



**CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT
ELECTRONIC VERSION**

2016/17 SESSION

24 October 2016

*Thirteenth Sitting of the Second
Meeting*

(Pages 1-65)

**Hon Julianna Y O'Connor-Connolly, JP, MLA,
Speaker**

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PRESENT WERE:

SPEAKER

Hon Juliana Y O'Connor- Connolly, JP, MLA
Speaker of the Legislative Assembly

MINISTERS OF THE CABINET

Hon Alden McLaughlin, MBE, JP, MLA	<i>Premier</i> , Minister of Home Affairs, Health and Culture
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon D Kurt Tibbetts, OBE, JP, MLA	Minister of Planning, Lands, Agriculture, Housing and Infrastructure
Hon Osbourne V Bodden, JP, MLA	Minister of Community Affairs, Youth and Sports
Hon Marco S Archer, JP, MLA	Minister of Finance and Economic Development
Hon G Wayne Panton, JP, MLA	Financial Services, Commerce and Environment
Hon Tara A Rivers, JP, MLA	Minister of Education, Employment and Gender Affairs

EX OFFICIO MEMBERS OF THE CABINET

Hon Stran Ashton Bodden	<i>Temporary Deputy Governor</i> , ex officio Member responsible for the Civil Service
Hon Samuel Bulgin, QC, JP	Attorney General, ex officio Member responsible for Legal Affairs

ELECTED MEMBERS

GOVERNMENT BACKBENCHERS

Mr Roy McTaggart, MLA	Second Elected Member for George Town
Mr Joseph X Hew, MLA	Sixth Elected Member for George Town

OPPOSITION MEMBERS

Hon. W. McKeeva Bush, OBE, JP, MLA	<i>Leader of the Opposition</i> , First Elected Member for West Bay
Mr Bernie A Bush, MLA	<i>Deputy Leader of the Opposition</i> , Third Elected Member for West Bay
Capt A Eugene Ebanks, JP, MLA	Fourth Elected Member for West Bay

INDEPENDENT MEMBERS

Mr Anthony S Eden, OBE, MLA	<i>Deputy Speaker</i> , First Elected Member for Bodden Town
Mr Winston C Connolly, Jr, MLA	Fifth Elected Member for George Town
Mr Alva H Suckoo, MLA	Fourth Elected Member for Bodden Town
Mr D Ezzard Miller, MLA	Elected Member for North Side
Mr V Arden McLean, JP, MLA	Elected Member for East End

OFFICIAL HANSARD REPORT
SECOND MEETING 2016/2017 SESSION
MONDAY
24 OCTOBER 2016
11:25 AM
Thirteenth Sitting
[Continued]

[Continuation of Committee of the thirteenth Sitting – Hon. Anthony S. Eden, Chairman presiding]

House resumed Committee on Bills at 11:25 am

The Chairman: Good morning.

This morning's Committee Meeting is a continuation of the previous Committee Meeting on Friday, 21st.

I will call on the Second Elected Member for George Town to say prayers.

PRAYER

Mr. Roy M. McTaggart: Good morning colleagues. Let's pray together.

Almighty God and our Father in Heaven, we offer you our thanks for the day that is before us, for life itself and all that it brings. Father, we gather here today to be about the country's business and the business of this Legislative Assembly, thankful for each person who is here and present. May we all participate and contribute to the business that is before us. And pray Father that all things may be done decently and in order. Please bless our leaders and bless us all as we work together this day.

In Jesus name.

Amen.

The Chairman: Please be seated.

The House will now resume for a short period for the swearing-in of the Acting Attorney General.

Proceedings of the House resumed at 11:26 am

[Hon. Anthony S. Eden, Speaker presiding]

**ADMINISTRATION OF OATHS
OR AFFIRMATIONS**

The Deputy Speaker: I now call on the Acting Attorney General, to approach the dais.

Please stand.

OATH OF ALLEGIANCE

[Administered by the Clerk]

Hon. Jacqueline Wilson, Acting Attorney General: I, Jacqueline Wilson, do swear that I will be faithful and

bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors, according to law, so help me God.

OATH OF DUE EXECUTION

[Administered by the Clerk]

Hon. Jacqueline Wilson, Acting Attorney General:

I, Jacqueline Wilson, do swear that I will well and truly serve Her Majesty Queen Elizabeth II, Her heirs and successors, and the people of the Cayman Islands in the Office of Member of the Legislative Assembly, so help me God.

The Deputy Speaker: On behalf of this honorable House, I welcome the Honourable Acting Attorney General, temporary ex-officio Member, and invite her to take her seat.

This honourable House will now resume Committee.

[Pause]

Proceedings suspended at 11:33 a.m.

House in Committee at 11:34 a.m.

COMMITTEE ON BILLS

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 suchlike in these Bills.

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

**ELECTIONS
(AMENDMENT) BILL, 2016**

CLAUSES 1 AND 2

The Clerk:

Clause 1

Short title and commencement

Clause 2

Amendment of section 2 of the Elections Law (2013 Revision) – definitions and interpretation

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

All in favour, please say Aye, those Against, No.

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 1 and 2 passed.

CLAUSE 3

The Clerk:

Clause 3 Repeal and substitution of section 3 – appointment, powers and duties of Supervisor

Amendment to Clause 3

The Chairman: There was an amendment by Mr. Miller.

Is the Member for East End prepared to do that amendment?

Mr. V. Arden McLean: Good morning, Mr. Chairman and Members.

Mr. Chairman, I thought we had resolved these proposed amendments when the Election Bill was first started, sometime last week? I may be wrong but, Mr. Chairman, I can move them and then we have a debate thereon.

Mr. Chairman, on behalf of the Elected Member for North Side, I move the following amendments to the Election (Amendment) Bill, 2016:

In clause 3, by the deletion of sub-section 1 (a), (b) and (c) and add the following words, “have extensive experience as an elections officer” after the words “shall”; and a new clause 3 to read, “the Governor shall, in the Governor’s discretion appoint not less than three Deputy Supervisors of Elections and those persons shall have extensive experience in elections as elections officers.”

Chairman: Does any other Member wish to speak on the amendment? *[pause]* Does any other Member wish to speak?

Mr. V. Arden McLean: Mr. Chairman, I do not know if it was properly explained, but the purpose of this amendment was because we believe it is not necessary to spell out that they have to be civil servants. They can be civil servants or someone else, for that matter, if there is a need to find someone else. It does not take away from the fact that they can first be civil servants by removing all of that long, drawn-out process that is represented in the proposed law.

The Chairman: The question is that the amendment stands part of the clause.

All those in favour please say Aye, those Against, No.

AYES and NOES

The Chairman: The Noes have it.

Negated: Amendment to clause 3 failed.

The Chairman: The question is that clause 3 stand part of the Bill.

All those in favour, please say Aye, those Against, No.

AYES and one audible NO

The Chairman: The Ayes have it.

Agreed: Clause 3 passed.

CLAUSES 4 THROUGH 14

The Clerk:

Clause 4	Amendment of section 4 - appointments, powers and duties of Deputy Supervisors.
Clause 5	Repeal and substitution of section 5 - electoral districts and representatives
Clause 6	Repeal and substitution of section 6 - Polling divisions
Clause 7	Amendment of section 7 - appointment of registering officers, etc.
Clause 8	Amendment of section 11 - application to register as elector
Clause 9	Insertion of new section 11A - ordinary residence
Clause 10	Amendment of section 12 - compiling quarterly register of electors
Clause 11	Amendment of section 13 - preparation of quarterly register
Clause 12	Amendment of section 14 - revised list
Clause 13	Amendment of section 15 - procedures as to omissions and objections
Clause 14	Amendment of section 19 - duty of certain public officers to supply information

The Chairman: The question is that clauses 4 through 14 stand part of the Bill.

All those in favour, please say Aye, those Against, No.

AYES and NOES

The Chairman: The Ayes have it.

Agreed: Clauses 4 through 14 passed.

CLAUSE 15

The Clerk:

Clause 15 Repeal and substitution of section 22 - eligible political party

Amendment to Clause 15

The Chairman: Honourable Deputy Governor.

Hon. Stran A. Bodden, Acting Deputy Governor: Mr. Chairman, in accordance with the provisions of Standing Order 52(1) and (2), I the Acting Honourable ex-officio Member give notice to move the following amendments to the Elections (Amendment) Bill, 2016; that the Bill be amended as follows: In clause 15 by deleting the proposed section 22 and substituting the following section 22: "A group of persons who come together to contest an election shall be eligible to register as a political party."

The Chairman: The amendment has been duly moved.

Does any Member wish to speak thereto?

Mr. V. Arden McLean: Mr. Chairman, is it really duly moved?

When the Deputy Governor left these Chambers, he assigned the responsibilities to carry this Law further to the Attorney General. Has that been re-assigned?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, Mr. Stran Bodden is the duly sworn-in Acting Deputy Governor; that is a matter for him, really, not any Member of this House to decide about the allocation of responsibilities of that Office.

Mr. V. Arden McLean: Mr. Chairman, whilst that may be true, the Deputy Governor should have done it when he was vacating his seat and putting an acting person there.

I do not have a problem with it, I am just concerned from a procedural standpoint if the Standing Orders requires an assignment or one may assign a particular duty to someone else. At the time, it was specifically and deliberately said by the Deputy Governor, that assignment or one may assign a particular duty to someone else and at the time it was specifically and deliberately said by the Deputy Governor that the Attorney General would pilot the bill through the rest of the process. All I'm merely asking is, has that been re-assigned again?

The Chairman: Not to my knowledge, Honourable Member. In light of the other Acting Temporary Official Member, I would see that the Honourable Acting Deputy Governor would now pilot it through.

Is there any further debate on the amendment to the Bill?

The question is that the amendment stand part of the clause.

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

AYES.

The Chairman: The Ayes have it.

The amendment stands part of the clause.

Agreed: Amendment to clause 15 passed.

The Chairman: The question now is that clause 15, as amended, stands part of the Bill.

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

AYES and NOES

The Chairman: The Ayes have it.

Agreed: Clause 15, as amended, passed.

CLAUSE 16

The Clerk:

Clause 16 Amendment of Section 24 - application for registration

Amendment to Clause 16

The Chairman: The Honourable Member for East End representing the Member for North Side, I have the amendments here for the deletion of the following clauses in their entirety; clause 16, clause 17, clause 18 and clause 19. Do you have that in your possession, sir?

Mr. V. Arden McLean: Yes, Mr. Chairman, but I thought they had an amendment. Does the Government have amendments?

The Chairman: No, not on those clauses.

Mr. V. Arden McLean: Mr. Chairman, again, on behalf of the Member for North Side, I move that the Elections (Amendment) Bill 2016, be amended by deleting the following clauses in their entirety: clause 16, clause 17, clause 18 and clause 19.

Mr. Chairman, the reason is, as debated, we believe that for the Government to introduce law to allow the Supervisor of Elections to revoke the registra-

tion of a party on the basis of the Supervisor of Elections' interpretation of the actions of a party, is highly unconstitutional; in that the main reason a party is registered with a regulator; that is, the Supervisor of Elections, is for the purposes of financial matters, wherein, the party must show a return to the Election Office that it stayed within the prescribed law, the legally prescribed amount that they are allowed to spend per candidate.

Looking at clause 17, the Government is proposing that this is where the Supervisor shall, in making a decision to refuse to register an applicant or to revoke the registration of a political party, consider all of the factors relevant to determining the political party's purposes, including as applicable, the following: the political party's constitution, articles of incorporation or any other information that may indicate those purposes.

Now, that is so broad, Mr. Chairman, that the Supervisor of Elections might decide something as benign as we stand for election because of the idea of wanting to be a voice for a special group or something in the community, and that is really benign. The Supervisor has wide discretionary powers here to remove someone or not to register a political party and we do not believe that is fair.

Mr. Chairman, then, the political party's political programme, annual report to members fundraising plan, advertising material and policy statement, it is impossible for us to believe that the Supervisor of Elections must approve a fundraising plan and if it does not meet what he or she believes is in keeping with what he or she considers "norm" then you can revoke a political party's registration. It just does not augur well for a government to get so deeply involved in what can basically be termed a group of people coming together, which was just the change to be made; a group of people coming for the purposes of politically campaigning or getting together to express their wishes, views and ideals on how their country can run.

We then go on to see the nature and extent of the activities of the political party and its registered associations and candidates including the nature and extent of their involvement in electoral campaigns and any of their public statement and support of another political party or a candidate or another political party

Mr. Chairman, I do not wish to say it, but let me say it: it is bordering on absolute control by the Government and it is unfair and unfortunate that we would ask someone who has never been in a political arena to control the goings and the minds of other people who are politicians.

Mr. Chairman, we look at the GOP right now in America. They're in the evening of their election and we see where one of the major party's candidate is not, in their view, conducting themselves properly and they are jumping ship and going to support another nominee of another major party or two other parties for that matter, of lesser stature or prominence. You think they can

unregister the GOP (Grand Old Party) political party? That's not fair, but those members remain members of that GOP and more so, the upper echelon of the Republican Party for example, is distancing themselves from their candidates. Whilst they are not out there saying that everyone else should go and vote for other major party, they are indicating that that is what they believe is in the best interest of the country, and here we are, putting that authority in the hands of one individual to decide that that should not happen. What is wrong with us? I don't know what it is, but I believe that many from the Government is thinking that you're fish or fowl. You can be fish or fowl but the fact is, you should not be in a position to control the conscience, the ability of people to support someone else.

Mr. Chairman, there are many instances across the spectrum in these democracies where you recognise that there is a seat that you have to concede. If someone; an independent member or someone makes a move to run in that seat in that riding, then why can't another political party say that they support that person? This is extremely troubling and God forbid, it can be manipulated to the benefit of a government. That is absolutely totally wrong! We cannot do that, Mr. Chairman.

The funds received by the political party and its registered association and candidates, their sources and how they are used by the political party, including as election expense. Well, the Election Law makes provisions for that already; wherein, under the Election Office you can be charged under election expense for manipulating the expense process if the office believes that there is something untoward. That's a criminal offence, which also further goes if you're convicted on that, you will never run in politics in the Cayman Islands again, and here we are going to unregister a party because they may find something.

Mr. Chairman, I say again, parties do not qualify for elections. Parties are but a mere social club of people getting together with like-ideas that have a political spin to it, and the provisions in the election's office are a political element to it and the provisions in the Election Law, currently, control that, wherein are the expenditures. We have a differential in expenditures based on parties and candidates and parties neither get elected nor do they qualify to run in elections; it is candidates. You may be a part of a social club called a political party but it is everyone gets elected on an individual basis.

Mr. Chairman, last but not least, if it is determined that a party runs afoul of these things that this government is putting in here - a party, and you unregister that party, that means that party cannot do any expense returns to the Election Office. I think we call it reporting. So, you cannot stop the candidates from running. The candidates just qualified. You cannot stop them from running in the general election and then

each one of them will have the right, since you unregistered me (the party), to do their election expense reporting based on individual candidates, which are independent candidates. Mr. Chairman, this is really asinine. It just does not make sense.

Mr. Chairman, the Government is in a very unique position themselves. They are a Coalition Government with C4C Members. One left, one joined and one remains an Independent Member. That is the basis for their Government; the Coalition with that other Member of Parliament. What happens if that person doesn't join? Currently, promoting the values and the good work of the Government – rightly or wrongly; more wrongly but whatever, and that person goes into the coming general election and it can be assumed that the PPM is supporting that Member to continue their Government as the next administration. Will they be supporting her because we have unregistered PPM? I wonder if the Supervisor, Governor, will rule that PPM be unregistered. Unless the Government, through this process is forcing that Member to join PPM, that is the only way that Member can run as a part of the Government and promote the works of the Government. It is spelt out right here. Is that fair? That's not fair to that Member.

Coalition governments are created all over the world. We just most recently, in the previous administration in England, had a coalition government and they ran independent of each other. The Lib Dems (liberal Democrats) and the Conservatives ran independent of each other but they were a part of the record of that government, because it was a coalition government. Of course, we all know that is history now and what happened; the conservatives won the majority, and that may very well be the case with PPM, but they cannot support the Minister for Education in a general election with the current status of being a coalition government. Likewise, Mr. Chairman, there are Members over here—the eight Members on this side—one is a formalised party and there are five Independent Members. Are we to say if UDP, under the leadership of the Leader of the Opposition, decides they are going to endorse one or two or maybe five, I don't know, of the Independent Members, that the UDP will be unregistered? It just does not augur well for this open-minded fledgling democracy that we are trying to develop, and if the government does not see that then I feel sorry for them, because what they're trying to do is control the process. You cannot control the process in such truncated manner. You cannot do that.

Thank you, Mr. Chairman. I rest my case!

The Chairman: The amendment has been duly moved.

Does any Member wish to speak thereto?

The Premier, Hon. Alden McLaughlin: Mr. Chairman, I don't know when I've ever heard such rubbish, quite

frankly, in this House. Mr. Chairman, this is no attempt by the Government to control anything; this is vesting a power in the Supervisor of Elections, who, in appropriate cases can determine whether or not the entity that is operating is a proper political party or not. It has absolutely nothing to do with a political party entering into coalition with another political party or independent members. That is perfectly normal and acceptable.

The question that has been on my mind from the moment I heard the debate from the Member for East End and the Member for North Side, and saw this proposed amendment, is, why are they so obsessed about the fate of political parties when both of them have disavowed such entities and think they are terrible?

It is curious to me that myself as the leader of the political party that leads the Coalition Government and the Leader of the Opposition, who's the leader of the other registered political party in Cayman, neither of us share his concerns about either of our parties being deregistered. I thank him for his generosity and his great concern about the fate of the Progressives following the passage of this legislation, but I don't share any of his concerns about this Supervisor of Elections arbitrarily running around and acting on behalf of someone or some other entity seeking to deregister the Progressives as a political party. These are administrative provisions which have been developed by the Elections Office without any real input from the Elected Government. Obviously, we have scrutinised and have looked at them. They made three or four presentations to our caucus and they were considered by the caucus and by the Cabinet, and I am absolutely satisfied that they are in order.

Mr. V. Arden McLean: Mr. Chairman, if I may.

The Chairman: Member for East End.

Mr. V. Arden McLean: Mr. Chairman, I don't know where the Premier got this thing that I have disavowed party system. I don't know if he woke up with that idea in his head this morning, but he knows that I have been an integral part of the creation of two parties in this country, when people like himself were not believing that party system was the way to go.

He remembers when we had the horse trading in 2000, that I stood on the steps of the Legislation Assembly, the night before being sworn in here (Tuesday night, the 14th, as we were sworn in the following morning), and I said the only thing that's going to stop it is the party system where its organised politics. Everyone said that was the end of my political career, including some of the Members who were on the platform with me that night, but here I am, just shy of sixteen years.

So, Mr. Chairman, the Premier knows that I believe in structured politics; he knows that. The fact that I have fallen victim to their party because I had to go to

be an independent member, does not take that away from my mind. I want him to know that. So, I ran in the last election as an Independent. What I do in the next one is neither his nor his party's business, so he can stop that.

Saying that it is rubbish; he needs to explain under what condition the Supervisor of Election is going to consider any of the public's statements in support of another political party or a candidate or another political party. The Government needs to explain that and if the Premier is the spokesperson for the Government in this regard, or for the Civil Service Government, then, somebody needs to explain that to me. Will it be that the Supervisor will be watching every political party and if he/she hears that they're supporting Tom Jones in another constituency that is not a part of the political party, is that grounds to remove, to unregister that party?

Therein lies the concerns that we need to address because the Premier has said it has not been his political directorate that is bringing this here; I understand and appreciate that and it wasn't generosity about your party, don't worry about that. I understand that, but have they explained how this is going to work? I am on this side, part of the country's political directorate and if he's the executive, he's the majority, he needs to explain that to us before I can even consider supporting something as drastic in a law as this—putting that kind of authority, not only in the hands of the Supervisor of Elections, but more so in the hands of a governor in this country.

The Premier spoke quite passionately a few days ago against my colleague from North Side about how we have painstakingly tried to drag more autonomy out of England and put in the hands of the local directorate, and here we are, putting it right back in their hands and they can, God forbid, unregister a party and cause all kind of upheaval in our country.

The Chairman: Does any other Member wish to speak?

The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, we have two opposing situations in the Bill and the Member objects to both. One was the original proposal which allowed the Supervisor of Elections to essentially compel a group of people who the Supervisor believes is contesting an election on a common platform to register to political party.

The Government has taken the view and filed a committee stage amendment saying, we agree, that goes too far. It goes beyond what the objective is. The objective in that case is to ensure that if it walks like a duck and talks like a duck, none of us are forced to believe it is a swan. So, if you are behaving like a political party, contesting an election, you should be subjected to financial restrictions, which apply to political parties;

that's the objective of that. That's the one end. I think that is in committee stage amendment to clause 69 (a). That is that end of it.

This end of it is that it allows the Supervisor of Election to consider when an application is made for registration of a party to look closely at the activities of that entity to determine whether or not it is a proper political party and should be registered as such, or where it is behaving in certain ways to be able, in appropriate cases, to revoke the registration of a political party. The Member for East End says that goes too far. I don't think so. If we are going to have a good honest political system in these Islands, it has to be subject to proper scrutiny and the person to do that scrutiny must be the Supervisor of Election.

I personally don't have any difficulty in what is being proposed here, because the political party that I have the honour to lead and helped found, operates within certain principles, so these provisions will cause us absolutely no difficulty. We cannot have a situation where a political party is the subject and is used as a vehicle, as an instrument of some other entity, and the only way to prevent that sort of thing from happening is to have provisions which require proper disclosure.

Mr. V. Arden McLean: Mr. Chairman.

The Chairman: Member for East End.

Mr. V. Arden McLean: Mr. Chairman, if there's one thing that I agree with the Premier, is we need to ensure that these things are done fairly. However, the other side of it is, we cannot open up the opportunity to absolutely control individuals to our own liking in a democracy. The mere fact that it is a democracy gives us certain freedoms: freedom of conscience, freedom of this, freedom of that, freedom to gather, freedom of religion. We cannot use one individual to determine what those are within such truncated manner. We cannot! We need to stop legislating based on individuals because we see one or two individuals, who may be not keeping with the norm, that we should legislate to truncate that individual and all else gets restricted themselves. Mr. Chairman, it goes much further than that. If we are going to truncate that kind of behaviour by a political party to that extent, then, it should extend to after an election thus we can't have any coalition governments. What is the purpose? Not where it comes from. What is the purpose of saying that you cannot support somebody before the election?

[Inaudible Interjection]

Mr. V. Arden McLean: You can be unregistered – registration revocation, Mr. Chairman, of the involvement of the electoral campaigns and any of their public statements in support of any other political party or a candidate or another political party.

[Inaudible Interjection]

Mr. V. Arden McLean: That is one of the considerations for revocation of your registration.

Nevertheless, the Constitution says that if a political party wins, the majority of those will instruct the Governor to appoint the Premier. When the political party does not win the majority, you must come down to the Legislative Assembly and record a vote. However, this Government came into being with another political party joining them, to make up that 10. Well, if there nothing wrong with it after election, what's wrong with a political party supporting somebody prior and during the election?

An Hon. Member: Nothing.

Mr. V. Arden McLean: But you can be revoked.

[Inaudible interjection]

Mr. V. Arden McLean: Depending on the circumstances.

