



**PARLIAMENT**  
OF THE CAYMAN ISLANDS



# **PARLIAMENT OF THE CAYMAN ISLANDS**

## **OFFICIAL HANSARD REPORT**

**Special Meeting of the 2021/2022 Session**  
*First Sitting*

**Monday**  
**4 October 2021**  
*(Pages 1- 69)*

**Hon. W. McKeeva Bush, OBE, JP, MP,**  
**Speaker**

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PRESENT WERE:

#### MINISTERS OF THE CABINET

Hon. G. Wayne Panton, JP, MP	<i>Premier</i> , Minister for Cabinet Office <i>and</i> Sustainability and Climate Resiliency —“MSCR”
Hon. Christopher S. Saunders, MP	<i>Deputy Premier</i> , Minister for Finance and Economic Development <i>and</i> Border Control and Labour — “FEDBCL”
Hon. Juliana Y. O’Connor-Connolly, JP, MP	Minister for Education <i>and</i> District Administration and Lands — “EDAL”
Hon. Bernie A. Bush, MP	Minister for Home Affairs, Youth, Sports, Culture and Heritage — “HAYSCH”
Hon. Kenneth V. Bryan, MP	Minister for Tourism and Transport — “T and T”
Hon. André M. Ebanks, MP	Minister for Financial Services and Commerce — “FSC” <i>and</i> Investment, Innovation and Social Development — “IISD”
Hon. Sabrina T. Turner, MP	Minister for Health and Wellness — “MOH”
Hon. Johany S. “Jay” Ebanks, MP	Minister for Planning, Agriculture, Housing, and Infrastructure — “PAHI”

#### EX OFFICIO MEMBERS OF THE CABINET

Hon. Franz I. Manderson, MBE, Cert Hon, JP	<i>Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon. Samuel W. Bulgin, QC, JP	<i>Attorney General</i> , ex officio Member responsible for the Portfolio of Legal Affairs

#### ELECTED MEMBERS GOVERNMENT BACKBENCHERS

Hon. Katherine A. Ebanks-Wilks, MP	<i>Deputy Speaker</i> , Parliamentary Secretary to FSC and EDAL
Ms. Heather D. Bodden, JP, MP	Parliamentary Secretary to T&T and IISD, Elected Member for Savannah
Mr. Isaac D. Rankine, MP	Parliamentary Secretary to HAYSCH and PAHI, Elected Member for East End

#### OPPOSITION MEMBERS

Hon. Roy M. McTaggart, JP, MP	<i>Leader of the Opposition</i> , Elected Member for George Town East
Mr. Joseph X. Hew, MP	<i>Deputy Leader of the Opposition</i> , Elected Member for George Town North
Hon. Alden McLaughlin, MBE, JP, MP	Elected Member for Red Bay
Mr. Moses I. Kirkconnell, JP, MP	Elected Member for Cayman Brac West and Little Cayman
Ms. Barbara E. Conolly, JP, MP	Elected Member for George Town South
Mr. David C. Wight, JP, MP	Elected Member for George Town West

#### INDEPENDENT MEMBER

Mr. Dwayne S. Seymour, JP, MP	Elected Member for Bodden Town East
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**OFFICIAL HANSARD REPORT**  
**SPECIAL MEETING 2021/2022 SESSION**  
**MONDAY**  
**4 OCTOBER 2021**  
**10:49 AM**  
*First Sitting*

*[Hon. W. McKeeva Bush, Speaker, presiding]*

**The Speaker:** Good morning.

I will call on the Deputy Leader of the Opposition to say prayers this morning.

**PRAYERS**

**Mr. Joseph X. Hew, Deputy Leader of the Opposition, Elected Member for George Town North:** Let us pray.

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

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

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

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

**The Speaker:** Please be seated.

This Honourable Parliament is now session.

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

**The Speaker:** Honourable Members, I rise briefly to mention three issues.

Firstly that, as most of you may be aware, there has been an unfortunate, disastrous fire in Honduras on Saturday in the Bay Islands, on Bonacca Island, Guanaja. We understand that the fire destroyed over 200 homes and properties, ravaged business establishments and caused significant material loss, leaving remnants of concrete houses with no roofs and no windows.

As a result of this, it is imperative that we take the initiative to offer and render the necessary assistance where we can. Having conducted humanitarian efforts of these sorts many times in the past, most recently in the Colombian Islands, Nicaragua and Honduras, we know we will need coordination of these efforts. To that end, I'm holding a meeting at my premises tomorrow evening, that's on Tuesday, at 7 pm, to organise and help coordinate the effort. We need to observe and take note of this tragedy and mobilise efforts to assist our neighbours and family, with whom we have inseparable ties with. I know the Premier and Members of Government are already on the ball.

In connection with today's meeting, the public in the gallery is to understand that there is no use of laptops or cell phones in the gallery.

Secondly, the Government has found it necessary and important to convene this Special Sitting of the House. Evidently, the primary and fundamental issue relates to COVID. I would urge the general public to apply the public health protocols as stipulated and promulgated by the Government. All members of the public are welcomed at any time to be in the public gallery, however, they must—must—adhere to all public health protocols pursuant to the COVID-19 Regulations in existence in this House.

I would like to emphasise that we will inevitably have to live with COVID within our midst. To that end, you will recognise that all Members of this honourable House are adhering by wearing the face mask and have conformed to what has been specified in the existing Regulations as best as we can. Anyone thinking otherwise, the Government is difficult in space because of the numbers and they choose where they

want to be. The Opposition is better able to distance [themselves], and they have done so.

We take our obligations seriously in this House by implementing the necessary control measures to mitigate and prevent any potential spread of the COVID virus within these hallowed Halls. The health of our staff is paramount, so appropriate steps are being instituted, which include staff rotation among other things; so is the well-being of all Honourable Members, visiting public, and users of this House.

