



PARLIAMENT
OF THE CAYMAN ISLANDS



OFFICIAL HANSARD REPORT

**FIRST MEETING OF THE
SELECT COMMITTEE
ON
THE GAMBLING (AMENDMENT) BILL, 2022**

**Wednesday,
18th January, 2023**

**Hon. Samuel W. Bulgin, *KC, JP*
Chairman**

PRESENT WERE:

Hon. Samuel W. Bulgin, KC, JP, *Chairman*

Attorney General, ex officio Member responsible for the
Portfolio of Legal Affairs

MINISTERS OF THE CABINET

Hon. G. Wayne Panton, JP, MP
Hon. Christopher S. Saunders, MP

Premier, Minister of Sustainability & Climate Resiliency
Deputy Premier, Minister of Finance & Economic
Development *and* Border Control & Labour
Minister of Education *and* District Administration & Lands
Minister of Youth, Sports, Culture & Heritage
Minister of Tourism & Transport
Minister of Financial Services & Commerce *and*
Investment, Innovation & Social Development
Minister of Health & Wellness *and* Home Affairs
Minister of Planning, Agriculture, Housing & Infrastructure

Hon. Juliana Y. O'Connor-Connolly, JP, MP
Hon. Bernie A. Bush, MP
Hon. Kenneth V. Bryan, MP
Hon. André M. Ebanks, MP

Hon. Sabrina T. Turner, MP
Hon. Johany S. "Jay" Ebanks, MP

EX OFFICIO MEMBERS OF THE CABINET

Hon. Franz I. Manderson, MBE, Cert Hon, JP

Deputy Governor, ex officio Member responsible for the
Portfolio of the Civil Service

ELECTED MEMBERS
GOVERNMENT BACKBENCHERS

Hon. W. McKeeva Bush, JP, MP
Ms. Heather D. Bodden, OCl, Cert. Hon., JP, MP
Mr. Isaac D. Rankine, MP

Elected Member for West Bay West
Parliamentary Secretary to Tourism *and* Social Development,
Elected Member for Savannah
Parliamentary Secretary to Home Affairs *and* Planning,
Agriculture & Infrastructure, Elected Member for East End

OPPOSITION MEMBERS

Hon. Roy M. McTaggart, JP, MP
Mr. Joseph X. Hew, MP

Leader of the Opposition, Elected Member for
George Town East
Deputy Leader of the Opposition, Elected Member for
George Town North

APOLOGIES

Ms. Barbara E. Conolly, JP, NP, MP
Mr. Dwayne S. Seymour, JP, MP

Elected Member for George Town South
Parliamentary Secretary to Labour, Housing *and* Transport
Elected Member for Bodden Town East

ABSENT

Hon. Sir Alden McLaughlin, KCMG, MBE, KC, JP, MP
Mr. Moses I. Kirkconnell, JP, MP
Mr. David C. Wight, JP, MP

Elected Member for Red Bay
Elected Member for Cayman Brac West and Little Cayman
Elected Member for George Town West

COMMITTEE CLERK
Miss Nordra Walcott

OFFICIAL HANSARD REPROT
FIRST MEETING OF THE SELECT COMMITTEE ON
GAMBLING (AMENDMENT) BILL, 2022
WEDNESDAY
18 JANUARY, 2023
2:12 PM

[The Attorney General, Hon. Samuel W. Bulgin, KC, Presiding]

The Chairman: Good afternoon Members.

Following on from this morning, the Committee resolved that the Select Committee on the Gambling (Amendment) Bill, 2022, should be dealt with not only in the Chamber of this Parliament but also live, so that members of the public who are interested or so minded, are able to follow these proceedings.

On behalf of the entire Parliament, let me welcome members of the public who are following us by whatever means as these procedures go live.

Madam Clerk, could you confirm that we are quorate?

[Pause]

The Chairman: Thank you.

Let the record show that we are in fact quorate, and...

Hon. W. McKeeva Bush, Elected Member for West Bay West: Excuse me, Mr. Chairman, could you speak directly into the mic because I am not hearing every word.

The Chairman: Thank you. Can hear me now? Thank you.