[Inaudible interjection]

Mr. V. Arden McLean: Precisely!

Mr. Premier, you are putting the words in my mouth; that is precisely it. What are the circumstances that the Supervisor of Election or the Governor or Secretary of State is going to see? What are the circumstances that they have such broad abilities and remit here? Those are not truncated, those are wide open. Those are our concerns, Mr. Premier, and I have made my case. I have made the case for the Members over here, in how we see it of the concerns we have, and if the Government so chooses not to do those, then that's entirely up to the Government. I was reminded recently that the Government will always have its way, but they will not prevent us from having our say. That's the democracy that we live in, that must strive, that we need to defend, and that I want to live in and for future generations to live in.

The Chairman: Does any other Member wish to speak?

The Honourable Premier.

The Premier, Hon. Alden McLaughlin: Mr. Chairman, may I crave your indulgence for a short suspension to have a consultation with the Acting Attorney General about this point?

The Chairman: The Committee will suspend for five minutes.

Proceedings suspended at 12:20 p.m.

Proceedings resumed at 2:30 p.m.

[Hon. Juliana Y. O'Connor-Connolly, Chairman presiding]

[Continuation of amendment to clause 16]

The Chairman: Committee Members, I believe where we last left off was the proposed amendment by the Member for East End on clause 16.

The Chair will now proceed to put that vote.
Member for East End.

Mr. V. Arden McLean: Madam Chair, thank you.

What I am looking at is if there is anything consequential to these changes and the others, which are clauses 17, 18 and 19 actually getting affected. While I appreciate the Premier's intervention of trying to correct this in some way, there is still the issue of [subsections] (a) and (b). I will draw the Premier's attention to [subsection] (b) where it says, "Fund raising plan – advertising material and policy statement". I can understand policy statement, but advertising material is only during campaign time. You can register a party prior to that. A party cannot be registered after nomination day, but politically, you could become unregistered based on your advertising material.

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Chair, I had an extensive meeting with the Acting Attorney General and the Deputy Supervisor of Election, who is a lawyer as well, and the Crown Council, who has had responsibility with this, as well, as with the Supervisor of Election and the Acting Deputy Governor. We went over this extensively.

The reason for these provisions is that the Supervisor must have some basis on which he or she can determine that what they are dealing with is an actually active political party. These provisions are in there so that there is some basis for either the registration in the first place, or in the absence of these things, the de-registration or revocation or whatever, of a political party. Otherwise, we wind up with the possibility of any kind of entity being registered as a political party and no discretion on the part of the Supervisor as to whether it is a proper entity to be registered. So, what they are looking for is not really details of it; it is the evidence that this is something alive and operating as a political party. You would expect to see things like the Constitution and articles and political programmes and so on. That is the purpose.

Mr. V. Arden McLean: Madam Chair, if I may?

The Chairman: Member for East End.

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

I appreciate the Premier's thoughts and position on those matters, but there is no consequence in here, that I see, of revoking a registration. It can just be done based on what type of advertisement you had during a campaign. I know the Election Law says that if you are contravening the law, you commit an offense, but, is that specific to this as well?

The Premier, Hon. Alden McLaughlin: Madam Chair.

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Chair, I think the Member has the wrong end of this. It is not about what kind of fundraising plan you have, or what kind of advertising, or what policies you have; all the Supervisor is looking for is evidence of activity that you would expect to be associated with the operations of a political party. That is all. He could care less about what your political programme is or what your policies are. What they are looking for is that these things exist. This is not some type of shell or has another purpose and is being put forward as a political party as a sham.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, I see this argument will not get much further than here, obviously, but that is the reason why we objected to these areas. We are doing it based on these broad parameters that we are giving the Supervisor. There are no consequences for having —

The Premier, Hon. Alden McLaughlin: The consequence is deregistration or non-registration.

Mr. V. Arden McLean: Understood. You revoke the party registration. What then?

[Inaudible interjection]

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Chair, the Law establishes a political party register. The deficiency in the current arrangement is that there is no criteria whatsoever for registering as a political party. What is being attempted here, is to invest the Supervisor with some ability to look at what has been presented to him or her, and say is this really a political party? Does it have the make up? Is it proposing to do the things you would expect to be associated with a political party?

The other side of that is, if there are entities on the register, which do not appear to be operating as political parties anymore, to give him or her the ability to remove them in due course. Obviously, the Supervisor

cannot act arbitrarily, therefore, you would expect at a minimum, there would be communication between the Supervisor and the entity, and some kind of hearing or discussion about the matter, because if the Supervisor, as any other public official, were to act arbitrarily and without regard to due process and natural justice, the decision would be challengeable by being judicially reviewed as an instance. There is that check on the power of the Supervisor in these circumstances. Certainly, the present arrangement, where there is no criteria whatsoever, cannot be the best arrangement.

The Chairman: Member for East End.

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

Madam Chair, I support the view of the Premier; however, I still contend that it is too broad. It is my view that this will eventually get into the situation where it will come back to haunt us. I pray to God I am wrong.

[Inaudible interjection]

The Chairman: The Chair will put the question on the Opposition's amendment to clause 16.

The Premier, Hon. Alden McLaughlin: Madam Chair, before we vote, could I just indicate that I do not actually have the Member's amendment?

[Inaudible interjection]

The Chairman: He was asking for clause 16 to be deleted.

The Premier, Hon. Alden McLaughlin: Madam Chair, what is being proposed, following my consultation, and this will be put by the Honourable Acting [Deputy] Governor, is that we would agree to delete parts of clause 17(4). I can just indicate to the Member and to the Committee, that although we cannot support the proposed amendment in its entirety, we will accept aspects of it, which I have discussed with the Member.

The Chairman: Member for East End.

Mr. V. Arden McLean: I shall be guided, but what we worked on was clause 16.

[Inaudible interjection]

Mr. V. Arden McLean: Seventeen. I'm sorry.

The Chairman: We have not called clause 17 yet.

Mr. V. Arden McLean: It was clause 17. We were also proposing clauses 16 and 17. This one was only clause 17 because clauses 18 and 19 are consequential to clause 17, where it talks about removing the political

party revocation of the registration. You understand what I am saying?

[Inaudible interjection]

Mr. V. Arden McLean: Section 27 in the Law; for instance section 26 of the Law.

[Inaudible interjection]

Mr. V. Arden McLean: Clause 17 relates to revocation of the registration. Right?
Clause 19 speaks to the same revocation.

[Inaudible interjection]

Mr. V. Arden McLean: Yes.

Clause 19 inserts after the words “political party”, the words: “or revokes the registration of a politically party”. Further, in clause 19, subsection (3) says: ‘by inserting after the word “refused” the words “or revocation.”

[Inaudible interjection]

Mr. V. Arden McLean: Understood.

I am asking, Madam Chair, how are we going to deal with the proposals by us? Those proposals are relating to 1, 2 and 17. To remove those same ones that the Premier just indicated off microphone, that it affects. Do we want to put that to a vote? That is why I said I will be guided.

The Chairman: I was going to put Clause 16 to a vote and then we would move on to 17 because 17 had an amendment, and we could then deal with clauses 18 and 19.

Mr. V. Arden McLean: Okay.

The Chairman: Can I now proceed?

Mr. V. Arden McLean: Yes. As you wish Madam Chair.

The Chairman: Alright.

The question is that the amendment as proposed by the Member for East End, relating to clause 16, that is stands part of the clause.

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

AYES and NOES

The Chairman: I believe the Noes have it.

Accordingly, the proposed amendment does not carry.

Negatived: Amendment to clause 16 failed.

The Chairman: I will now put the question that clause 16 stands part of the Bill.

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

AYES and NOES

The Chairman: I believe the Ayes have it.
Clause 16 now stands part of the Bill.

Agreed: Clause 16 passed.

CLAUSE 17

The Clerk:

Clause 17 Amendment of section 25 - grounds for refusal

Amendment to Clause 17

The Chairman: Member for East End, I believe you moved a proposed amendment to 17 at the same time you moved 16. So, you have priority to move it.

Mr. V. Arden McLean: Yes. Those were all moved, Madam Chair.

The Chairman: Okay.

So, is it your intention to withdraw 17 in light of the amendment from the Government? Or, do you still want to raise the question of 17 before I call on the Government’s amendment to 17?

Mr. V. Arden McLean: Madam Chair, I want to be reasonable with the Premier, in particular.

The Chairman: Sounds like a truce.

Mr. V. Arden McLean: The only thing white in here is the paper on this desk; nah no flags. I do not see any Olive branches either because there are too many thorns in them.

Madam Chair. I am still not satisfied with what he has put forward.

The Chairman: The question is that the amendment as proposed by the Member for East End relating to clause 17, stands part of the clause.

All of those in favour please say Aye; all those against, No.

AYES and NOES

The Chairman: I believe the Noes have it.

Accordingly, clause 17 proposed amendment by the Member for East End failed.

Negatived: Amendment to clause 17 failed.

The Chairman: I recognise the Honourable Deputy Governor for an amendment to clause 17.

Hon. Stran A. Bodden, Acting Deputy Governor: Thank you Madam Chair.

Madam Chair, in accordance with provisions of Standing Order 52(1) and (2), I move the following amendment to the Election (Amendment) Bill, 2016; that the Bill be amended in clause 17 by deleting from the proposed section 25(4), paragraphs (c), (d) and (e).

Thank you, Madam Chair.

The Chairman: The amendment has been duly noted.

Does any Member want to speak to the amendment?

If not, the question is that the amendment to clause 17 stands part of the clause.

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

AYES.

The Chair: I believe the Ayes have it.

Agreed: Amendment to clause 17 passed.

The Chairman: The question now is that clause 17, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 17, as amended, passed.

CLAUSE 18

The Clerk:

Clause 18 Amendment of section 26 - registration procedure.

Amendment to Clause 18

The Chairman: I recognise the honourable Member for East End.

Mr. V. Arden McLean: Which one?

The Chairman: Clause 18.

Mr. V. Arden McLean: Madam Chair, like I said, it was all moved.

The Chairman: Unless you have withdrawn it, I have to put the question to each one.

[Inaudible interjection]

The Chairman: Okay.

The question is that the amendment to clause 18, as proposed by the Member for East End, stands part of the clause.

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

AYES and NOES

The Chairman: The Noes have it.

Negated: Amendment to clause 18 failed.

[Inaudible interjection]

The Chair: The question is Clause 18 stands part of the Bill.

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

AYES

The Chairman: I believe the Ayes have it.

Agreed: Clause 18 passed.

CLAUSE 19

The Clerk:

Clause 19 Amendment of section 27 - appeals.

Amendment to Clause 19

The Chairman: Honourable Member for East End, your proposed amendment to clause 19.

Mr. V. Arden McLean: Please put it to the vote, Madam Chair.

The Chairman: Thank you.

The question is that Clause 19 as proposed for amendment by the Member for East End, stands part of the clause.

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

AYES and NOES

The Chairman: I believe the Noes have it.

Negated: Amendment to clause 19 failed.

The Chairman: I now put the question that clause 19 stands part of the Bill.

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

AYES and NOES

The Chairman: I believe the Ayes have it.

Agreed: Clause 19 passed.

Mr. V. Arden McLean: I don't hear a lot of Noes out there against mine.

CLAUSE 20

The Clerk:

Clause 20 Amendment of section 29 – nomination.

The Chairman: I put the question that clause 20 stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 20 passed.

CLAUSE 21

The Clerk:

Clause 21 Insertion of new section 29A - Supervisor may seek declaration.

The Chairman: I recognise the Member for East End.

Amendment to Clause 21

Mr. V. Arden McLean: Madam Chair, thank you.

Madam Chair, I move again, that the Election (Amendment) Bill 2016 be amended and in clause 21; that in clause 29A (2) insert after the words "whose decision" the following words, "may be appealed to the Appeals Court".

The Chairman: The amendment has been moved.

Does any Member wish to speak to the amendment?

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

The Chairman: Member, please continue.

Mr. V. Arden McLean: I think this has been drawn directly out of the Constitution, where, anything under election is brought under the Constitution, in question, of qualification and disqualification, then the Grand Court is the final arbiter. I think that is where this was brought from. We believe that it should be able to go straight to the Appeals Court in this country, any matters of this nature, which is a candidate not qualifying under the Election Law. I know that we have taken the qualifications and disqualifications out of the Constitution and put straight into the Election Law. However, I

do not know if there is anything that says if the law must mirror what the Constitution says. Thus, the reason why we believe that it should be able to go to the Appeals Court.

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Chair.

Madam Chair, I was listening to see if I could discern any reason in the Members argument as to why the Law should (pardon the pun), trump the Constitution.

Section 66 (1) of the Constitution, dealing with the termination of questions as to membership of the Legislative Assembly, is in the following terms: "**Any question whether a person has been validly elected as a member of the Legislative Assembly, or whether an elected member of the Assembly has vacated his or her seat in it, shall be determined by the Grand Court, whose decision shall be final and not subject to any appeal.**"

Madam Chair, that section has been tested recently and the Chief Justice found that the provision means that any appeal against the election of a Member, is determined once and for all by the Grand Court, and that there is no appeal therefrom.

The public policy reasons for that limiting of the appeal process is because in the business of government it is just wrong to have these issues in the corridor of uncertainty for extended periods of time. People who have been elected, need to get on with the business of working as representatives and the court recognises that, the drafters of the Constitution recognises that. It would really be quite anomalous to have a limiting provision with respect to an appeal in the Constitution, as I have just mentioned, but, in the Elections Law, there is an unlimited right of appeal all the way up presumably to the Privy Council. An individual could actually live through the entire term of office —

Mr. V. Arden McLean: But provisions are there now for that.

The Premier, Hon. Alden McLaughlin: Before the matter was finally determined. So, when the committee that looked at this provision that is currently in the Bill, they decided, and the Government endorsed, that we should not have a situation where the constitutional provision is in some way, as far as an appeal process is concerned, inferior to that in the Law, but that the Law should follow the Constitution.

The Chairman: Member for East End.

Mr. Arden McLean: Thank you, Madam Chair.

Madam Chair, I am trying to find where the Constitution makes provisions for Members, who were

duly elected and found to be in breach, and all the necessary appeals process has been exhausted. It is only after the necessary appeals process has been exhausted and it does not mention Grand Court; only, to the Grand Court and that is —

[Inaudible interjection]

Mr. V. Arden McLean: Pardon me?

The Premier, Hon. Alden McLaughlin: You will have to refer me to the section.

Mr. V. Arden McLean: I think it is section 64, Mr. Premier.

[Pause and Inaudible interjection]

Mr. V. Arden McLean: But it can only be tried by the Grand Court?

Where is the appeal from the Grand Court then?

[Inaudible interjection]

Mr. V. Arden McLean: What does section 64 mean then? Is it null and void then? It says: “. . . **he or she shall not vacate his or her seat until the expiration of period of 30 days thereafter; but the Governor may, at the request of the member, extend that period to enable the member to pursue any appeal against the decision, save that extensions of time exceeding in the aggregate 150 days shall not be given without approval of the Assembly.**” What would that entail?

The Premier, Hon. Alden McLaughlin: Yes, Madam Chair, the Member has accurately read what the section says, but that section, like all of the others, is limited by the provision in section 66(1) which I shall read again: **”Any question, whether a person has been validly elected as a member of the Legislative Assembly, or whether an elected member of the Assembly has vacated his or her seat in it, shall be determined by the Grand Court, whose decision shall be final and not subject to any appeal.” So, any of these questions, however framed, and in whatever context, are so limited by that provision with respect to an appeal.**

There is a final appeal to a Grand Court and that is it. You cannot go up to the Court of Appeal or the Privy Council, for the reasons I outlined earlier, because the process just takes too long and the business of government needs to be certain. I was going to say swift, but given the experience of Minister Rivers, I am not sure we can say swift, but at least not dragged out for the entire term.

The Chairman: The question is that the amendment, which was put forward by the Member for East End, as it relates to clause 21, stands part of the clause.

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

AYES and NOES

The Chairman: The Noes have it.

Negated: Amendment to clause 21 failed.

The Chairman: I put the question that clause 21 stands part of the Bill?

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

AYES and NOES.

The Chairman: The Ayes have it.

Agreed: Clause 21 passed.

CLAUSES 22 THROUGH 24

The Clerk:

Clause 22	Amendment of section 30
Clause 23	Amendment of section 31 - withdrawal or death of candidate
Clause 24	Amendment of section 34 - contested elections, publication of date and place, etc.

The Chairman: The question is that clauses 22 through 24 stand part of the Bill?

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

AYES and NOES

The Chairman: The Ayes have it.

Agreed: Clauses 22 through 24 passed.

CLAUSE 25

The Clerk:

Clause 25	Amendment of section 25 – polling stations.
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Amendment to Clause 25

The Chairman. I recognise the honourable Member for East End.

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

Madam Chair, again, I move that in clause 25, subclause (b)(1A) - Delete the words “appoint a polling

station for a particular electoral district in another electoral district” and substituting the words “approve the use of mobile polling stations”.

The Chairman: The amendment has been moved.
Does the Member wish to speak to it?

Mr. V. Arden McLean: Thank you.

I believe, Madam Chair that it is reasonable to expect that electors would want to vote within the boundaries of their electoral district. We have, on more than one occasion, had to erect temporary polling within this country. In the case of when we had the referendum, there were a number of those that were temporarily placed just on the outside of the building that the general election was being held at.

We have, over the years, since early voting, erected temporary polling stations. Early voting is usually for officials, right? For emergency people, which I don't understand why we don't extend that to everybody. For early voting we have erected temporary polling stations. It doesn't augur well that an elector should have to go over into the neighbouring electoral district to be able vote. I don't see it as moving from one extreme to the other. It is probably that the thought process was that you would move in close proximity so you don't inconvenience those people. I still believe that is worse than us setting up a temporary place. We have a lot of time in advance to know where these would be. Madam Chair, we have seen numerous large tents right out here, when we have the Heroes Day. That's an expense that would be incurred, but certainly democracy is not free, as we all know, and the perception of fairness and not disenfranchising electors is not free either.

We believe it is necessary to have our elections within the electoral districts that the electors are registered in. We can find land somewhere within those electoral districts to erect temporary polling stations, large enough to accommodate – what is it? – 1,300 or 1,400 in that region, where safety concerns are addressed. It would then encourage people. People are going to feel disenfranchised that they have to go to another electoral district in order to utilise their enfranchisement. It just does not augur well for us to be asking people in one constituency to go to another.

The Chairman: Honourable Acting Deputy Governor.

Hon. Stran A. Boddan, Acting Deputy Governor: Thank you Madam Chair.

Madam Chair, this provision in the Bill is an insurance policy. It is in case it needs to be done. It does not say it will be done; it is something that can be done.
Thank you, Madam Chair.

Mr. V. Arden McLean: But, Madam Chair —

The Premier, Hon. Alden McLaughlin: Madam Chair.

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Madam Chair, I spent some time trying to understand the rationale for this and specific instances have been given to me about what can occur, especially, if we go back to the aftermath of Ivan. Now, that was when we only had six electoral districts and now we have 19, and the boundaries are (if I may say so, without wishing to seem in anyway derogatory) quite artificial in many instances. The driving motivation was to get the numbers as close as we could, in terms of equality, and to ensure that there was a mix of demographics, so that you did not wind up with one constituency that was made up with a group of people with very similar backgrounds and characteristics and so forth. So, the boundaries are quite artificial.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Madam Chair, what happened, on occasion, in the aftermath of Ivan — even though the elections were more than six months after Ivan — was that we ended up with facilities which had hitherto been used for polling stations, unable to be used. There was another facility that could be used, which would not normally be nominated as a polling station. So, we could wind up with a situation where, even if we do not have something like Ivan, but where there has been a fire or there is an issue with the power, anything can occur very swiftly.

What this section or this clause is proposing is that for instance, if there is another suitable facility just across the street, but it is in another electoral district, that the Election Office can use that, rather than hunt around to try to find some other facility within that particular electoral district to accommodate the polling.

The difficulty with using mobile voting is that the units used for that are just too small to accommodate the significant number of people who will go through that process in the course of the day.

As the Honourable Acting Deputy Governor has said, this is really an insurance policy. The objective always will be to have the polling station within the electoral district. However, we do not want to get into the situation where we cannot conduct the poll because something has happened to the particular facility the night before and everyone is scrambling trying to find a way to accommodate the poll. So, it is an insurance policy; that is all.

The Chairman: Member for East End.

Mr. V. Arden McLean: Madam Chair, many times my words come back to haunt me, in that, when I say mobile voting, that is taken in its generic sense and immediately that is too small.

Let me explain, Madam Chair: By mobile voting I meant it was not a permanent fixture and it was temporary. If I could just submit that. I am talking about months in advance, we are going to know. Right now, Madam Chair, we know. A building burning down overnight could happen anywhere. We have never done that before. We have never had to put provisions in the Law before for those eventualities.

I understand and it is my belief that because of how these communities are split up or they have tried to use the demographics in all manners to get them, so that there is not one constituency of one demographic. That is precisely where the problem is. One of these days, this country needs to stop the segregation of people.

The Chairman: Honourable Deputy Governor, can the Chair just ask: are there any existing constituencies, as laid out in the boundary plan that will not have a facility?

Hon. Stran A. Bodden, Acting Deputy Governor: One minute, Madam Chair.

[Inaudible interjection]

Hon. Stran A. Bodden, Acting Deputy Governor: Madam Chair, there are currently two of the 19 constituencies that do not have facilities. However, we are putting in place, plans, that by the day of the vote, those two will also have designated facilities within those constituencies.

The Chairman: Member for East End.

Mr. V. Arden McLean: Here we go, Madam Chair. So, why are we doing it? Why are we putting it in the Law when we can already find it?

[Inaudible interjection]

Mr. Arden McLean: Alright. That is how unna operates.

[Inaudible interjection]

The Chairman: The question is that the amendment put forward by the Member for East End, as it relates to clause 25, stands part of the clause.

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

AYES and NOES

The Chairman: The Noes have it.

Negated: Amendment to clause 25 failed.

The Chairman: The question now is that clause 25 stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 25 passed.

CLAUSES 26 THROUGH 33

The Clerk:

Clause 26	Amendment of section 40 - polling and counting agent.
Clause 27	Amendment of section 41 - taking of poll and the ballot.
Clause 28	Repeal and substitution of section 44 - restriction on voting.
Clause 29	Amendment of section 47 - general mode of taking ballot.
Clause 30	Amendment of section 49 - mode of taking ballot in special cases.
Clause 31	Amendment of section 56 - who may be present.
Clause 32	Amendment of section 58 - the count.
Clause 33	Amendment of section 61 - election return.

The Chair: The question is that clauses 26 through 33 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 26 through 33 passed.

CLAUSE 34

The Clerk:

Clause 34	Amendment of section 67 - limitation and election expenses.
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The Chairman: I recognise the honourable Member for East End.

Amendment to Clause 34

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

Madam Chair, again, I move the following amendments to the Election (Amendment) Bill, 2016, in clause 34, sub-clause (a), delete 2(a) and (b) and add the words "forty thousand dollars" after the words "shall

be” and a new sub-clause (2) to read, “The maximum amount of election expenses to be incurred in respect of a candidate at an election should be forty thousand dollars.”

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

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker —

The Chairman: Sorry. You wish to say something?