Let me also make it abundantly clear that it will be a requirement to follow the protocols in order to visit the House of Parliament for business or otherwise, and therefore, again, those of you in the public gallery are asked to distance yourselves accordingly. I think there is space. We all have a duty and responsibility, as leaders of this country, to lead from the front and residents and citizens alike will be guided by our practices and actions here in our House. Let's all as a society do the right thing by conforming to the Laws enacted and the set of guidelines and Regulations as new interventions and scientific development unfolds.

Lastly, as Members, let us all now observe the installation of the electronic clock-timer, so that Members are fully aware of the remaining time as they speak; and the electronic bell, which will serve to notify Members when Parliament is about to resume from any break. It will ring three minutes before start and once at start time. All these we have talked about for a long time—in fact, well over 36 years.

Again those in the gallery, please conform to the Regulations, not only for COVID, but the Regulations of this House which state that you who sit in the gallery are welcome any day we are here, at any time, to visit this House—we urge you to do so. However, there is no laptop use except for the media; there are no photographs from a regular camera, your laptop or your cell phone. There is no use of them in the House. Please, please, observe the Regulations of this honourable House.

I thank you, Honourable Members, for your time.

*[Pause]*

#### POINT OF ORDER

**The Speaker:** Honourable the Leader of the Opposition.

**Hon. Roy M. McTaggart, Leader of the Opposition, Elected Member for George Town East:** Good morning, Mr. Speaker.

I am just seeking a bit of procedural clarity. It is the first time I have ever been involved where we have a Special Sitting of the House.

**The Speaker:** Are you rising on a Point of Order of some kind?

**Hon. Roy M. McTaggart, Leader of the Opposition:** Not a Point of Order sir, just seeking procedural clarity with regards to...

**The Speaker:** I'm sorry, I am not hearing you. Do you want to speak on procedure?

**Hon. Roy M. McTaggart, Leader of the Opposition:** Yes, sir.

**The Speaker:** Oh, continue.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Okay, sir.

I note, Mr. Speaker, that it is normally the role of the Business Committee to set the order of business that is before the House, particularly as it relates to Bills; but no such meeting was called or held before this Meeting convened, so I am trying to understand why that might be the case, particularly given the way the Bills themselves have been ordered.

**The Speaker:** I don't know if any Member from the Government side cares to respond. From my standpoint as the Chair, notice was given for a Special Meeting and therefore, the Bills are in order. What Members choose to do is a different ball game, but the Bills are in order.

*[Long pause]*

**The Speaker:** Honourable Members, the House is in session and therefore business is to continue. All matters pertaining to this Special Meeting have been followed as per our Standing Orders.

*[Pause]*

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READINGS

#### CUSTOMS AND BORDER CONTROL (AMENDMENT) BILL, 2021

**The (Acting) Deputy Clerk:** Customs and Border Control (Amendment) Bill, 2021.

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

#### CAYMAN ISLANDS COAST GUARD BILL, 2021

**The (Acting) Deputy Clerk:** Cayman Islands Coast Guard Bill, 2021.

**The Speaker:** The Bill has been read the first time and is set down for the second reading.

### **IMMIGRATION TRANSITION (AMENDMENT) BILL, 2021**

**The (Acting) Deputy Clerk:** Immigration (Transition) (Amendment) Bill, 2021.

**The Speaker:** The Bill has been read a first time and is set down for the second reading.

### **SECOND READINGS**

#### **CUSTOMS AND BORDER CONTROL (AMENDMENT) BILL, 2021**

**The (Acting) Deputy Clerk:** Customs and Border Control (Amendment) Bill, 2021.

**The Speaker:** The Honourable Deputy Premier and Minister responsible for Customs and Border Control.

**Hon. Christopher S. Saunders, Deputy Premier, Minister of Finance and Economic Development, and Border Control and Labour, Elected Member for Bodden Town West:** Good morning Mr. Speaker.

I beg to move the second reading of the Customs and Border Control (Amendment) Bill, 2021.

**The Speaker:** So ordered.  
Is the Member speaking?

**Hon. Christopher S. Saunders, Deputy Premier:** Yes, Mr. Speaker.

Mr. Speaker, I want to start off by saying that this Government did not arrive at this decision lightly. I am proud to say that from the onset, this Government took the policy decision that we would not compromise or play politics with the lives of the Caymanian people.

Mr. Speaker, you of all people should know; as the first Premier of these beloved Islands and a former Member of Cabinet, you know the responsibility that comes with being in Government, and the difficult but necessary decisions that are required to protect our beloved home.

This Government questioned everything, Mr. Speaker. This is not to say that we did not trust the advice given to us, but rather to highlight that our democratic system of Government requires that we must also verify the information given to us.

Similar to the advice that was given to the previous Government, we were also advised that we needed a local vaccination rate of 80 per cent in order

to have some level of herd immunity in our community. While we did not doubt the 80 per cent requirement, we wanted to make sure that we used the right population number and opted to use the upper limit of the population range provided by the Economics and Statistics Office (ESO).

Before going on, I just want to give you something, since I am going to make a brief reference to it.

Mr. Speaker, I copied pages 8 and 9 from the Labour Force Survey Report for Fall 2020, which was actually published in February 2021—two months before the General Election and two months before this Government assumed Office. On pages 8 and 9 of that report, you can clearly see that the Economics and Statistics Department estimated that the population was 65,786, with a lower range of 60,566, and an upper range of 71,006 people.

Again, Mr. Speaker, this report was from February 2021; two months before this Government assumed Office.

Mr. Speaker—

**Hon. Alden McLaughlin, Elected Member for Red Bay:** Mr. Speaker.

**The Speaker:** The Honourable Member for Red Bay.

**Hon. Alden McLaughlin:** Thank you, Mr. Speaker.

Mr. Speaker, could we receive copies of the pages to which the Minister is referring? It would be helpful.

**The Speaker:** Honourable Minister.

**Hon. Christopher S. Saunders, Deputy Premier:** Sure, he can even have my copy, Mr. Speaker.

**The Speaker:** Are you seeking copies for everyone on your side, at least?

**Hon. Alden McLaughlin:** Yes. Mr. Speaker. He can proceed with his speech in the meantime, but we would like to be able to respond.