May I now ask Members if we could just deal with the other housekeeping matters that we ought to get out the way prior to proceeding on the substantive discussion? That is, to determine what the Terms of Reference for the Select Committee on the Gambling (Amendment) Bill, 2022, should be. The Clerk kindly circulated—I hope Members are in position of it—a draft—and I stress that it is a draft—of what we might want to have a look at, and it is for Members of this Committee to resolve exactly how we should approach this. If you have this draft, I would welcome any suggestions and views on how we deal with this.

Do all Members have a copy? If not, we can make copies available. Thank you.

Thank you, Madam Clerk.

The first item there is self-evident.

1. **Review the Gambling Bill, 2022.**

2. **Determine a timeframe for the Gambling Bill, 2022, to be brought “back” to the House— that needs to be tweaked.**
3. **Make recommendations for amendments, if any, to the Gambling Bill, 2022.**
4. **Produce and present a Report on the recommendations for the Gambling (Amendment) Bill to the House, pursuant to Order 74 of the Parliament Standing Orders.**

So, if I could invite Members' input on the first item: Reviewing the Gambling (Amendment) Bill, 2022 — if you could just insert the word “Amendment” between “Gambling” and “Bill”; and ask Members, what do you contemplate or envisage that this should entail, in terms of the “review”; in other words, the scope of the review.

Hon. Kenneth V. Bryan, Minister of Tourism and Transport, Elected Member for George Town Central: Mr. Chair, for the interest of all Members who may have never been in a Select House Committee before, as well as for the people who we represent, I think it would be important to outline the magnitude of what a Select Committee can do, in respect to this process of examining a Bill.

I know that you are aware as to Erskine May's rules and how far a Select Committee can go: how far the amendments to a Bill and even as far as recommending that the Bill does not proceed.

Just to give a scope of understanding on this Committee's powers in relation to the Bill. A small line will probably be helpful for all Members and the listening audience.

The Chairman: Thank you, Honourable Member.

Don't hold me to this now, because I wasn't sure if we would be going down this road, but as I understand it, and I am subject to corrections— I would have to find the necessary passage or paragraphs in Erskine May— but I will say that among the things that the Select Committee can do, which is as it says, ‘review the Bill in its entirety’, and that would include, for example, going through the Bill clause by clause and making suggestions as to potential amendments to those clauses, if any, including things that are dealt with—in this case, most of it deals with the revised pen-

alties. It is open to Members of the Committee, for example, to make suggestions about those proposed penalties that are reflected here and whether you'd want them to be amended.

The language in the provisions as well, in the various clauses of the Bill. Members might want to see whether you want to tweak any of the language in any of the Bill.

You can call witnesses, if you want, if there are issues in the Bill that you are not satisfied about and you want to, for example, get expert evidence or oral evidence to help inform your position or your views about any provision in the Bill. It is entirely open to Members to make a suggestion or request to the Committee for witnesses to be invited and/or summoned where necessary.

At the end of it all, Members can make recommendations as to how to proceed from here. Does the Bill go forward in its current form? Does it not go forward? You can make a recommendation as to whether or not the Bill itself should be proceeded with. Of course that's a recommendation that can be made to the whole House for the whole House to resolve; or if it's going forward, in what shape or form, what proposed amendment or amendments, et cetera.

In a nutshell, that is some of the remit of the Committee but as I said, you will notice that I am adlibbing, so forgive me for not being exhaustive.

Hon. Kenneth V. Bryan: Thank you, Mr. Chair.

The Premier, Hon. G. Wayne Panton, Minister of Sustainability & Climate Resiliency, Elected Member for Newlands: Mr. Chair, thank you for that.

If we are talking now about the Terms of Reference, it seems to me that just referring specifically to Standing Order 70 (1) which reads:

“The House may appoint any of its Members to be Members of a select Committee to consider and report on a Bill or otherwise to assist it in exercising its function under Part IV of the Constitution.”

With the benefit of what you have just outlined, in terms of the general remit of the Select Committee on the Gambling (Amendment) Bill, 2022, I was initially going to just note the formality of making sure that we clearly refer to it as the Gambling (Amendment) Bill, 2022, which you have earlier dealt with so that necessity goes away. Nevertheless, I think as the four points are outlined here, it forms—in my mind—a sufficiently concise and clear foundation for the Terms of Reference for the Committee on this Gambling (Amendment) Bill, 2022.

