons that they didn't implement it was simply on the position that . . . So, it was a position that in terms of the one person, one vote and one of the things I continue to hear them echo is the fact that they wanted to try to reach a consensus position between Opposition and the Government. And that that is one of the reasons why they never actually implemented the one man, one vote.

Madam Speaker—

The Speaker: Member for George Town, I don't like to interrupt you, but we need to take a short break. Ten minutes?

Proceedings suspended at 3.45 pm

Proceedings resumed at 4.15 pm

The Speaker: Proceedings are resumed. Please be seated.

The Fourth Elected Member for George Town was on the floor when we took the break. Would you please continue your debate now?

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

As we took the break I understood that perhaps even the good Member from Cayman Brac was saving me from the wolves. But, Madam Speaker, on this issue of one man, one vote, I just want to touch on it a little bit because without a doubt I believe it is going to be raising its head several times, I am sure, over the next couple of months. I can perhaps think of one month next year in particular.

The Speaker: Let's keep it as short as possible, please, because I would like to finish this evening. We still have the Bill to go through Committee stage and other Members to speak. I am not cutting your debate short, I am just asking you to please be a bit conservative in what you have to say.

Please proceed Member for George Town.

Mr. Ellio A. Solomon: Madam Speaker, I can assure you that I will not be taking one hour and 59 minutes and 59 seconds.

The Speaker: Thank you.

Mr. Ellio A. Solomon: So, Madam Speaker, on the issue of one man, one vote, which I believe will be mentioned several times, it is a situation that . . . why it has not gone away, I don't necessarily know. But I suppose we have to be welcoming the discussion.

Madam Speaker, not long ago we debated this issue. I chatted earlier on before taking the recess that the previous administration, during the process of the Constitution going around getting feedback from the general public, sitting down having negotiations, the issue of one man, one vote, or one person one vote would have raised its head several times. So it has to be put, if it has not been put before, for the record that the previous administration, when they had the majority in the House (which I believe was 10 out of the 15) had a very clear opportunity, if they wanted one man, one vote, to implement it.

I have heard comments from the Leader of the Opposition and from some of his team as to why it was not done, Madam Speaker, but it is nothing, as far as I am concerned, other than lame duck excuses. Madam Speaker, bottom line is that if they wanted to do it they would have done it.

I heard him say something to the effect that he was trying to reach compromise. So, Madam Speaker, it is an issue of saying, in terms of compromise, it is the same persons at the end of the day who would have taken the position to say, *Not on the kindest of mornings*. Yet, they can say not on the kindest of mornings with something as important as the fi-

nances, but has to compromise on the issue of the Constitution.

Madam Speaker, I hear the Leader of the Opposition on the other side of the aisle there talking about wanting to fight. It's not fighting; it's about just laying out the facts. And the facts are that his administration had the chance to put in one man, one vote if they wanted to. So why he just doesn't fess up and tell the people of this country that they chose not to do it, and attach whatever motive he wants to it, but they didn't do it? They had the chance to do it, and they did not do it.

That is not to say, Madam Speaker, that if we as a people in this country decide tomorrow that we want to go to the polls and change our electoral system that we cannot change it. But even on that note there was a referendum held not long ago, Madam Speaker, where a significant number of people came to the polls and an even large number of people chose deliberately not to go to the polls to vote. And that is why the system has not changed.

It should be made abundantly clear, and no one should try to fuzz the issue. It has not changed, 1) because the PPM Administration during their tenure chose not to do it; and 2) a referendum was held at a significant cost to the taxpayers of this country and a large number went to the polls and chose to vote for it and an even large number chose, deliberately so, Madam Speaker, not to go and vote.

I recall, for those who may seek to rise to their feet to blur that issue, Madam Speaker, that even the Chamber of Commerce had their magazine which stated clearly, *If you do not go to vote it is a 'no' vote*. That's what the magazine said; made it very clear; Full page ad. "If you do not go to vote it is a 'no' vote." So, for those for whom history has become blurred, the large overwhelming number of persons chose, just as stated in that magazine, not to go out and to vote, and therefore, by extension, chose to vote 'no'.

I said it before, if there are Members in this House whose friends and family chose not to come out to vote that day, I want to suggest to the Members of this House that their family and friends are actually telling them that they are not giving them a vote. It's a no vote! That means a friend or family member or supporter who does not go to the polls and votes has chosen not to support you. And it was the exact same situation that occurred with the referendum for one man, one vote. A significantly large number chose not to go and vote.

Madam Speaker, it is always a question (and I stated this during one of the previous debates) on choosing whether we want to go single member constituencies, one man, one vote, or my proposal at that time was that we could also look at something like the national vote. Out of an abundance of caution, let me take the time to stress this. Single member constituency, one man, one vote, would propose that the District of George Town, for example, would be diced up

into six pieces. So what is now one district of George Town where persons may now cast four, and in this election six, votes would actually be diced up into six separate areas. And those six separate areas, which we would refer to as single member constituencies, each person would be casting one particular vote.

On the other hand, Madam Speaker, I made an argument, because one of the things that came from the Member for North Side and all those other persons who would have been pushing in favour of one man, one vote, was that to me there is more than one way to get equality. You can attempt to get equality for the people of this country by reducing every person down to one vote. And I believe you could also attain equality by saying I am going to carry everyone up, in this particular case, to 18 votes. And I believe some persons, including the Member for North Side, tried to make some arguments against that, Madam Speaker, but I still stand by it.

If you truly wanted to bring about a system that was going to create and bring candidates to the fore, that was going to put the issues of this country first, look at everything from that national level, Madam Speaker, and not become too myopic, too drowned out in the one or two things around the corner, but understanding what has to be done on behalf of the people of this country, then they would be more supportive of something such as the national vote where persons can go to the polls and under the present scenario would be casting approximately 18 votes.

I heard when the Member for East End raised the issue about these additional three seats. One of the things he said, Madam Speaker, was rather than assigning them to any one particular district, to actually make them candidates at large. Now, Madam Speaker, candidate at large would be a position where, in essence, those three candidates are running in such a way as a national vote. Running and elected, Madam Speaker, where straight across the board in the three Islands you would have, in essence, persons voting for those three candidates at large. But the difference there is that you would have this hybrid system of what you have now where four Members in George Town, four in West Bay, three in Bodden Town, or otherwise, and you have three that tend to be running in a sort of national vote election.

So, you have all of these combinations, Madam Speaker, this hybrid system which is, quite rightly, highlighted single member constituencies, the multi-member districts and then three candidates or so running at large, or on a national vote. Madam Speaker, I won't even attempt to talk about some of the complexities and challenges that that would raise. But let me support the Member to say this: I believe I can tell you that if you were to do that and those three Members were elected on that national vote basis, I sincerely believe that the people of this country would definitely be looking and saying, *There is a candidate (or candi-*

dates) that deserves to be in the House and that we feel, hopefully, is going to represent the people's national concern. So it is good to hear the Member talk about that.

Unfortunately, we didn't have that when the debate was going on, Madam Speaker, and I was talking about the issue of national vote generally. I sincerely believe that if we are looking in terms of what we can do in the best interest of this country from an electoral standpoint, if we look at single member constituency, if we can get past what I believe persons would be looking at to say is the flavor of the day, and ask ourselves to be running in George Town where I am going to be campaigning, or a candidate would be campaigning, to 7, or to 900 candidates, is it really the best thing to do.

Or, is it a situation that isn't best that the person who runs to get elected in George Town is not campaigning to just 6[00], 7[00], or 900 members of the electorate, but instead running and campaigning to that 4[,000], 5[,000] or 6,000 persons seeking to get the majority of their votes? And believing that if we are able to do that, what we are able to bring about as a candidate who had to go and meet with a variety of people, a wide cross-section, and, after having garnered those votes, Madam Speaker, he/she goes to Parliament with a much wider perspective, a much more circumspect view in terms of how he/she can serve the country.

If we can take that position, Madam Speaker, that is where, I argue, that from a national vote angle it would be a case that those 18 candidates would have to campaign in all of the different districts looking to get votes across all three Islands in order to find himself, or herself, as a Member of Parliament. But that discussion is gone. The national vote discussion is gone for now. So is the single member constituency discussion. And, arguably, Madam Speaker, so is the multi-member constituency debate.

For now I believe it is fair to say that the sun is setting on that particular chapter. The book is closing. We are here as a Government in terms of looking at what actually has to be done. It is a matter for 18 Members. One of the things I mentioned earlier on is that we definitely felt as a Government that perhaps it should not just be 18 but maybe 19 seats that are actually created. One of the reasons to ensure, primarily, that you would not end up in a situation where you would have an inability or serious challenges in terms of forming the Government ending up with a hung situation where you would end up with that 9 and 9, 18.

I heard some of the Members of the Opposition talking about the position and procedures in the House of how those majority works. But, Madam Speaker, I think the reference was being made specifically to the fact in terms of actually forming the Government in the first place, actually looking and saying if you have 18 Members and you have to form the Government and you ended up with this odd situation

of where it happens to be 9 and 9, what are you actually going to do if there is that challenge in terms of someone crossing from one side to the other. A lower number of 17, or a higher number of 19 would, arguably, make the occurrence of that mathematically impossible.

The issue of 19 is, again, Madam Speaker, another issue that has gone. We voted a few days ago and again, as I mentioned, even the Leader of the Opposition was there acquiescing the request. I think there was support pretty much by all the Members here. We now have, as a country looking forward to the elections, 18 seats that are going to be contested. Not 17 and not 19. And the same way I believe that we should accept that fact (that it would be 18 seats in the election), so I believe that we should accept the fact that the situation is here, not just some creation of the Government on our own, but based on recommendations that have been made, based on the challenges that have set that we are actually going to end up with multi-member constituencies, particularly the district of George Town with two additional seats, and the district of Bodden Town with one additional seat.

The other issue I just want to touch on very quickly, Madam Speaker, is this issue about unconstitutional. I know the Member for North Side raised the issue about unconstitutional several times. Where I believe it is perhaps his right to say so, I wish to give utmost clarity. My understanding is that any challenges that come as a result of that Constitution are going to go before the courts. And it is going to be the courts, and the courts alone, that are going to determine if it's unconstitutional. I think it is important because we can stand here and echo that something is unconstitutional, but if it is there as a challenge, Madam Speaker, it is the courts that will decide if it is unconstitutional.