Mr. V. Arden McLean: Yes.

The Chairman: Okay.
I thought the Honourable Premier was going to—

Mr. V. Arden McLean: He can't have an argument —

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I am happy to tell the Member that the Government is prepared to accept that amendment.

The Chairman: Does the Member still wish to speak or are you left without words?

[Laughter]

Mr. V. Arden McLean: Elizabeth, I'm coming home.

[Laughter]

An Hon. Member: Quit while you are ahead.

Mr. V. Arden McLean: Madam Chair, I am stumped but pleasantly so—

The Chairman: Sounds so.

Mr. V. Arden McLean: — to think that —

The Premier, Hon. Alden McLaughlin: Hurry, before I change my mind.

Mr. V. Arden McLean: As a matter of fact, Madam Chair, now, it clearly lays out that parties do not qualify for election. It is the candidate. I should tell you Madam Chair, I was reluctant bringing this one because \$40,000 is not going to do it for us either, but, be it as it may, let someone else change it later. I don't hear the others saying anything. I thank the Premier for accepting.

The Chairman: The question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 34 passed

The Chairman: I now put the question that clause 34, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 34, as amended, passed.

CLAUSE 35

The Clerk:

Clause 35 Amendment of section 109 - power to make rules

Clause 36 Repeal and substitution of Schedule 1 - electoral districts

Clause 37 Amendment of Schedule 2 - forms.

Clause 38 Amendment of Schedule 3 - election rules

Clause 39 Saving provisions 2013 Revision

The Chairman: The question is that clauses 35 to 39 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 35 through 39 passed.

NEW CLAUSE 34A

The Clerk:

New Clause 34 A Insertion of new section 69A - power to deem a group a political party for the purpose of this part

Insertion of New Clause 34A

The Chairman: I recognise Acting Deputy Governor.

Hon. Stran A. Bodden, Acting Deputy Governor: Thank you, Madam Chair.

In accordance with the provisions of Standing Order 52(1) and (2), I move that the Bill is amended by inserting after clause 34, the following Clause –

“34A. The principle Law is amended by inserting after section 69, the following section –

“69A. The Supervisor may, where a group of nominated candidates appear to be carrying out activities that indicate that they have come together to contest an election, deem that group of nominated candidates, for the purposes of this Part, to be a political party.”.

Thank you, Madam Chair.

The Chairman: Member for East End.

Mr. V. Arden McLean: Is he withdrawing that? There is no need for it now. That is under election expense.

The Premier, Hon. Alden McLaughlin: Madam Chair.

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Could I have a moment just to consult?

The Chairman: Certainly.

[Pause]

The Chairman: Honourable Acting Deputy Governor.

Withdrawal of New Clause 34A

Hon. Stran A. Boddin, Acting Deputy Governor: Madam Chair, I move to withdraw the last amendment that I stated in relation to clause 34.

Thank you.

The Premier, Hon. Alden McLaughlin: Madam Chair, if I may?

The Chairman: Honourable Premier.

The Premier, Hon. Alden McLaughlin: Just to make clear to everybody understand, as it is not just us in here; the reason that we agreed to withdraw that is because we have agreed to the previous amendment proposed by the Member from East End. Now, there is absolute equality regardless of whether a candidate is within a party or not. My good friend, as he reminds me.

Mr. V. Arden McLean: used to be.

The Chairman: The question is that the proposed New Clause 34A from the Government side to amend clause 34, be withdrawn.

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

AYES.

The Chairman: The Ayes have it.

Agreed: New Clause 34A withdrawn.

The Chair: The Ayes have it.

TITLE OF THE BILL

The Clerk: A Bill for a law to amend the Elections Law (2013 Revision), to make provision for elections to be held with the nineteen single Member Electoral Districts; and for incidental and connected matters.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.

EDUCATION BILL, 2016

CLAUSE 1

The Clerk:

Clause 1 Short title and commencement

The Chairman: The question is that clause 1 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 1 passed.

The Clerk:

Clause 2 Interpretation.

Withdrawal of Amendments to Clause 2

The Chairman: Member for East End, you have a proposed amendment to clause 2?

Mr. V. Arden McLean: Madam Chair, in the spirit of cooperation, the Member for North Side gave me his proxy to deal with amendments that we had proposed.

I believe the Member met with the Minister at some time last week. They agreed that all of the proposals the Member for North Side had made, with the exception of two, were being incorporated into the Bill.

As such, the Minister has asked for those amendments to be withdrawn, including the two that she would not agree with. I believe he heard her arguments and explanations and she begged him not to move them forward. Therefore, I am going to respectfully ask, that, unlike the other one with the Election Law, I be given permission to move the withdrawal of all of these, some 19, possibly 20- something amendments. So, Madam Chair, I ask that you direct the Committee as such and take a vote to allow me to do such.

The Chairman: The question is that the proposed amendments to clause 2 that were put forward by the Member for North Side, and thereafter delegated to Member of East End, be withdrawn in totality based on the consensus with the meeting of the Honourable Minister of Education.

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

AYES.

The Chairman: The Ayes have it.

Accordingly, the proposed amendments to clause 2 from the Member for North Side through the Member for East End are withdrawn.

Agreed: Amendments to clause 2 withdrawn.

[Inaudible interjection]

The Chairman: Sounds like stronger together.

[crosstalk and laughter]

The Chairman: I had just said stronger together but it seems like there is some questioning of expression of confidence.

Let's move on so we can finish today's agenda expeditiously.

Mr. V. Arden McLean: Don't carry it too far now because there won't be any more amendments.

The Chairman: Madam Clerk, please call the next amendments from the Minister of Education.

Amendments to Clause 2

Hon. Tara Rivers, Minister of Education, Employment and Gender Affairs: Yes, thank you, Madam Chair.

I would just like to thank the Member for East End, for carrying through with the wishes of the honourable Member for North Side. In fear of prolonging that particular debate, I certainly won't make any corrections at this stage as to what was asserted.

Madam Speaker, in accordance with provisions from Standing Order 52(1) and (2), I give notice to move the following amendments to the Education Bill, 2016:

That the Bill be amended as follows –

In clause 2(1) by inserting in the appropriate alphabetical sequence, the following definitions –

“educational support services: means non-instructional services that support education processes or systems and includes –

- (a) educational agency and consulting;
- (b) educational guidance counselling services;
- (c) educational testing evaluation services;
- (d) educational testing services;
- (e) organisation of student exchange programmes;
- (f) online marketing platforms that market individual programmes and schools to potential students; and
- (g) online learning platforms that allow clients to host their own courses;

“legal guardian”, in relation to a child or student, means a persons appointed –

- (a) by deed or will; or
- (b) by a court,

to be the guardian of the child or student;

“national policy” means a broad course of action or statements of guidance adopted by the Government at the national level in pursuit of national objectives;

“parent” includes a step-parent and an adopter;

“skills development” means a longer-term or broader process of acquiring skills or knowledge by a range of different means such as coaching, formal and informal learning interventions, education or planned experience; and

“training” means an instructor-led, content-based intervention aimed at a defined population and designed to lead to the acquisition or development of specified skills or behaviour; and”

The Chairman: The amendments have been duly moved.

Does any Member wish to speak to the amendments?

Hon. Tara A. Rivers: Actually, Madam Speaker, as this continues with clause 2(1), with your permission, I will continue to read the other provisions.

The Chairman: Please proceed.

Hon. Tara A. Rivers: By deleting the definition of the words “non-government or educational institution”; and

by deleting the definition of the words “technical and vocational education and training” and substituting the following definition –

““technical and vocational education and training” means education, training and skills development –

(a) relating to a wide range of occupational fields, production, services and livelihoods; and

(b) taking place, as a part of lifelong learning, at secondary, post-secondary and tertiary levels;

and “technical and vocational education and training” includes work-based learning and continuing training and professional development which may lead to qualifications:”.

The Chairman: The question is that the amendments stand part of the clause?

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendments to clause 2 passed.

The Chairman: The question now is that clause 2, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Clause 2, as amended, now stands part of the Bill.

Agreed: Clause 2, as amended, passed.

CLAUSE 3

The Clerk:

Clause 3 Duties and powers of Minister responsible for education.

Amendment to Clause 3

The Chairman: I recognise the Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Chair.

I give notice to move the following amendments.

In Clause 3, sub-clause (1)(a), by inserting after the word “determine”, the words “national policy and” and by deleting the word “educational” and substituting the word “such”; and

by deleting sub-clause 1(c), (d), (f), (g), (i) and (j); and by deleting sub-clause 3(3).

The Chairman: The amendment has been duly moved.

The question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 3 passed.

The Chairman: The question now is that clause 3, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 3, as amended, passed.

CLAUSE 4

The Clerk:

Clause 4 Annual progress report.

Amendment to Clause 4

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Yes, Madam Chair.

By inserting after clause 3, there is an additional provision that reads as follows:

The Chairman: If it is a New Clause, we will do it at the end.

Hon. Tara A. Rivers: At the end. Okay. Thank you, I will reserve that until the end.

The Chairman: Clause 4?

Hon. Tara A. Rivers: Clause 4.

Yes Madam Chair, in clause 4 –

By deleting sub-clause (1) and re-numbering sub-clauses (2) to (6) as sub-clauses (1) to (5), respectively; In sub-clause (1) as re-numbered, by deleting the words “in subsection (3)” and substituting the words “in subsection (2)”; In sub-clause (2) as re-numbered

by deleting the words “the Chief Officer” and substituting the words “In the exercise of the duties referred to in section 3A (1) (a), the Chief Officer”.

The Chairman: The amendment has been duly moved.

Does any Member wish to speak to the amendment?

If not, I put the question that the amendment to clause 4 stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 4 passed.

The Chairman: The question now is that clause 4, as amended, stands part of the Bill.

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

AYES.

Agreed: Clause 4, as amended, passed.

CLAUSE 5

The Clerk:

Clause 5 Director of the Department of Education Services.

Amendment to Clause 5

The Chairman: Honourable Minister, you have an amendment to clause 5?

Hon. Tara A. Rivers: Yes, Madam Chair.

In clause 5 –

- (i) In sub-clause (1) by deleting the words “, subject to the directions of the Minister,”;
- (ii) In sub-clause (1) (d) by inserting after the word “Minister” the words “and the Chief Officer”;
- (iii) In sub-clause (1)(h). by deleting the word “Minister may from time” and substituting the words “Chief Officer may from time to time”; and
- (iv) by inserting after sub-clause (1) the following sub-clauses –
 - “(1A) the Director of the Department of Education Services may, by written instrument, delegate to a school leader any of the Director’s functions under subsection 1(a), (b), (c), (e) and 1(g).
 - (1B) A delegation under subsection (1A) is revocable at will and does not

prevent the exercise by the Director of the Department of Education Services of any function so delegated.”.

Madam Chair, just to note, it is in this case a typographical minor error that the reference in (1B) should actually be subsection (1A), as opposed to “subsection (2)”, so I would just ask the Attorney General to note that.

The Chairman: The amendment has been duly moved.

Does any Member wish to speak to it?

If not, the question is that the amendment stands part of the clause.

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

AYES

The Chairman: The Ayes have it.

Agreed: Amendment to clause 5 passed.

The Chair: The question now is that clause 5, as amended, now stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 5, as amended, passed.

CLAUSE 6

The Clerk:

Clause 6 Establishment and duties of Education Council.

Amendment to Clause 6

The Chairman: There is a proposed amendment, Minister, to clause 6.

Hon. Tara A. Rivers: Yes, Madam Chair.

In clause 6 –

- (i) in sub-clause 1(c) by deleting the words “teachers in schools” and substituting the words “educational institutions, institutions providing educational support services, and teachers in schools and early childhood care and education centers,” and by deleting the word “Minister” and substituting the word “Ministry”; and
- (ii) in sub-clause (2) deleting the word “shall” and substituting the word “may”.

The Chairman: The amendment has been duly moved.

Does any Member wish to speak to this amendment?

If not, the question is that the amendment stands part of the clause.

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

AYES

The Chairman: The Ayes have it.

Agreed: Amendment to clause 6 passed.

The Chairman: The question now is that clause 6, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 6, as amended, passed.

CLAUSE 7

The Clerk:

Clause 7 Appeals against the decisions of the Education Council.

The Chairman: The question is that clause 7 stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 7 passed.

Consequential Amendment to Part 3

The Clerk:

Part 3 Registration of Educational Institutions.

The Chairman: Honourable Minister, is this a consequential amendment? Do you wish to read it?

Hon. Tara A. Rivers: I do wish to read it, for the record. Just to reflect in the heading of Part 3 the proposed amendment is by inserting after the word "INSTITUTIONS" the words ", INSTITUTIONS PROVIDING EDUCATIONAL SUPPORT SERVICES, AND TEACHERS".

CLAUSE 8

The Clerk:

Clause 8 Registration of non-Government educational institutions.

Amendment to Clause 8

The Chairman: Honourable Minister, there is a proposed amendment to clause 8.

Hon. Tara A. Rivers: Thank you, Madam Chair.

In clause 8 –

- (i) by deleting the marginal note and substituting the following marginal note - "Registration of educational institutions, institutions providing educational support services, and teachers";
- (ii) by deleting sub-clause (1) and substituting the following sub-clause – "(1) No person or entity may own, operate, manage or participate in the management of, any educational institution or institution providing educational support services, and no educational institution or institution providing educational support services shall be operated, unless that institution is registered in accordance with the regulations.";
- (iii) In sub-clause (2) by deleting the words "non-Government educational institutions" where they appear in paragraphs (a) and (b) and substituting the words "educational institutions and institutions providing educational support services";
- (iv) In sub-clause (3) by deleting the words "A non-Government" and substituting the word "An";
- (v) by inserting after sub-clause (3) the following sub-clause – "(3A) an institution providing educational support services that was licensed under the Trade and Business Licensing Law, 2014 but not authorised under the Education Law (2010 Revision) may continue to operate as if registered under this Law but only up to the end of its licensed period, during which period the institution shall apply for registration under this Law.";
- (vi) In sub-clause (5) by deleting the word "non-Government" and by inserting after the words "educational institutions" wherever they appear the words "and institutions providing educational support services";
- (vii) In sub-clauses (4) and (7) by deleting the words "a non-Government" and substituting the word "an", and by inserting after the

word “institution” the words “or institutions providing educational support services”; Just to note here, Madam Chair, that the “an” before “institutions” should be “or”; it is a typographical error.

(viii) In sub-cause 7(a) by deleting the words “two thousand dollars” and substituting the words “ten thousand dollars or to imprisonment for a term of one year, or to both”.

The Chairman: The amendment has been duly moved.

Does any other Member wish to speak?

If not, I put the question that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 8 passed.

The Chair: The question now is that clause 8, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 8, as amended, passed.

CLAUSE 9

The Clerk:

Clause 9 Register of Government educational institutions.

Amendment to Clause 9

The Chairman: Honourable Minister, do you have a proposed amendment?

Hon. Tara A. Rivers: Thank you, Madam Chair.

By deleting clause 9 and substituting the following clause –

“Registration of teachers – 9(1) the Cabinet may make regulations as to the qualifications, registration and de-registration of teachers in schools.

(2) No person may be employed to work as a teacher in any school unless the person is registered in accordance with the regulations.

(3) The Chief Officer shall establish and maintain a register of teachers authorised to teach in schools.

(4) the Education Council may, subject to the procedures specified in sub-section (1), require the removal from the register of the name of any person whose conduct or lack of suitability in any other respect renders the person unfit to continue to be registered as a teacher.”.

The Chairman: The amendment has been moved.

Does any Member wish to the amendment?

If not, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 9 passed.

The Chairman: The question now is that clause 9, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 9, as amended, passed.

CLAUSE 10

The Clerk:

Clause 10 Compulsory school age.

The Chairman: The question is that clause 10 stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 10 passed.

CLAUSE 11

The Clerk:

Clause 11 Duty to the secure attendance at school.

Amendment to Clause 11

The Chairman: Honourable Minister, there is a proposed amendment.

Hon. Tara A. Rivers: Thank you, Madam Chair.

In clause 11 as follows –

- (i) in sub-clauses (4) and (5) by deleting the words “Chief Officers” and substituting the words “Director of the Department of Education Services”; and
- (ii) by inserting after sub-clause (5) the following sub-clauses –

“(6) If a child of compulsory school age is withdrawn from a school at which the child is enrolled, the school leader of the school shall immediately report the same to the Director of the Department of Education Services.

(7) The Cabinet may make regulations governing attendance at, and admissions and access to, Government schools.”.

The Chairman: The amendment has been moved.

If no Member wishes to speak to the amendment, the question is that the amendment stands part of the clause.

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

AYES

The Chairman: The Ayes have it.

Agreed: Amendment to clause 11 passed.

The Chair: The question now is that clause 11, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 11, as amended, passed.

CLAUSE 12

The Clerk:

Clause 12 Health and safety at schools.

Amendment to Clause 12

The Chairman: Honourable Minister, you have a proposed amendment to clause 12.

Hon. Tara A. Rivers: Thank you, Madam Chair.

In clause 12 –

- (i) by deleting the words “student” and “students” wherever they appear and substituting the words “child” and “children” respectively;
- (ii) in sub-clause (1) by inserting after the word “school” the words “or early childhood care and education centre”;

- (iii) in sub-clause (4) by inserting after the words “a school” and “in the school” the words “or early childhood care and education centre”; and

- (iv) In sub-clause (4) by deleting the words “in school” and substituting the words “in the school or early childhood care and education centre”.

The Chairman: The amendment has been moved.

If no Member wishes to speak, I will put the question that the amendment stands part of the clause.

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

AYES

The Chairman: The Ayes have it.

Agreed: Amendment to clause 12 passed.

The Chairman: The Ayes have it.

The question now is that clause 12, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 12, as amended, passed.

CLAUSES 13 and 14

The Clerk:

Clause 13

Clause 14

Excuses for failure to attend school

Gifted students and students speaking English as additional language

The Chair: The question is that clauses 13 and 14 stand part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clauses 13 and 14 passed.

CLAUSE 15

The Clerk:

Clause 15

Exemption from duty to secure school attendance

Amendment to Clause 15

The Chairman: Honourable Minister, you have a proposed amendment to Clause 15?

Hon. Tara A. Rivers: Yes, Madam Chair. Thank you. In Clause 15 –

- (i) sub-clause (1) by deleting the word “Minister” and substituting the words “Director of the Department of Education Services”; and
- (ii) in sub-clause (3) by deleting the words “the Minister” and substituting the words “the Director of the Department of Education Services”.

The Chairman: The amendment has been moved.

If no Member wishes to speak, I will put the question that the amendment stands part of the clause.

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

AYES

The Chairman: The Ayes have it.

Agreed: Amendment to clause 15 passed.

The Chair: The question now is that clause 15, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 15, as amended, passed.

CLAUSE 16

The Clerk:

Clause 16 Power to prescribe curriculum.

Amendment to Clause 16

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Yes, Madam Chair. Thank you very much.

In Clause 16 –

- (i) in sub-clause (2) by deleting the words “core and foundation subjects” and substituting the words “the mandatory subjects, as stated in sub-section (4)”; and
- (ii) by deleting sub-clause (4) and substituting the following sub-clauses –

“(4) the mandatory subjects shall include literacy, numeracy, science, information and communication technology, the arts, physical education and studies related to civics, religion and the history and culture of the Islands. (4A) Non-denominational religious worship and instruction shall be given in every Government school.”

The Chairman: Thank you.

I would personally like to thank the Honourable Minister for the amendment to 4A.

I recognise the Fourth Elected Member for Bodden Town.

Mr. Alva H. Suckoo, Jr.: Madam Chair, I would also like to thank the Minister for including information technology, as we discussed when we debated.

Hon. Tara A. Rivers: Thank you all, Honourable Members.

The Chairman: If there is no further debate, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 16 passed.

The Chair: The question now is that clause 16, as amended, stands part of the Bill.

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

AYES.

Agreed: Clause 16, as amended, passed.

The Chairman: The Ayes have it and I would say Amen.

PART 6

The Clerk:

Part 6 Quality Assurance of Schools.

The Chair: Honourable Minister.

Hon. Tara A. Rivers: Yes, Madam Chair.

In the heading of Part 6, by deleting the words “SCHOOLS” and substituting the words “EDUCATIONAL INSTITUTIONS”.

CLAUSE 17

The Clerk:

Clause 17 Education Standards and Assessment.

Amendment to Clause 17

The Chairman: Honourable Minister, there is a proposed amendment to 17.

Hon. Tara A. Rivers: Yes, Madam Chair.

In clause 17 –

- (i) in sub-clause (3), by inserting after the words “by the Minister” the words “after consultation with the Education Council”.
- (ii) In sub-clause (6)(b) by deleting the words “a private” and substituting the words “an assisted school or independent” and by inserting after the words “the school”, the words “for a specified period”;
- (iii) In sub-clause (7) by inserting after the word “may” the words “, under the advice of a relevant agency or body,” and by deleting the word “welfare” and substituting the words “health and safety”.
- (iv) In sub-clause (8) by inserting after the word “may” wherever it appears, the words “in the prescribed manner and at the prescribed times”, and by deleting the words “institution or” and substituting the words “institution, home school, or other premises”; and
- (v) by re-numbering the sub-clauses (10) to (11) as sub-clauses (9) and (10), respectively; and
- (vi) in sub-clause (9) as renumbered, by deleting the words “two thousand” and substituting the words “five thousand dollars or to imprisonment for a term of one year, or to both”.

The Chairman: If there is no debate . . .

The Fourth Member for Bodden Town.

Mr. Alva H. Suckoo, Jr.: Thank you, Madam Chair.

I would just like to thank the Minister again for taking some of my concerns on board. I know that during my debate I had spoken about the Minister having so much direct hands-on involvement. I do see by way of a lot of these amendments now, that has been addressed and there is more delegated responsibility to the Chief Officer and the Director.

I know the Premier went to some lengths, during his debate, to say that he thought it was necessary, but I see that my comments have been taken on board. I just want to thank the Government for listening to my

debate and incorporating some of those suggestions into this Bill.

The Chairman: Honourable Minister, did you move the amendment to 17(3)?

Hon. Tara A. Rivers: Yes, Madam Chair.

I moved that first one on amendment number 2 for 17(3).

The Chairman: Thank you.

Hon. Tara A. Rivers: Just to say to the Honourable Member, you're welcome, and as I indicated, some of these amendments we had intended to propose anyway. However, we certainly tried to take on board the concerns raised, not only in the Chamber, but by persons who had contacted us during the period of when the Bill was actually gazetted and when we got to debate.

The Chairman: The question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 17 passed.

The Chair: The question now is that clause 17, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 17, as amended, passed.

CLAUSES 18 and 19**The Clerk:**

Clause 18 Power to make grants to assisted schools

Clause 19 Duties in respect of technical and vocational education and training

The Chairman: The question is that clauses 18 and 19 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 18 and 19 passed.

CLAUSE 20

The Clerk:

Clause 20 Post-compulsory education and training institutions.

Amendment to Clause 20

The Chairman: Honourable Minister, there is an amendment.

Hon. Tara A. Rivers: Thank you, Madam Chair.