The Chairman: Thank you, Premier; very helpful.

Are there any other observations about the draft Terms of Reference?

Hon. W. McKeeva Bush: Mr. Chairman, are you speaking to the draft?

The Chairman: The draft Terms of Reference.

Are there any other suggestions about the draft Terms of Reference that has been circulated?

[Inaudible interjection]

The Chairman: Can we ask the Clerk to get you a copy?

[Pause]

Hon. W. McKeeva Bush: Mr. Chairman, just in item one, which reads: “**Review the Gambling Bill, 2022**”, just to understand that I have given notice of amendments and as we come to those points, we will deal with them as usual in a Committee of the whole House—other than a select Committee, I am talking about. Yeah?

Thank you very much.

The Chairman: Thank you.

The Premier, Hon. G. Wayne Panton: Mr. Chair, in terms of No. 4 on the ‘production and presentation of a report’, I think it might be helpful if we could manage expectations and set at least a broad timeline for being able to achieve that, which might be for example, given where we are at now, the middle of February or something along those lines; maybe the 20th February, so that we have sufficient time to have meetings and to call evidence, if we want to.

I think this is a fairly concise Amendment Bill, one which we ought to be able to consider and be in a position to efficiently report on within a specific timeframe.

The Chairman: Thank you, Honourable Premier.

Of course, the Committee is entirely in the hands of Members, so if it is reasonably anticipated that the 20th February or thereabouts would be a sufficient time frame, then clearly we would aim for that date. This timeline is going to be informed by the scope of the review that Members wish to undertake. For example, you mentioned about calling of evidence, we need to determine what sort of evidence: is it going to be witnesses to give oral evidence? Are we going to invite evidence in written form? And the availability of witnesses, if necessary, to attend to give evidence, et cetera. I am entirely in the hands of Members of this Committee.

I would ask Members to adjust their mind to the “**Review of the Gambling (Amendment) Bill, 2022**”; that is a very generic and open topic—so to speak—and what does that review entail? Are we going to review the Bill clause by clause or are we going to do some other sort of examination of the Bill and so on?

Hon. Kenneth V. Bryan: Mr. Chairman, I do agree with the calling of witnesses and so forth to assist us with the amendments to the Bill. I don't know if the Committee would be open minded to a presentation by the Royal Cayman Islands Police Service regarding why the Bill needed to be amended in the first place. I think that would give the catalysts of why we are here, what amendments are necessary, and also the opportunity for them to give their expert advice as to the penalties that are suggested within the Bill.

So far we've only been able to get one angle from an expert opinion/perspective, of the spirit of what this Bill is trying to do, which is to resolve the criminality around illegal gambling, but I would dare say that it is only one angle and there are others available so the opportunity to examine that professional angle with cross examination by Members would be helpful with the amendments and determination of what this Bill seeks to do.

The Chairman: Thank you, Honourable Minister.

Does anyone else have any observation or views on the proposed approach?

Honourable Minister.

The Premier, Hon. G. Wayne Panton: Mr. Chair, I certainly agree.

It is within the remit of the Committee to call for evidence and take evidence from anyone, and I certainly think it would be relevant and appropriate for us to hear directly from the Commissioner of Police, for example, his and his colleagues' perspective on the proposed amendments to the Gambling Act itself, but for the moment, sir, I would like to focus on clarifying the Terms of Reference so that we can get that agreed on.

I think that does not preclude the proposal for taking evidence from anyone; I think it is intrinsic and clearly included in the Terms of Reference as contemplated now. It's within the powers of the Select Committee as set out in the Standing Orders.

The Chairman: Thank you, Premier. I am happy to do that.

This is the draft; does anyone have any suggested tweak to the language as outlined in the draft? Are there any suggested amendments to any of the language in the four points? And secondly, whether Members are content to accept these four points basically as the scope of what we are proposing to do.

[Pause]

The Chairman: Mr. Leader of the Opposition.

Hon. Roy M. McTaggart, Leader of the Opposition, Elected Member for George Town East: Sorry, sir. Just to confirm then: accepting and improving this doesn't restrict us, in terms of the depth of any examination that we may wish to go forward with in examining the clauses of the Bill?