Madam Speaker, I believe there is a Member wishing to make a point.

[pause]

Mr. Ellio A. Solomon: So, in the absence of the Member continuing, Madam Speaker, the situation is right now, if there is a challenge insofar as Bill of Rights or other things that the Members on that side would have mentioned, either from East End or North Side, if there is a challenge it is going to be the courts, and the courts alone, that will decide if it is an issue that is unconstitutional. I wish to make that abundantly clear, Madam Speaker, so that we will not have Members of the general public who would be listening to this debate and be unduly influenced and persuaded by any Member constantly repeating the term "unconstitutional" causing them to infer that what the Government is doing here today is unconstitutional.

Moment of interruption—4.30 pm

The Speaker: Can we pause for just a minute please? I need to have a motion to continue after the hour of 4.30 or to adjourn.

Suspension of Standing Order 10(2)

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

We propose to complete the Bill this evening. So I will move the suspension of Standing Order 10(2).

The Speaker: The question is that Standing Order 10(2) be suspended to enable the House to continue proceedings beyond the hour of 4.30 pm.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Standing Order 10(2) suspended.

The Speaker: Member for George Town.

Mr. Ellio A. Solomon: So, summarising, Madam Speaker, the circumstances are that as much as we would like to engage, re-engage, anticipate and otherwise on this issue of one man, one vote, the sun has set on that issue. The chapter is closed.

The people of this country went to the polls via referendum at significant expense and arguably in part spearheaded again by the Member for North Side as one of those persons, even though I think it was a tricky situation as to who was really leading it, it depends on whether it was successful or not. But it was a situation where it went to the polls and a number of persons voted in favour, but the overwhelming majority of persons chose to vote no, and chose to vote no in part by staying home.

So with 33 per cent arguably voting “yes” there was 66 per cent arguably voting “no.” So the people have spoken. That is why we do not have that change.

The same thing with the national vote—as much as I can say I would like to have seen something in that direction, and as much as I can applaud the Member for East End talking about the issue, perhaps a dollar short and a day late on the issue of three Members at large, because that is a national vote that he is referring to, that issue is also gone.

What we end up with in terms of the courts is that do not, please, do not stand in this honourable House and try to suggest that what the Government is doing today is unconstitutional, because I don’t believe any Member here today, even those who have studied law, is going to stand here and take the position of the courts to say here that something is defini-

tively unconstitutional. It will go before the courts, if there was a challenge, and if that challenge arises, it will be the courts and the courts alone that will decide if that issue is unconstitutional.

With that, Madam Speaker, I thank you very much for the very short period of time to make some comments. I greatly appreciate it.

The Speaker: Thank you, the Fourth Elected Member for George Town.

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

The Leader of the Opposition.

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

I hoped that I would be able to avoid having to speak on this matter which is really at this stage, or ought to have been really a straightforward matter of making the necessary amendments to the Elections Law to give effect to the constitutional provisions which were approved by the electorate of these Islands in May 2009, adding three additional seats to this House, moving from 15 to 18.

Quite why it has taken the current administration three and a half years to give effect to what the Constitution . . . well, let me give them the benefit of the doubt—three years, because the Constitution actually didn’t come into effect until November 2009. Quite why it has taken them three years to get to this point on the eve of the dissolution of this House to bring the necessary amendments to the Elections Law is something that only the Government, the Premier and, in particular, the Fourth Elected Member for George Town, who just finished speaking and who has now left the Chamber, only they will know.

Madam Speaker, I have been here 12 years now. I must tell you I have listened to many Members speak in this House. But I have never, never, I don’t think, met anyone—not even the former Second Elected Member for Cayman Brac, Mr. Lyndon Martin, who was an expert in this—be able to spin information the way the Fourth Elected Member for George Town does. He is particularly gifted.

[Laughter]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Speaker, I am not going to spend a great deal of time seeking to disavow what I am alleged to have said or done according to the Fourth Elected Member for George Town, but I am going to say this: As an unelected Member of this House, but a Member of the UDP team of candidates, the Fourth Elected Member for George Town sat around the table in Lancaster House in London at the final round of the constitutional talks in February 2009. He knows very well the basis on which we didn’t include a provi-

sion specifically requiring one person, one vote, and the establishment of single-member constituencies throughout these Islands.

One would have thought that having at least at this stage gone through a referendum process during his administration, he would have understood that in order for a question to pass it has got to receive the majority of votes in accordance with whatever the requirement is that is set out in the Referendum Law. And that, therefore, for the current Constitution to have actually gotten through, we, as the administration, had to do everything we possibly could to get the majority of people involved, the majority of the electorate to vote in favour of it. This Constitution that we now operate under is the product of negotiation not just between the then administration and the then opposition, but the broader community. There were many people sitting around that table from the representatives of the Chamber of Commerce, the Cayman Islands Ministers Association, the Conference of Seventh Day Adventists, the Human Rights people. There were lots of divergent and diverse interests around that table.

If we had adopted his hardheaded approach of "it's my way or the highway" we would have wound up where previous administrations wound up over the course of the previous decade, having spent millions of dollars over that period engaged in what was constitutional reform or constitutional modernisation processes with nothing to show for it at the end of the day.

Madam Speaker, I was fortunate to be part of the administration that believed in results and also believed in listening to what the other people around the table had to say. We have always been on this side, in the People's Progressive Movement, firmly of the view that single-member constituencies and the adoption of the principle of one person, one vote, is the way to go. But if that was going to be the reef on which the constitutional modernisation talks were going to founder yet again, we were not going to be adamant about that. And the result was the provision that appears in the present Constitution which allows the move to single-member constituencies to be done by a simple legislative change, not necessitating a constitutional change.

A referendum was held on the point. In our view the Government stacked the deck to do everything it possibly could to ensure that it wouldn't pass. But contrary to what has been said by the Fourth Elected Member for George Town, the majority of the country did not vote against it. The majority of the country clearly voted in favour of it. The bar that was set by the Government was simply too high to pass.

But, Madam Speaker, the Fourth Elected Member for George Town is still in his rookie term. He has his first election to face to be held accountable for what he did or did not do. And, Madam Speaker, he will know, as all the rest of us in here will know in less

than six months, whether or not the country voted yay or nay for one person, one vote. That's all I am going to say about that.

Madam Speaker, I perhaps can offer some insight into this problem which my friend, the Elected Member for North Side, has identified and which he put to the Honourable Attorney General about the interpretation of section 92 of the Constitution where the issue arises as to whether or not an elector can vote for more than one candidate. Madam Speaker, I will read the section: "**92. (1) Any person who is registered as an elector in an electoral district shall, while so registered, be entitled to vote at any election in that district for an elected member of the Legislative Assembly . . .**" And then it goes on to other points which are not really the subject of the controversy.

The argument from the Elected Member for North Side is that that is expressed in purely singular terms, and the result must be, because it is a provision in the Constitution, that all electors in Cayman can only vote for one candidate in each electoral district. The Attorney General, Madam Speaker, I believe has ably indicated what the Interpretation Law says about the singular and the plural when it comes to legislation. And I don't take any issue with any of that.

But the genesis of this problem, or mistake, or error if you want to call it that, in the Constitution, or ambiguity, is that the draft constitution which was first produced by our administration for discussion included in it the provisions to establish single-member constituencies. And, therefore, all of the necessary, all of the consequential (if I may call them that) or related sections of the Constitution were adjusted to accommodate that.

[Inaudible interjection]

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Single-member constituencies.

So, what I believe happened in the change when those provisions were deleted from the draft, somehow this change here was missed by the draftspersons and, therefore, what is here reflects the earlier draft. That, I think, is where the problem arises. I don't think, though, Madam Speaker, that that leads to a constitutional problem because the issue is, I think, adequately redressed by the interpretation of these provisions, not just the question of the singular including the plural, and so forth, but also the overall context of the Constitution and the Elections Law.

I hate to differ with the views of my learned colleague, the Elected Member for North Side, but I don't agree with his view about this particular point.

Madam Speaker, as I have said, I don't know why it is that we have to leave these things to the very last minute to have them addressed so that when we are already in the beginning of the heat of an election campaign that we have to come to deal with election

issues. I think it's just inappropriate for us to have to deal with this sort of controversial stuff, if I may say that, at this late stage in the day. This is something that we ought to have addressed very early.

I want to give this House and those within the sound of my voice the absolute assurance that if the People's Progressive Movement is the Government the next time around, we are going to move swiftly to pass the necessary legislation to implement single-member constituencies, and we are going to ensure that a wide range of issues, many of which have been spoken about by my friends, the Member for North Side, and particularly the Member for East End, which continue to plague the administration of the election process, that those are addressed very early in the term so that we can put these sorts of things behind us and that they can be dealt with when people aren't focused on the next election in four or five months which is what tends to happen here.

Madam Speaker, I just want to round out what I said this afternoon by expressing a concern which has been related to me by a number of people about what appears to be the very early closure of the registration process. We got notice a little while ago that the registration process for the elections which will occur on 22 May is the 2nd of January—the final day by which any person may be registered as a voter. I understand full well that the Law and the process operates on the basis that lists are produced at the end of every quarter and that seemingly the reason for the closure of the registration on 2 January is that that quarter (commencing in January) will conclude on 31 March, and then the next quarter, obviously, would be at the end of June, the elections having intervened in May.

Madam Speaker, I understand all of that. But there is nothing in the Law, and there is nothing in the Constitution that prohibits the Governor issuing, I think it's called a variation of registration order to fix the date for completion of registration later than the date which starts a quarter. I can say that with some authority because we were faced with this particular issue in the run-up to the last elections. The date fixed, I believe, was the end of February and we had the Governor issue the necessary order to allow that to happen.

Now, I know that there are going to be some complaints because this puts the Elections Office under more pressure to complete the preparation of the lists and so forth and so on. But I believe with the intervening Christmas period where we are going to lose essentially three weeks when people are not focusing on this kind of thing and when offices are closed and people are on vacation and all of that, that for the registration process to conclude on 2 January effectively means that the process will close next week for all intents and purposes. And I don't think that that is necessarily in the best interests of the democratic process and I don't believe does a great

deal for our reputation as a forward-thinking, modern democracy.