In Clause 20 –

- (i) in sub-clauses (1) and (3) by deleting the word “Government”;
- (ii) in sub-clause (2)(a) and (b) by deleting the words “education institution” and substituting the words “educational institution”;
- (iii) in sub-clause 2(b) by deleting the words “the purpose” and substituting the words “this purpose”; and
- (iv) in sub-clause (6)(c) by deleting the words “education institutions” and substituting the words “educational institutions”.

The Chairman: The amendment has been moved.

If there is no debate, the question is that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 20 passed.

The Chairman: I now put the question that clause 20, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 20, as amended, passed.

CLAUSE 21

The Clerk:

Clause 21 Promotion and regulations of early childhood care and education centres.

Amendment to Clause 21

The Chairman: Minister, there is a proposed amendment to Clause 21.

Hon. Tara A. Rivers: Yes, Madam Chair.

In Clause 21-

- (i) by deleting sub-clause (2) and substituting the following sub-clause –
“(2) No person shall operate an early childhood care and education centre, unless this centre is registered in accordance with the regulations and, where a school or other educational institution intends to also provide early childhood care and education, it shall not provide early childhood care and education unless it is registered to do so in accordance with the regulations”.
- (ii) In sub-clause (4) by deleting the words “A non-Government early childhood” and substituting the words “An early childhood care and education”; and
- (iii) in sub-clause (5) by deleting the words “a non-Government” and substituting the word “an”.

The Chairman: If there is no debate, I will put the question that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 21 passed.

The Chairman: I now put the question that clause 21, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 21, as amended, passed.

CLAUSE 22

The Clerk:

Clause 22 Corporal punishment and restraint in early childhood care and education centres.

Amendment to Clause 22

The Chairman: Honourable Minister, there is a proposed amendment to Clause 22.

Hon. Tara A. Rivers: Thank you, Madam Chair.

In Clause 22(1) and (2) by deleting the word “student” wherever it appears, and substituting the word “child”.

The Chairman: If there is no debate, I will put the question that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 22 passed.

The Chairman: The question now is that clause 22, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 22, as amended, passed.

CLAUSE 23

The Clerk:

Clause 23 Closure due to health and safety issues.

Amendment to Clause 23

The Chairman: Honourable Minister, you have another amendment for clause 23.

Hon. Tara A. Rivers: Thank you, Madam Chair.

By deleting the words “, in the opinion of the Minister,”, by inserting after the word “may” the words “, under the advice of a relevant agency or body,” and by deleting the words “health or safety” wherever they appear and substituting the words “health and safety”.

The Chairman: The amendment has been moved. If there is no debate, I will put the question that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 23 passed.

The Chairman: The question now is that clause 23, as amended, stands part of the Bill.

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

AYES

The Chairman: The Ayes have it.

Agreed: Clause 23, as amended, passed.

CLAUSES 24 AND 25

The Clerk:

Clause 24 Regulations for early childhood care and education.

Clause 25 Corporal punishment.

The Chairman: The question is that clauses 24 and 25 stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 24 and 25 passed.

CLAUSE 26

The Clerk:

Clause 26 Student discipline.

Amendment to Clause 26

The Chairman: There is an amendment, Honourable Minister, to clause 26.

Hon. Tara Rivers: Yes, Madam Chair.

In Clause 26(1) by inserting after the word “Policy” the words “based on national policy”.

The Chairman: If there is no debate, the question is that the amendment stands part of the clause?

All those in favour please say Aye; all those against No.

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 26 passed.

The Chairman: The question now is, that clause 26, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 26, as amended, passed.

CLAUSE 27

The Clerk:

Clause 27 Disciplinary authority of teachers.

The Chairman: Honourable Minister, the proposed amendment.

Hon. Tara A. Rivers: Yes, Madam Chair.

In Clause 27(3) by deleting the word “Minister” wherever it appears and substituting the words “Chief Officer”.

The Chairman: If there is no debate, I will put the question that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 27 passed.

The Chairman: The question now is that clause 27, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 27, as amended, passed.

CLAUSES 28 THROUGH 31

The Clerk:

Clause 28 Power to search students for weapons and illegal substances.

Clause 29 Use of reasonable force

Clause 30 Meaning of “responsible authority”

Clause 31 Meaning of “special educational needs”

The Chair: The question is that clauses 28 through to 31 stand part of the Bill?

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

AYES

The Chairman: The Ayes have it.

Agreed: Clauses 28 through 31 passed.

CLAUSE 32

The Clerk:

Clause 32 Special educational needs procedures.

Amendment to Clause 32

The Chairman: Honourable Minister, the proposed amendment to clause 32.

Hon. Tara A. Rivers: Yes Madam Chair.

In Clause 32 by deleting sub-clause (1) and substituting the following sub-clause –

“(1) The Chief Officer shall cause to be published, in the form of one or more documents, procedures on provision for special education needs, as set out in the Regulations.”.

The Chairman: If there is no debate the question is should the amendment stands part of the clause.

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

AYES

The Chairman: The Ayes have it.

Agreed: Amendment to clause 32 passed.

The Chair: The question now is that clause 32, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 32, as amended, passed.

CLAUSES 33 THROUGH 35

The Clerk:

Clause 33 Duties in respect of assessment of special educational needs.

Clause 34 Statements of eligibility on special educational needs.

Clause 35 Duties in respect of special educational needs.

The Chair: The question is that clauses 33 through 35 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 33 through 35 passed.

CLAUSE 36**The Clerk:**

Clause 36 Funding in respect of special educational needs.

Amendment to Clause 36

The Chairman: Honourable Minister, there is a proposed amendment to 36.

Hon. Tara A. Rivers: Yes, Madam Chair.

In Clause 36, by deleting sub-clause (1) and substituting the following sub-clause –

“(1) The Minister may make resources available to enable provision to be made in respect of the special educational needs of children of compulsory school age as prescribed in the regulations.”

The Chairman: The amendment has been moved.

If there is no debate, I put the question, that the amendment stands part of the clause?

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 36 passed.

The Chairman: I shall now put the question that clause 36, as amended, stands part of the Bill.

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

AYES.

Agreed: Clause 36, as amended, passed.

CLAUSE 37**The Clerk:**

Clause 37 Use of premises, equipment, etc.: Government schools.

Amendment to Clause 37

The Chairman: Honourable Minister there is a proposed amendment to clause 37.

Hon. Tara A. Rivers: Thank you, Madam Chair.

In clause 37 by deleting sub-clause (1) and substituting the following sub-clause-

“(1) The Cabinet may make regulations as to the use of the premises, equipment and facilities of a school other than for the purposes of the school where such premises, equipment and facilities are owned by the Government.”.

The Chairman: If there is no debate I will put the question that the amendment stands part of the clause.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Amendment to clause 37 passed.

The Chairman: I shall now put the question that clause 37, as amended, stands part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clause 37, as amended, passed.

CLAUSES 38 THROUGH 44**The Clerk:**

Clause 38 Use of the premises, equipment, etc.: assisted and independent schools

Clause 39 Child Protection

Clause 40 Duties in relation to the Cayman Brac and Little Cayman

Clause 41 Home school associations

Clause 42 Nuisance and disturbance on school premises

Clause 43 Regulations

Clause 44 Repeal of Education Law (2010 Revision) and Education Law, 2009, Law 7 of 2009

The Chairman: The question is should the clauses 38 through 44 stand part of the Bill.

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

AYES.

The Chairman: The Ayes have it.

Agreed: Clauses 38 through 44 passed.

The Chairman: Honourable Minister you have a New Clause?

Hon. Tara Rivers: A New Clause, yes, Madam Chair.

The Chairman: Madam Clerk, can read it first.

NEW CLAUSE 3A

The Clerk:

New Clause 3A Duties of Chief Officer of Ministry.

The Chairman: Honourable Minister.

Hon. Tara A. Rivers: Yes, Madam Chair.

By inserting after clause 3 the following clause

–

“Duties of Chief Officer of the Ministry

3A. (1) The Chief Officer shall, under the specific or general direction of the Minister –

(a) supervise the administration of education and the implementation of national policy;

(b) endeavour to collaborate with any agencies, to ensure the establishment and pursuit of goals and objectives that develop basic knowledge and skills in all persons, including –

(i) the skills of literacy, listening, speaking, reading, writing, numeracy, mathematics, analysis, problem solving and information processing;

(ii) critical and creative thinking skills;

(iii) an understanding of the role of technical and vocational education and training as well as science and technology in society together with scientific and technological skills;

(iv) appreciation and understanding of creative arts;

(v) physical development and personal health and fitness; and

(vi) the creative use of leisure time;

(c) endeavour to collaborate with any agencies, to ensure the establishment and pursuit of goals and objective that –

(i) develop self-worth and self-awareness;

(ii) promote the importance of family and community;

(iii) provide opportunities to reach maximum potential;

(iv) promote recognition, understanding and respect for the Constitution, laws and national symbols of the Islands;

(v) develop an understanding of the principle of gender equality;

(vi) develop an understanding and appreciation of diversity;

(vii) develop an understanding of the history, language, culture, and the values of the Islands and their role in contemporary society;

(viii) increase awareness and appreciation of the natural environment of the Islands;

(ix) develop an understanding of the historical and contemporary role of key industries and economy of the Islands; and

(x) prepare the people of the Islands for participation in the local and global economy and society;

(d) endeavour within available resources to ensure that provision of compulsory education is sufficient in number, character and facilities so as to afford for all eligible persons such opportunities for education and training as is desirable in view of their different ages, abilities, aptitudes and needs, and the periods for which they are eligible for such education or training and that such provision is available in such manner as the Minister shall decide, including public-private partnership, or other collaborative arrangements;

(e) make reasonable efforts to consult with such persons or groups of persons who are stakeholders in the education system and other persons who have a special interest in or knowledge of matters relating to education, as the Minister considers appropriate;

(f) monitor and assess the quality, economy, efficiency and effectiveness of the education system and require to be published, in such manner as the Minister considers appropriate, information relating to such monitoring and assessment; and

(g) undertake such other duties, as the Minister considers appropriate, in order to further the objectives of this Law.

(2) The Chief Officer, or any public officer authorised in writing by the Chief Officer, may in the prescribed manner and at prescribed times enter the premises of any educational institution, home school or other premises where the care and education of children is being undertaken, for the purpose of making enquires and discharging such duties as may be imposed on the Chief Officer or the authorised public officer by this Law or the regulations.

(3) The Chief Officer may, by written instrument, delegate any of the Chief Officer's functions under this Law (other than this power of delegation) to any person or body.

(4) A delegation under sub-section (3) is revocable at will and does not prevent the exercise by the Chief Officer of any function so delegated.”

The Chairman: The question is that this New Clause be added to the Bill as Clause 3(1A) and that the subsequent clauses be renumbered accordingly.

All those in favour, please say Aye —

Mr. V. Arden McLean: Madam -

The Chairman: Sorry.

Member for East End, you wished to catch my eye?

Mr. V. Arden McLean: Yes, I tried.

Thank you.

Madam Chair, can the Minister tell us about clause 2?

Hon. Tara A. Rivers: Sub-clause 2?

Mr. V. Arden McLean: Yes.

Hon. Tara A. Rivers: Where it says, "the Chief Officer may in the prescribed manner at the prescribed times entre the premises"; that one?

Mr. V. Arden McLean: Yes.

Hon. Tara A. Rivers: Madam Chair, through you.

That is basically allowing the persons to carry out the quality assurance functions that the Law requires as it relates to making sure the premises are kept in accordance with the Law.

Mr. V. Arden McLean: Okay.

The Chairman: Member for East End.

Mr. V. Arden McLean: That is fine.

The Chairman: Okay.

The question is should this New Clause be added to the Bill as Clause 3A. (1) and that the subsequent clauses be renumbered accordingly.

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

AYES.

The Chairman: The Ayes have it.

Agreed: New Clause 3A. (1) added to the Bill and the subsequent clauses renumbered accordingly.

TITLE OF BILL

The Clerk: A Bill for the law to repeal and replace the Education Law (2010 Revision); To repeal the Education Modernisation Law, 2009, Law 7 of 2009; to make provision with respect to education in early childhood

care and education centres, in schools, in technical and vocational education and training institutions, and in post-compulsory education and training institutions; to promote high standards in education and the teaching profession; and to make provision for incidental and connected matters.

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

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

AYES.

The Chairman: The Ayes have it.

Agreed: Title passed.

The Chairman: The title now stands part of the Bill.

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: That the Bills be reported to the House.

The Chairman: The House shall now resume.

House resumed at 4:30 pm

The Speaker: Please be seated.

The House is now resumed.

I acknowledge the Honourable Premier for the moving of suspension Standing Orders 10(2).

Moment of Interruption – 4:30 pm

Suspension of Standing Order 10 (2)

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption.

The Speaker: The question is that Standing Order 10(2) be suspended to allow the business of the House to continue beyond the hour of interruption.

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: I am going to ask Members to please stay in their seats as I take a one minute suspension. Thank you.

Proceedings suspended at 4:31 pm

Proceedings resumed at 4:32 pm

[Pause]

The Speaker: Please be seated.

Before I call on Report on the Bills, I have just given way for the Third Elected Member for West Bay who wishes to make condolences on behalf of the family of the late Vernon Jackson.

**CONDOLENCES ON THE PASSING OF THE LATE
MR. VERNON L. JACKSON, OBE, JP**

Mr. Bernie Bush, Third Elected Member for West Bay: Madam Speaker, thank you very much.

I don't know how many Members of the House know, but the top Civil Servant, Mr. Vernon Jackson, passed yesterday evening, and we would like to offer our condolences on behalf of the Members here in Parliament and on behalf of other people as well.

Thank you, Madam Speaker.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Aiden McLaughlin: Thank you, Madam Speaker, and I want to thank the Member for having done so.

On behalf of the Government, I intend to make a formal statement. Unfortunately, the way things worked in Parliament today, in terms of the agenda, I was not able to do so, but I am proposing to do so on the adjournment.

Thank you, Ma'am.

The Speaker: I recognise, first the Honourable Minister of Education and then the Honourable Minister for Sports.

Hon. Tara A. Rivers: Thank you, Madam Speaker.

I too would like to offer publicly my condolences to the family of the late Mr. Vernon Jackson, who was a very influential person in our community, as we all know. I want to say that I am very happy that we, as a Government, were able to recognise Mr. Vernon's contributions in memorialising him at the, now Vernon L. Jackson Memorial Library in Bodden Town before he passed.

Certainly, as a country, we all mourn with the family. We are very much appreciative of all what Mr.

Vernon has done professionally and certainly, the impact he has had on many of us on a personal level, including myself.

The Speaker: Honourable Minister for Sports.

Hon. Osbourne V. Bodden, Minister of Community Affairs, Youth and Sport: Madam Speaker, I think the Premier said we would do more of this at the end of the session today, so I will pass on Mr. Vernon for right now.

I just wanted to advise this honourable House that my Chief Officer and her two sisters who were also in my Ministry lost their dad on Saturday and I just would like to pass on condolences to Mr. Lorren's family.

The Speaker: Thank you.

We will move on to Report on Bills.
Madam Clerk.

REPORT ON BILLS

COMPANIES MANAGEMENT (AMENDMENT) BILL, 2016

The Clerk: The Companies Management (Amendment) Bill 2016.

The Speaker: I recognise the Honourable Minister for the Financial Services.

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Thank you, Madam Speaker.

I am to report that a Bill entitled the Companies Management (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

PROPERTY (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 2016

The Clerk: The Property (Miscellaneous Provisions) (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Madam Speaker, thank you.

I am to report that a Bill shortly entitled the Property (Miscellaneous Provisions) (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

TRUST (AMENDMENT) BILL, 2016

The Clerk: The Trust (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Financial Services?

Hon. G. Wayne Panton: Thank you, Madam Speaker. I am to report that a Bill shortly entitled The Trust Amendment Bill, 2016, was considered by a Committee, the whole House, and passed without amendment.

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

MONETARY AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Monetary Authority (Amendment) Bill, 2016.

The Speaker: Honourable Minister responsible of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. I am to report that a Bill entitled the Monetary Authority (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

AUDITORS OVERSIGHT (AMENDMENT) BILL, 2016

The Clerk: The Auditors Oversight (Amendment) Bill, 2016.

The Speaker: Honourable Minister for Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. I am to report that a Bill entitled the Auditors Oversight (Amendment) Bill, 2016 was considered by a Committee of the whole House and passed without amendment.

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

DESIGN RIGHTS REGISTRATION BILL, 2016

The Clerk: The Design Rights Registration Bill, 2016

The Speaker: Honourable Minister of Financial Services.

Hon. G Wayne Panton: Thank you, Madam Speaker. I am to report that a Bill shortly entitled the Design Rights Registration Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

PATENTS AND TRADE MARKS (AMENDMENT) BILL, 2016

The Clerk: The Patents and Trade Marks (Amendment) Bill, 2016

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. I am to report that a Bill shortly entitled the Patents and Trade Marks (Amendment) Bill, 2016, was considered by a Committee of the whole House, and passed without amendments.

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

TRADE MARKS BILL, 2016

The Clerk: The Trade Marks Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. I am to report that a Bill shortly entitled the Trade Marks Bill, 2016, was considered by a Committee of the whole House, and passed with amendments.

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

NON-PROFIT ORGANISATIONS BILL, 2016

The Clerk: The Non-Profit Organisations Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you again, Madam Speaker.

I am to report that a Bill shortly entitled the Non-Profit Organisations Bill, 2016, was considered by a Committee of the whole House and passed with amendments.

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

CUSTOMS (AMENDMENT) BILL, 2016

The Clerk: The Customs (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Finance.

Hon. Marco S. Archer, Minister of Finance and Economic Development: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled the Customs (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed with amendment.

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

PROLIFERATION FINANCING (PROHIBITION) (AMENDMENT) BILL, 2016

The Clerk: The Proliferation Financing (Prohibition) (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Finance.

[Inaudible interjection]

The Speaker: Oh, I beg your pardon.

I don't have it on there. I am just trying to go from memory.

Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Proliferation Financing (Prohibition) (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendments.

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

TERRORISM (AMENDMENT) BILL, 2016

The Clerk: The Terrorism (Amendment) Bill, 2016.

The Speaker: I recognise the Acting Honourable Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Terrorism (Amendment) Bill, 2016 was considered by a Committee of the whole House and passed without amendment.

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

JUDICATURE (AMENDMENT) BILL, 2016

The Clerk: The Judicature (Amendment) Bill, 2016.

The Speaker: I once again recognise the Acting Honourable Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Judicature (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 2016

The Clerk: The Criminal Procedure Code (Amendment) Bill, 2016.

The Speaker: I recognise the Acting Honourable Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Criminal Procedure Code (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendments.

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

PENAL CODE (AMENDMENT) BILL, 2016

The Clerk: The Penal Code (Amendment) Bill, 2016.

The Speaker: I recognise the Acting Honourable Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Penal Code (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

POLICE (AMENDMENT) BILL, 2016

The Clerk: The Police (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Police (Amendment) Bill, 2016, was considered by a committee of the whole House and passed with amendments.

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

PROCEEDS OF CRIME (AMENDMENT) BILL, 2016

The Clerk: The Proceeds of Crime (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

I beg to report that a Bill shortly entitled the Proceeds of Crime (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed with amendments.

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

MISUSE OF DRUGS (AMENDMENT) BILL, 2016

The Clerk: The Misuse of Drugs (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled the Misuse of Drugs (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

CRIMINAL RECORDS (SPENT CONVICTIONS) BILL, 2016

The Clerk: The Criminal Records (Spent Convictions) Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled the Criminal Records (Spent Convictions) Bill, 2016, was considered by a Committee of the whole House and passed with amendment.

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

DISABILITIES (SOLOMON WEBSTER) BILL, 2016

The Clerk: The Disabilities (Solomon Webster) Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled the Disabilities (Solomon Webster) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2016

The Clerk: The Development and Planning (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

Hon. D. Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure: Madam Speaker, I wish to report that a Bill entitled the Development and Planning (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

ELECTIONS (AMENDMENT) BILL, 2016

The Clerk: The Elections (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Acting Deputy Governor.

Hon. Stran A. Bodden, Acting Deputy Governor: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled the Elections (Amendment) Bill, 2016, was considered by

a Committee of the whole House and passed with amendments.

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

DISASTER PREPAREDNESS AND HAZARD MANAGEMENT BILL, 2016

The Clerk: The Disaster Preparedness and Hazard Management Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

I am to report that a Bill shortly entitled the Disaster Preparedness and Hazard Management Bill, 2016, was considered by a Committee of the whole House and passed with amendment.

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

PROCUREMENT BILL, 2016

The Clerk: The Procurement Bill, 2016.

The Speaker: I recognise the Honourable Minister of Finance.

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I am to report that a Bill entitled the Procurement Bill, 2016, was considered by a Committee of the whole House and passed with amendments.

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

EDUCATION BILL, 2016

The Clerk: The Education Bill, 2016.

The Speaker: I recognise the Honourable Minister for Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker.

Madam Speaker, I am to report that a Bill shortly entitled the Education Bill, 2016, was considered by a Committee of the whole House, and passed with amendments.

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

UTILITY REGULATION AND COMPETITION BILL, 2016

The Clerk: Utility Regulation and Competition Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

Hon. D. Kurt Tibbetts: Madam Speaker, I beg to report that a Bill entitled the Utility Regulation and Competition Bill, 2016, was considered by a Committee of the whole House and passed with amendments.

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

INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY (AMENDMENT) Bill, 2016

The Clerk: The Information and Communications Technology Authority (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

Hon. D. Kurt Tibbetts: Madam Speaker, I am to report that a Bill entitled the Information and Communications Technology Authority (Amendment) Bill, 2016, was considered by a Committee of the whole House and passed without amendment.

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

ELECTRICITY REGULATORY AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Electricity Regulatory Authority (Amendment), Bill, 2016.

The Speaker: Honourable Minister responsible for Works.

Hon. D. Kurt Tibbetts: Yes, Madam Speaker, I am also to report that a Bill entitled the Electricity Regulatory Authority (Amendment), Bill 2016, was considered by a Committee of the entire House and passed with amendment.

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

DANGEROUS SUBSTANCES HANDLING AND STORAGE (AMENDMENT) BILL, 2016

The Clerk: Dangerous Substances Handling and Storage (Amendment), Bill, 2016.

The Speaker: Honourable Minister responsible for Works.

Hon. D. Kurt Tibbetts: Yes, Madam Speaker, I am also to report that a Bill entitled the Dangerous Substances Handling and Storage (Amendment) Bill, 2016, was considered by a Committee of the entire House and passed without amendment.

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

THIRD READINGS

COMPANIES MANAGEMENT (AMENDMENT) BILL, 2016

The Clerk: The Companies Management (Amendment), Bill 2016.

The Speaker: Honourable Minister responsible for Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. Madam Speaker, I beg to move that a Bill entitled the Companies Management (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Companies Management (Amendment), Bill 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Companies Management (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Companies Management (Amendment) Bill, 2016, given a third reading and passed.

PROPERTY (MISCELLANEOUS PROVISIONS) (AMENDMENT) BILL, 2016

The Clerk: The Property (Miscellaneous Provisions) (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Financial Services?

Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, I move that a bill shortly entitled the Property (Miscellaneous Provisions) (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Property (Miscellaneous Provisions) (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Property (Miscellaneous Provisions) (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Property (Miscellaneous Provisions) (Amendment) Bill, 2016, given a third reading and passed.