The Chairman: No. As I said, the word “review” is very generic or encompassing. So “review” would include just that.

We would be able to do all of that, but for now we need to determine how we are going to agree this document with any suggested edits or amendment to the language thereto.

The Premier, Hon. G. Wayne Panton: Mr. Chair, thank you.

Certainly from my perspective, subject to the changes we have made and the suggestion that I have in terms of the timeframe, I think that would give us some impetus to press through and get this accomplished. I think it is doable within that time frame and it sets a reasonably aspirational and achievable target for us. Subject to that, sir, I would be in favour of adopting these as the Terms of Reference for the Committee in relation to this Bill.

[Pause]

The Premier, Hon. G. Wayne Panton: Mr. Chair, subject to there being no other comments on this, I would move the adoption of the Terms of Reference with the amendments as contemplated.

The Chairman: Thank you, Honourable Premier. Thank you very much.

Just to confirm one thing before we get there, the 20th February is a Monday, I think, so we set that as at least a provisional date for the completion of this exercise.

[Pause]

The Chairman: That's about 4.5 weeks from now.

[Pause]

The Chairman: Does any other Member wish to speak? [Pause] Everyone agrees for the 20th February to be the provisional date?

Hon. Kenneth V. Bryan: Mr. Chairman, obviously, we would have to work with any date that is proposed. I am

only questioning whether we would have enough meetings available between now and then for us to complete that agenda by that date, and whether that is a hard and fast date.

[Pause]

Hon. Kenneth V. Bryan: Provisional. Okay, thank you.

[Pause]

The Chairman: Therefore, the Motion on the Floor, subject to the amendments to the language here, including insertion of the word "amendment", is that these Terms of Reference be adopted as the Terms of Reference for the Select Committee of the whole House on the Gambling (Amendment) Bill, 2022.

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

AYES.

The Chairman: The Ayes have it.

Thank you very much. That was very kind.

Also to say, just for completeness, that the proposal is that the provisional date for the completion of the work of the select Committee, including preparation of the report, is for the 20th February, 2023.

All those in favour—

Hon. Roy M. McTaggart, Leader of the Opposition: Mr. Chairman, before you actually put it to the vote, I think I should mention that there is a week in there in that time period where basically the Opposition would be off Island. That's going to be the last week of January from the 30th through the 3rd of February, so I just crave some leeway and indulgence with that. There will be that period where we will be off Island.

The Chairman: So what are you proposing Honourable Leader?

Hon. Roy M. McTaggart, Leader of the Opposition: Perhaps extend it by a week and make it the end of February?

The Chairman: Any objection, any views?

The Premier, Hon. G. Wayne Panton: Mr. Chair, I understand the concern and the reality of the plans of certain Members on the Opposition side, but I think we can accommodate that by ensuring that we do not have any meetings at that time.

Alternatively, we can have additional meetings earlier if we feel it is necessary or additional meetings subsequently, but I think I would prefer to stick with the 20th so that we have that as an aspirational timeline

and, you know, we try to work within that, so that we don't drift in terms of the work of the Committee, which I think is important.

The Chairman: Thank you, Premier.
Mr. Leader.

Hon. Roy M. McTaggart, Leader of the Opposition: Mr. Chairman, with the commitment that they wouldn't hold any meetings that would preclude our attendance during that week, I'm happy with that.

The Chairman: Thank you very much; thank you both. Thank you. Hence, the 20th February provisional timeline for completion of this exercise. Thank you very much.

I am now in the hands of Members. I gather there are some time constraints as Honourable Members are concerned who have other commitments for this afternoon and so the question would be whether we want to deal with the next item on the agenda, which is to fix a date for the next meeting or we decide among ourselves and ask the Clerk to send the relevant notices. I suspect some Members would want to be able to check their diaries and confirm.

[Pause]

The Premier, Hon. G. Wayne Panton: Mr. Chair, thank you for that. I certainly think that we should at least set the date for the next meeting right now. The proposed date is tomorrow at 9am, which will allow us to prepare and move forward expeditiously with consideration of this Bill.

The Chairman: Thank you very much. That's very helpful. Sorry.