Think about it. The election is on 22 May, and you can't register to vote after 2 January in a place as small as Cayman where the number of registered voters at the moment is, I think, about 16,000 people? I just think that we have to be a bit more bold, a bit more progressive—a good word!—a bit more progressive in our approach to these sorts of things. This is a particular issue that I am cognisant requires the approval of the Governor, but I would ask the Government to seriously consider what I have just raised. It really is just an extension raised by the Elected Member for East End, perhaps putting some more detail in it, to consider it and to take the matter up with the Elections Office officials, the Supervisor of Elections, and, ultimately with His Excellency. I intend to write to His Excellency expressing our concerns about this early closure of the registration because I believe it is a very, very important point, as I said particularly given the fact that 2 January is, to state the obvious, the day after New Year's Day.

So, Madam Speaker, with that short contribution I wish to indicate our support for the proposed amendment to the Elections Law to allocate the three additional seats for the upcoming general elections.

The Speaker: Honourable Premier.

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

I think that this very small Bill has gotten a lot of airing and a lot of hot air in the airing. I always can sit back and when the Leader of the Opposition rises I know that he is going to apportion blame for something to somebody else. You know the Opposition!

[Laughter]

The Premier, Hon. W. McKeever Bush: So, as usual, he apportions blame and tries to leave it at that. But I have to correct, or I have to question a few things, and, Madam Speaker, just to move immediately to this point of the closure of registration. We sat there and we listened to him blame us and you would swear that the whole world is falling down. I am wondering if this closure of registration, which I personally think it is just too much, and when we said so the last time before the Government didn't move on the whole matter.

And Hon. Member: We did!

The Premier, Hon. W. McKeever Bush: You moved, but you moved late!

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: Nah, nah, it nah no "come on now". You come on; you all listen.

Madam Speaker, they just sat there and talked about this time. Look when they made the change, Madam Speaker. The 24th December 2008, the election was May 2009. How are we going to come and think you can get away by complaining about this Government? Huh? And how this one took so long? How?

You see, not a different point, the same point on closure, the same point on closure of the registration. And come back, of course, making Anancy story promises about they are going to do it better next time. And he is going—

[Inaudible interjection]

The Premier, Hon. W. McKeeva Bush: Madam Speaker, they say if I am nervous. They ought to see how nervous I am.

I don't worry about the elections, Madam Speaker. It is the Leader of the Opposition who hasn't made any good proposal but to malign, criticise and carry on in this country, he and his general secretary, concerning elections and who is right and who is wrong, and who did what and who never did anything, and they are angels, all of them. All of them!

[Inaudible interjection]

The Premier, Hon. W. McKeeva Bush: If he were any good he wouldn't be there.

Madam Speaker, let's put this thing about closure to rest. We have sufficient time to deal with it. He is going to write the Governor. Well, I hope he writes him. He goes to see him some times. Go see him, don't write him. Go back there again.

Madam Speaker, the closure, the variation of registration date was issued on the 24th of December 2008. Madam Speaker, you know, they should really try to put politics aside for some things. Everything that they do it is some twist to it to blame and try to make somebody look bad that the administration has not done what it is supposed to do.

Madam Speaker, it is true that time has gone by, that we received the Boundaries Commission. But the Member for George Town is absolutely right. And if that Member's fist could reach over here it may have struck him too like how he did in the room.

[Laughter]

The Premier, Hon. W. McKeeva Bush: Madam Speaker, the Fourth Elected Member for George Town that spoke is absolutely right. If they wanted to do these things they sat there in Lancaster House, they were the Government, and not only were they Government, but the people that they carried along with them, the so-called NGOs [non-governmental organisations] were with them. And so, Madam Speaker, our delegation was . . . you can believe that

we were alone and Lancaster House is very cold. Even in the summer it is cold.

Madam Speaker, the truth is that we were making some serious changes in this matter. This is not an easy matter and the Member for North Side, I think, took time to expound upon it. As the Premier, I wanted to give everyone in these Islands an opportunity that I could hear from without going to an actual vote. I was determined not to call and mix that up with the one man, one vote. But thinking back, perhaps we should have put the word in there whether you want more Members or you don't want more Members. That probably should have been part. But one man, one vote is such a fundamental change to our system that I wanted to hear from as many people across the board, and I didn't want that part of the vote mixed up with something else.

So, we decided to have the referendum on one issue; the one man, one vote. But I wanted to hear from as many people as possible. And I have taken advice across the board. And the truth is, Madam Speaker, that from what I have been listening to across this country, I have found that there was not support to give three more Members to the George Town district, as there was not support to increase Members of this House generally. That's the reading I have from the general public.

Now, in our group it took that long to decide what to do—three more Members for the Assembly, and whether two more Members for George Town. We debated and we fumed. We debated and reconsidered those positions and came up with the recommendations before us; that is, these are the considerations of the Boundaries Commission and we would leave it as is.

But I personally do not support the introduction of three Ministers. I do not support that. I do not support the lopsided position of giving George Town two more Members. I don't! Never mind that they got several thousand voters (5,000 voters, I think it is). The fact is that they have given a district where with all six Members that can form with four more Members from all over, all they need is that block. And if I see them bring one man, one vote, Madam Speaker, I will be surprised, because if they have a powerhouse to drag the votes in for them they are going to keep those six votes. So they can make all the fool-fool promises they want. I would have to see it first. They don't want that any more than they want a hammer on their back.

[Inaudible interjection]

The Premier, Hon. W. McKeeva Bush: You look in the mirror every morning and you will see who's disingenuous!

Madam Speaker, I don't play around with the electoral process. I've been involved too long with it. I know the ins and outs of it. And I am not about to mess with it. But the truth is, if they wanted to have

done the one man, one vote, they could have done it. They are asking why we have not done these things before. Madam Speaker, they understand the situation that the country has faced in these times that we have had to work with. Or does he not understand? Or, if he gets elected, does he think it can be all clear and nice and they can just turn the world around?

They don't understand the amount of work that you have to do. They don't understand what you are dealing with when you are dealing with the Foreign [and Commonweal] Office. They don't see it. They think you can just go and do things and everything you do now is turned around and you have to send it back to the UK and then you have to come back here and you wait at their will and at their whim and fancy to get back to you. If you have to get a piece of legislation you get an answer back when you should have been down here. They don't understand what the country is going through.

Madam Speaker, maybe not, because they are concentrated on doing one thing and that is destroying the Premier. I wonder if they think if they win that post they are going to get to heaven and that's all they need to get to heaven. No. No, Madam Speaker. There is much more to it than that. It's not a do or die situation for this person you see standing here. I wasn't born in this position. I wasn't even born to be here.

Madam Speaker, the matter he raised when he talked about an oversight. How could it be an oversight? You mean to say that he is a little bit not perfect? The man that drafted the Constitution, he claims. You mean he is a little bit not perfect. It was just an oversight. I thought he was perfect.

The Attorney General says it means singular or plural. That's what he said. That's the understanding that I have it. If it means he, it means she. You mean you have to spell it all out? No. And if I am correct, I believe that that man said up there that's that is what is in the Constitution, that he means the same as she. He said that. As far as I remember he said so. And the law that we have that interprets certain things says that. So, they can't make . . . Madam Speaker, they have to stop nit-picking at everything.

What are we coming to? You have to nit-pick at everything and say something about everything and if I say, Madam Speaker, that I doubt whether I am going to run for executive position next time, big thing out of it. Why? Stop the nit-picking. What they should be doing is telling people what they are going to do for this country and how they are going to solve the problems.

Madam Speaker, we can't support the amendment by the Member for North Side in regard to the one man, one vote question. That's settled. And the Member for North Side Member can go ahead and believe the Member for George Town. He ought to know what he said about him. What the Member for North Side said about him. That he can only tell 10

per cent of the truth. He should be very well warned of what the Member for George Town says about him instead of him couching up there every minute running to him plotting and planning. You better be careful; something that don't come out 10 per cent that you don't need.

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: Wait until you see.

Madam Speaker, there is no . . . there shouldn't be any big furore about this matter coming here now. We couldn't just get it before now. Madam Speaker, people saw that I attempted. Didn't they see that I attempted to bring the matter here before the House and we had to take it back? It means people still have doubts in their minds. That's a fact! And I tell you this: For those that are not concerned about it, I am. Because you never know what is going to happen and we should strike out any of the possibilities as the two Members, the one the Member from East End and the Member for North Side, have been saying—things can happen—more the Member for East End.

So, if we believe that something can happen and that it is not going to be good, that it can happen, why are we going ahead and doing so? Why? Because it suits somebody to do so? No. I believe in the other . . . if you see something coming down to ram you, you should try to step out of the way or secure your position.

And so, Madam Speaker, I think there was another one they referred to, the amendments should be before the Committee, but they spoke to them in their debate. That's why I am replying. They are talking about I think . . . the next point was the campaign expenses.

Madam Speaker, the fact is, campaigning in this country, no matter what anybody tells you, Madam Speaker, they are telling a lie if they tell you it doesn't cost them. What we should be doing is facing up to it and putting the right figures for everyone and judge what we make and what we have to spend. That's what we should be doing, be honest with ourselves and the general public, in saying that this thing costs money to run today! Stop trying to hide it at every turn around. And you don't have to tell me about they don't spend money. They spend money. Every one of us has to spend it! Every one of us!

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: Oh?

[Inaudible interjection]

The Premier, Hon. W. McKeever Bush: Yeah. You are better at it than most people, that's why.

[Inaudible interjection]

The Premier, Hon. W. McKeeva Bush: Of campaigning!

[Laughter]

The Premier, Hon. W. McKeeva Bush: Madam Speaker, you are not a candidate until nomination day. That's when you are a candidate.

Now, you can spend up to that time. After that time you are officially a candidate. And at that point [it is] when we should be saying in this law, or whichever one it is, this is the amount that we need to spend. And if we don't spend it, well, we don't spend it. But if you spend it, Madam Speaker, then you can be accountable for it, because it's open and it's legal. And when we go to Committee we should do something about it because TODAY, if you think the rates are not bumped up, go and try to do it. We should! But, no, they don't want the public to know that they are spending all this money. Nobody! All of us have to spend it in whatever ways . . .

The other thing, Madam Speaker, we are talking about being progressive. Is that only a word to slam together for some organisation? Or do we really want to be progressive? Why is it, Madam Speaker, we are campaigning and up until Election Day you must take everything down before Election Day? Who is going to vote has already made up their mind a long time [ago]. Those signs don't mean a thing. Some of them are Barnum and Bailey. They don't mean anything at that point in time. Now we have to go 'cause everything must be taken down before . . . do you know what that costs? The rush and the people you have to get?