**The Speaker:** Honourable Minister.

**Hon. Christopher S. Saunders, Deputy Premier:** Thank you, Mr. Speaker.

Mr. Speaker, the difference between a population number of 71,006 and 65,786 is 5,220 persons. At an 80 per cent vaccination requirement, that would mean an additional 4,176 persons being vaccinated.

Mr. Speaker, this Government set the difficult target of ensuring that at least 56,805 persons were vaccinated before we would consider removing quarantine requirements for visitors to our shores.

Mr. Speaker, this Government was accused of being overly ambitious. We were accused of being afraid to reopen and the list went on, but Mr. Speaker, what many of the detractors didn't realise was something that this Government had that many did not: we have an unwavering belief in the capacity and the ability of the Caymanian people, and those who call the Cayman Islands home, to rise up and meet any and all challenges. History has proven this time and time again. That is the story of the Cayman Islands, and time and time again we are reminded, the people who say it can't be done should not interrupt those who are doing it.

Mr. Speaker, I am pleased to report that as of last weekend, there were more than 55,000 first doses, which is 78 per cent of the target and a total of more than 52,000 second doses which is 73 per cent of our target; our overly ambitious target that they said could not be reached. Again Mr. Speaker, those who say it can't be done should not interrupt those who are doing it.

Simply put Mr. Speaker, we are getting there day by day, hour by hour, minute by minute. The people of the Cayman Islands have answered the call to help us protect those who cannot be vaccinated either because of their age, their medical condition or their personal belief. So Mr. Speaker, the next question to be asked is: what happens after months of hard work, dedication and commitment? You are now telling us that we should just fly the gates open and let everyone in, whether vaccinated or unvaccinated.

Mr. Speaker, think about this for a minute: a population of 71,000 people at an 80 per cent vaccination requires 56,800 persons to be vaccinated. When we open this economy, and let's say that 5,000 people arrive on our shores—whether as guests just passing through, or guests who are here to work—we are now being told that we should not require those people to be vaccinated? Mr. Speaker, that is highly irresponsible and not something that this Government or a vast majority of the Caymanian people can support.

We would then be expected to have 76,000 people on Island Mr. Speaker, where only 56,800 or 75 per cent are vaccinated, 5 per cent less than the target that we have worked so hard to achieve. As the population increases, the local vaccination rate would get lower, this again, Mr. Speaker, is something that we cannot support. We cannot throw away months of hard work by the Caymanian people and many who call the Cayman Islands home.

Mr. Speaker, I was pleased, like thousands of other Caymanians, to see both the Honourable Premier and the Honourable Leader of the Opposition push to encourage people to get vaccinated. I was also pleased to see the many efforts by both the public and the private sector to get people vaccinated.

I will also be the first to say, Mr. Speaker, that we could not have achieved the 70 per cent milestone

that I mentioned earlier without the support of the Members of the Opposition and I want the record to reflect the appreciation of the Members on the Government bench to the Members of the Opposition, in particular the Leader of the Opposition, for joining the Premier in pushing the vaccination rate.

However, Mr. Speaker, in order to ensure that the hard work by every Member of this Parliament and the thousands of Caymanians, and those who call the Cayman Islands home is not in vain, this is the first of two amendments coming here today to ensure that our vaccination rate stays above 80 per cent, so that our people and those who call the Cayman Islands home, remain protected.

Mr. Speaker, in order to ensure that persons seeking to enter and reside in the Cayman Islands, through the existing Customs and Border Control Act, 2021 are in compliance with local vaccine requirements, similar mandatory vaccination will be required for eligible persons and their eligible dependants when applying for or renewing the following category of facilities: student visas and secondly, persons seeking permission to enter and reside in the Islands through the grant of a Cabinet permit.

By the same token Mr. Speaker, the Customs and Border Control (Amendment) Bill, 2021 provides a person making or renewing an application under Part 6 of the primary legislation would be subject to providing evidence that they have completed an approved vaccine course or undertake to complete an approved vaccine course, or comply with any other directions provided by the Medical Officer of Health within a particular timeframe.

Mr. Speaker, again recognising that not all persons will have access to an approved vaccination programme, the Bill allows for the applicant to sign a declaration, committing to completing a vaccination course and presenting a vaccination certificate within 40 days after the application has been granted or renewed. However, Mr. Speaker, if the applicant or his/her eligible dependant fails to submit the vaccination certificate, then Cabinet or the Director of Customs and Border Control (CBC) shall revoke the relevant permission to land in, enter into, remain in, or attend an educational institution in the Cayman Islands, and would therefore have to leave the Cayman Islands.

Again, Mr. Speaker, this Bill also provides for the Medical Officer of Health to grant an exemption from the mandatory vaccination programme in exceptional circumstances, bearing in mind that some applicants are not able to comply with this requirement for medical purposes. Again, there are provisions for the Medical Officer of Health to submit quarterly reports to Cabinet for their information in this regard.

Additionally Mr. Speaker, please note that based on feedback received from Caymanians during the consultation process, it was decided to remove the requirements for:

- (a) Dependants of Caymanians seeking long duration permission to remain in the Islands; and
- (b) Children of Caymanians seeking permission to enter who will become Caymanian by entitlement once they have lived in the Islands for one year.

As such, Mr. Speaker, a Committee Stage Amendment will be made to reflect those changes. With that said, I am asking all Members of this Parliament to support this Bill to ensure that we continue to protect all Caymanians and those who call the Cayman Islands home.

Thank you, Mr. Speaker.

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

The Honourable Leader of the Opposition.

**Hon. Roy M. McTaggart, Leader of the Opposition:**  
Thank you Mr. Speaker.

Mr. Speaker, the law of unintended consequences has never been repealed. As I listened to the Honourable Minister present the Bill and make his case supporting it, that phrase kept returning to me. That expression is one that I try to keep in mind when considering new legislation, especially if that legislation ventures into uncharted territory and involves an especially thorny issue.