TRUST (AMENDMENT) BILL, 2016

The Clerk: The Trust (Amendment) Bill, 2016

The Speaker: Honourable Minister of Financial Services?

Hon. G. Wayne Panton: Thank you, Madam Speaker. Madam Speaker, I beg to move that a Bill entitled the Trust (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Trust (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Trust (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Trust (Amendment) Bill, 2016, given a third reading and passed.

MONETARY AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Monetary Authority (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker.

I beg to move that a Bill shortly entitled the Monetary Authority (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Monetary Authority (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES

The Speaker: The Ayes have it.

The Monetary Authority (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Monetary Authority (Amendment) Bill, 2016, given a third reading and passed.

AUDITORS OVERSIGHT (AMENDMENT) BILL, 2016

The Clerk: The Auditors Oversight (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Financial Services?

Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Auditors Oversight (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Auditors Oversight (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Auditors Oversight (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Auditors Oversight (Amendment) Bill, 2016 given a third reading and passed.

DESIGN RIGHTS REGISTRATION BILL, 2016

The Clerk: The Design Rights Registration Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Design Rights Registration Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Design Rights Registration Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Design Rights Registration Bill, 2016, has been given a third reading and passed.

Agreed: The Design Rights Registration Bill, 2016, given a third reading and passed.

PATENT AND TRADE MARKS (AMENDMENT) BILL, 2016

The Clerk: The Patent and Trade Marks (Amendment) Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Patent and Trade Marks (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Patent and Trade Marks (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES

The Speaker: The Ayes have it.

The Patent and Trade Marks (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Patent and Trade Marks (Amendment) Bill, 2016, given a third reading and passed.

TRADE MARKS BILL, 2016

The Clerk: The Trade Marks (Amendment) Bill, 2016

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Trade Marks Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Trade Marks Bill, 2016, be read a third time and passed.

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

AYES.

The Speaker: The Ayes have it.

The Trade Marks Bill, 2016, has been given a third reading and passed.

Agreed: The Trade Marks Bill, 2016, given a third reading and passed.

NON-PROFIT ORGANISATIONS BILL, 2016

The Clerk: The Non-Profit Organisations Bill, 2016.

The Speaker: Honourable Minister of Financial Services.

Hon. G. Wayne Panton: Thank you, Madam Speaker. Madam Speaker, I beg to move that a Bill entitled the Non-Profit Organisations Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Non-Profit Organisations Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Non-Profit Organisation Bill, 2016, has been read a third reading and passed.

Agreed: The Non-Profit Organisations Bill, 2016, given a third reading and passed.

CUSTOMS (AMENDMENT) BILL, 2016

The Clerk: The Customs (Amendment) Bill, 2016.

The Speaker: Honourable Minister responsible for Finance.

Hon. Marco S. Archer: Thank you, Madam Speaker. Madam Speaker, I move that a Bill entitled the Customs (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Customs (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Customs (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Customs (Amendment) Bill, 2016, given a third reading and passed.

PROLIFERATION FINANCING (PROHIBITION) (AMENDMENT) BILL, 2016

The Clerk: The Proliferation Financing (Prohibition) (Amendment) Bill, 2016.

The Speaker: Honourable Minister responsible for . . . sorry. I keep thinking that this is the Minister of Finance. The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Proliferation Financing (Prohibition) (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Proliferation Financing (Prohibition) (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Proliferation Financing (Prohibition) (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Proliferation Financing (Prohibition) (Amendment) Bill, 2016, given a third reading and passed.

TERRORISM (AMENDMENT) BILL, 2016

The Clerk: The Terrorism (Amendment) Bill, 2016.

The Speaker: The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill shortly entitled the Terrorism (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Terrorism (Amendment) Bill, 2016, be given a third reading and passed?

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

AYES

The Speaker: The Ayes have it.

The Terrorism (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Terrorism (Amendment) Bill, 2016, given a third reading and passed.

JUDICATURE (AMENDMENT) BILL, 2016

The Clerk: The Judicature (Amendment) Bill, 2016

The Speaker: The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Judicature (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Judicature (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Judicature (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Judicature (Amendment) Bill, 2016, given a third reading and passed.

CRIMINAL PROCEDURE CODE (AMENEMENT) BILL, 2016

The Clerk: The Criminal Procedure Code (Amendment) Bill, 2016.

The Speaker: The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Criminal Procedure Code (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Criminal Procedure Code (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Criminal Procedure Code (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Criminal Procedure Code (Amendment) Bill, 2016, given a third reading and passed.

PENAL CODE (AMENDMENT) BILL, 2016

The Clerk: The Penal Code (Amendment) Bill, 2016.

The Speaker: The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Penal Code (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Penal Code (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Penal Code (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Penal Code (Amendment) Bill, 2016, given a third reading and passed.

THE POLICE (AMENDMENT) BILL, 2016

The Clerk: The Police (Amendment) Bill, 2016.

The Speaker: The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Police (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Police (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Police (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Police (Amendment) Bill, 2016, given a third reading and passed.

PROCEEDS OF CRIME (AMENDMENT) BILL, 2016

The Clerk: The Proceeds of Crime (Amendment) Bill, 2016.

The Speaker: The Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Proceeds of Crime (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Proceeds of Crime (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Proceeds of Crime (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Proceeds of Crime (Amendment) Bill, 2016, given a third reading and passed.

MISUSE OF DRUGS (AMENDMENT) BILL, 2016

The Clerk: The Misuse of Drugs (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Misuse of Drugs (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Misuse of Drugs (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES

The Speaker: The Ayes have it.

The Misuse of Drugs (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Misuse of Drugs (Amendment) Bill, 2016, given a third reading and passed.

CRIMINAL RECORDS (SPENT CONVICTIONS) BILL, 2016

The Clerk: The Criminal Records (Spent Convictions) Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Criminal Records (Spent Convictions) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Criminal Records (Spent Convictions) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Criminal Records (Spent Conviction) Bill, 2016, has been given a third reading and passed.

Agreed: The Criminal Records (Spent Convictions) Bill, 2016, given a third reading.

DISABILITIES (SOLOMON WEBSTER) BILL, 2016

The Clerk: The Disabilities (Solomon Webster) Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Disabilities (Solomon Webster) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Disabilities (Solomon Webster) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Disabilities (Solomon Webster) Bill, 2016, has been given a third reading and passed.

Agreed: The Disabilities (Solomon Webster) Bill, 2016, given a third reading and passed.

DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 2016

The Clerk: The Development and Planning (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Planning.

Hon. D. Kurt Tibbetts: Thank you.

I move, Madam Speaker, that a Bill, the Development and Planning (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Development and Planning (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Development and Planning (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Development and Planning (Amendment) Bill, 2016, given a third reading and passed.

ELECTIONS (AMENDMENT) BILL, 2016

The Clerk: The Elections (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Acting Deputy Governor.

Hon. Stran A. Boddan, Acting Deputy Governor: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Elections (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Elections (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Elections (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Elections (Amendment) Bill, 2016, given a third reading and passed.

DISASTER PREPAREDNESS AND HAZARD MANAGEMENT BILL, 2016

The Clerk: The Disaster Preparedness and Hazard Management Bill, 2016.

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Disaster Preparedness and Hazard Management Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Disaster Preparedness and Hazard Management Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Disaster Preparedness and Hazard Management Bill, 2016, has been given a third reading and passed.

Agreed: The Disaster Preparedness and Hazard Management Bill, 2016, given a third reading and passed.

PROCUREMENT BILL, 2016

The Clerk: The Procurement Bill, 2016

The Speaker: I recognise the Honourable Minister responsible for Finance.

Hon. Marco S. Archer: Thank you, Madam Speaker.

Madam Speaker, I beg to move that a Bill entitled the Procurement Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Procurement Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Procurement Bill, 2016, has been given a third reading and passed.

Agreed: The Procurement Bill, 2016, given a third reading and passed.

EDUCATION BILL, 2016

The Clerk: The Education Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker.

Madam Speaker, I move that a Bill entitled the Education Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Education Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Education Bill, 2016, has been given a third reading and passed.

Agreed: The Education Bill, 2016, given a third reading and passed.

UTILITY REGULATION AND COMPETITION, BILL, 2016

The Clerk: The Utility Regulation and Competition Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

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

With your permission, I move that a Bill entitled the Utility Regulation and Competition Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Utility Regulation and Competition Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Utility Regulation and Competition Bill, 2016, has been given a third reading and passed.

Agreed: The Utility Regulation and Competition Bill, 2016, given a third reading and passed.

INFORMATION AND COMMUNICATIONS TECHNOLOGY AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Information and Communications Technology Authority (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

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

I move that a Bill entitled the Information and Communications Technology Authority (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Information and Communication Technology Authority (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Information and Communication Technology Authority (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Information and Communication Technology Authority (Amendment) Bill, 2016, given a third reading and passed.

ELECTRICITY REGULATORY AUTHORITY (AMENDMENT) BILL, 2016

The Clerk: The Electricity Regulatory Authority (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

Hon. D. Kurt Tibbetts: Madam Speaker, I move that the Electricity Regulatory Authority (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Electricity Regulatory Authority (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES.

The Speaker: The Ayes have it.

The Electricity Regulatory Authority (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Electricity Regulatory Authority (Amendment) Bill, 2016, given a third reading and passed.

DANGEROUS SUBSTANCES HANDLING AND STORAGE (AMENDMENT) BILL, 2016

The Clerk: The Dangerous Substances Handling and Storage (Amendment) Bill, 2016.

The Speaker: I recognise the Honourable Minister responsible for Works.

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

I move that the Dangerous Substances Handling and Storage (Amendment) Bill, 2016, be given a third reading and passed.

The Speaker: The question is that the Dangerous Substances Handling and Storage (Amendment) Bill, 2016, be given a third reading and passed.

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

AYES

The Speaker: The Ayes have it.

The Dangerous Substances Handling and Storage (Amendment) Bill, 2016, has been given a third reading and passed.

Agreed: The Dangerous Substances Handling and Storage (Amendment) Bill, 2016, given a third reading and passed.

MOTIONS

Suspension of Standing Order 24(5)

The Speaker: I recognise the Honourable Premier for the suspension of Standing Order 24(5) to allow an urgent Government Motion to be dealt with at this current Meeting.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I move the suspension of Standing Order 24(5) in order to allow an urgent Government Motion to be dealt with at this Meeting of the Legislative Assembly.

The Speaker: The question is that Standing Order 24(5) be suspended to allow an urgent Government Motion be dealt with at this Meeting.

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

AYES.

Agreed: Standing Order 24(5) suspended.

The Speaker: The Ayes have it.

Accordingly, Standing Order 24(5) is hereby suspended and an Addendum Agenda will be prepared accordingly.

Agreed: Standing Order 24(5) suspended.

GOVERNMENT MOTION NO. 3/2016-2017 –

HEALTH INSURANCE (AMENDMENT) (NO. 2) REGULATIONS, 2016

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move Government Motion No. 3/2016-2017, entitled the Health Insurance Law (2013 Revision); the Health Insurance (Amendment) (No.2) Regulations, 2016 in the following terms:

“WHEREAS section 25(1) of the Health Insurance Law (2013 Revision) provides that the Cabinet may make regulations;

“AND WHEREAS section 25(2) of the said Law provides that regulations made under the said Law are subject to affirmative resolution by the Legislative Assembly;

“AND WHEREAS the Health Insurance (Amendment) (No. 2) Regulations, 2016 were laid on the Table during a sitting of the Legislative Assembly.

“BE IT THEREFORE RESOLVED THAT the Health Insurance (Amendment) (No. 2) Regulations, 2016 be affirmed by the Legislative Assembly pursuant to the provisions of section 25(2) of the Health Insurance Law (2013 Revision).”

The Speaker: The Motion has been duly moved and is open for debate.

Does the Honourable Premier wish to speak further to this Motion?

The Premier, Hon. Alden McLaughlin: Yes, Madam Speaker, provided I can find my notes. If could have a moment.

The Speaker: Certainly.

[Pause]

The Premier, Hon. Alden McLaughlin: Madam Speaker, as is outlined in the Motion, section 25(2) of the Health Insurance Law (2013 Revision) provides that regulations made under the Law are subject to affirmative resolution by the Legislative Assembly.

Madam Speaker, I have therefore tabled the proposed Regulations to be affirmed by this honourable House. The proposed amendments are made up of four clauses.

Clause 1 on page 3 provides the citation and the commencement. Honourable Members will note that the proposed commencement of the amended Regulation is after the Health Insurance Law, 2016 comes into force.

Madam Speaker, clause 2 amends Regulation 8(1)(a) by deleting the words "in the form in Schedule 2" and substituting the words "in a form published from time to time by the American Medical Association".

Madam Speaker, effective as of the 1st October, last year, the United States transitioned from international classification of diseases (ICD), ICD 9 to ICD 10. The ICD is used to standardise codes for medical conditions, diagnosis and institutional procedures.

In the Cayman Islands, although many health care providers and approved insurance have already started to use ICD 10, a transitional period from the 1st October 2015 until the 30th September 2016 was extended to all health care providers, health care facilities and approved insurers. Under the new provision, the current form in schedule 2, the HCFA 1,500 form, is primarily used by individual practitioner. However, with the implementation of the ICD 10, this form will require updating and revision from time to time, by the American Medical Association in partnership with the centres for Medicare and Medicaid services CMS.

Madam Speaker, these Amendments will better allow practitioners better use of the ICD 10 codes, improve data standardisation, and easier electronic transactions of health care data.

Madam Speaker, as recently as last month, physicians, coders, approved health insurance providers and others participated in training on the introduction to ICD 10 and clinical coding. Clinical documentation guidelines facilitated by the Caribbean Public Health Agency.

Madam Speaker, clause 3 amends Regulation 9(2) by deleting the words "the claim forms" and substituting "the claim form". As well as deleting the words "HCFA 1,500 or UB 92 form" and substituting the words "a form introduced and published by the centres for Medicare and Medicaid services, CMS and the National Uniform Billing Committee".

Madam Speaker, as I stated before, the HCFA 1500 form is primarily used by the individual practitioners. The UB 04 form is used by the Medical Health Care facilities. Again, this form may be revised from time to time, it's in a constant state of evolution, to ensure that filing of insurance claims are made easier and consistently accurate, and therefore, it is recommended that any reference to a specific form, or forms, is removed from the regulations.

Finally, Madam Speaker, clause 4 repeals Schedule 2, which will no longer form part of the Regulations with the proposed amendments. The only forms used by the physicians, healthcare facilities and institutions, are the forms published by the American Medical Association in partnership with CMS and the National Uniform Billing Committee.

Madam Speaker, for clarity, the National Uniform Billing Committee is the governing body for forms and codes used in medical claims billing, in the United States for institutional providers like hospitals, nursing homes, hospice, home health agencies and other providers.

Madam Speaker, these amendments are the result of consultation with the Superintendent of Health Insurance and the approved health insurance providers.

I would also like to thank the Ministry of Health and Culture staff, and the staff of the Legislative Drafting Department, for their dedication and support.

I look forward to receiving the support of the entire House so that the amendments can be brought into effect.

I thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Final call.

Is that an indication to speak Member?

[Inaudible reply]

The Speaker: Okay.

If not, I will call on the Mover, if he wishes to exercise the right or reply.

The Premier, Hon. Alden McLaughlin: Madam Speaker, just to thank all Members of the House for their tacit support of this Motion.

The Speaker: The question is: BE IT THEREFORE RESOLVED THAT the Health Insurance (Amendment)

(No. 2) Regulations, 2016 be affirmed by the Legislative Assembly pursuant to the provisions of section 25(2) of the Health Insurance Law (2013 Revision).

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

AYES

The Speaker: The Ayes have it.

Agreed: Government Motion No. 3/2016-2017 passed.

GOVERNMENT MOTION NO. 6/2016-2017 –

IMMIGRATION (GRANT OF RIGHT TO BE CAYMANIAN) ORDER, 2015

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move Government Motion No. 6/2016-2017 Session, entitled the Immigration (Grant of Right to be Caymanian) Order, 2015, which reads:

“WHEREAS section 20(1)(e) of the Immigration Law (2015 Revision) provides that the Cabinet, acting upon the recommendation of the Cayman Status and Permanent Residency Board, may grant the right to be Caymanian in accordance with the Section;

“AND WHEREAS the said section 20(1)(e) provides that such grant be ratified by the Legislative Assembly;

“AND WHEREAS the Immigration (Grant of the Right to be Caymanian) Order, 2015 was laid on the Table of the Legislative Assembly;

“BE IT THEREFORE RESOLVED THAT the Immigration (Grant of Right to be Caymanian) Order, 2015 be affirmed by the Legislative Assembly pursuant to the provisions of section 20(1)(e) of the Immigration Law (2015 Revision).”

The Speaker: The Motion has been duly moved.

Does the Honourable Premier wish to speak to this Motion?

The Premier, Hon. Alden McLaughlin: Yes, thank you, Madam Speaker.

Madam Speaker, section 20(e) of the Immigration Law (2013 Revision) empowers Cabinet to grant the right to be Caymanian to any person recommended for such grant by the Cayman Status and Permanent Residency Board. Any Grant made by the Cabinet is, however, subject to ratification by the Legislative Assembly.

Madam Speaker, this provision, section 20(1)(e), was the result of a significant amendment to the Immigration Law, back in 2005. The change, Madam Speaker, was substantial, significant, in that it removed the outright ability of the Cabinet to make grants of Caymanian Status. Those changes were proposed by an administration which was led by the now Minister for Planning, and of which I was a part, and the changes were made because of the outcry and the concern following the grant of almost 3,000 grants by status, during the course of one year, by the then UDP Administration.

Madam Speaker, the Law was amended in the way that it currently reads, which allows a very limited number of grants of status by Cabinet in any calendar year, and then, only on the recommendation of the Caymanian Status and Permanent Residency Board. The Cabinet has no authority, under the Law, to initiate this process. It can only consider, and deal with such matters when they have been recommended in writing by the Caymanian Status and Permanent Residency Board.

Since we took Office this term, Madam Speaker, we have made one such previous grant, in addition to the two, which are the subject of this Motion.

FIRST APPLICANT – MRS. MONIQUE HAMATY-SIMMONDS

Madam Speaker, the first, is Mrs. Monique Hamaty-Simmonds: the Caymanian Status and Permanent Residency Board considered Mrs. Hamaty-Simmonds application and agreed that a recommendation for the Grant of the Right to be Caymanian should be put before the Cabinet. Subsequently, based on the merits of exceptionally good character and significant contributions of long term value to the Cayman Islands, Cabinet has approved the recommendation for the Grant, by Cabinet, for the Right to be Caymanian with respect to Mrs. Hamaty-Simmonds.

Mrs. Hamaty-Simmonds application, for the Grant to be Caymanian, was supported by way of personal references from Mrs. Gloria Glidden, Mr. Truman Bodden, Mrs. Sophia Ann Harris, Mr. Hugh Hart, Mr. Will Pineau, Mr. Peter Broadhurst and Mr. Frank Flowers.

Mrs. Hamaty-Simmonds is a citizen of Jamaica and the United States. She is married to Mr. Marcus Simmonds, a US national and the couple have three children, ages 12, 9 and 7.

Mrs. Hamaty-Simmonds came to the Cayman Islands in the late 1970s with her father, Mr. Robert Hamaty. For almost four decades, Mrs. Hamaty-Simmonds family has lived in the Cayman Islands. As such, for most of her entire life she has considered the Cayman Islands to be her primary residence.

Mrs. Hamaty-Simmonds' father and younger brother, Mr. Basil Hamaty, both possess Caymanian status, while her stepmother, Mrs. Carlene Hamaty,

nee Jackson, is a born Caymanian. Notably, had her father been granted Caymanian status two years earlier, she would have been Caymanian as of Right, being the legitimate child of a Caymanian.

Following her successful completion of university studies in 1996, she joined the family business, Tortuga Rum Cake - a taste of Cayman. Due to her marketing vision, qualification and leadership capacity, Mrs. Hamaty-Simmonds was strategically based in the United States. Her mission was to develop the Tortuga Rum Cake brand at an international level, an endeavour in which her success has been beneficial to the company, as well as these Islands. The strategies that she introduced significantly enhanced the Tortuga brand to its current status as a globally recognised product, supported by one of the largest Caymanian based corporations.

In 2007 she moved to the Cayman Islands with her family and she has been employed by Tortuga International Holdings Ltd., as Chief Marketing Officer since that time. Her husband is the Chief Executive Officer of that corporation. Together they own a residence in the Cayman Islands as well as 11 properties in the United States. They own 72 per cent of the shares of Tortuga International Holdings Limited.

Mrs. Hamaty-Simmonds has consistently contributed to the country at a community level. In doing so, she has been extremely active, undertaking to deliver aid in times of need and has been generous with resources. She has served on the Board of Directors of Grace Christian Academy, has been an active parishioner of Agape Family Worship Centre, and has dedicated her services to organisations, including the Humane Society and Cayman Hospice.

Further, Mrs. Hamaty-Simmonds passion for community service has been evidenced at an international level. She has supported three under privileged children living abroad. Actively participated in the Junior Diabetes Annual Walk and committed bronze level sponsorship for the 'Hand-in-Hand' for Haiti Initiative.

Mrs. Hamaty-Simmonds can be characterised as an avid contributor to prosperity of the Cayman Islands. Such contributions have been consistent, despite Mrs. Hamaty-Simmonds location on Island or abroad.

She is highly respected, not least in light of her commitment to continually drive economic growth and international recognition of the Cayman Islands through the Tortuga brand, but also because of her selfless contributions to many charities and community-based organisations which support societies most vulnerable. In doing so, she has become integrated fully, into the local community and deserving of the Grant of the Right to be Caymanian.

SECOND APPLICANT – MR. FRASER
WELLON

The second applicant, Madam Speaker, is Mr. Fraser Wellon.

The Caymanian Status and Permanent Residency Board considered Mr. Fraser Wellon's application and agreed that a recommendation for the Grant of the Right to be Caymanian should be put to Cabinet.

Subsequently, based on the merits of the exceptionally good character and significant contributions of long term value to the Cayman Islands, Cabinet has approved the recommendation for the Grant by Cabinet of the Right to be Caymanian with respect to Mr. Wellon.

Mr. Wellon's application for the Grant of the Right to be Caymanian is supported by way of personal references from Mr. Heber Arch, Mr. Garth Arch, Ms. Marlene Bodden, Mr. Michael Alberga, Mr. David Ritch, Mr. Michael Meghoo, Mr. Kim Lund, Mr. James Bovell and Mr. Mark DeMercado.

Mr. Frasier Wellon is a Canadian national, who was granted permanent residency on the grounds of independent means, pursuant to the Immigration Law (1997 Revision), in June 1999. The Cayman Islands have been the primary country of residence for Mr. Wellon, his wife and daughter ever since.

Mr. Wellon's contributions to local economic prosperity has focused heavily on real estate investments and infrastructure development. Key commercial ventures with marked success, include: Grandview, Regal Beach, Pinnacle, Waters Edge and Watercolours. In addition to the benefits realised through the sales of such projects, Mr. Wellon's development initiatives have been a major source of employment for Caymanians, particularly within the construction industries. His extensive financial investments have positively impacted the growth and modernisation of the Islands, particularly as it relates to the development and sale of prime real estate and condominium projects along Seven Mile Beach. Such projects have bolstered the competitive advantage of the Cayman Islands as a tourism destination of choice.