Hon. D. Kurt Tibbetts, First Elected Member for George Town: You don't have to tell me.

The Premier, Hon. W. McKeeva Bush: I know. You don't have to tell me either. I have been through eight elections now.

So, Madam Speaker, these are the things that we should, when we go to Committee, strike out, remove from the Bill, from the Law. Put an amendment, because it is costing money. Television? Who is not going to try to get on television today during the election campaign? Who? Is it one cent? No!

Who is not going to try to get on the radio? They charge as much too—*Compass, NetNews?* What is it? Eight hundred dollars or fifteen hundred dollars a page?. That's lots and lots of money.

So, Madam Speaker, if you are going to be progressive, be progressive.

I appreciate the concern of the Member for North Side about West Bay and our numbers. And I would invite him to move the amendment. I will certainly support it. If he has a concern, really, and you

can do something about it, then do something about it. Put the amendment forward and I promise him he will have full, unstinting support.

Madam Speaker, I want to thank the [ex-officio] Members for getting the Bill here. And I certainly thank the Temporary Acting [Deputy Governor]. I think being a temporary Member that this is his first Bill to introduce. As a young Caymanian we can thank him.

The Speaker: Thank you, Honourable Premier.

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

If not, I am going to call on the Temporary Acting Deputy Governor to make his reply.

Dr. the Hon. Dax Krishna Basdeo: Thank you, Madam Speaker.

I would like to recognise the importance of the process and the role the Elections Office in the job to come and the confidence expressed by Members on the staff that are now in charge of the office, and I just wanted to note that His Excellency the Governor is currently dealing with the matter of succession planning for the Elections Office as a very important, sort of forward-looking move. But, again, recognising the hard work and dedication of the individuals who are there now and certainly the work they are doing.

With that brief comment I would like to thank Members for their contributions to this debate on this important Bill.

Thank you.

The Speaker: The question is that a Bill shortly entitled . . . May I ask if the seating arrangement is as it is supposed to be before I go any further?

[Inaudible interjections]

The Speaker: Thank you, First Elected Member for George Town.

[Inaudible interjection]

The Speaker: No. I just want to be sure that everybody is in their place.

[Inaudible interjection]

The Speaker: Well, we have not done . . . nobody has notified me of that, that that is how it is going to be.

[Inaudible interjections]

The Speaker: The question is that a Bill shortly entitled . . . The Elections (Amendment) Bill, 2012, be given a second reading.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: The Elections (Amendment) Bill, 2012, given a second reading.

The Speaker: The House will now go into Committee to consider the Bill.

House in Committee at 5.16 pm

[Hon. Mary J. Lawrence, MBE, JP, Chairman]

The Chairman: Please be seated.

The House is now in Committee. With the leave of the House, may I assume that, as usual, we should authorise the Honourable Attorney General to correct minor errors and such the like in these Bills?

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

COMMITTEE ON BILL

Elections (Amendment) Bill, 2012

The Clerk: The Elections (Amendment) Bill, 2012
 Clause 1 Short title and commencement
 Clause 2 Amendment of section 5 of the Elections Law (2009 Revision) –electoral districts and representatives.

The Chairman: The question is that clauses 1 and 2 stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Clauses 1 and 2 passed.

Mr. D. Ezzard Miller: Madam Chairman, I had circulated notice of two amendments by adding a new clause 3, the effect of which . . . the first amendment is that section 44, by deleting the words “candidates that there are seats to be filled” after the word “more” and replacing them with “than one candidate.” So that the . . .

The Chairman: I call on the Member for North Side to move the clause. Read the amendment.

Proposed new clause 3

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

The amendment would be the insertion of a new clause 3, which reads as follows: “The Elections Law (2009 Revision) is amended in section 44 by deleting the words “candidates than there are seats to be filled” after the word “more” and replacing them with “than one candidate.”

The effect of the amendment would mean that the new [section] 44 would read “No person shall vote for the election of more than one candidate.”

The Clerk: New clause 3 Amendment to section 44, restriction on voting—

Mr. D. Ezzard Miller: Madam Chair, if you want to vote . . . there is a second amendment to section 67. Do you want to vote on the clauses separately?

[Inaudible]

Mr. D. Ezzard Miller: Okay.

The Clerk: New clause 3 Amendment to section 44, restriction on voting.

The Chairman: The clause has been read a first time. The question now is that the clause be read a second time.

Does anyone have any comment on it?

The question now is that this clause be added to the Bill as clause 3, and that the subsequent clauses be renumbered accordingly.

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

Ayes and Noes.

The Chairman: The Noes have it.

The Premier, Hon. W. McKeeva Bush: Division, Madam Chair.

The Clerk:

Division No. 13

Ayes: 2

Mr. V. Arden McLean
 Mr. D. Ezzard Miller

Noes: 10

Hon. W. McKeeva Bush
 Hon. J. Y. O’Connor-Connolly
 Hon. Michael T. Adam
 Hon. J. Mark P. Scotland
 Capt. A. Eugene Ebanks
 Mr. Ellio A. Solomon
 Mr. Dwayne S. Seymour
 Hon. Alden M. McLaughlin
 Hon. D. Kurt Tibbetts
 Mr. Moses I. Kirkconnell

Absent: 3

Hon. Rolston M. Anglin
 Hon. Cline A. Glidden, Jr.

Mr. Anthony S. Eden

The Chairman: The result of the division: we have 10 Noes, 2 Ayes; and 3 absent.

[Inaudible interjection]

The Chairman: It's two Members absent from the Chamber, but two Members . . . which . . . and there were two Members not in their seats.

The Clerk: Hold on, hold on.

[Inaudible interjections]

The Chairman: The Clerk says that the Leader of the Opposition was not in his seat when the vote was taken the first time.

The Premier, Hon. W. McKeever Bush: Ooh!

[Inaudible interjections]

The Premier, Hon. W. McKeever Bush: Madam Speaker, I think I need to rise to the defence of my Leader of the Opposition. He was in his seat.

[Inaudible interjection]

Hon. Alden M. McLaughlin, Leader of the Opposition: I was.

The Chairman: Okay, all right. Well, we can have the vote corrected.

[Inaudible interjections]

The Chairman: No, we want this recorded correctly.

[Inaudible interjections]

The Chairman: All, right, let me do the division again. Ten Noes, two Ayes, two absent and one person out of his seat. And that's it.

Negated by majority on division: New Clause 3 failed.

The Chairman: Member for North Side.

Proposed new clause 4

Mr. D. Ezzard Miller: Thank you, Madam Chairman.
The second amendment relates to [section] 67. It seeks to delete section (3)(b) from clause 67. What is being deleted reads, "Any expenditure incurred before the date of nomination of the candidate with respect to services rendered or materials supplied before such notification." The effect would be that all campaign expenses would have to be ac-

counted for whether they occurred before nomination or not.

The Chairman: Member for West Bay.

Hon. Cline A. Glidden, Jr.: Madam Chair.

The Chairman: Member for West Bay.

Hon. Cline A. Glidden, Jr.: Just checking to see what the Member is proposing. Is he proposing that everybody that spends money would have to report because you don't become a candidate until Nomination Day? So, we're saying that anybody that spend money that happens to decide to run is going to have to report? How is that going to work if you're not a candidate?

Mr. D. Ezzard Miller: Obviously, if somebody did not become a candidate none of section 67 would apply. Section 67 only talks to candidates. But if the candidate, a person who becomes a candidate on Nomination Day has spent money on his own election campaign and it is obvious that it can be documented, it should be reported. That's all I am saying.

Hon. Cline A. Glidden, Jr.: But Madam . . .

The Chairman: Just one minute. Can we go back and do the proper procedures on this? We need to read the clause the first time, the second time, and then you can debate it.

Hon. Cline A. Glidden, Jr.: Okay.

The Chairman: Read it again please.

The Clerk: New clause 4 Amendment of section 67—limitation of election expenses.

The Chairman: The clause has been read a first time. And I will put the question that the clause be read a second time. And it is now open for debate.
Yes, Third Elected Member for West Bay.

Hon. Cline A. Glidden, Jr.: Just to make sure that I understand. So, the Member is saying the election that happened in 2009, a person that spent money sponsoring something, doing something, it would be an offence if that person had no intention of running in 2009 when they spent it but if they end up being a candidate and didn't report it. So you are saying four years ago, if the person spent money and they ended up being a candidate that's an offence? Is that what you are proposing?

Mr. D. Ezzard Miller: No, Madam Chair.

What I am proposing . . . the introduction of [section] 67 talks about election expenses ". . . shall

not exceed the sum stipulated . . . (2). The maximum amount of election expenses to be incurred in respect of a candidate at an election . . .” If a person wanted to campaign for four years, yes, I think it should be reported. If he decides to campaign four years and he is out there putting ads in the paper “vote for me; vote for me”, I think he should have to report it.

Hon. Cline A. Glidden, Jr.: Right, so you’re . . . Madam Chair—

Mr. D. Ezzard Miller: I think it is clear, Madam Chair, what is election expenses and what is not election expenses.

Hon. Cline A. Glidden, Jr.: Yes, it’s clear, election expenses become expenses after you decide and declare yourself and you are nominated as a candidate. That’s what’s clear. But you are proposing to change that, which seems to be making it a bit unclear. You are saying at any point in time, even after, or even long before you are ever declared as a candidate, or accept a nomination as a candidate, you are proposing that you should still have to account for those expenses? And also, but still not proposing to increase the amount you can spend either. I just want to make sure because, obviously, that is not something that I could vote to support. But I just want to make sure that that’s what you are proposing.

Mr. D. Ezzard Miller: Yes. And, Madam Chair, there are other people in here who can file amendments. I don’t have exclusivity. If there are people in here, the majority who believe that the election expenses should be increased, then now is an opportune time to file an amendment to the law to increase it.

What I am saying is that if you become a candidate and you have spent money prior to nomination day, my view is that it should be reported and accounted for as part of the election. That’s my view. I brought the amendment. You can either vote it down, or you can vote for it. It’s up to them, Madam Chair.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: Madam Chair.

The Chairman: Yes, Leader of the Opposition.