The layman may wonder just what these thorny issues could be; after all, according to the Government, this Bill and the Immigration (Transition) (Amendment) Bill that we will debate later, are being promulgated by the Government to keep Caymanians and residents safe from COVID-19. In effect, it is to keep Caymanians and residents, whether vaccinated or not, safe from a possible health threat from non-Caymanians who are not vaccinated. On the surface, some may say that there is nothing wrong with this, but there are areas of this Bill that give me great concern and hence my comment regarding the unintended consequences arising from the passage of the Bill.

For those listening, let me recite again from the objects and reasons contained in the Bill:

**“This Bill seeks to amend the Customs and Border Control Act (2021 Revision) (the “principal Act”) in order to provide in certain circumstances for mandatory vaccination, and for incidental and connected purposes.”**

Let me stop here and note the first potential thorny issue that the Government will face, that of mandatory vaccinations of certain persons before they are allowed to enter and reside in the Cayman Islands. Now, why is this an issue, you may ask? Our present Law requires non-nationals who wish to apply to work and reside here to prove that they are not suffering from

a communicable disease that would make the person’s entering into the Islands dangerous to the community.

Mr. Speaker, in the case of the COVID-19 virus, being vaccinated is no indication that one does not suffer from this communicable disease, only a suitable test for the presence of the virus before arriving and again, after an appropriate quarantine period, provides sufficient satisfaction that the person is not infected with the virus and therefore unable to transmit it. What we now know, is that vaccinated persons can acquire the virus and have a sufficiently high viral load to infect others, therefore, mandating vaccinations is no panacea.

Let me read further from the Bill’s objects and reasons.

**“Clause 3 amends the principal Act to insert proposed new sections 110A and 110B.**

**“The proposed new section 110A provides for additional requirements in respect of applications which are made under section 90, 94(2), 94(8) or 110 of the principal Act.**

**“The proposed new section stipulates that, unless exempted by the Medical Officer of Health under section 110B, certain categories of persons will be required to provide, in addition to any documentary evidence, information or prescribed fee required with an application—**

- (a) in the case of a person who has completed an approved vaccine course, a vaccination certificate;
- (b) in the case of a person who has been vaccinated with a vaccine course which is not an approved vaccine course, a declaration which is signed by the person and which states that the person will comply with any directions of the Medical Officer of Health given with regard to vaccination; or
- (c) in the case of an unvaccinated person —
  - (i) a declaration which is signed by the person and which states that the person will complete an approved vaccine course within a specified period and that the person will comply with any directions as are by the Medical Officer of Health with regard to vaccination; or
  - (ii) a medical certificate.

**“The proposed new section also provides that where a person who has not completed an approved vaccine course fails to comply with the undertakings given in the declaration, the Cabinet or the Director, as applicable, shall revoke the relevant permission to land in, enter into, remain in**

**or attend an educational institution in the Islands.”**

Potential authority issue number two arises from some of the categories of persons the Bill requires to have a vaccine before they are allowed to enter into the Cayman Islands.

Section 90 of the principal Act has to do with the Cabinet's general ability to issue an entry permit for every person to the Islands. This Bill requires such persons to be vaccinated unless the Medical Officer of Health exempts them. Section 110 applies to granting student visas, again requiring such persons to be vaccinated, unless they are exempted by the Medical Officer of Health.

Section 94 (2) applies to circumstances under the law “[...] **where documentary evidence is produced to the Director to establish that a child is the child of a Caymanian, the child shall be allowed to enter, remain and attend school in the Islands.**” This Bill would amend the current Law to require that such a child of a Caymanian could not enter these Islands to be with their parent unless vaccinated against the virus, or exempted by the Medical Officer of Health.

Section 94(8) applies to “**A dependant of a Caymanian may be granted permission to reside in the Islands for a period of up to three years [...]**,” which can be further extended at expiry upon application. The passage of this Bill will prevent such a dependent of a Caymanian entering these Islands or remaining here with their family when an extension is applied for, unless they are vaccinated against the virus or exempted by the Medical Officer of Health.

The potential impact on an unvaccinated child of a Caymanian or an unvaccinated dependent of Caymanian and their Caymanian families is indeed a thorny issue that should have given the Government pause, considering the right to family life under section 9 of the Constitution.

I am confident that the Government would have received legal advice that this Bill containing these amendments would likely be constitutionally challenged and the Government's case may not necessarily pass muster. There may be other constitutional issues as well, that come into play. Given the potential impact to a Caymanian family, I do not understand why the Government has been messaging over the past few months that their direction of travel was to mandate that work permit holders be vaccinated. This Bill and the one to come, clearly venture far beyond work permit holders in their effects.

I have noted a statement from the Human Rights Commission (HRC) dated June 3<sup>rd</sup> 2021 entitled: “**HRC Statement on Proposed COVID-19 Vaccination Policy for Work Permit Holders**”. It seems they too understood that what the Government was contemplating was a requirement on work permit holders, not on children or dependants of Caymanians.

It would be good to see what the HRC's views are on the legislation before us today. I have my doubts that they would have the same viewpoint that they did in their June statement and that they would express similar concerns as I have.

Having said that Mr. Speaker, in a general way, I agree with the HRC stated position that Government can place conditions on the granting of work permits. However, I would question whether the HRC has appropriately considered the differences between a work permit holder who is not yet a resident here, compared with one who is already resident and, to some degree, settled here. In the case of the former, I believe that the Government would be on much firmer ground, on the latter, I have to say less so, especially when one considers, as we all now know, that being vaccinated does not prevent one from being infected by the virus or passing it on to someone else.

As the HRC acknowledges in their statement, any mandatory vaccination condition which Government can put in place must be assessed and judged as lawful, rational, proportionate and procedurally fair. In other words, in line with section 19 of the Bill of Rights on Lawful Administrative Action.

I take a pause right here Mr. Speaker to point out and reiterate that we on this side of the House are pro-vaccination. I happily joined with the Premier a few months ago to make a plea for the public to come forward, volunteer and get themselves vaccinated. We have always supported and encouraged everyone in our community to become vaccinated from COVID-19. Every one of us on this side of the House were amongst the first to be vaccinated, not everyone across the aisle can say that nor can they say that every Minister in the Government has always been publicly supportive of people receiving the vaccine.