Notably, Mr. Wellon's capital investments in the Cayman Islands have resulted in excess of US \$410 million in completed project sales, excluding the Watercolours project. Such high-end and well known condominium complex has generated an excess of \$45 million in direct revenues, stamp duty and other fees and duties to the Cayman Islands.

The delivery of these high-end luxury projects is the result of Mr. Wellon's leadership resources and commitment that contribute to the development of a robust Caymanian economy. Mr. Wellon has elevated the status and international reputation of the country as a world class tourism and residency destination with a vibrant economy. Undoubtedly, Mr. Wellon has consistently delivered some of the most prestigious projects, each of which has fostered rejuvenation in the tourism and economic development spaces.

Beyond real estate development, Mr. Wellon has sustained a positive record of recognition for active involvement of community development initiatives, namely, provision of private aircraft for emergency evacuation of residence during Hurricane Ivan and transportation of supplies, generators and emergency equipment into the Islands following the storm; resources and support of A.L. Thompson's Brac relief fund, a fund that provided building materials for a crew to assist in relief efforts on the Brac post Hurricane Paloma; sponsorship of Superior's Auto School for Mechanics; free professional training aimed at young Caymanians with the goal of increasing the pool of qualified Caymanian mechanics; charitable donations to the Cayman Breast Cancer Foundation, Grace Christian Academy, Cayman Islands Pink Ladies, Cayman Little League, Cayman Islands Special Olympics and the Caymanian Islands National Gallery; and partnering of Watercolours with the construction mentoring programme, a cost-free initiative aimed at local students through the Cayman Society of Architects, Surveyors and Engineers.

Mr. Wellon's contribution to the Cayman Islands economy has been, and will continue to be significant in scope and value to our long term prosperity. He and his family are fully integrated into the Islands and over the course of more than 15 years have maintained a strong and respectable presence in our community. Along with his family, Mr. Wellon has evidenced genuine interest, appreciation and respect for Caymanian culture, customs, business practices and generally our way of life. He has spearheaded initiatives, projects and investments from a position of loyalty to the Islands. His loyalty has supported the competitive gains realised in a real estate and tourism markets, while his loyalty has also brought relief to vulnerable persons in our community in times of disaster and economic recession.

Mr. Wellon's contributions have played a significant role in strengthening the country's resiliency achieved by his determination to offer employment to Caymanians and engage with local companies. Mr. Wellon has been a continuous support mechanism for the international promotion of our jurisdiction and its attractiveness as an economy. Over the last 15 years, he has demonstrated his support for the Cayman Islands both locally and abroad. In doing so, he has become integrated fully into the local community and deserving of the Grant of the Right to be Caymanian.

I thank you, Madam Speaker.

The Speaker: Does any other Member wish to speak?

I recognise Honourable Member from the district of East End.

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

Madam Speaker, I wonder the real purpose of my last 16 years of being a Member of this honourable

House, that is, making laws, and we go completely the opposite when it is convenient for us to do so.

Madam Speaker, I rise to register my strong, strong objection to what is going on with what appears like circumvention of the Immigration Law.

Madam Speaker, the Premier was correct in saying that we campaigned in 2005, very hard, extensively, on what had transpired in 2003/2004, with the utilisation of a provision in the Immigration Law which resulted in over 3,000 status grants; rightly/wrongly. I am not here to argue that case, but certainly, we disagreed with the manner in which some 3,000 status were granted in this country.

Madam Speaker, I will never forget sitting right here and the then Leader of Government Business came over to the then Leader of the Opposition, the now Minister of Works, and handed him an envelope. When we went on the break, the now Minister for Works, called us and read out that letter to us. In it, it said that they were going to issue 500 status for the Quincentennial and that we were going to be allowed 35 and to submit 35 names. Immediately, my reaction was someone can take whatever they want to give me because I am not doing that. I don't know what happened to it, I didn't enquire, subsequent to that. We started on a campaign to correct that. What transpired after that, because it just got run away, we remember the long lines out by immigration, by the Police Department looking for police records; making application for police records.

Madam Speaker, we started on a long campaign to stop it; that that would never happen in this country again. I believe that the PPM, including my good-self, good or bad, was successful at the polls, because of that, and other things, but I believe that played a pivotal role in us getting elected. Running nine candidates, winning on nine and before we got here we had ten. Those were the days that there were 15 Members of this honourable House.

Madam Speaker, in keeping with that promise to the people, by October 2005 we had changed that Law. The Law, when we came into power, read:

"A person shall, for the purposes of this Law, possess Caymanian Status if-

- (a) immediately prior to the 15th of October 1992, he possessed such status under the repeal law;
- (b) on or after the 15th of October 1992, he acquires such status under section 21;
- (c) after the 15th of October 1992 he is granted Caymanian status by the Board under section 22; or
- (d) The Governor, in his opinion finding special reason for so doing, grants such status to him, and he shall continue to possess and enjoy Caymanian status unless, or until he loses it under section 25."

That was the extent of section 20 of the Law in 2003 when those status grants were given.

Madam Speaker, we came in and immediately we changed the Law. That continued into the one that was repealed in 2003. We changed that, which that section stands today. Section 20 of the Immigration Law says today:

“ 20 (1) A person shall, for the purposes of this Law, be deemed to possess the Right to be Caymanian if -

- (a) he is Caymanian at the 1st January 2004;**
- (b) he is Caymanian as of right as defined in section 21;**
- (c) he is Caymanian by Grant of the Caymanian Status and Permanent Residency Board under section 22;**
- (d) he has obtained the right by entitlement; or**
- (e) the Cabinet, acting on the recommendation of the Caymanian Status and Permanent Residency Board, grants such right to him and that grant is subsequently ratified by the Legislative Assembly; save that the Cabinet shall not make more than four such grants in any calendar year,**

and he shall continue to possess and enjoy the right to be Caymanian unless and until he loses it under section 27.

- 2. A person who believes that he possess the right to be Caymanian under subsection (1) may apply in the prescribed form to the Chief Immigration Officer for the formal acknowledgement of that right in his passport, and the Chief Immigration Officer shall, within fourteen days, either provide the acknowledgment or give a reasons for his refusal to do so.”**

Madam Speaker, the Premier is right. The Cabinet has no authority to issue any status in this country, unless it is a recommendation from the Immigration Board, after duly being applied FOR through the Immigration Board, and they find mitigating circumstance which they believe the person should have it and make the recommendation to Cabinet, to which, Cabinet must make a determination if they agree with those mitigating circumstances.

Here we are Madam Speaker. It is my understanding that all of these are now being applied for straight to the Cabinet.

[Inaudible interjections]

Mr. V. Arden McLean: Madam Speaker, everybody is saying no.

Madam Speaker—

POINT OF ORDER

The Premier, Hon. Alden McLaughlin: Madam Speaker, on a point of order.

The Speaker: Honourable Premier, please state your point of order.

The Premier, Hon. Alden McLaughlin: Madam Speaker, the Member is entitled to his opinion but not to his facts. He cannot stand in this House and say that these applications are being made to Cabinet because it is factually untrue. The process that is prescribed in the Law which he has outlined, and with great care, is the process that has been followed with respect to these and all other such applications that have come up to Cabinet since I have been Premier.

The Speaker: Is your point of order based on the Member misleading the House?

The Premier, Hon. Alden McLaughlin: That will do, Ma'am.

The Speaker: Honourable Member for East End, can you please respond, for the benefit of the jury, to what the Premier just said?

Mr. Arden McLean: Thank you, Madam Speaker. I will. He didn't wait.

Madam Speaker, it is my understanding, and I have evidence, that people are applying straight to the Cabinet.

The Speaker: Honourable Member for East End, if that is your understanding, and you want to propose sir, expound or speak to your understanding that is alright as long as you are willing to share with the Chair what that circumstantial evidence is.

Mr. V. Arden McLean: Circumstantial?

The Speaker: If it is direct, obviously, you can share that as well.

Mr. V. Arden McLean: Madam Speaker, it is my understanding and I am trying to explain it, that people are now applying straight to the Cabinet and the Cabinet is referring them to the Immigration Board.

The Speaker: You stated that understanding, can you please go onto—?

Mr. V. Arden McLean: Madam Speaker, what I am saying is—

The Speaker: I understand what you're saying, Member. I accepted your understanding. I'm giving you an opportunity. You said you had evidence to refer it to the Chair, either by laying it on the Table or providing me

with the evidence, otherwise, I'm going to have to ask you to refrain.

Mr. V. Arden McLean: Madam Speaker, you asked me to explain what I was saying; that it's going straight to the Cabinet and the Cabinet is sending it over to the Immigration Department, to the Board. Madam Speaker, there is at least one that I know of that, on the 19th July, an application was made directly to Cabinet. Where has that gone? There is at least one I know of now that applied to Cabinet and is currently at Immigration.

The Speaker: Member for East End, when you say it, "has gone to Cabinet", is it to the Cabinet Secretary or has it been placed on the Cabinet's agenda and Cabinet referred it to Immigration? I'm just trying to follow your reasoning.

Mr. V. Arden McLean: Madam Speaker, I'm not saying that there's anything wrong with people applying to Cabinet, but Cabinet cannot refer it to the Immigration Board because Cabinet becomes the applicant.

The Speaker: Sorry for the intervention, honourable Member, but what I'm saying is that, if you have proof of that, the Chair will allow you to go on with that, but if you don't, then it's just supposition on your part and the Chair will have to intervene. That's all I'm asking.

[Pause]

Mr. V. Arden McLean: Madam Speaker, there is a situation now, which I am aware of, that a young lady who was married to a Caymanian received status up until 2009. It was withdrawn because it was based on her great grandmother. She was then given a Student Visa from 2009-2015, where she went to school and in July of this year, an application was made to Cabinet for the grant of Caymanian Status.

Madam Speaker, the mere fact that Cabinet would pass it to Immigration for determination is not how the Law says that it should be done.

The Speaker: But do you have evidence, honourable Member for East End, that that was what transpired with the two applications that went through Cabinet that are now being debated here at the House?

Mr. V. Arden McLean: Madam Speaker, I don't have that evidence, but it is my understanding from others, that that is the usual process. Where people apply to Cabinet and Cabinet refers it over to the Immigration Department for determination. The Law does not allow that. The Law requires that if someone sends it to Cabinet, it be returned to those people. If the Cabinet wants to recommend to them that they go through the Immigration Department, I believe, that is in keeping with the

Law but Cabinet cannot—nor the Cabinet Office—refer it over to Immigration Caymanian Status Board.

The Premier, Hon. Alden McLaughlin: Madam Speaker.

The Speaker: Honourable Premier

The Premier, Hon. Alden McLaughlin: Madam Speaker, the Member is quite deliberately telling this House an untruth. He does not know. He has no evidence because it does not exist—of any case of Cabinet referring any application to anybody. Cabinet cannot entertain applications for status. Whether people write to the Cabinet Secretary or to the Chief Officer in the Ministry that has responsibility for Immigration, I can't say that those things never happen; nor can I say—and I think it would be quite proper— if that was what occurred. I have no personal knowledge of it having occurred of the officials, either in the Cabinet Office or in the Home Affairs Ministry for Immigration, which I have responsibility for, saying to the applicant, *you cannot send the application here, you need to send it to the Immigration Board.*

I can't say that that hasn't occurred; in fact, that would be quite proper, but it is wrong and the Member for East End is deliberately inferring that somehow this Cabinet, which I have the honour to be the Premier in, is in some underhanded way, assisting with the process to confer status on somebody. He knows it's wrong. He's doing it quite deliberately. It is part of his anti-foreigner campaign and elections are coming. I know what he is doing but it is wrong and he cannot be allowed in this House to infer it. If he has the evidence, let him produce it, otherwise, Madam Speaker, he needs to refrain from making such suggestions.

The Speaker: Honourable Member for East End, I think you've –

Mr. V. Arden McLean: Madam Speaker, I'm not going to push this matter any further but, Madam Speaker, he cannot –

The Speaker: Member for East End, please let me finish.

You've already said enough in your debate that it now requires evidence to be put. If you're not prepared to do that, then the Chair is going to ask you to withdraw those comments.

Mr. V. Arden McLean: Madam Speaker, what I said was the offices—which he has just said too—the Cabinet Office or whatever, may very well have done that.

The Speaker: You didn't say "may very well", you said you had evidence. I asked if it was circumstantial and you said direct.

Mr. V. Arden McLean: Madam Speaker, I said I have evidence that an application has been made directly to Cabinet.

The Speaker: That is not the dispute. The dispute is what Cabinet does with it.

Mr. V. Arden McLean: I said I am of the view . . . I believe I have . . . it is my understanding that Cabinet refers it to the Immigration Department.

The Speaker: Member for East End, one can have an understanding but through the process of deductive and analytical reasoning, an understanding has to have a basis. If your understanding was fermented without a basis then I'm going to ask you to refrain. If your understanding was based on proper footing, as you indicted when I spoke to you earlier, then I'm going to ask you to submit it to this august body, if you are not in a position to do that, then please refrain so we can continue on.

Mr. V. Arden McLean: Madam Speaker, well the Premier needs to stop this thing too.

The Speaker: I am now talking to you, honourable Member for East End.

Mr. V. Arden McLean: Thank you, Madam Speaker. Madam Speaker, I bring to your attention that the Premier is making accusations on me in here, that it is my anti-expat rhetoric that I am using, and he needs to refrain from that as well.

The Speaker: Let's deal with one thing at a time. You've now just brought that to my attention. I cannot deal with two things at a time, but I will give you the reassurance that I will deal with both matters.

Does that mean you're not going to withdraw or supply the evidence, Member?

Mr. V. Arden McLean: Madam Speaker, you didn't ask me to withdraw. You said to refrain from doing it. I never heard you ask for a withdrawal.

Madam Speaker, if I said that Cabinet sends it directly over there, I will withdraw that. If that is the part that is being a briar for the Premier, I don't have a problem with that, but he also indicated that he could not verify whether or not the Cabinet Office or some of the officials did not send it back to the people.

The Speaker: There is no evidence that Cabinet Office has been involved with receiving the application or referring the application. Is that your position, Member for East End?

Mr. V. Arden McLean: Madam Speaker, I just said that; if it is a problem by me saying that it was my understanding that Cabinet refers it there, then I withdraw that.

The Speaker: It is a problem. That is why the Honourable Premier got up in a Point of Order.

Now, we have established that there is no evidence direct or circumstantial that Cabinet has been involved with the receiving, referral or granting of status.

Now, we will move on to the item that the Honourable Premier said, that you were—I believe I'm correct in saying—anti-foreigners or expatriates, unless the Premier has evidence of that I would ask him to please withdraw that statement.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I am happy to do your bidding but I believe that the evidence is legion about the Member's stance on that in this House, but I'll withdraw the remark.

The Speaker: Honourable Premier, please do not do a conditional withdrawal.

The Premier, Hon. Alden McLaughlin: No, it's not conditional. Everyone who listens will understand what I mean, but I withdraw the remark; unconditionally.

The Speaker: Thank you.

Honourable Member for East End please continue with your debate.

Mr. V. Arden McLean: Madam Speaker, legion in this honourable House - maybe we tie on to those we believe we can get elected with too; some of us in this honourable House.

Madam Speaker, I have concerns. The Premier says—

The Speaker: Member for East End, might the Chair take this opportunity to remind you of Standing Order 35(4), where no Member shall impute improper motives to another Member. So if you wish to make a statement that some Members in this House align, you need to have proof or you need to speak in the first person.

Please continue.

Mr. V. Arden McLean: Madam Speaker, we shall move on.

Madam Speaker, the Premier says that Mrs. Hamaty-Simmonds moved permanently to this country in 2007. Madam Speaker, I want to know why Cabinet has to step in and give status. Why does status have to be granted by Cabinet when the Immigration Law says that a person who has been and is legally an ordinary resident in the Islands for a period of at least eight years but not more than nine years, other than a number of people, may apply in the prescribed form and manner

to the Board or the Chief Immigration Officer for permission for himself, his spouse and his dependents, if any, to reside permanently in the Islands, and such application shall be accompanied by the prescribed application fee, issue fee, dependent fee, and annual fee with respect to the first year?

Now, Madam Speaker, the question becomes: Why is it that this Cabinet could not have turned that down and allowed Mrs. Hamaty-Simmonds to go through the process like everyone else? She has been here for more than the nine years; its nigh on 10 years, if that is the case. There is no need to issue Caymanian status in this regard because residency leads straight into status.

Madam Speaker, it's interesting of the other occasion that the Minister spoke of, that the Government did. They tried convincing us with hard copy evidence that they were doing the right thing. There is none in this instance.

[Inaudible interjection]

Mr. V. Arden McLean: No, I didn't vote against that one, I walked out. If you want to call that voting against it, I voted against it.

Madam Speaker, I take all of that as a whole because this is the same family who we came up against this same PPM Cabinet—different Members—when we issued a Visa system in this country.

Madam Speaker, I don't know the other gentleman, but I have concerns about us having someone who has lived here since 2007. Looking on the other side of it, Madam Speaker, all those up to 2013 who had gotten eight years with the TLEP [Term Limit Exemption Permit]. We are yet to even process them and we run ahead and process this one. Why? That is the question that this Government has to answer. Is there really a need to do this?

Madam Speaker, I'm going to show this honourable House what I mean. I have had to go to great lengths to assist members within my constituency for their spouses to get Caymanian Status.

Madam Speaker, the Law requires you to be married for seven years as a spouse before you can apply. Madam Speaker, at least three in my community, the Residency and Employment Rights Certificate (RERC) was revoked because they were late in making their application, according to the Immigration Department. Late in making their application for their foreign spouse. In one case, late by two weeks; one was two months, and another one, a few weeks, over the seven years. Madam Speaker, in one case, it went to the point where one of my constituent's husband lost their job because they were no longer able to work if their RERC had been revoked.

Madam Speaker, do you know what they were doing with that constituent's husband who has a house, a mortgage and children? She was required to go once

a month to get extended time for that husband while he sat at home, after losing his job. That's the nature of what is happening in this country, yet, this Government runs ahead and gives someone status who has been here for nigh on 10 years, when they're entitled, if they have lived here, to apply for residency, but we run ahead and that process is no longer good enough for her, and Caymanians can't get for their spouse?

Madam Speaker, you remember what I've said about Caymanian Status, and if they want to say this is anti-expat, then feel free to do so. It should be reserved for Caymanian by descent and spouses, and not even them can get it, but someone who has not spent any time in this country, other than visit, until according to the Premier, 2007, I don't know if they've met the time requirements to stay here on a yearly basis because I believe it is 270 days out of each year that you must be here. I don't know if that has been met. Where is the evidence that it has been met? If we are to approve it, why isn't that evidence produced and presented here in this honourable House? Since we want evidence, that is the very least. You can't bring a two page motion here and expect the Legislature to approve something of this nature. Madam Speaker, you really want the fullness of this thing?

A young man, three weeks, maybe a month ago, came to me in the hospital as his father was in the hospital. He is from East End. Madam Speaker, all I know is that the kid grew up in East End and I know his father and his mother, or I thought I did. Madam Speaker, the kid explained to me that he had just married a foreigner and upon making application for the RERC for his spouse, it was determined that he was born out of wedlock four years prior to his parent's marriage. They were now requiring him . . . because RERC is reserved for Caymanian spouses. He was registered at the Registry by his father (who grew up in East End, with the exception of going out to sea a few times), with his mother on his birth certificate, who is Jamaican. He wanted and asked me to sign an affidavit to prove that his mother was domiciled at the time of his birth. Madam Speaker, you know that was a complete shock to me because there is no such thing. There is no need for it. Madam Speaker, of course I told the young man, there is no need because that day, he had the lab personnel there doing the DNA. Doing the swab between him and his father.

Madam Speaker, it was like pulling teeth. How could I or anyone else for that matter . . . remember now, the mother died two years ago and they wanted an affidavit saying that she was domiciled at the time of his birth. Domicile is a state of mind. Her original domicile, can be by choice, of course, but she hadn't reached that point; she was on work permit when she had the child, but Madam Speaker, that's beside the point. The Immigration Law requires one of your parents to be Caymanian at the time of your birth and if you prove through paternity; through DNA, that's all you

need. If the mother is Caymanian, the British Nationality Act says the child takes the nationality of the mother, which is natural, or the Secretary of State will accept DNA. Madam Speaker, this has been going on for more than a month; the wrangling between them and I. They eventually conceded the point and said there's no need for it.

Now, Madam Speaker, we are here giving out status but can't help our own people. Not one residency has been issued because of the problems this Government has done with the TLEP and the point system. We get a legal opinion on it and it won't be released. Madam Speaker, mind you, I don't think that's a bad thing. I am convinced that may very well be in the best interest of our country and we should not be at liberty to have to disclose everything to everybody. We're running the country and the Premier may be right in that regard and I'm going to support his position on it. So, through all the storm he still has me supporting him in that regard.

Madam Speaker, here we are, every Caymanian in this country who are being circumvented, truncated, prevented from exercising their own rights. There are people who were born in this country or who came here as very young children and their parents got status. Madam Speaker we know them. Their parents got status when they reached the age of majority, they lost theirs and still can't get status! All of their lives they have been here and here we are, giving this lady. Regardless of what her family company did, if she qualifies for residency, give it to her.

This is not right, Madam Speaker! It is not right! Through whatever process was followed or not followed for that matter, it is not right! No evidence here except what the Premier got up with his utterances. That in itself is disrespectful to the Members of this honourable House, and I must sit here and swallow this when I have people in my constituency not being recognised as Caymanian, even though we know they're Caymanians! Not on the kindest of days! It is wrong.

Madam Speaker, I hope this Government remembers, in particular the Member for Works, when, the now Deputy Governor, made presentation to Cabinet, the Premier was there too; it was only the four of us, including the First Elected Member for Bodden Town. He made presentation to us about so many deportees out of America that they had found in this country, and we tried to get information and it was refused. We tried everything, Madam Speaker. The Member for Works and I travelled to St. Lucia to meet with the Minister of Foreign Affairs from Jamaica—he couldn't get up and say whether or not it was so—to try and regularise that, and it was refused, thus, the Visa system was put in place because we couldn't control it.

Who was the first one to put a full page in the paper, crying us down? The Jamaican Consulate at the time, and we're right back to square one now? Madam Speaker, if you want to call it anti-foreigner, call it that,

Madam Speaker, but I am saying that I love my country too, and if there was so much love for their country, they would have more of their countrymen working for them. Madam Speaker, do you think this is fair to the people I represent in here? No, I don't think so. It is not, by no stretch of the imagination.

Madam Speaker, the Member for Bodden Town, Mr. Anthony Eden, saw the inequity in how Caymanians are being treated versus their counterparts. Spouses in particular, brought a motion to this House, unanimously accepted and the Government has done nothing about it. They have done nothing about it and now come utilising the system under the Immigration Law to issue status? Is that fair? Madam Speaker, if it was 3,000 or 1, it doesn't matter! It is wrong!

What hope is there for Caymanians? What hope is there for those who have lived among us for 20 or 30 years? Madam Speaker, don't tell me they don't know, you know; they know who they are. This is the Government who told us in October 2013, when they were changing the Law, to give TLEPs the opportunity to apply. This was the Government who told us that by January they were going to be back to regularise the Law. We have not seen it yet.