Hon. Alden M. McLaughlin, Jr., Leader of the Opposition: My difficulty with that is this: Arguably, anything, anyone who is a politician, and particularly those who have actually been elected, say from the moment they are elected . . . can be, and were regularly accused of campaigning. So, the point is that there has to be a campaign period that is defined. Otherwise, the extreme example that was used by the Third Elected Member . . . by Mr. Glidden (we’re in Committee) is absolutely right.

Let’s take a real life example that is going on now. What happens when someone else is campaigning on your behalf? Let’s look at C4C and what they are doing now. Are they going to be allowed to spend any amount of money they want under this proposal? And then say, *Well, we’re really not fielding any candidates.* And then the section begins to bite only on Nomination Day, 27 March.

If we want to look again at what the campaign period is, that’s one thing, but I don’t think we can make this open ended. And the campaign period this time around is more than two months, which is the longest that I . . . because Nomination Day is the 28th (I believe) of March, the day after this House is dissolved. That is the longest period I have known since I have been around this process, which is five elections that I have been involved. This will be six. So, I don’t know that we need to trouble that issue because if we do, I expect that there are going to be consequences that none of us fully appreciate at this stage.

It is one thing being in a single-member constituency where you think you may not have to spend a great deal on PR, advertising and so forth, but we have to look at the whole picture because the House is going to be comprised of 18 Members. We just can’t just look at the single-member constituencies and the impact there.

The Chairman: [The question is that the clause as moved] be accepted or rejected.

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

Ayes and Noes.

The Chairman: The Noes have it. The clause has been rejected.

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

Division No. 14

Ayes: 2

Mr. V. Arden McLean
Mr. D. Ezzard Miller

Noes: 11

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

Absent: 2

Hon. Rolston M. Anglin
Mr. Anthony S. Eden

The Chairman: The result of the division: we have 11 Noes, 2 Ayes; and 2 absent.

Negated by majority on division: New clause 4 failed.

Mr. D. Ezzard Miller: Madam Chair, I wish to withdraw the other two amendments that were circulated.

The Premier, Hon. W. McKeever Bush: Madam Chair, I hear what the Member is saying about the withdrawal of the senior public officer amendment. If what they are saying—and I presume that they would have done some homework on it—that there could be possible judicial review. Should this not be something that we take into consideration?

[Inaudible interjections]

The Premier, Hon. W. McKeever Bush: All right, Madam Chair. I think I got my answer. So, move it yes. Withdraw it.

The Chairman: The Member for North Side has moved that his other two Committee stage amendments be withdrawn.

The Clerk: A Bill for a Law to amend the Elections Law (2009 Revision) to increase the specified number of elected Members of the Legislative Assembly; and for incidental and connected purposes.

The Chairman: The question is that the Title stand part of the Bill.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: The question now is that the Bill be reported to the House.

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

Ayes.

The Chairman: The Ayes have it.

Agreed: Bill to be reported.

House resumed at 5.40 pm

The Speaker: Proceedings are resumed, please be seated.

REPORT ON BILL

Elections (Amendment) Bill, 2012

The Speaker: Honourable Acting Deputy Governor.

Dr. the Hon. Dax Krishna Basdeo: Thank you, Madam Speaker.

I beg to report that the Elections (Amendment) Bill, 2012, was considered by a Committee of the whole House and passed without amendments.

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

Suspension of Standing Order 47

The Speaker: Honourable Premier.

The Premier, Hon. W. McKeever Bush: Madam Speaker, we move the suspension of Standing Order 47 to enable the Bill to be given a third reading.

The Speaker: The question is that Standing Order 47 be suspended to enable the Bill to be given a third reading.

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

Ayes and one No. [Mr. D. Ezzard Miller]

The Speaker: The Ayes have it.

Agreed: Standing Order 47 suspended.

THIRD READING

Elections (Amendment) Bill, 2012

The Clerk: Third Reading. The Elections (Amendment) Bill, 2012.

The Speaker: Honourable Acting Deputy Governor.

Dr. the Hon. Dax Krishna Basdeo: Thank you, Madam Speaker.

I beg to move that the Elections (Amendment) Bill, 2012, be given a third reading and passed.

The Speaker: The question is that a Bill shortly entitled, The Elections (Amendment) Bill, 2012, be given a third reading and passed.

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

Ayes and two Noes. [Mr. V. Arden McLean, and Mr. D. Ezzard Miller]

The Speaker: The Ayes have it.

Agreed: The Elections (Amendment) Bill, 2012, given a third reading and passed.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

Private Member's Motion No. 2/2012-13— Education Fund [Deferred]

The Premier, Hon. W. McKeever Bush: Madam Speaker, what is proposed is that these Motions be carried over to another sitting.

The Speaker: Meeting.

The Premier, Hon. W. McKeever Bush: Sorry, another Meeting.

The Speaker: Fourth Elected Member for George Town, would you make a motion that your motion be carried forward?

Mr. Ellio A. Solomon: Madam Speaker, I kindly ask that Private Member's Motion No. 2/2012-13—Education Fund, standing in my name, be deferred until the next sitting.

The Speaker: The next Meeting.

Mr. Ellio A. Solomon: Or next Meeting, Madam Speaker.

Thank you.
Member for East End.

The Deputy Premier, Hon. Juliana Y. O'Connor-C Connolly: Madam Speaker, I wish to second the Member's Motion.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 2/2012-13 deferred.

The Speaker: Member for East End.

Private Member's Motion No. 7/2012-2013 Government Revenue based on Consumption Fees [Deferred]

Mr. V. Arden McLean: Madam Speaker, I beg to move that [Private Member's Motion No. 7/2012-13—

Government Revenue based on Consumption Fees] be deferred to the next Meeting.

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

Mr. D. Ezzard Miller: Madam Speaker, I wish to second the Motion.

The Speaker: Moved and seconded.

The question is that Private Member's Motion No. 7/2012-13 [Government Revenue based on Consumption Fees] be deferred to the next Meeting of the House.

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

Ayes.

The Speaker: The Ayes have it.

Agreed: Private Member's Motion No. 7 2012-13 deferred.

The Speaker: Honourable Premier, the motion for adjournment please.

Season's Greetings

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

Before I move the adjournment of this honourable House, and I thank those two Members who agreed to put back their motions, I would like to take this opportunity to extend season's greetings to all Members of this honourable House from this side of the House.

Madam Speaker, in a few days' time it is going to be Christmas. I can hardly believe that it's here already. This has been a tough year for all of us. And we want to wish our people well, extend season's greetings to them and all their families. Of course, we want to extend season's greetings to our constituents throughout these Islands in our separate districts, and, to you, Madam Speaker, for conducting the affairs, the agenda of this House, having difficult times at times. So, we thank you and appreciate the efforts sometimes having to drive home a little bit late at night. And, of course, the Clerk and the staff here, we want to extend our thanks and appreciation. We certainly wish for all staff here, including the police officers who serve on a daily basis, well wishes for the holidays.

Madam Speaker, Christmas is upon us and the New Year is just behind that. As I look on the New Year I recall some of the words of the chorus or hymn, the Christmas Carol, "O Holy Night." It speaks about a thrill of hope: "A thrill of hope, the weary world rejoices, for yonder comes a new and glorious morn." That's it, Madam Speaker. A hope for a better year,

for better health for those of us who have not had good health in the past year, and that our circumstances in life will change for the better for all our people, that the economy of the world will straighten out and ease up—a thrill of hope; that's it, Madam Speaker.

So, to all we want to wish indeed very happy, joyous Christmas. [For] some of us it won't be joyous as we have to deal with grief in our family, and we want to recognise those as well, Madam Speaker, in a more prosperous and certainly a healthy 2013.

Thank you, Madam Speaker.

The Speaker: Does any other—

The Premier, Hon. W. McKeever Bush: Madam Speaker, before I sit down I want to add to that . . . I already said Members of this House, but certainly to all our civil servants who have to tend to us on a daily basis, who are there to run the country. I often say that when we are gone they are there. So, we want to wish to them and their families all the very best, in particular my own staff, Madam Speaker, who certainly has enough work to do.

I might not have included the press corps, such as we have, but sometimes they are here and we certainly appreciate when we get a clear and concise and factual report.

Thank you.

The Speaker: Leader of the Opposition.

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

As we come to the close of another year and the season of Advent is upon us, it is my privilege as Leader of the Opposition to offer a few words on this occasion and to speak on behalf of all members of the Opposition in relation to the upcoming Christmas season and to convey to all within the sound of my voice our warmest Christmas greetings and our hope for a happy and prosperous New Year.

Madam Speaker, as the Premier has said, this has not been an easy year. In fact, it has been a while since any part of the world, at least in the Western Hemisphere can say that it has been an easy year. Things are tough and every time that we seem to see some hope on the horizon there is some other report of some dismal economic indicator which causes us to wonder whether or not the world will ever climb out of the global recession that we have been in these past four years.

Madam Speaker, despite those things, and despite how difficult things are everywhere, particularly, locally, there is hope. There is a promise. Madam Speaker, those of us who are elected and have the honour and privilege to serve as Representatives, understand in a way that I don't think many people truly appreciate how difficult things are for people who live

here. A lot of negativity surrounds the holding of public office. Not just in Cayman, but the world over. People are increasingly cynical about the role of politicians, they call us, Representatives. But, Madam Speaker, we know firsthand, because in many cases we are at the front of all of the concerns and issues which our constituents have.

Our constituents turn to all of us, whether you are in Opposition or Government or an independent, to deal with a whole range of issues that affect their lives. And that's part of our job. So we do understand and appreciate how difficult things are for many people, how challenging it is for many people to put food on the table, to pay the rent, to pay their mortgage, to pay their light bill, their water bill, whatever the case may be, keep their children in school. So, for many this won't be a particularly happy Christmas, and they don't look forward to a particularly prosperous New Year because the circumstances are very difficult.

And there are those, unavoidably, even within the walls of this Chamber who are in deep grief because they have faced very difficult circumstances. They have lost a loved one, many are ill, many are sick. So there are lots of things, Madam Speaker, that we can say make us unhappy. There are lots of reasons we can find to complain and to feel woeful and bereft. And those are legitimate and it is very difficult, and no one should expect people who are going through those kinds of times to necessarily rejoice and be happy.

But, Madam Speaker, Christmas and the reason we celebrate Christmas is, I believe, the real reason to rejoice, the real reason for hope for this war torn, shattered, troubled world. The child that was born that day that we celebrate, called Christmas day, in a rude manger in Bethlehem, brought into this world hope, hope of a joyous life, hope and faith and promise which, if we can embrace those, can take us through the most difficult, the most challenging of times. And that is, I believe, the true meaning of Christmas.