One need only look to the Hansards of this honourable House over the last term to determine that; but I don't say this with any ill intent or ill will. I want merely to ensure that our vaccination position is clear, and not misinterpreted. I also want to clarify that our position has always been one of choice—educating and persuading, rather than mandating—and I will say it again: this position has become stronger as we have come to understand better the limitations of the current vaccines, as good as they are.

Mr. Speaker, Members on the Government bench utilise their choice as to whether and when to be vaccinated. Indeed, one Member, to her credit, recently went on record and noted that she had long held serious reservations about the vaccine, but eventually decided to take it up—and I commend her for that, and for having the courage to do so. Just as I commend all the Members of the Government who in the end joined the vaccinated, but it was their decision and theirs alone. It's our decision, it was our decision alone. Educating and persuading rather than mandating has done exceptionally well for us to date and in my view, that is what we should continue to do.



As of Friday, the Minister of Finance in presenting the Bill said that we had some 51,759 persons who are vaccinated. That number represents the most likely population number as published by the ESO in their year-end December estimates of the population that we have been given here this morning. That represents 78 per cent of that population number of 65,650 whatever it is.

Mr. Speaker, the Minister for Finance, in presenting the Bill, made special mention of Government using their estimate of 71,000 people saying they were aiming for 80 per cent of that number; but what that decision and policy really represents, is that it ignores a very sizable segment of our population who are not yet eligible for vaccination. I'm speaking of the children under 12 years old. That's a very significant portion of it.

Even on the most cursory of estimates, if you took that into account, and those who are not eligible—older persons who might not be eligible—a requirement of 80 per cent is likely to translate into a number that is north of 90 per cent of the eligible population. The unfortunate thing is we don't have those estimates of what the level of that population is, but if you interpolate the numbers that are in that report done by the ESO, you come up with a figure of somewhere around 9, 10 or 11 per cent. So we are not talking about 80 per cent of the eligible population, we are talking about more than 90 per cent or about.

Do you see how difficult we have always said it is going to be to get because of that number? You are always going to have people who will reject it. You are always going to have people who will not comply, and with such a large segment of the population that is not eligible, I keep saying that I think that the number is unreasonable. We are almost at 80 per cent of the 65,000; a couple days more with people volunteering, and we will be there. So where we are, is that there are roughly 14,000 people—many are Caymanians—who have either determined that they will not be vaccinated or are excluded from receiving the vaccine.

I am confident we will surpass the 80 per cent vaccination level and we will climb even higher, as we get closer to reopening the borders. As I said before Mr. Speaker, I believe that that in itself will provide a huge incentive for others to step up and voluntarily take the vaccine.

We currently have one of the highest vaccination rates of any country in the world. There is no country in our region that I am aware of that has a higher vaccination rate. Those are facts. We are in an extremely good and I must say, enviable, position and this will get better as more people get protected by vaccinations and boosters; but we do have many people here, including many Caymanians, who will not be vaccinated or have their children vaccinated because that is their firm decision. They respect the choice. I wish this were not the case, but God gave us

free will to make choices and so one would question the need for these mandates.

Why is the Government rushing across the shaky ground? Do they know something that we don't know? Why are they pushing this Legislation that they know will likely end up in the courts under judicial review? It would be good if the Government would be more forthcoming.

Why were we given such little time that this is now a crisis, or emergency, when the Government had—

## POINT OF ORDER

**The Speaker:** The Honourable Minister of Tourism.

**Hon. Kenneth V. Bryan, Minister of Tourism and Transport, Elected Member for George Town Central:**

Mr. Speaker, as per the Standing Orders of this honourable House, I think it's unfair that the Honourable Leader of the Opposition is inferring that we are hiding something from the public; as to the Standing Orders, that is borderline to infer that the Government is doing something untoward.

The Government is not hiding anything, and I would appreciate it if the Leader of the Opposition would not try to infer that we are doing something or hiding something from the public.

**The Speaker:** Honourable Leader of the Opposition, I think that you would try not to infer.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Mr. Speaker, I am not trying to infer anything, sir.

**The Speaker:** You did ask the question—

**Hon. Roy M. McTaggart, Leader of the Opposition:** I did ask a question.

**The Speaker:** And by asking the question Honourable Member, you know, you have been here long enough, that people will take that to mean that.

**Hon. Roy M. McTaggart, Leader of the Opposition:** My point Mr. Speaker was that...

**The Speaker:** If you do not mean to infer anything, then don't.

**Hon. Roy M. McTaggart, Leader of the Opposition:** My whole point Mr. Speaker, was with regard to the shortness of the time period that we have with regard to this Legislation; no time to really consider it, take discussions from and have discussions with constituents to find out where they are, but you know, I think they have risen to the occasion. We have heard some very loud representations made.

**The Speaker:** I think all that is in order in your speech Honourable Member, it is just the inference that the Government is hiding something that the Member has complained about.

**Hon. Roy M. McTaggart, Leader of the Opposition:**

I am not suggesting that they are setting out to deliberately do so Mr. Speaker, but it begs the question.

I say, in continuing, that regrettably the Government has not seen it fit to discuss these Bills with us beforehand, neither have we been able to receive the promised updates from Public Health, with regard to the present state of affairs and the lay of the land with regret, and the medical science with regard to the COVID-19 pandemic; but I really cannot feel too badly for us in the Opposition because if we are honest, neither has the Government had any genuine consultation with the public on these Bills—they were only released ten days ago. Ten days of public consultation is no time, really, especially given the length of time that the Government took to bring the Bill forward.

I just find it unacceptable, Mr. Speaker, because the Government is rushing the Bill with little public consultation, and with clauses that will directly impact Caymanian families, the public is rightly questioning the Government's true intent. So, on Saturday, we witnessed public protest against the Bills and again this morning in front of Parliament. Over the past two weeks we have also seen the concerns about these amendments on social media and WhatsApp chats.