Madam Speaker, it was Law 12 of 2013, and 23 of 2013. I hope the Government doesn't think anyone has forgotten that. It is discouraging for Caymanians. Those who grew up here and their spouses need to explain how much money they have to be able to live in their country, and this is what we're doing? Everybody can get it but a Caymanian spouse has to go through all kinds of hoops, Madam Speaker, and we're doing nothing to try and regularise that?

Madam Speaker, it happened to me. They wanted a bank reference to say that mine hadn't been bankrupt. What? What?

The Speaker: Member for East End, is this a convenient time for the afternoon break?

Mr. V. Arden McLean: Thank you.

The Speaker: We'll take our afternoon break and then we'll do our best to reconvene in 15 minutes.

Proceedings suspended at 6.27 pm

Proceedings resumed at 7:07pm

The Speaker: Please be seated.
Proceedings are resumed.

**GOVERNMENT MOTION NO. 6/2016-2017 –
IMMIGRATION (GRANT OF RIGHT TO BE
CAYMANIAN) ORDER 2015**

[Continuation of debate thereon]

The Speaker: I recognise the Honourable Member for East End, continuing his debate.

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

Madam Speaker, I know this debate has deteriorated into what myself nor the Government would have wanted it to go to, so I have decided to not carry it much further.

Madam Speaker, before sitting, I should tell this Government that we need to do something about regularising our own people. Charity must first begin at home and there is much charity work that needs to be done.

Madam Speaker, I hate to think that I am compelled in any way, to agree with Legge—I hate that—when he says that we need to address the immigration issue in this country. Rightly or wrongly, whatever direction we decide to take it in, it is so convoluted these days that we need to do something about it. People don't have any hope in the lack of firm immigration policies in this country, wherein they can regularise their lives, they can have the freedoms that are necessary for them to call themselves Caymanians. They're hurting. They get married and they are placed through so many legal issues and hoops, that they don't feel like they are Caymanians anymore. In the meantime, we are confirming others to get Caymanian Status who do not appear to have the same prominence or tenure in our country as many others, and we're using the process through Cabinet. Madam Speaker, that has to make people feel like they're less than worthy in their own country.

As I mentioned earlier Madam Speaker, the First Elected Member for Bodden Town spoke of the 12th day of September 2014, wherein this Legislature passed a resolution which reads, "BE IT THEREFORE RESOLVED THAT the Government considers amending the Immigration Law with immediate effect to have this anomaly corrected with the desired objective of ensuring that Caymanians and their foreign spouses be afforded equal, if not greater rights than permanent residents and their dependent spouses." Madam Speaker, it was accepted. Nothing has been done.

It is a matter that should concern all of us, Madam Speaker—all of us. No one is immune from this Madam Speaker. There is not one family in this country that we can call, 8, 10, 12 generation legacy in this country that hasn't been touched by somebody on the outside. We've all been touched. If it's not us, our immediate family, it's our cousins or extended family. We have all been touched and the very least this country can do is to give them the right to recognise and live in harmony with their spouses.

Madam Speaker, we have done nothing; yet, we come here proposing to give status to someone who has no connection to this country other than parents; some of their immediate family. If they were so concerned about that, they would have lived here, and if

they didn't feel like they would've been turned down, they would've never applied for that and would've gone straight for their residency to which they're entitled to. I don't want to hear the excuse that this Government has not given one since 2013, since they took Office. That's beside the point. The person obviously was here on a work permit, Madam Speaker. Work permits had to be issued. They couldn't reside here on the strength of anyone else being legally and ordinarily a resident here. They have a right to apply. That was given to them in 2013. There was no longer a Roll-Over policy and the person has been here for 10 years.

Madam Speaker, I don't know the other gentleman. I really don't know him. By all accounts, the other gentleman, as I understand it, built all those buildings along West Bay Road and the likes. Equally, what is going to now happen with his children? Are they going to apply too and we create some special circumstance that the parents, or the father did so much that that trickles down onto the children? Madam Speaker, it should be based on each and every one's merits of showing a desire to live in this country. Meanwhile we all have our constituents who go and marry someone else and all of a sudden we measure it on the basis that that marriage is not going to subsist for very long and the Immigration Department makes a determination on that, or if a child is born out of wedlock and one of the parents is Caymanian, we put them through all kinds of hoops.

Madam Speaker, I find it quite disturbing to say the least that this is one of the manners in which we give out wholesale status when the person is entitled to other methods of achieving the same goal, but over a longer period of time.

Madam Speaker, I hope that the day comes when Caymanians are recognised in their own country and they are given greater prominence, greater privileges, greater opportunities; opportunities that will make them feel like they are Caymanian. It must make them feel bad, Madam Speaker, that their spouse cannot get it but someone else can get it on the strength of their family business. Really?

Madam Speaker, let he who say what they want to say, say it now. I've had my say.

Madam Speaker, one of these days, you lawyers like saying "in the fullness of time", well, in the fullness of time, the evidence will be brought forth. In the fullness of time, someone is going to see exactly how this all transpired. In the fullness of time, Madam Speaker, I promise you. But you know what? When that happens, I may not be a Member of this Legislature but I will vindicate myself. I do not wish to request you, Madam Speaker—which I'm entitled to—to summon anybody to this Parliament, and put them under oath. I will reserve that for another time.

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

[Pause] Final call. Does any other Member wish to speak? [Pause]

I recognise the Honourable Premier.

Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, the Member did say the debate had deteriorated. Madam Speaker, it is unfortunate that it has gone this way.

Madam Speaker, the section under which the Cabinet has made these grants, I referred to it and the Member from East End referred to it at length, he compared the section in the current Law, 21(e) with what existed prior to it. Madam Speaker, he was a Member of the Cabinet when that was crafted, he was a Member of the Cabinet when it was approved, and he was a Member of this House when it was approved. I have no doubt that the Member knows full well what the effect of that provision is. The process, Madam Speaker, is that the Board makes a recommendation to the Cabinet, the matter comes before Cabinet, for that purpose Cabinet is sitting as a tribunal and Cabinet considers whether or not to grant the application. If Cabinet were to decide not to grant the application, Cabinet would have to hear the representations of the applicant and Cabinet would have to provide proper basis for refusing to follow the recommendations of the Board. This is not something in which Cabinet can act arbitrarily. This is a recommendation of statutorily mandated process, a recommendation that comes up from a duly constituted board.

Madam Speaker, this application was actually made—I just had a look—in 2012. It was considered by the Board in 2013. It wasn't considered and granted by this Cabinet until late last year. I say all of that because I know that will invite other criticism, probably from Mr. Brent Fuller and Mr. Legge, because the process has taken so long. I say that to assure the Member and others, that this Cabinet hasn't rushed off and granted somebody status as he has alleged. Nothing could be further from the truth. There is a provision in the Law and the provision has been acted upon and Cabinet has to hear these matters and make a determination, and to act rationally in its decision making process. It can't be what we feel. It has to be, and in my view, in these circumstances unless with the recommendation there are good grounds for rejecting the recommendation, Cabinet should follow the recommendation and make the grant.

The mischief that this provision sought to cure and address, was that Cabinet could, without any proper basis, make grants, and for many, many years, even prior to the almost 3,000 grants in 2003, Cabinet had, almost every year, made grants of status. They were given to Governors, to Attorney Generals, and to a whole range of people. There never had to be any basis. It was initiated by the Cabinet.

Since the Cabinet status grants of 2003, these two included, will bring the number to five persons who have been granted status by Cabinet; two under the previous Administration. The other was a young lady who was, I believe, five years old when she came to Cayman, grew up here in very difficult circumstances. Now, a good solid Caymanian and a police officer, a very able, young police officer. She was granted status through the same process, based on a recommendation in circumstances where she would not otherwise have been able to get status, notwithstanding the length of time she'd been here. I brought it to the House when the House sat in Cayman Brac in 2014. Did the Member for East End support that? He talked with his heart on his sleeve about people who grew up here and she speaks just as Caymanian as he does. You couldn't tell she's not Caymanian by listening to her. She doesn't know anywhere else but here, but she wasn't good enough for this process either.

Madam Speaker, the Member spoke the truth when he said he doesn't support anyone getting Caymanian status unless they marry a Caymanian or they claim it on the basis of descent. That's where his position is, and that is entirely proper for him to take that position, but it is not proper for him to allege wrongdoing on the part of Cabinet with no evidence at all. Those things I don't take lightly. My skin is thick, my shoulders are broad; I've been beaten up in every which way. There are few things that truly get to me but don't go making allegations about my integrity without a proper basis because I'll eat you up. I will. It doesn't matter where or how, I'm not, after all this time on God's Earth, 55 years, going to let anybody rub my name in the dirt without a proper basis. I mean that regardless of the consequences.

Madam Speaker, I hear all of the discussion about how many people have been treated unfairly and we need to regularise Caymanians and recognise their rights and so forth and so on. Sometimes if you read, particularly what is said in the *Compass*, you would think that this is a place that is possessed of the most xenophobic people and government that ever could exist and we don't want anybody here and we won't grant status or permanent residence to anybody. We all know, Madam Speaker, that there is a major issue with the permanent residency situation and the Government is working to address that. Even the *Compass* [Caymannewsservice] itself, back on the 16th December last year, wrote an article by Brent Fuller I think it was. The headline for the story is: **“Over 10,700 status grants awarded since 2001”**.

“Over the last fifteen years Caymanian Status has been granted to 10,768 people under the Immigration Law or by Cabinet. The mass status grants in 2003, given to more than 3,370 people because of pressure from the UK to regularise people who had been here many years without rights, is still regarded as controversial, but every year since

then the number of people becoming Caymanian has continued to grow, largely by marriage or the next step after permanent residency.”

Madam Speaker, I think in the grand scheme of things, the give grants of the Right to be Caymanian by Cabinet, and not just by this Cabinet, but by the three Cabinets that have existed since the Law was changed in 2005 is almost a non-issue in the overall context of grants of Caymanian Status. One could hardly complain or claim that the Laws are oppressive or exclusive or whatever adjective they want to use when you have 10,700 grants made since 2001. Even if you leave aside the 3,370 Cabinet status grants that is still more than 7,000, and that's not including this year.

Madam Speaker, I am not trying to say that the system we have is perfect, that wrongs aren't made, that people aren't treated poorly sometimes. I know Madam Speaker, because I have responsibility for Immigration. I deal with more immigration issues at my constituency clinics than any other single matter, so the Member is right when he refers to sometimes unfairness, sometimes bad treatment. I just finished—and I'm not even sure if its finished—battling, myself and the Minister of Community Affairs, over a situation with assistance by NAU (Needs Assessment Unit) to someone they say is not Caymanian. She was born here, her father is Caymanian, as far as I know her mother is Caymanian. I've known her all my life. She's forty-something years old. How can we deny, in the circumstances that she is in, how can we deny her access to our social services? She voted in the last two elections that I know about.

I'm not saying the Member is wrong, but he needs to get beyond it being a constituent of his. The Law must apply to everyone, not just because they're in his constituency, it means that they are to be accorded special treatment.

[Inaudible interjection]

The Premier, Hon. Alden McLaughlin: Everybody is supposed to be equal before the Law. It should be the circumstances that are looked at regardless of whose constituent they are. I don't look at it that way at all.

Madam Speaker, I don't believe there's a great deal more I can add to the situation. The process has been followed. Are there more applications along the way? I expect there are. There may be a significant number of people who may seek to use this process for a number of reasons. Sometimes it is because, as in the case of Mr. Weldon, he could never qualify for a grant of status in the usual way because of the particular permanent residency designation he has. There are others who will say they don't want to wait the 15 years because of the situation.

In the case of Mrs. Hamaty-Simmonds, she came here as a young girl with her father in the 70's.

My understanding is that she went to school in the United States and came home for holidays as children and young people do, spent many years here and then went off to University; subsequently qualified, worked there and married in the United States and has come back home.

Madam Speaker, Robbie Hamaty and his wife who is as Caymanian as me, have been here from the 70's. They have built a business from nothing. Without question, it is the biggest, most important in that sense, export business that Cayman has; not that we have many of them. They have certainly done a huge amount to promote Cayman. Of course, they have done well personally, that's the whole point of being in business. So, I don't think it's fair to suggest that she is just somebody who just popped up and decided to take advantage of the system. She has real ties to Cayman and to a family who has been established here for more than 40 years, leaving aside the fact that Mrs. Carlene is Caymanian.

So, Madam Speaker, these are, we believe as a Cabinet, proper circumstances in which these two people should be granted Caymanian Status and Cabinet has done that. The purpose of this process, and I know it's embarrassing for some people because its public debate, but the purpose of this ratification by the House is so that this is made public; that we never again have the situation where grants are made quietly and no one knows what goes on. I had a real hand in drafting this particular provision. I know what we had in our minds when we did so and I know there were some people who objected to the public process of ratification by the House, but given all that has transpired with respect to Cabinet status grants, I still after all this time, believe it is the right thing to do. This is a power that Cabinet has to exercise very carefully, very judiciously.

[Pause]

The Premier, Hon. Alden McLaughlin: Sorry, Madam Speaker, thank you for your indulgence.

All sorts of things were said and there was a great deal of ill-feeling for a long time about what transpired with that process when we had these 3,000 plus Caymanian status grants made.

The Member for East End said he knows there was a letter given to the now Minister of Planning who was then the Leader of the Opposition, but he doesn't know what happened about it. I think he knows very well about it. We didn't participate in the process at all; none of us who were on that side, because, Madam Speaker, we did not believe that Caymanian status was something you could just hand out to people who somebody thought was a good person and put them on a list. There needed to be a proper process.

When we drafted this provision, we wanted to make sure there was a proper process; that the Board would make recommendations because they would

have considered it, because that's their job, and they then say they could not, in this circumstance make a grant because it did not fit within the four corners of the legislation which deals with grants of Caymanian Status. So Cabinet, this one is for you and here are the reasons. They write them down, send them up and Cabinet considers it and decides whether or not to accept the recommendations. If Cabinet makes the grant, Cabinet then has to do what I'm doing now; bring a motion to the House, it's very public, explain the reasons why, deal with the criticisms from the other side and seek to justify it. It's a public process and that's what we've done, very public, very transparent.

Madam Speaker, if we didn't believe as a Cabinet that these individuals were worthy and that their reasons were made out, we would not have made the grants in the first place.

Madam Speaker, for all of those reasons, I ask the House for their support of the Motion, and thank you for your patience.

The Speaker: The question is: **BE IT THEREFORE RESOLVED THAT the Immigration (Grant of the Right to be Caymanian) Order 2015 be affirmed by the Legislative Assembly pursuant to the provisions of section 20(1)(e) of the Immigration Law (2015 Revision).**

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

AYES and one audible No

The Speaker: I believe the Ayes have it.

Agreed: Government Motion No. 6/2016-2017 passed.

**GOVERNMENT MOTION NO. 4/2016-2017—
THE DEVELOPMENT AND PLANNING
(AMENDMENT) REGULATIONS, 2016**

The Speaker: I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts, Minister of Planning, Lands, Agriculture, Housing and Infrastructure: Thank you. Madam Speaker, I beg to move Government Motion No. 4/2016-2017, entitled, the Development and Planning Law (2015 Revision), the Development and Planning (Amendment) Regulations, 2016. With your permission, I will read the Motion and with more permission from you, I will speak to it.

The Speaker: The Motion has been duly moved and is open for debate. Permission is granted to do the first and reluctantly for the second.

Hon. D. Kurt Tibbetts: Madam Speaker, to be very honest with you, I don't have a problem with the reluctance of the second one and could well not do it, but I'm not so sure the Members of the House would be appreciative but I would risk it if you're on my side; I'll risk it.

The Speaker: Always.

Hon. D. Kurt Tibbetts: Thank you.

[Laughter]

Hon. D. Kurt Tibbetts: Madam Speaker, the Motion reads as follows:

“WHEREAS section 42(1) of the Development and Planning Law (2015 Revision) provides that the Cabinet may make regulations;

“AND WHEREAS section 42(3) of the said Law provides that no regulations shall be made pursuant to the said Law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft have been passed by the Legislative Assembly;

“AND WHEREAS the draft Development and Planning (Amendment) Regulations, 2016 were laid on the Table of the Legislative Assembly;

“BE IT THEREFORE RESOLVED that the draft Development and Planning (Amendment) Regulations, 2016 be approved by the Legislative Assembly in accordance with the provisions of section 42(3) of the Development and Planning Law (2015 Revision).”

Madam Speaker, I will not speak to the Motion unless there are comments from anyone else, at which time I will reply.

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

I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, you're such a good Speaker.

Madam Speaker, not having heard any comments, just quickly to say, the Regulations have been Tabled. I think the amendments are fairly straight forward. There was one amendment which we had proposed, which, when we checked with stakeholders, we were solving one problem, creating another. I do believe that we're going to have to look at that amendment in more detail, speak to colleagues on both sides of the House, and to also do some more stakeholders canvassing. That is the vexing business of heights of building and where do we start to count the floors and that kind of situation, and certainly we need to look at that

to make sure that we get it to where everything is satisfactory. In these amendments, just to speak to that one issue, which is seemingly, the one that drew the most discussion, is that once grade is established, whatever is constructed below grade does not count as any one of the floors. For instance, in hotel tourism zone, where you can go 10 floors or 130 feet, once you establish grade, whatever is done below that will not be part of either your 10 storeys or your 130 feet. We've gotten the bottom part of it sorted but we have to solve the top part of it and we will get there.

The other amendments to the Regulation, Madam Speaker, are all straight forward and matters that needed to be dealt with in order to strengthen the Planning Laws and Regulations, as this is a continuing process.

Thank you, Madam Speaker.

The Speaker: The question is: **BE IT THEREFORE RESOLVED THAT the draft Development and Planning (Amendment) Regulations, 2016 be approved by the Legislative Assembly in accordance with the provisions of section 42(3) of the Development and Planning Law (2015 Revision).**

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

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No. 4/2016-17 passed.

**GOVERNMENT MOTION NO. 5/2016-17—
THE BUILDING CODE (AMENDMENT)
REGULATIONS, 2016**

The Speaker: Once again, I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker, and with your permission, I will follow the same process.

The Speaker: Permission granted.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, Government Motion No. 5/2016-17 entitled: "**The Development and Planning Law (2015 Revision), the Building Code (Amendment) Regulations, 2016**", reads as follows:

"WHEREAS section 42(1) of the Development and Planning Law (2015 Revision) provides that the Cabinet may make regulations;

"AND WHEREAS section 42(3) of the said Law provides that no regulations shall be made pursuant to the said Law unless a draft thereof has been laid before the Legislative Assembly and a

resolution approving the draft is passed by the Legislative Assembly;

"AND WHEREAS the draft Building Code (Amendment) Regulations, 2016, were laid on the Table of the Legislative Assembly;

"BE IT THEREFORE RESOLVED THAT the draft Building Code (Amendment) Regulations, 2016 be approved by the Legislative Assembly in accordance with the provisions of Section 42(3) of the Development and Planning Law (2015 Revision)."

The Speaker: The Motion has been duly moved and is now open for debate.

Does Honourable Minister wish to speak further?

Hon. D. Kurt Tibbetts: I will wait to hear what comments my colleagues may have, Madam Speaker, and if no comments, when I wind up, I will just have a little bit longer wind up on this one than I did the last one.

The Speaker: Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Final call, does any other Member wish to speak?

I recognise the Honourable Minister of Planning.

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

Just bear with me one second, Madam Speaker.

Madam Speaker, our current building code has been in place for over 15 years. This was in dire need of updating. This amendment does just that. It brings the Cayman Islands to the forefront of the construction industry and it will allow our developers, architects and builders to work with a framework that is flexible, efficient and sustainable.

Madam Speaker, this is a completely new code for Cayman, and for everyone's edification, we have used the International Code Council's 2009 Family of Codes as a template.

Madam Speaker, if we look at what I Tabled, we see it involves mechanical engineering, plumbing, the whole works. So, Madam Speaker, the Director of Planning and his team are very anxious because they have been practicing this code and have been working it into their deliberations with developers. In fact, there are some developers now, who have drawn their plans based on this code, can't put their plans in yet because the regulations have not been approved yet, but they've gone that far and it really didn't make sense for them to change it all around to the old one. That shows how proactive industry is.

The truth is, Madam Speaker, I compare this to more efficient AC units, when your old one of 15 years, goes and you have to buy a new one and have more

energy efficient units, you find that your light bill goes down \$100 or \$200 a month because of efficiencies. I use that lay-term to say that this gives more flexibility along with all the innovations that have taken place over the last few years. The reason we haven't used one that is later than 2009 is because we thought the shock might be too great. Changing from what obtains now, so we're moving with the 2009.

What I would really ask, Madam Speaker, in the future, whoever is here as Minister, is to ensure that the review of the building code is done on a timelier basis so that, instead of every 15 years, we can get it every three, four or five years on the outside. So Madam Speaker, I certainly recommend the Building Code Regulations to this honourable House and look forward to its safe passage.

I have a request which I could ask you off air, but I'm just going to say so. There's a bit of angst, as they call it in some quarters, and for everyone's edification, when these are Tabled, there's a process where the Government brings the government motion and perhaps you could very swiftly explain how long it takes for the 21 days to expire for it to be in effect; of course, after the vote, Madam Speaker. Thank you.

The Speaker: The question is: **BE IT THEREFORE RESOLVED THAT the draft Building Code (Amendment) Regulations, 2016 be approved by the Legislative Assembly with the accordence with the provisions of section 42(3) of the Development and Planning Law (2015 Revision).**

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

AYES

The Speaker: The Ayes have it.

Agreed: Government Motion No. 5/2016-2017 passed.

The Speaker: Due to the fact that I'm told that strictly speaking I'm to be advised by the Clerk, I'm not going to break the protocol, so I'll ask the Clerk to so advise and meet your request.

Madam Clerk. . .

The Clerk: I don't know what the question was.

The Speaker: Honourable Minister, so that there would not be a loss of communication or interpretation, would you be so kind as to indulge the House again?

Hon. D. Kurt Tibbetts: I appreciate what you said Madam Speaker. Forgive me, I was not making an attempt—and I know you know that—to put anybody in any box situation.

What I just would like to know—and for the public to know very clearly—is these regulations are Tabled, the Government Motion is brought and I think there's a fixed period of time for negative resolution. I'm just trying to understand what the timeline is, or to make sure everybody understands what the timeline is, when the time starts. Does it start when it's Tabled? Does it start when the government motion is brought, and how does that whole process work? If it's something that we have to check, I take it all back, I'll hear from it and I'll let people know afterwards.

[Inaudible interjections]

The Speaker: I'm reliably informed by my able Clerk that it runs from the date of laying on the Table and the 21 days is inclusive of weekends.

Hon. D. Kurt Tibbetts: Thank you, Madam Speaker. I think we can calculate that. I appreciate it, thank you.

**GOVERNMENT MOTION NO. 7/2016-2017—
AMENDMENT TO THE DEVELOPMENT PLAN
1997— PROPOSED REZONING GEORGE TOWN
CENTRAL, BLOCK 13E PARCELS 151, 152 AND
166**

The Speaker: Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, I beg to move Government Motion No. 7 of 2016/2017 which is entitled: Amendment to the Development Plan 1997- Proposed Rezoning, George Town Central, Block 13E, Parcels 151, 152 and 166.