Mr. Joseph X. Hew, Deputy Leader of the Opposition, Elected Member for George Town North: Mr. Chairman, I would have to move mountains to get here for 9am tomorrow morning. I mean that is short notice; we are just setting the day today and the first meeting is tomorrow morning. It's almost impossible for me, Mr. Chairman.

Hon. Roy M. McTaggart, Leader of the Opposition: I would only say to Mr. Chair that there is a meeting of the Public Accounts Committee scheduled for tomorrow at 10am and that is a rescheduled meeting from last week and today to accommodate this meeting. I really would hate to have to try to reschedule again because there are so many people.

My proposal to the Committee today would be perhaps we could meet on Friday morning at 9am then, if we could do that.

The Chairman: Any other observations?

Mr. Isaac D. Rankine, Elected Member for East End:

Mr. Chair, my colleague from North Side and I already have engagements at the East End Primary School and on Friday we are supposed to be speaking at the North Side Primary Schools Sports Day event as well.

The Premier, Hon. G. Wayne Panton: Mr. Chair, I certainly understand the concerns of the Leader of the Opposition as he chairs the PAC (Public Accounts Committee), and I regret that he's had to reschedule one meeting already for today but I do think that, while the work of that Committee is extremely important, being able to conduct the work of this select Committee in relation to this Bill, in my view, would reasonably warrant a slightly further imposition by rescheduling the Public Accounts Committee administrative meeting that he has for tomorrow.

Hon. W. McKeeva Bush: Mr. Chairman, it is difficult for the Government and probably the Opposition as they are saying to reschedule work in their constituency and in their offices and all the things they have to do.

What is so pressing other than the claim, and I have no doubt that they would be telling the truth that there is criminal activity associated with the numbers game, because that is all you got going around here now—this Bill is not going to stop it anyway! Why is there such a need pressing on Government Members to do this, when there are so many pressing issues that they have to deal with? I can understand that you moved the Bill and you want to move forward, but if you have to take a while longer to do the Bill, then you take a while longer, because Select Committee's process should not be rushed in any event; and I think, from all that we've been trying to do, we are still rushing.

I fail to see why we can't set a longer period where we start the process next week, since it is the beginning of the year and everybody is setting schedules, doing things that need to be done now with the Ministries, plans with their staff, et cetera. All sorts of things are happening. Start next week and that would give Members understanding that you got to go forward with this Bill, Mr. Chairman; that all Members then need to set their time, cut things and look at the most important thing and get them done as quickly as they can to start next week. The short-term things I am talking about.

You know, I am not one to sit down here and say what goes on in Ministry, I don't know. All it seems to me is that everybody is very, very, busy with important matters and I just can't see why we cannot put this meeting to begin next week. Now, next week we will find other important things to do—that is for certain, but I don't see why this is such an almighty rush.

The Chairman: Members, I am entirely in the hands of the Committee as to what date we adjourn to. There is a suggestion that we continue proceedings tomorrow morning at 9am. I am available, and if that is the wish of the majority of the Committee then so be it. Sorry, Minister.

Hon. André M. Ebanks, Minister of Financial Services and Commerce and Investment, Innovation and Social Development, Elected Member for West Bay South: Thank you, Mr. Chair.

If that's the will of the Committee. I just want to give notice that I would be late because the Society of Trust and Estate Practitioners global conference, which 300 delegates have flown to Cayman for, is tomorrow and I have committed to give the opening address between 9am and 9:15. I wouldn't want to retract my appearance, so if the meeting is at 9am, I would just give notice that I will be late, Mr. Chair.

Hon. W. McKeeva Bush: The other thing that we notice and we know, if we say 10 o'clock, we are not starting until 11am, so we might say 9am and we may get started at 10am.

[Pause]

The Premier, Hon. G. Wayne Panton: Mr. Chair, I just want to speak to the question of whether this is being rushed. With all due respect, I do not believe that is the case.

Mr. Chair, we have a Bill that has been put to select committee, and you scheduled a meeting for today to be the initial meeting. It is usually the case that the House tries to deal with matters expeditiously and starting tomorrow, and in addressing the point from my colleague, the Minister for Financial Services, amongst other things, we could address that by scheduling the start time for 10am rather than 9am.

Certainly, per the other Member's speculation that we are not going to start until 11am anyway, I would rather it be an hour late rather than two hours late.