**The Speaker:** The Honourable Minister.

#### POINT OF ORDER

**Hon. Kenneth V. Bryan:** Mr. Speaker, I rise on a Point of Order under Standing Orders 35 (1) and (4) which read:

**“Reference shall not be made to any matter on which judicial decision is pending in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto” or for “Members to impute improper motives to another Member.”**

The Member did it again just now to say that they are questioning our motives and that is against the Standing Orders, Mr. Speaker.

**The Speaker:** Leader of the Opposition, the Member is right. Under the relevant Standing Order you cannot. The Government has presented the Bill; that is their motive.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Okay, I bow to your ruling, sir.

When I was interrupted, I made a statement in the point that over the past two weeks we have also

seen the concerns about these amendments on social media and WhatsApp chats. These are protests and concerns by many vaccinated and unvaccinated Caymanians standing side by side in support of choice; in support of educating and persuading, not mandating. Caymanians who are concerned with the potential consequences—intended or unintended—of these Bills. Seeing what I believe is a groundswell of concern, I would have thought that the Government would have acceded to an extension of the public consultation period or, better still, withdrawn it completely. We in the Opposition certainly do not support the Bill, and we will be voting accordingly.

Mr. Speaker, the Government also received, as we did on this side, a letter from KSG Attorneys-at-Law on behalf of their client, the Christian Association for Civics and Political Education. This letter lays out what are, in our view, clear concerns with the Government's proposed vaccination mandates and what was viewed as threats to rights protected under our constitution, including:

- Section 2 - The right to life;
- Section 3 - Prohibition of inhumane treatment—

**The Speaker:** Honourable Member, are you reading from a letter?

**Hon. Roy M. McTaggart, Leader of the Opposition:**

I have the copy of the letter here, sir, at the appropriate time I was going to ask if I could Table it.

**The Speaker:** Please; well, I would rather have a copy first—

**Hon. Roy M. McTaggart, Leader of the Opposition:**

Yes, sir.

**The Speaker:** —if you are reading from it.

**Hon. Roy M. McTaggart, Leader of the Opposition:**

Right, sir. Mr. Speaker, the letter was sent several weeks ago to, I think, all Members of Parliament.

**The Speaker:** This is a local letter? And the Government has this letter—is that what they are saying?

**Hon. Roy M. McTaggart, Leader of the Opposition:**

Mr. Speaker, to my knowledge it was sent to every Member of Parliament. I can certainly say we all received it on my side.

**The Speaker:** I think we better get Members copies of this correspondence before you continue to read from it. We will just have to wait until we can quickly get the copies, Honourable Leader of the Opposition.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Fine, sir.

**The Speaker:** Members are indicating that they have not seen the letter.

**Hon. Juliana Y. O'Connor-Connolly, Minister of Education and District Administration and Lands, Elected Member for Cayman Brac East:** Mr. Speaker.

**The Speaker:** The Honourable Minister of Education.

**Hon. Juliana Y. O'Connor-Connolly:** Thank you, Mr. Speaker.

Mr. Speaker, I think it is entirely a moot point whether Members got it; once it is referred to your honourable good self the protocol is, as you would fully concur, that it is circulated to all Members of Parliament as you are doing now.

*[Long pause]*

**The Speaker:** Honourable Members would likely be aware or want to know that the letter is a huge document containing several pages; that is why it is taking time. They are getting it done as fast as they can.

*[Long pause]*

**CONDOLENCES BY THE SPEAKER  
On the passing of Ms. Linda McField  
and  
Jesus Ebanks**

**The Speaker:** Honourable Members, in the meantime I should have—but on oversight did not—recognise the passing of a prominent Caymanian, a Prayer warrior who worked in the social sciences dealing with young people, Sister Linda McField. As I said, she was a prominent community organiser and worker and certainly we want to offer our sincere condolences to her family.

Also, there was the tragic accident of a civil servant and Border Control Officer, a very decent young man Jesus Ebanks. He has left a 9-year old daughter and a 9-month old daughter and of course, his mother and father and their family. We want to offer our condolences to them and put it on record. May their souls, rest in peace.

**Hon. Sabrina T. Turner, Minister of Health and Wellness, Elected Member for Prospect:** Mr. Speaker?

**The Speaker:** The Honourable Minister of Health.

**Hon. Sabrina T. Turner:** Thank you.

On behalf of my colleagues—the Government—and as the representative for the

electoral district of Prospect, I too would like to publicly extend my condolences to Dr. Linda McField's family. She was a stalwart Caymanian and will be greatly missed.

Thank you.

*[Pause]*

**The Speaker:** I think all Members now have the correspondence. Is it the Members' intention to read the letter or are you satisfied that the Leader of the Opposition can continue?

*[Pause]*

**The Speaker:** I think we will say that the Leader of the Opposition should continue his speech; but I would say to him, since it is a long legal letter, if he is going to quote or read from any part of it he should indicate what section he is reading from, since it doesn't have page numbers.

Please continue, Honourable Leader of the Opposition.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Thank you Mr. Speaker.

After that long pause I can say that I don't propose to read particularly from any section of it, but just point out the difficulties that they include—what the challenges are—with regard to mandating vaccines.

Mr. Speaker, I will pick up at the point where I was interrupted.

The Government has also received as did we on this side, a letter from KSG Attorneys acting on behalf of their client, the Christian Association for civics and political education. The letter lays out what, in our view, are clear concerns with the Government's proposed vaccination mandates and what was viewed as threats to rights protected under our Constitution, including:

- section 2 - the right to life;
- section 3 - prohibition of inhumane treatment;
- section 9 - right to private life;
- section 10 - right to freedom of conscience and religion; and
- section 16 - Freedom from discrimination.

KSG has stated that their clients had grave concerns that a law that mandates vaccinations would be incompatible with the fundamental rights of people in the Cayman Islands that are enshrined in the Cayman Islands Constitution Order, 2009 and enshrined in international human rights treaties to which Cayman is bound.

As such, KSG has put the Government on notice that they will challenge the Government in court should the Bills be passed in Parliament. I hope that each of you who now has a copy, would all take time

and read this letter and understand what the true constitutional difficulties are.