With your permission I will read the Motion Madam Speaker:

“WHEREAS the Central Planning Authority received an application for the rezoning of Registration Section, George Town Central, Block 13E, Parcels 151, 152 and 166 from High Density Residential and General Commercial to General Commercial only;

“AND WHEREAS the CPA considered the application on the 16th of September 2015 (CPA/19/15 Item 3.3) and resolved to forward the rezoning application for 60 days notification and advertising per Section 11(2) in the Development and Planning Law (2015 Revision);

“AND WHEREAS the proposed amendments were advertised in *The Cayman Reporter*, on the 13th, 16th, 19th and 22nd October 2015 in accordance with Section 11(2) of the Development and Planning Law (2015 Revision) and the application was available for inspection at the Planning Department public counter. During the comment period no letters of objections were received;

“AND WHEREAS on January 20th 2016, the CPA again considered the application in light of the

public review process (CPA/ 03/16 Item 3.2) and it was resolved to forward the proposed amendment to the Ministry with the recommendation that the proposed amendment be forwarded to Cabinet and the Legislative Assembly for approval;

“AND WHEREAS on the 20th of September this year, Cabinet approved the rezoning application, and further that the matter be referred on to the Legislative Assembly for consideration;

“BE IT NOW THEREFORE RESOLVED THAT in accordance with section 10(2)(b) of the Development and Planning Law (2015 Revision) the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and maps of which are attached hereto.”

The Speaker: The Motion has been duly moved.

Does the Honourable Minister wish to speak thereto?

Hon. D. Kurt Tibbetts: Just very briefly, Madam Speaker.

Madam Speaker, these three parcels are vested with the National Housing Development Trust (NHDT). It is the parcel of land on Eastern Avenue, opposite Cox, which used to house the first NHDT homes and the basketball court, and the small parcel of land which housed the old National Trust Building.

The NHDT, Madam Speaker, have considered that this matter, or rather, these parcels are not suitable to further their cause for the George Town District and the land is more valuable than they should use to build homes on. They wish to dispose of the property because they believe that it is more valuable and that what could be derived from the property could assist in perhaps getting more property and being able to build more homes rather than to keep that land and just build on it.

There is going to be a public tender process Madam Speaker, but we thought best to advise the National Housing Development Trust, that if we were going to put it out to public tender, let's get it all rezoned commercial so that the maximum benefits can be reaped by the rezoning and then they put it out to tender and move on with their process. That is the genesis of this and if Members wish to look at the map, which is attached to the Government Motion, they will understand exactly what I'm saying.

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

If not, I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, thank you and thank all Members, as I make the assumption that my colleagues on both sides of the aisle, support the Government Motion.

The Speaker: The question is: **BE IT NOW THEREFORE RESOLVED** That in accordance with section 10(2)(b) of the Development and Planning (2015 Revision) the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan, 1997, a summary and maps of which are attached hereto;

“AND BE IT FURTHER RESOLVED THAT Registration Section George Town Central, Block 13E Parcels 151, 152 and 166 be rezoned from High Density Residential and General Commercial to General Commercial only.”

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

AYES

The Speaker: The Ayes have it.

Agreed: Government Motion No. 7 2016/2017 passed.

**GOVERNMENT MOTION NO. 8/2016-17—
AMENDMENT TO THE DEVELOPMENT PLAN
1997—
PROPOSED REZONING: BODDEN TOWN
BLOCK 43D, PARCEL 8**

The Speaker: Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, I beg to move Government Motion No. 8/2016/2017 entitled: “**Amendment to the Development Plan 1997 - Proposed Rezoning: Bodden Town Block 43D Parcel 8**”.

The Speaker: The Motion has been duly moved and is now open for debate.

Does the Honourable Minister wish to debate thereon?

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

First of all, with your permission, I'd like to read the Motion into the record.

The Speaker: Most certainly.

Hon. D. Kurt Tibbetts: The Motion reads:

“**WHEREAS on the 9th April 2014 the Central Planning Authority considered an application**

(CPA/09/14 Item 4.2) for the rezoning of Registration Section Bodden Town, Block 43D Parcel 75, from Beach Resort/ Residential to Institutional;

“AND WHEREAS the CPA instead resolved to support the rezone of Block 43D Parcel 8 from Low Density Residential to Institutional, and to forward it for 60 days notification and advertising per Section 11(2) in the Development and Planning Law (2015 Revision);

“AND WHEREAS the proposed amendment was advertised in the *Cayman Reporter* on the 13th, 16th, 19th and 22nd October 2015 in accordance with Section 11(2) of the Development and Planning Law (2015 Revision) and the application was available for inspection at the Planning Department public counter. During the comment period no letters of objection were received;

“AND WHEREAS on January 20th 2016, the CPA again considered the proposal in light of the public review process (CPA/03/16 Item 3.3) and it was resolved to forward the proposed amendment to the Ministry with the recommendation that it be forwarded to Cabinet and Legislative Assembly for consideration;

“AND WHEREAS on September 20th 2016, Cabinet approved the rezoning proposal, and that the matter be referred to the Legislative Assembly for consideration;

“BE IT NOW THEREFORE RESOLVED THAT in accordance with Section 10(2)(b) of the Development and Planning Law (2015 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map which are attached hereto;

“BE IT FURTHER RESOLVED THAT, Registration Section Bodden Town, Block 43D, Parcel 8 be rezoned from Low Density Residential to Institutional.”

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

If not, I recognise the Minister for his right of reply.

Hon. D. Kurt Tibbetts: Thank you.

Madam Speaker, just to say, so that everyone will appreciate, the Ministry applied . . . if we look at the map, we'll see that it's two parcels and so that people can identify with them: the parcel on the land side is where the new section of Bodden Town Cemetery is and there's also the parcel on the beach side, which is also for Crown. I'm pretty sure Crown acquired the two parcels simultaneously but there are two parcel numbers.

When the Ministry made the application, it was for the beach side parcel. The CPA didn't see it fit to approve the beach parcel as a cemetery at this time, and construction on the land side was almost—

[Inaudible interjection]

Hon. D. Kurt Tibbetts: Sorry?

Mr. Anthony S. Eden: Cement Cemetery?

Hon. D. Kurt Tibbetts: Yes.

Construction was almost finished because the Administration, Madam Speaker, had started that work and it was just about completed but not—

[Inaudible interjections]

Hon. D. Kurt Tibbetts: So, after the 2013 Elections, that job that is there now, that they've started to use for the Bodden Town Cemetery, was almost completed and if you look at the map, you'll see that parcel goes a ways back. So, when we applied for the rezoning, we realised that it should be institutional. There was also some problems with the planning approval. Some stuff were done after the fact. All kinds of things we were doing to try and straighten the whole thing out, Madam Speaker, but just to say that where it has started to be used now, I'm certain the plan is to continue going in the other direction to create more cemetery space. Certainly, if and whenever, either the Bodden Town representatives or the Government, wishes to utilise the beach side, then we can go at it again, if necessary, but at least the land is acquired and government now owns it. Therefore, we can deal with it as we see fit in the future, but for now, so that all else is squared away and the cemetery can be used without any question as to land use, this Motion is to seek to have parcel 8 rezoned institutional. Thank you.

The Speaker: The question is: “BE IT NOW THEREFORE RESOLVED THAT in accordance with Section 10(2)(b) of the Development and Planning Law (2015 Revision), the Central Planning Authority hereby recommends and submits to the Legislative Assembly the following proposal for alteration to the Development Plan 1997, a summary and map of which are attached hereto;

“BE IT FURTHER RESOLVED that Registration Section Bodden Town, Block 43D, Parcel 8 be rezoned from Low Density Residential to Institutional.”

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

AYES

The Speaker: The Ayes have it.

Agreed: Government Motion No. 8/2016-2017 passed.

**GOVERNMENT MOTION NO. 10/2016-2017—
DISBURSEMENT OF THE ENVIRONMENTAL
PROTECTION FUND**

The Speaker: I recognise the Honourable Premier.

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, I beg to move Government Motion No. 10/2016-2017 Session, entitled “Disbursement of the Environmental Protection Fund”.

“WHEREAS the Environmental Protection Fund (the Fund) was created on the 10th December 1997 by Government Motion No.14/97 for the purpose of “defraying expenditure incurred in protecting and preserving the environment of the Islands”;

“AND WHEREAS the Government, through the Ministry of Planning, Lands, Agriculture, Housing and Infrastructure, is seeking approval for the amount shown on the schedule, totalling \$5,000,000, that represents expenditure to be incurred with the respect to protecting and preserving the environment of the Islands being met by disbursement from the Fund;

“BE IT NOW THEREFORE RESOLVED THAT:

1. the expenditure shown on the overleaf schedule, totalling \$5,000,000 that is expected to be incurred in connection with the purchase of the property adjacent to the Smith Barcadere with the legal description of Registration Section South Sound, Block 7C, Parcel 70 (the “Property”) be recognised as being in the interest of protecting and preserving the environment of the Islands for the benefit of the people of the Islands; and
2. that the Minister of Finance and Economic Development be authorised to disburse up to \$5,000,000 from the Environmental Protection Fund to cover expenditures to be incurred with the respect to the acquisition of the Property as set out in the schedule;

“AND BE IT FURTHER RESOLVED THAT the aforesaid disbursement be dealt with in as expeditious a manner as possible.”

Schedule of Expenditures to be Incurred in the 2016/17 Fiscal Period for Which Approval is Sought to Have Such Expenditure Met by a Disbursement from the Environmental Protection Fund

Name of Agency	Amount	Description and Details
Ministry of Planning, Lands, Agriculture, Housing and Infrastructure	\$5,000,000	Land acquisition with the legal description of Registration Section South Sound, Block 7C, Parcel 70 for conservation of the natural environment and to benefit the people of the Cayman Islands
Total	\$5,000,000	

The Speaker: The Motion has been duly moved and is open for debate.

Does the Honourable Premier wish to speak further to the Motion?

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, this Motion represents the Government making good on the promises we made earlier in this Meeting when we moved swiftly to acquire this very important property adjacent to the Smith Barcadere and I am—the Government is—and the country should be—this House and the country—most grateful to the Minister for Planning and Lands, who has worked assiduously with his staff in the Ministry and in the Department of Lands, to be able to acquire this property.

The negotiations with the owners of the property who have been most cooperative, helpful and understanding, have gone well and the Government is satisfied as are the authorities that needed to look at this matter, that we are getting value for money with the respect to the sale.

The Government has 60 days from the date on which the agreement was reached to complete the sale, and in due course, the Government will publish the purchase price, but as will be indicated from the Motion, it is within the five million dollars that is being sought here. This amount, we believe, will allow the Government—comfortably—to make whatever improvements are necessary to allow the property to be utilised and enjoyed by all who live and visit these Islands.

Madam Speaker, the House had previously indicated its unanimous support for this initiative of the Government and I look forward to the full support of all Members present with respect to this Motion.

The Speaker: Does any other Member wish to speak?
I recognise the honourable Member for East End.

Mr. V. Arden McLean: Madam Speaker, the Premier is quite correct that I have publicly indicated my support for it and I believe other Members have done likewise; however, he did say that it was 60 days from the date of agreement to closure. The only question I have would be is since the agreement has already been signed and—

[Inaudible interjection]

Mr. V. Arden McLean: Oh, it hasn't? Okay. It's just verbal arrangements and stuff and then an agreement will be signed on price. Okay.

Madam Speaker, that's my contribution. Yes, I support to purchase the property.

The Speaker: Does any other Member wish to speak?
[Pause] Does any other Member wish to speak?
[Pause] Final call, does any other Member wish to speak?

If not, I'll recognise the Honourable Premier once again.

The Premier, Hon. Alden McLaughlin: Madam Speaker, I'd just like to thank all Honourable Members for their expected support.

The Speaker: The question is:

“BE IT NOW THEREFORE RESOLVED THAT:

1. **the expenditure shown on the overleaf schedule, totalling \$5,000,000 that is expected to be incurred in connection with the purchase of the property adjacent to the Smith Barcadere with the legal description of Registration Section South Sound, Block 7C, Parcel 70 (the “Property”) be recognised as being in the interest of protecting and preserving the environment of the Islands for the benefit of the people of the Islands; and**
2. **that the Minister of Finance and Economic Development be authorised to disburse up to \$5,000,000 from the Environmental Protection Fund to cover expenditures to be incurred with the respect to the acquisition of the Property as set out in the schedule;**

“AND BE IT FURTHER RESOLVED THAT the aforesaid disbursement be dealt with in as expeditious a manner as possible.”

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

AYES.

The Speaker: The Ayes have it.

Agreed: Government Motion No.10/2016-2017 passed.

The Speaker: I recognise the Honourable Premier for the motion of the adjournment.

**CONDOLENCES FROM THE GOVERNMENT ON
THE PASSING OF THE LATE MR. VERNON L.
JACKSON, OBE, JP**

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, earlier in this Sitting, I indicated when it was acknowledged by the Third Elected Member for West Bay that Mr. Vernon L. Jackson, OBE had passed away, that I intended to say something on behalf of the Government with the respect to the passing of this Caymanian legend.

Madam Speaker, the reason I didn't do it this morning was because of the procedure we were in. We were in Committee and the House only resumed following the completion of the Committee's business, so I couldn't do it in the usual statement way. So Madam Speaker, I'll do it now.

Madam Speaker, on behalf of the Government, it is with sadness, that I recognise the passing of Mr. Vernon L. Jackson on Sunday afternoon. He was surrounded by his wife of 65 years, Mrs. Francine and their children, Andre, Jennifer Dilbert and Joy Basdeo.

Mr. Vernon was an exemplary husband, father, grandfather and great grandfather. Just a few short months ago, the Government had the honour of naming the library in Bodden Town in Mr. Jackson's honour. He was a Bodden Town native who grew up near the Bodden Town All-Age school. The building later became the Town Hall and is now the Library.

He served as teacher, Head Master, Director of Education, Administration Secretary for Education and Social Services, a post that would later be called Principal Secretary, then Permanent Secretary and now Chief Officer, where he oversaw the transition of secondary education from the Presbyterian Church to Government, the introduction of comprehensive education and many other innovations in education.

He was also the Principal Secretary of Personnel, Principal Secretary of Communication and Works and Supervisor of Elections. He also oversaw the change in currency from the British pounds, shillings and pence to the Jamaican dollar in 1969.

Mr. Jackson was also deeply involved in the Webster Memorial Church where he was Superintendent of Sunday School, a Leader in Christian Endeavour and an Elder and Lay Preacher and was honoured with a Lifetime Achievement Award from the United Church of Jamaica and Grand Cayman.

In Mr. Jackson's words, "The greatest privilege in life is to have been of service to your fellowman and to have earned their respect."

The Cayman Islands have lost a true servant of the people, a gentleman and a friend. He will be sorely missed. May his soul rest in peace.

The Speaker: I take it that that's a tacit support for other Members to speak at this time?

The Premier, Hon. Alden McLaughlin: Yes, Madam Speaker, some other Members had indicated their wish to do, so that's why I sat down.

The Speaker: I recognise the Second Elected Member for Bodden Town, the Minister of Sports.

Hon. Osbourne V. Bodden, Minister of Community Affairs, Youth and Sports: Just briefly, Madam Speaker.

I think it would be difficult to let the occasion pass without expressing publicly my condolences to [the family of] Mr. Vernon. He was someone I grew up around in the church, in the community, and he was extremely good friends with Mr. Harry McCoy who helped raise me. I therefore had a lot of interaction with him and Andre and the rest of the family.

Mr. Vernon, certainly, was someone we admired in the district. As the Premier outlined, he had various roles but in his quiet honest human manner, with quick wit, was a great example to us all. He raised a good family, was married for some 65 years, I think, and certainly, someone we all can aspire to be like. He served his country well and therefore, I was very, very happy when we were able to honour him recently with the Bodden Town Library naming, at which he spoke and had us all laughing as usual.

So, I just wanted to, on behalf of my family, myself, to express sincere condolences to Mrs. Francine and the rest of the family.

Thank you.

The Speaker: Does any other Member wish to do a tribute at this time?

I recognise the Honourable Minister responsible for the Environment, the Third Elected Member for Bodden Town.

Hon. G. Wayne Panton, Minister of Financial Services, Commerce and Environment: Thank you very much Madam Speaker.

Madam Speaker, I just want to briefly join my colleagues as well, in expressing condolences and sympathy to the family of Mr. Jackson. He was definitely a man of immense significance and proportions in this country. He was a fine example of a Caymanian gentleman and he certainly had a long history of public service and, of course, we all know that many members

of his family equally have had a long history of public service in this country.

Indeed, Madam Speaker, my own Chief Officer, Dr. Dax Basdeo, is Mr. Vernon's grandson and so he certainly continues in that vein, in terms of being an excellent public servant to the people of this country. Although, I telephoned him yesterday upon hearing the news and gave him my condolences at that time, I certainly wanted to take the opportunity to extend again it publicly to both him and all of the members of the Jackson family on the passing of such a significant man in our history. He will certainly be missed, Madam Speaker, and, of course, it is also of great significance that he was a Bodden Towner as well and, as my colleague, the Minister for Bodden Town indicated, he played a significant role in Bodden Town as much as he did in other areas of this country.

With that Madam Speaker, I thank you for the opportunity and again, extend public condolences to his family, thank you.

The Speaker: I recognise the Fourth Elected Member for Bodden Town.

Mr Alva H. Suckoo, Jr: Thank you, Madam Speaker.

Madam Speaker, I also wish to give condolences to Mr. Jackson's family and loved ones on behalf of myself and the first Elected Member for Bodden Town, Mr. Eden.

As we heard the Premier outlining his many accomplishments that were outstanding in our community, he was truly a visionary leader and someone that we all should aspire to model ourselves after.

I just wanted to offer my condolences to his family and say how much we appreciate his life's work in Bodden Town. Thank you.

The Speaker: Does any other Member wish to pay a tribute before we close off?

I recognise the Honourable Minister of Planning.

Hon. D. Kurt Tibbetts: Madam Speaker, I remember Mr. Vernon very well, for many years. Others have different memories of him but I remember him as the Principal Secretary for Personnel and during that time he brought a certain level of discipline to the public service like his predecessors and those who followed him. Certainly, he was not one of these who I would call to be a strict disciplinarian, but by his example you are forced to pretend that that's what he was doing to you—he was just that type. A very good sense of humour and certainly an all-around big-time family man. I know the family well and I know that Andre gave him the most trouble of the lot, being the youngest, but certainly, he was very proud of his family.

My wife always—because it is family—referred to him as cousin Vernon and his wife as cousin Francine. I know that she and her sisters went to visit him quite recently, so I knew he was failing. Certainly, I take this opportunity on behalf of my entire family, especially my wife and her siblings, to offer condolences to Mr. Vernon's family and just to say that another good one who we should all strive to be like, has left us.

The Speaker: The Honourable Minister of Education.

Hon. Tara A. Rivers: Thank you, Madam Speaker.

Madam Speaker, I know I did rise to give condolences earlier but I just wanted to, for the benefit of the Members in this Chamber and obviously the members of the listening public, say that as a tribute to Mr. Vernon's contribution and now we know and we have his name memorialised at the Bodden Town Library which is now the Vernon L. Jackson Memorial Library, there is a black ribbon or bow that has been erected to signify Mr. Vernon's passing. Again, for those of you living in the district in Bodden Town, you'll probably notice that as you pass, but certainly, Mr. Vernon's bio as the Premier has read out has been distributed to all of the libraries as well, so people that may want to learn more about him will have the opportunity to do so.

It's interesting, during that whole process of re-naming the Bodden Town Library after Mr. Vernon, I've only known Mr. Vernon all my life as being a West Bayer, because he was a resident and a prominent resident of West Bay for my entire life. Certainly, his reach in this country has been far as wide and on behalf of my family and on behalf of the district that I have the pleasure and honour to represent, I also give my condolences to his grieving family at this time.

The Speaker: I recognise the Second Elected Member for George Town.

Mr. Roy M. McTaggart, Second Elected Member for George Town: Thank you, Madam Speaker.

Madam Speaker, my memories of Mr. Vernon, are more of his role in the development of education in Cayman, in those early days when the system of education that we know today, was being implemented. My memory also of him, was a man of great integrity and honour. A man who was truly a family man.

Our country has truly lost a giant and one who is truly a hero, and one that should be remembered as we have honoured him. I extend my condolences to his grieving widow and to his children and their families and extended families who are mourning his loss at this time.

Thank you, Madam Speaker.

The Speaker: If no other Member wishes to pay tribute, I recognise the Honourable Premier for the adjournment.

ADJOURNMENT

The Premier, Hon. Alden McLaughlin: Thank you, Madam Speaker.

Madam Speaker, it only now falls to me to thank all Honourable Members sincerely for their hard work over the course of the past—not quite three weeks. I think we have done a record amount of work in the shortest possible time that I can ever recall because we worked late almost every evening. I think only one evening, we didn't work late and I do thank all Members for being cooperative and willing to work.

In particular, I wish to thank the Clerk and the staff at the Legislative Assembly for putting up with the disruption in their family lives. I think sometimes we forget that not everyone is a politician, which, when you're a politician it is 24/7, 365, but thankfully the whole world doesn't have to operate that way. I really do sincerely thank—on behalf of all the Members of the House—the staff of the Legislative Assembly for their stalwart efforts and willingness to work as late as quarter to 12 one night with us over the course of this Meeting.

I think it's been an exceptionally productive Meeting and one which all of us can be proud of as elected Members.

With that, Madam Speaker, I move the adjournment of this House, sine die, although, I can indicate to Members that the Government is considering returning the second week in January.

The Speaker: I recognise the Honourable Member for East End.

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

Madam Speaker, I am concerned that we are adjourning and there are matters outstanding. I know I submitted a question to the Attorney General and it hasn't been answered. It was submitted in time. It was submitted on the 19th day of September and I am yet to have any indication as to when this question will be answered. It is bad enough that we have to wait and put them in 10 days in advance and then it's 10 times worse when Members of this honourable House don't get their questions answered. There has to be some basis for you to submit questions. There must be some reason and we continue to not have our questions answers. It's getting a little troubling.

The Speaker: Honourable Acting Attorney General, do you have any light to shed on this.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

Madam Speaker, I cannot speak from personal knowledge about the question that was submitted but I [could undertake to look into the matter and provide a response in writing, to benefit the Honourable Members and the Member for East End.](#)

The Speaker: Member for East End.

Mr. V. Arden McLean: Madam Speaker, is the Acting Attorney General saying to answer [of the question] in writing or to provide in writing the reason for no answer [to the question], because the objective is not to get answers in writing, the objective is get answers on the Floor of the Legislative Assembly.

The Speaker: Honourable Acting Attorney General.

Hon. Jacqueline Wilson, Acting Attorney General: Madam Speaker, once again my apologies.

I cannot with any degree of certainty, as I'm not aware of the question. If it is that the question requires reasons to be given, then [I can certainly undertake that a response will be given along those lines.](#)

Reasons to be given for the no response I believe the Honorable. . .

[Inaudible interjection]

The Speaker: Thank you.

Hon. Jacqueline Wilson, Acting Attorney General: Thank you, Madam Speaker.

The Speaker: The question is that this honourable House be adjourned sine die.

All those in favor, please say Aye, those against No.

AYES

The Speaker: The Ayes have it.

At 8:40 p.m. the House stood adjourned sine die.