Those of us who have must give, should give, must help others understand that as God gave his son as a gift to the world, it is incumbent upon us to do what little we can, not to save the world, because none of us can do that, but to help those in the world who have less than we have and who need our help and our assistance and our guidance. That, Madam Speaker, if we are able to do that, can help us rise above the issues and concerns and problems and the grief that we personally have and leave us, I know it certainly does me, feeling that much more self-satisfied and that much more worthy as a human being because I have been able to help someone who is in need and who has much less than I do.

So, Madam Speaker, that is the message that I want to leave with this House and with those within the sound of my voice. Do whatever you can, whatever little you can, this Christmas to make someone's

Christmas, someone's life a little better, a little happier, help provide a little joy a little comfort over this season.

Madam Speaker, I want to extend particular greetings to members of my constituency in George Town, but also on behalf of my other colleagues in the electoral districts of Cayman Brac and Bodden Town to extend warmest Christmas greetings on behalf of the First Elected Member for Cayman Brac, Mr. Moses Kirkconnell, on behalf of Mr. Anthony Eden, the Second Elected Member for Bodden Town, and my colleague in George Town, the First Elected Member, Mr. Kurt Tibbetts.

But I also want to extend Christmas greetings on behalf of the People's Progressive Movement, the progressives, to the entire Cayman Islands and to wish everyone a most happy, sacred, joyous Christmas, and a happy New Year.

Madam Speaker, I also want to specifically mention yourself and your staff in this Legislative Assembly and to record our thanks for all the work you do and all the assistance you have given us over the years, but particularly over the course of this year, and to wish for you all a restful Christmas and a wonderful and prosperous New Year.

Thank you, Madam Speaker.

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

Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker. I shall not be long.

Madam Speaker, I think that it is incumbent upon me, even though I don't feel like it, to extend season's greetings first of all to my constituents and on behalf of the Member of North Side, to his constituents, to the staff [of the Legislative Assembly], your good self and to my colleagues. And just to say I think we should all take time and spend it with our families during this season. It is important that we do that.

Thank you all very much.

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

Minister of Education.

Hon. Rolston M. Anglin, Minister of Education, Training and Employment: Madam Speaker, it would be remiss of me if I did not take this opportunity, as is customary in this House, on behalf of myself and my wife and my family to extend to not only the people of the district of West Bay, but other Members of this House and their families and your good self and the Clerk and the staff of this Legislative Assembly, but, indeed, the people of these Islands a merry Christmas, and a healthy and prosperous 2013.

Madam Speaker, in life we should always be thankful. God gave us Christ who came to be our Saviour and our Redeemer. God has given us life. In this country, compared to this world, God has blessed us with so much more that he has blessed many in this region and across this globe. I do not believe that there is a day that any of us do not have a lot to be thankful for. In particular during this Christmas season when we should be thanking God for all of his mercies and blessing and for sending our Saviour and our Redeemer.

Madam Speaker, Christ is the reason we mark this all-important Christmas season. If Christ is going to be the centre of our Christmas season, then all of us have all the reason in the world to celebrate his life, to celebrate his birth and to give God thanks. We should more than give God thanks; we should say thanks to family, friends, loved ones, neighbours, and just those we come in contact with. That would be the Christ-like thing to do.

I certainly hope that irrespective of circumstance, every person who lives and has their being in this Cayman Islands will do that this Christmas season, irrespective of what life's challenges may be. God blessing us to be on this earth is reason enough to be thankful in all things and at all times. We must be thankful.

We should all do our endeavor best to spend time with family and loved ones. As has been said, we don't know when they will be gone. We don't know when we individually will be gone. Who will be the first in this room? None of us knows. So, Madam Speaker, we must in this Christmas season, ensure that we spend that all-important time with family, friends, loved ones, ensure that we show our children that in all things and at all times being thankful with wherever life has taken us, or in some instances we have taken life, we must have that thankfulness.

This will be an awkward Christmas for me and my family, as this will be the first Christmas that we don't have our mother. But she taught me as a poor boy growing up in Northwest Point to always be thankful. She told us just before she passed away on March 24th that she was thankful. She was not sad that her life would be shorter than many. She was thankful for the days God did give her and the family that God gave her. That is the way I have been raised to approach life. I would implore all of us in this Chamber and all of us in these Islands to approach and to live life.

There will be time enough for the worries that adulthood brings. But we must ensure during this season that we park those things to one side and thank God for his son, that we thank God that he came, and we thank God that he was raised from the dead which gives us a hope for eternal life.

To all of our people, to all of my colleagues here, to all of the staff, to all of the people of the district of West Bay, to all of the people across these

Cayman Islands, I say to you, let us have a thankful Christmas, and let us have a thankful 2013.

The Speaker: Thank you, Minister of Education.
Third Elected Member for Bodden Town.

Mr. Dwayne S. Seymour, Third Elected Member for Bodden Town: Thank you very much, Madam Speaker.

I rise to give a short message to the people of this beautiful country. I would like to thank the people of Bodden Town for giving me the opportunity. This is the fourth Christmas now we are celebrating being an elected Member and I am very thankful that they gave me the opportunity to be here. I would just like to let them know that they will be seeing me out and about in the district and we will be having some events to show appreciation for the elderly and the children of the beautiful district of Bodden Town on the 16th, 18th and 20th of this month.

For those who are fortunate, I am begging them to buy a gift for a neighbour's child. Buy a gift for someone who is less fortunate. You will make that child's day for a whole year. Some kids don't get a gift.

It's a time to reflect and to appreciate the good promise and hope in the birth of Jesus Christ. I have asked people to find a church and attend and be thankful for the opportunity that we have been given by God that we can repent and be baptised and live eternally.

Madam Speaker, I would like to wish all the staff of the Legislative Assembly a merry Christmas. I would like to ask the people of this beautiful country to go home and just love your family. This is a very loving time of the year and everyone deserves love. Just go home, love your family and this country will be a better place. We know that times have been hard, Madam Speaker. But we still need to be thankful. There is a lot that we have to be thankful about in this country. We are better off than a lot of countries.

For the people of Bodden Town, my constituents, I want to say have a very merry Christmas and a happy New Year. And may you find joy in celebrating the wonderful message of the birth of Jesus Christ.

I thank you, and God bless.

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

First Elected Member of Cayman Brac and Little Cayman.

Mr. Moses I. Kirkconnell, First Elected Member for Cayman Brac: Thank you, Madam Speaker.

I would like to wish you, I would like to wish my colleagues on both sides of this honourable House, the civil servants that support all of us in here and work many long hours, I would like to thank the staff of the Legislative Assembly for all that they do for

us all through the year. I would like to wish my committee members, my constituents in Cayman Brac and Little Cayman, and the people of all the Cayman Islands a very, very merry Christmas and the absolute best for the Christmas season.

Madam Speaker, I would like us to be mindful of our heritage, the heritage to worship freely. As we look globally and realise how unique we are to have that freedom every day of our lives to choose how we worship and go forward, is truly a blessing that we in this generation have received and it is our duty to continue it in this small country.

Madam Speaker, I ask all the people to remember this year as they share gifts and time to enjoy each of those special times and memories as they don't know how special these times really are until the future shows us that the memories are lasting and we have to savour each one of those as we have the opportunity through the Christmas season.

Madam Speaker, I also wish that the reason for the season, as they say, our blessing and the gift that God gave us that we are all remembering that as we go through the year and ask Him for His guidance and His direction.

In closing, I wish everybody a very merry Christmas and a healthy, happy and prosperous New Year. Thank you.

The Speaker: Thank you.

Does any other Member wish to speak?
[pause]

Minister of Community Services.

Hon. Michael T. Adam: Thank you, Madam Speaker.

I too would like to extend season's greetings on behalf of myself and my family to you, your family, and, in fact, all Members and staff of this honourable House and their families. To my ministry staff and their families, I would also like to extend special season's greetings to all the people in the Capital district of George Town and the entire Cayman Islands on a whole.

Let us all make an effort to come together as one, Madam Speaker, as we celebrate the reason for the season. And I would like to wish everyone a happy and blessed New Year. May our good Lord and Saviour continue to bless you all.

Thank you very much.

The Speaker: Thank you.

Does any other Member wish to speak?
[pause]

Third Elected Member for West Bay, the Deputy Speaker.

Hon. Cline A. Glidden, Jr.: Thank you, Madam Speaker.

I, too, would like to take this opportunity on behalf of myself and my family, specifically my wife

and my mother and father, to extend greetings to yourself, to all of my colleagues, to all of the good people of the district of West Bay who afforded me the opportunity to represent them for the last 12 years, and to all of the residents and citizens of the good Cayman Islands. I wish you all a merry Christmas and a blessed season, and a happy and prosperous New Year.

Madam Speaker, as was mentioned earlier, it is the season of giving. And there is much need. For the last two weeks I have had the privilege of spending some time at two of the Christmas parties for special needs individuals. It is great to see people with the challenges, things that we take for granted on a day to day basis, that they are able to share the joy and enjoy themselves and they are so appreciative of the little attention that they are given.

In light of that, I would also like to make special mention of those caregivers who take care of our seniors and our special needs and our children. As was said earlier, remind all of us, my colleagues on this side of the Legislative Assembly and across the aisle, that this is the time of year where there is an opportunity to really make a difference in the life of the needy. While we have a responsibility to try to better everyone's life throughout the year, specifically during this time of the season it's a time for sharing and a time for giving. If we all do our part to make our fellowman a bit happier, the world would be a much better place.

So, as was said earlier, hopefully I wish that we would all get to spend significant time and make great memories with our families, with our friends, and that we will continue to contribute, not forgetting that Jesus is the reason for the season, and spend our time worshiping and thanking our Lord and Saviour for sharing his son during this time of celebration.

Thank you, Madam Speaker.

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

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

I, too, would like to take this opportunity to thank you and your hardworking staff of the Legislative Assembly for all your hard work and for putting up with us, sometimes when we get a little bit unruly. But, Madam Speaker, it is the joyous time of the year and we want to wish for you and your staff the very healthy, happy and enjoyable Christmas. And for the population of the entire three Islands, I want to wish a very happy, healthy and prosperous New Year, and a Christmas that is the best yet. And especially for the people of West Bay and our West Bay District Council, and the West Bay members of the committees, and for the Members of West Bay, I want to thank you all very much for all your hard work. It's not going un-

noticed. I want to wish for you the very best that the season can bring.