So I ask again, Mr. Speaker: Why the rush? When the Government must know that every indication points to a law that will be tested in court and has potential to be struck down? Why are we expending the energy and time on such a drastic measure rather than on more productive and less contentious matters? So contentious is it that it is impacting the wider society unnecessarily.

I believe this morning, that Government would be on much firmer ground if they had chosen to limit a vaccination requirement to first time work permit holders only. They decided not to do so, and instead have chosen a path that is divisive, making the “vaxxed” versus “non-vaxxed” animosity even worse. And with these Bills, they have now inadvertently introduced the “us” versus “them”, “Caymanian” versus “expatriate” element into the mix—I have seen it on the social media chats.

Whether this is legally discriminatory or not is for a court of law to decide, but certainly on a moral perspective, it certainly feels very highly discriminatory. It is no wonder that I have received many letters and messages of concern about these amendments with at least one from an investor stating in very clear language that should these amendments get passage, he intended to close down and liquidate his business and leave the Island. In the past few days, I have received many letters, emails, and other messages urging me not to support the Bills.

Finally, you can add to this, the genuine concern amongst the unvaccinated Caymanians and permanent residents that the Government will take these vaccine mandates further.

Mr. Speaker, late last night I sent the Premier a letter; the thrust of that letter was essentially asking the Premier to consider withdrawing the Bill this morning, which has not happened, but what I would like to do Mr. Speaker, with your permission, is to read that letter into the record and I will provide a copy of it for you, sir.

**The Speaker:** Please continue.

**Hon. Roy M. McTaggart, Leader of the Opposition:**  
Thank you Mr. Speaker. The letter says:

**“Dear Premier Panton,  
Re: Customs and Border Control  
(Amendment) Bill, and the Immigration (Transition)  
(Amendment) Bill**

**“On behalf of the Members of the Opposition, I write to advise that we have serious concerns with the above bills. As such, we asked the Government urgently consider withdrawing the Bills when Parliament meets tomorrow morning.**

**“We have had concerns regarding these Bills since they were published, and it became**

**apparent how far-reaching they were — far beyond the scope of only work permit holders. Our concerns include, but are not limited, to the following:**

- **Bills this far-reaching deserve proper public consultation - these Bills have received scant if any public consultation, and indeed ten days is insufficient time.**
- **Aspects of the Bills impinge on the rights of freedoms of spouses, civil partners, children and dependents of Caymanians.**
- **Aspects of the Bills appear to be discriminatory; indeed, they are also divisive and will, in the end, provide no absolute meaningful protection from the virus since the vaccinated can also contract it and pass it on.**
- **The Bills negatively, and we believe unfairly, impact a broad cross-section of persons who we have invited here to work, invest, do business and live. Passage of these Bills will have a negative impact economically and reputationally [sic] on our Islands.**
- **We agree with the position highlighted in the letter from law firm KSG that the Government’s proposed vaccination mandates threaten rights protected under our constitution, including: section 2 (right to life); section 3 (prohibition of inhumane treatment); section 9 (right to private life); section 10 (right to freedom of conscience and religion); and section 16 (freedom from discrimination).**
- **Our present law requires non-nationals who wish to apply to work and reside here to prove that they are not suffering from a communicable disease that would make “the persons entry into the Islands dangerous to the community”. In the case of the SARS COVID-19 virus, being vaccinated is no indication that one does not suffer from the communicable disease. Only a suitable test for the presence of the virus before arriving and again after an appropriate quarantine period provides sufficient satisfaction or evidence that the person is not infected with the virus and able to transmit it.**

**“In summary, the extent of the Bills, especially the application to non-nationals only, appears to be unprecedented anywhere and breach a number of fundamental rights protected by both the Bill of Rights and Responsibilities, set out in the Cayman Islands Constitution, as well as the European Commission Convention on Human Rights by which the Cayman Islands is also bound. They have the potential to harm our Islands**

economically and reputationally [sic] and are divisive.

**“As such, our view is that if the legislation is passed in its current form, it is likely to be declared incompatible with our constitution when, inevitably, it is challenged in the courts. What’s more, mandating vaccinations will have no appreciable impact on the trajectory of the current community spread of the virus. The country would be well served by these Bills being withdrawn when Parliament convenes on Monday.**

I look forward to your response.

Yours sincerely,

**Signed by me as Leader of the Opposition.”**

Mr. Speaker right now—

**The Speaker:** Have you laid the letter on the Table?

**Hon. Roy M. McTaggart, Leader of the Opposition:** Pardon, sir?

[Pause]

**Hon. Roy M. McTaggart, Leader of the Opposition:** Do I need to go ahead and Table...

**The Speaker:** Both of them should be on the Table.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Okay; happy to do so, Mr. Speaker.

Mr. Speaker, I beg to lay on the Table of this honourable House, the two documents that I have referred to—the letter from KSG, and my letter to honourable Premier Panton.

**The Speaker:** So ordered.

[Pause]

**Hon. Roy M. McTaggart, Leader of the Opposition:** Mr. Speaker, what we need right now is a Government capable of calming fears, encouraging more vaccinations and getting boosters in the arms of elderly and vulnerable who had their vaccines eight or nine months ago and whose immunity may now be less than they need.

My plea this morning is simply this: Let us not embroil the country in fear and more animosity. Instead, let us put away these problematic amendments and let us prepare the country to open safely. We have a pandemic to fight and to win. We have an economy to rebuild. We need every one of us to put shoulders to the wheel and work together to get this done for the benefit of everyone in this country.

Mr. Speaker, to paraphrase the great United States President Abraham Lincoln: *Let us with malice toward none; with charity for all; with firmness in the right; as God gives us to see the right, let us strive to finish the work we are in; to rebuild our country and*

*keep our people safe to bind up the nation’s wounds; to care for those who have borne the worst impact of the COVID battle, the families and the businesses and to do all which may achieve and cherish health, happiness and prosperity for all who reside in these beautiful Cayman Islands. Let us all work together towards a stronger and safer Cayman for all the people who live here and love our Islands.*

I thank you, Mr. Speaker.