The Chairman: Thank you very much.

If it is the will of the Committee that we start at 10am tomorrow, 19th January, we will start at 10am.

Before we adjourn, there is— oh sorry, Minister.

Hon. André M. Ebanks: Mr. Chair, just briefly, to thank the Members for making that accommodation.

The Chairman: Okay, thanks. One other issue— Minister Bryan.

Hon. Kenneth V. Bryan: Thank you, Mr. Chair.

Just confirming: if we are starting tomorrow, in order for us to be prepared we should outline where we are starting from because, I think, in order to deal with the Bill preliminarily, you want to deal with some of those witnesses. So, if we are going to start tomorrow, is that starting from the basis of why this was even suggested in the first place with the Royal Cayman Islands Police Service Commissioner coming to give evidence tomorrow?

The Chairman: Thank you, Minister Bryan.

Usually what happens in these proceedings as a matter of convention—I am advised and from what I read—is that witnesses are given advance notice to attend these proceedings, and it is the nature of these things over the passage of time that we really just invite witnesses to attend and they usually cooperate, I think. So, we would need to provide adequate advanced notice to, you mentioned the Commissioner of Police, for example.

I don't imagine that we would be able to do that between now and tomorrow.

Hon. Juliana Y. O'Connor-Connolly, Minister of Education and District Administration and Lands, Elected Member for Cayman Brac East: Mr. Chair, I'm begging your indulgence.

The Chairman: Honourable Minister.

Hon. Juliana Y. O'Connor-Connolly: Standing Order 73(1) says: **"If a committee desires to summon a witness, the chairperson shall supply the name, residence and occupation of every such witness to the Clerk at least seven days before the witness' evidence is required. The Clerk shall then, subject to the directions of the Presiding Officer, summon the witness on behalf of the House."**

There are provisions normally under Standing Order, so you can suspend the Standing Orders but that would require us to go back to the House. So I suspect we're stuck within the Clause of Standing Order 73(1).

The Chairman: Thank you very much, Minister, very helpful.

As I was pointing out, sometimes what happens certainly [with] some of the other Committees, is that you invite the witness and they attend voluntarily, instead of having to go through the exercise of summoning them. In this case, what we will do is, if it is the will that the Commissioner be asked to attend to give evidence, I am sure he probably wouldn't have an objection to that. So, we would make arrangement for him to be invited if the Committee so resolves, but we can determine tomorrow when is a convenient time to take his evidence, if you don't mind; so thank you very much.

Hon. Juliana Y. O'Connor-Connolly: One last thing, Mr. Chair, perhaps to further elucidate that point, it should be made clear that the Commissioner is coming for the benefit of those whom he had not yet advised and the wider public, so that the Commissioner doesn't think that we didn't understand the first time.

The Chairman: Another thing I want to just resolve before we finish: The Attorney General is the legal advisor to the House and, it follows, to the Committee.

In this instance, where I am chairing, I would prefer not to wear that hat as advising. Therefore, I am seeking the Committee's consent to be able to appoint someone from my Chamber to provide legal advice to the Committee and to myself, if the Committee is so minded, in terms of some of these procedural issues. Do I take it that we have the consent of the Committee to so do?

The Premier, Hon. G. Wayne Panton: Mr. Chair, thank you for that. I think that is an absolutely valid point and very helpful to you, sir, in this case.

I would therefore move that we allow a Member of your Chambers to attend as legal advisor to the Committee in respect of its Terms of Reference as it conducts it.

The Chairman: Thank you very much; I appreciate it. Thank you.

You heard the Motion, Members, which is that a Member of my team must be allowed to attend this Committee and provide legal advice as and when required.

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

AYES.

The Chairman: [The Ayes have it.] Thank you.

Just to clarify, for my and the Committee's benefit, that could be more than one member from the Chambers. Thank you.

All right. Any other business before we adjourn until tomorrow at 10am? If not, I just want to thank Members for their participation in this initial meeting. I think we have kind of worked through a number of the procedural hurdles and we should be able to proceed smoothly tomorrow.

I do thank you and enjoy the rest of the evening.

Thank you.

At 2:53pm the Select Committee adjourned until Thursday, 19th January, 2023, at 10am.