Here again, let us not ever forget the reason for the season. Thank you, Madam Speaker.

The Speaker: Thank you Member for West Bay.

First Elected Member Bodden Town, [Minister of Health].

Hon. J. Mark P. Scotland, Minister of Health, Environment, Youth, Sports and Culture: Thank you, Madam Speaker.

I rise to offer my brief greetings at Christmas as well. As I celebrate my fourth Christmas here in the Legislative Assembly and reflect on the time in doing so, every day that goes by reminds me of the privilege I have been given over the past four years (almost now) to represent the district of Bodden Town and, indeed, the Cayman Islands as an MLA and as a Minister of Cabinet.

Madam Speaker, at no time more so than at Christmas do I think of that and the awesome responsibility that has been placed on all of us as elected Representatives of the people of the Cayman Islands. Madam Speaker, as one Member already alluded, being a Representative is an awesome responsibility, a difficult responsibility, Madam Speaker, one we do not take lightly; one that we do, all of us in here, on all sides, to the best of our ability.

Constituents might not always feel that way. But there are many constituents and we try to represent all of them, Madam Speaker, even across the district lines. We all get calls, not just from our districts. We get visits, not just from constituents within our districts, but from constituents all across the Islands. We do our best to address the concerns, to answer the calls, to return the calls and so on.

Madam Speaker, at this time of the year when we reflect we want to offer special greetings, special thoughts to, especially the elderly and encourage everyone to visit with them more, especially at this time of the year. Some of them are lonely. Some of them live by themselves. Some of them are mourning the recent loss of spouses. And so we encourage, not just Members in here, Madam Speaker, but persons in general to spend time with members of their families, especially elderly persons, and elderly persons in the community in general.

Madam Speaker, we are losing our elderly very quickly. I was looking just recently at a list just in Bodden Town. If you look at the number of senior citizens that we have lost since Hurricane Ivan, it's astounding, Madam Speaker. We have a list that we go through every year when we are getting little gifts and tokens of appreciation for them. And slowly but surely, the list has gotten smaller and smaller every year. So, we need to show them our appreciation. Those are the senior citizens that built this nation, built this country for us. So, for members of the public in

general, spend some time with them over the Christmas.

As my colleague said, there are a number of functions in Bodden Town. I know on the 16th we will be hosting one at the Nurse Josie Senior Centre. You are involved in hosting that with us. And I think on the 17th there is another one in Savannah at the park on Pedro Castle Road. So, those will be hosted specifically for our senior citizens.

Then on the 18th and 20th we are also hosting Christmas parties for the children of Savannah and the children of Bodden Town. I know there will be other functions across the Islands. I encourage residents to also go to all the Christmas programmes. It is always enjoyable this time of year to hear the programmes put on by children at the schools as well and the Christmas cantatas. They are all good ways to celebrate Christmas and to remember the birth of Jesus Christ because all of the programmes are centered-around that theme.

Madam Speaker, I want to take this opportunity to thank you and all members of the staff of the Legislative Assembly for all of their tireless efforts through the year; many hours late into the night. Sometimes I wonder if Madam Speaker will make it home because of the late hour she left here. But, nevertheless, she's here with us, sometimes into the wee hours of the morning. So thank you for that and thanks to the staff as well.

To the staff in my ministry, particularly to my chief officer and others; and the staff in all of the different departments and agencies, and indeed the entire civil service, thank you for all of your hard work throughout the year. Sometimes being a civil servant . . . as a past civil servant myself, Madam Speaker, I know that civil servants often find themselves the brunt of the criticism from the private sector about the cost of Government and other things. But they do their work nevertheless. And it is the civil service, for the most part, that keeps the country going throughout the twelve months of the year. So thanks for all your efforts.

In particular, I want to also mention at this time and thank all those persons who work in emergency services because those are the persons who are not going to have Christmas break, they are going to be working Christmas Day, Boxing Day, New Year's Day, 24 hours on a shift. So, they won't have the extra days to stay at home and fill up on turkey and the stuffing and trimmings and spend time with family, they are going to work their shifts just like normal. So, thanks to them for their efforts.

I want to thank the constituents of Bodden Town for their support throughout the years and look forward to continuing working with them in the years to come. I want to wish for the entire Cayman Islands, a safe and blessed Christmas and a prosperous New Year. I want to thank you again for the opportunity to offer these very, very brief greetings. Thank you.

The Speaker: Thank you.

Does any other Member wish to speak?
[pause]

The Fourth Elected Member for George Town.

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

How quickly it is that time flies and to realise and recognise that it seemed almost just like yesterday that would have been December of 2009. But the reality of the situation is that as we speak, the sun is now setting on this particular term.

Madam Speaker, it cannot be stressed enough in terms of the challenges the people in this country and the world, for that matter, Madam Speaker, faces. The challenges are deep, the situation is grave. Just the other day, taking a tour around many parts George Town and looking in and seeing so many of those office spaces that are not rented, and understanding that for every one of those office spaces that is closed, it is one particular family that is out of business. There are families with someone that is without work. There are challenges in every home in one way, shape or another in this particular country.

Madam Speaker, the Bible says that a wise man lives in the house of mourning. I truly believe that because I believe it is when you sit and understand what it is when someone endures a loss and you have lost a loved one, it is when you contemplate that death, that we gain a new appreciation for life. That is the reality that we oftentimes have to actually grapple with death to understand life.

Madam Speaker, I say that because in terms of this administration and in terms of the people of this country, the last four years without a doubt have been extremely difficult for many of us. I am glad, nevertheless, to say that we still, in all of that, have something to be thankful for. I am reminded of the Scripture where Jesus healed 10 persons with leprosy and sent them on their way to go ahead and register, as they had to do, and only one or two of them actually turned back and said to him, *Thank you for healing me.*

Madam Speaker, so it is. Oftentimes we get caught up in the negativities of the world, we get caught up in all the things that are wrong, and in all those challenges and difficulties that are real, that cause us all pain as individuals and as families, but at the same time failing in one way, shape or another, to really take full stock and appreciation for so many things that we have right in our lives.

Knowing that perhaps many of us still have our mothers and our fathers, our brothers and our sisters, regardless of how difficult the circumstances are, we still perhaps have something for which to be truly thankful for. And that's where I link it back, Madam Speaker, to that Scripture that the wise man lives in the house of mourning; that when we grapple with and understand the real issues and gravity of death we can oftentimes gain a full and true appreciation for life.

So, Madam Speaker, I believe in this country today, yes, there are challenges. Things are difficult. But I know that one way shape or another in terms of my colleagues on this side of the aisle, so many things . . . and I know on the other side as well, Madam Speaker, have tried to do so many things to try to make the lives of persons better, just one little piece at a time. I believe we take this opportunity and really reflect, as has been quite amply stated by so many Members, and truly understand the reason for this particular season, understand that it is about the Giver and it is about that special gift that He has given us. When we talk about life, the ultimate desire is everlasting life, and that is what He has given us by actually giving us His son.

So, Madam Speaker, I just want to encourage everyone and understanding and fully appreciating that all of us are facing tremendous challenges right now in our own special way. And I pray sincerely, Madam Speaker, for God's blessing on those persons who are in those circumstances, those persons who I know right now, one or two, as I speak who are away from home and cannot make it back home to see family, perhaps, for Christmas. For persons in this honourable House and throughout the country who have lost a sister, a brother or a mother, I pray God's sincere blessings on them, Madam Speaker, particularly at this difficult time.

It wasn't long ago that we were hearing about so many of our young men, and young women, but of course, a lot of the young men, for example, were dying, either by car accident or a crime. As the Minister of Health mentioned, so many of our elderly persons have passed away taking so much of that knowledge and wisdom with them as well.

So, Madam Speaker, we all face challenges. But I would encourage us this particular Christmas to appreciate that even if we cannot give a physical gift to someone that is wrapped in a package and tucked neatly under a tree, that we still have the opportunity to call that friend that we haven't called in a long time, to call the daughter that is perhaps too far away from home to return, to take the mother and father that you still have while they are still alive and tell them how grateful you are that they are still a part of your life, that you can still call them right now and wish them a merry Christmas. I think that is the opportunity that we have for this Christmas.

So, Madam Speaker, I want to wish you, the rest of the staff here in this honourable House, as well as Members on both sides of the aisle, and all of those hardworking persons in this country, because it is not one government or the civil service that does it. It is thousands of persons who go tirelessly to work every day doing their role, their function that allows this country to keep going. And I give them sincere thanks for that as well.

So, I wish all of those persons within the sound of my voice, yes, particularly those persons

who I represent directly in the district of George Town, but throughout all three Islands, I wish them all a sincere and blessed Christmas. I take the opportunity to give a special thanks, as well, to my family and to my wife, because having had the opportunity to be in and perform in this particular role over the last four years, I can say now unlike I could never have said it before, that one can appreciate what their children, but in particular, Madam Speaker, your spouse, has to endure when you are an elected official. It is truly, truly a challenge.

The 9.00, 10.00, 11.00 at night, knocking on your door, the lack of time with your family, Madam Speaker, so I wish to again give special thanks to my spouse as well. But, again, Madam Speaker, a wonderful and merry Christmas to all of our people here in this country, neighbours, friends, and family near or far. I wish them all a wonderful Christmas. God bless each and every one of us, and God bless the Cayman Islands.

The Speaker: Thank you, Member for George Town.

Does any other Member wish to speak?
[pause]

Second Elected Member for Cayman Brac and Little Cayman, Deputy Premier.

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

This being my 16th year celebrating Christmas in Parliament, it has never grown old. In fact, it is still the best time that I look forward to in Parliament, the time where we as mature politicians are able to concentrate on the main reason for the Christmas season, being Christ himself. It is a time when we get to spend time with our families and constituents and have that ability and capacity to forgive and to start anew sheet.

Madam Speaker, I wish to follow my colleagues' suit and thank you for the stellar leadership that you are showing within Parliament and for the staff that is led by the Clerk. And in particular the role that the Clerk plays as it relates to the CPA. I wish to thank you and to wish all and sundry a very merry, blessed and happy Christmas.

I wish also to thank the Serjeant-at-Arms for the role that he plays here, both in Chamber and outside the Chamber, and all of the staff that we don't often get to see behind those walls, but who work diligently sending out emails, late papers, and of course our iconic staff in the form of Ms. Sharon and Nana and Debra. It wouldn't be the same without taking special mention of them. We appreciate all the staff here, Madam Speaker. In fact, we wish there were some more to lend assistance as the budget will lend. We hope that would be a New Year's wish that will come to fruition come the next Budget so that we can move this Legislative Assembly closer to being the

fully staffed facility that it ought to be, that it should be and can be.

Madam Speaker, I wish to thank also my ministerial staff led by the chief officer, Alan Jones, all of the departmental staff of the statutory authorities and committees under me. I would particularly like to thank Ms. Rhonda Webster and Mr. Paul Leonce for the role that they play in the Ministry in traversing, and to our three Cayman Islands in having to endure various demands that the Ministry and the public put upon them each day.

Madam Speaker, for me particularly I wish a very special Christmas to the staff also of Cayman Airways and for my colleague from Cayman Brac and myself, perhaps we wish to go on record more than any other Member for the very, very important role because it certainly would not be Christmas for me without being on Cayman Brac with my constituents who I am eternally grateful to for the confidence that they place in me year after year.

I am reminded by my friend and colleague, the First Elected Member for George Town, that perhaps it was not 16, but 17 Christmases here. I wish to thank him for that gentle reminder.

[Inaudible interjection]

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: Sorry?

[Inaudible interjection]

The Deputy Premier, Hon. Juliana Y. O'Connor-Connolly: Okay. I am reminded it is a *novus actus interveniens* which caused that by the name of Ivan. Nonetheless, I am grateful to be here and I look forward to, at least another four Christmases here, God willing, at which time I will really be elated to be able to say I have fought a fight, I have run with great faith, and it is now time to turn over to another young, educated and ambitious Cayman Bracker.

Madam Speaker, I wish also to thank the farmers. And I wanted to particularly mention them, because it has been a time of struggle with the economy being what it is. We wish we would have done much more. But they're sure going to make it a good cultural, Caymanian Christmas with the amount of yams that I see being produced by Mr. Merch and Murry, and Lethan, and some others as well as the North Siders, East Enders, and even some of our parliamentarians have their hands into the red mould whenever they come in; some leisure farmers, by the way.

I wish, Madam Speaker, to particularly spend a quick second asking us that as we go about our various constituencies take time, as some of my colleagues have already so eloquently expressed, to look for our elderly, particularly our seamen and veterans. We have lost so many during Ivan and Paloma. There

is a lot of loneliness going on. Last night one of the pastors said in a church that I was visiting that the statistics and facts show that the highest rate of suicide is during the Christmas holidays. As we go about, let us be ever more sensitive that giving isn't just the material things. Yes, that's the acceptable, cultural methodology to express what [God] gave for us, His only begotten son, but let us use our talents our time to spend with people because that's the best investment we can make with human capital.

Madam Speaker, as we go about our various communities, Christmas is the time that we can put politics aside, go to sleep for a period of time, and perhaps go into that cocoon stage where we become Caymanians once again and we exercise that generosity, love, unity and compassion, that we are known for around the universe. I am grateful that we still live in a jurisdiction where Christ is the real meaning for Christmas. May that long be the motto that "He hath founded it upon the Seas." Because of his birth over 2,000 years ago, today you and I and many across these Islands can have something to be excited for. In fact, we in Christendom have a lively hope.

I often like to quote Obama. We can have that "audacity of hope", that regardless of the economy, regardless of the storms of life and the economic cliffs and crises that come, we can still rest assured that despite our circumstances some of us 17 years, some of us 4 years, whatever, Christ, the Christ in Christmas, still is the stability that brings peace in the midst of the storm.

As the angels first made that clarion cry "Fear not, I bring you glad tidings of joy," it doesn't take money to bring love and joy; it just takes a smile and a great big human heart, which all of my colleagues here have exercised throughout their tenure as politicians and as human beings. I would just ask the Good Lord to enlarge our boundaries this Christmas so that our light can shine a little brighter and a little bit longer to make a great difference in somebody's life.

With that, Madam Speaker, I thank you for your indulgence, and I pray that we will yet have many more Christmases to celebrate and that as we do so we would recognise that Christmas isn't "X-Mas" that is not our culture. So, as we write our Christmas cards, take the extra time to write the word "Christ" before "mas" and I am sure it will be worthwhile as it is received. It is a reminder of the good tidings that brings the peace that we need so dearly in our country.

Thank you.

The Speaker: Thank you, Deputy Premier.

Does any other Member wish to speak?

[pause]

First Elected Member for George Town.

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

As my colleague, and good friend, the Deputy Premier, alluded, we are at an odd year, those of us who have served more than one term in the House, because of Hurricane Ivan, and us having to extend the electoral cycle that year from November on to May. So, this is my 21st Christmas here.

Madam Speaker, you would think, or one might think (I should say), that 21 Christmases later you just get used to it, it's not a big deal. But, Madam Speaker, the truth is that being here is a privilege. It is an honour. It is something that personally I am extremely grateful to the people of the district of George Town for allowing me to be of service to them, and, indeed, for that matter, to be of service to my country for that long.

I have a confession to make. Every time around about this time of year when we get to this kind of thing, I always remember that I don't thank God enough for the blessings that He has bestowed, not only on me, but to all of us. I, like so many others, take too many things for granted. And the most times that we remember Him is when we need Him. But, Madam Speaker, it is good, as they say confession is good for the soul. So I confess. But in the same breath I have to say to you that while I don't pontificate, I am grateful to my God.

I am especially grateful because if I look back at my own life, I remember the first Christmas in this Legislative Assembly. My three kids were that high. In fact, I had two of them at that time, the last two, who were two year's old by the same mother and they were not twins! That's the case every year, by the way. I look at them now, and while the oldest is a teacher, the second one is a teacher, and the third one is finishing up his last year at college. So, I have to be grateful. I have to be grateful to God. And I have to be grateful to my country because without my country my children would not have had those opportunities. And I am especially grateful that the first two have chosen the vocation that they have; while they will earn a living they can have the opportunity to make a meaningful contribution in the profession of teaching to the children of this country. So I am extremely grateful.

Madam Speaker, there are a myriad and a multitude of challenges that all of us face. If I make another confession I can remember when a tru'pence [three-pence] could buy me what I considered at that time a ton-load of sugar-daddies and paradise plums. [They would] last me for days if I hid them well enough! In those days probably we were lucky to have one pair of shoes. But we were happy and we were grateful. And the confession that I make, Madam Speaker, is the challenges that I know we all face today and the people of this country, the world too, but specifically here in the Cayman Islands, the challenges that the people face today are, Madam Speaker, way beyond what I have seen in my adult years—58 of them. Not adult years, but 58 years on this earth.

So, Madam Speaker, if we chose to do so, we can easily find every single reason in the world at this time of the year to complain. But I, like all others who spoke before, want to say that even with all of those challenges, when we look at what we are, and the blessings that God has bestowed upon us, and the many things that even now we take for granted, we should be grateful for all of those mercies that He continues to lay on our laps.

This time of year, Madam Speaker, when we think of why we celebrate Christmas, I am not going to go into what is expected of me to say, because we know it's the birth of Jesus. But if we really wish to celebrate Christmas this year and every year, and to show the gratitude that we should show to him, it is how we manifest what we do here on this Earth, Madam Speaker. And that is simply by doing everything that each of us individually and collectively can to make someone's life a little happier. And if we are actually a little bit better at it, Madam Speaker, we could actually try to extend it beyond Christmas and make it last longer.

So, a conscious effort on all of our parts, and perhaps others who are willing to be like-minded, could make life much better for so many more of us who are less fortunate.

Madam Speaker, I want to say a very special "thank you" to you, to Madam Clerk and to all of the other staff members here because I know sometimes we can make life miserable. And I know sometimes we test you. I know sometimes we push the buttons a little bit further than we should. I know sometimes I ask Anita to find pepper when she doesn't have it. But I just want you to know that we are all very grateful for all of the kindnesses, the courtesies and the services that you provide to make our lives, while we are here, as comfortable as we can possibly be. So, for that I am grateful and I wish for all of you a very happy, happy time during the Christmas break and into the New Year.

To all of my family, I wish to say a special thank you for all of the patience over the years. I know what I am, and I know who I am. Even though I am getting a little bit better at it, I know that I try their patience on many occasions.

Madam Speaker, to the people of this country I want to say that I pray that better times are ahead. I pray for all of us during this season for it to be safe for all of us, because nothing could be worse than for some of us to lose a loved one on the road. So please be careful.

I give the best advice that I could possibly give from the bottom of my heart. If we can put God first we will make it. The challenges are not going to disappear from us, but I believe that together we can overcome them.

Madam Speaker, as we wind down this session, again, I wish for all my colleagues, their families, all of the constituents and, indeed, all of the residents

of these three Islands, a very joyous Christmas. Please, if you are in a position, help someone else and spread the joy so that others too can share that same feeling.

Thank you, Madam Speaker.

The Speaker: Thank you, First Elected Member for George Town.

Does any other Member wish to speak?

[pause]

No official Members?

I would just like to add my thank you on behalf of my staff and myself for all your kind wishes this evening and to know that we extend the same to you. We keep you in our prayers. We pray God's blessing on you and your families this joyous season of the year. We have so much to be thankful for. We live in the best little country in the whole world, no matter how much we complain and how much we think we are short of. Right here in the Cayman Islands we have all we need to survive and to be all that God wants us to be.

When I look down from this Chair that I sit in, I don't see the division lines that everybody else sees. I see 17 people who come into this Chamber sharing one great common goal, the love of country. And I think we are blessed in that regard, that in this small Island, we know our people. We know who they are. We know their shortcomings. We know their good points. We also know that when they come here, even if they approach things differently and have different viewpoints, that's what democracy is all about. But we share that common love of country, common love of our people, and a common denominator to what is best for this country at all times.

May God bless you all this holy season and into the New Year; that we will continue to give our best to the Cayman Islands.

Can I have a motion now for adjournment?

ADJOURNMENT

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

I move that this honourable House be adjourned for a date to be fixed.

The Speaker: The question is that this honourable House do be adjourned to a date to be fixed.

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

Ayes.

The Speaker: The Ayes have it.

At 6.55 pm the House stood adjourned to a date to be fixed.