[Desk thumping and applause]

**The Speaker:** I know that the public is enthused by certain speeches, but you are not allowed to applaud anyone.

Does any other Member wish to speak?

[Pause] Does any other Member wish to speak?

[Pause]

The Honourable Member for Red Bay.

[Pause]

**Hon. Alden McLaughlin:** Thank you Mr. Speaker.

Mr. Speaker, **“the time has come,” the walrus said, “to talk of many things: of shoes — and ships — and sealing wax — of cabbages and kings.”** Today we speak not of cabbages and kings, but rather of COVID-19 and vaccines.

Mr. Speaker, I see you looking at me queryingly, wondering why I have opened with that; but Mr. Speaker, as you know, I love books and I love to read and I thought of that verse from Lewis Carroll’s *The Walrus and the Carpenter* because, Mr. Speaker, this Government’s handling of the COVID-19 pandemic crisis, which they inherited from the Government I had the honour and privilege to lead, increasingly reminds me of *Alice in Wonderland*, another of Lewis Carroll’s most well-known works.

Mr. Speaker, I know you read a lot as well, so you know that *Alice in Wonderland* is about this little girl in Kansas who falls into a rabbit hole and travels down it, and as she does so she encounters a whole range of fantastic creatures whom she alternatively speaks to, ask questions of or make observations to.

One of these, Mr. Speaker, is the Cheshire cat. When Alice met the Cheshire cat she said, **“Would you tell me, please, which way I ought to go from here?”** **“That depends a good deal on where you want to get to.”** said the cat. **“I don’t much care where”**, said Alice. **“Then it doesn’t matter which way you go”**, said the cat. **“So long as I get somewhere”**, Alice added as an explanation. **“Oh, you’re sure to do that”**, said the cat, **“if you only walk long enough”**.

Mr. Speaker, over the course of the almost five months that this Government has had Office—May, June, July, August, September—a little more than 5.5 months that this Government has had Office, we in the Opposition and the country generally, have waited in vain for a clear path regarding the continued handling

of this pandemic and the ultimate reopening of our economy.

Mr. Speaker, when we decided as a Government, back in March of last year, that we had to close schools, our borders and we had to impose a whole range of restrictions on the movement and activities of our people, we understood from the outset there was no way that this could be sustained forever. Indeed, Mr. Speaker, we thought the period would have been much shorter than it has turned out to be, but we were not simply waiting and praying in vain. We were encouraged by the science, in terms of the development of the vaccine, or various vaccines, for we believed, as we still do, that the only way any country is ever going to be able to safely reopen their borders and live something approaching normal lives, is if the vast majority of its population are vaccinated.

Now, initially we, and everyone else I believe, believed and hoped that the vaccine would be something that prevented you from getting the virus once you had it administered; but this is all very new—it is still very new. The vaccines which have been developed to deal with the COVID-19 virus (SARS-CoV-2), no vaccine in the history of the world has ever come to market, if I may put it that way, so swiftly.

Indeed, when the first vaccines were rolled out, they were experimental in nature, they got special emergency permission granted by the FDA and the various other agencies in Europe and elsewhere, because the nature of this disease and the course it was taking was so devastating; killing so many people across the world, that those in charge of public health measures across the developed countries had to weigh up: *'do we take some chances that there are side effects/ill effects as a result of administering of the vaccine, or do we just sit with our arms folded and let the virus kill off the vulnerable amongst us?'* Indeed, Mr. Speaker, there were some countries that initially took that view: Let the herd immunity resolve the issue and the rest of the world can get on with it.

I will tell you now, Mr. Speaker, that initially that was the United Kingdom's (UK) view. I tell you now, sir, that it was against their advice that we locked down; because it is one thing to live in a country of 65 million people where you are anonymous or near to, not in my country of 65,000, [because I can tell the Minister of Finance: if when the Census results come in we have 71,000 people here in October, I'll buy him dinner for a month.](#)

**The Speaker:** That sounds like a pregnant idea.

[Laughter]

**Hon. Alden McLaughlin:** Mr. Speaker, it is another thing to live amongst your people, and not in some Ivory Tower as politicians in bigger countries are able to do, insulated from what happens to them day to day. When you have delivered as many tributes and obituaries as

I, yourself and the other older Members in this House have done, you come to understand what death really means to those who are left behind. And I told his Excellency and everyone that I had to deal with about this, that I was not prepared, as Premier, to look people in the eye in Foster's, Hurley's, Country and Western or wherever I was knowing, that because of a decision that my Government made or failed to make, one—one!—of my people died.

I never slept well—and I usually sleep well—for that entire period. I went sleep with it on my mind and it woke me up in the night worrying about *how are we going to manage this*; but we always knew with all the measures we took, many of which some lawyers said they wished to challenge, but we knew and believed that what we were doing was in the best interest and it was constitutional. That is the difference. Because when you start to infringe on the rights and freedoms which are settled in our Constitution, and in the European Convention on Human Rights and the International Convention on Civil and Political Rights, all by which Cayman is bound, you can only do so if it is reasonable to do so, even if it is in the interest of public health.

Mr. Speaker, no one needs to doubt mine, the [former] Minister of Health, yourself and all Members currently in the Opposition's belief in the vaccination as the necessary means to get us out of this crisis and to protect us and our people. We were among the very first to receive the vaccination. I want my booster now, because I had my first one on the 7<sup>th</sup> January and my second on the 28<sup>th</sup>. That's what I am worrying about. So this is not a question or an issue for us that we are anti-vaxxers, or we are in any way protesting about the vaccines.

Members on that side, notably the now Minister for Tourism, went on a campaign against the vaccine. I have the record of his encounter with Mr. [Orrett] "OC" Connor on *For the Record*; so if there are any doubters about the vaccine, they don't reside on this side of the House.

Now, Mr. Speaker, it's amazing the transformation that occurs once you walk from over here to over there... Because all of a sudden now, not content—not content—with making the vaccine available to everyone who wants it, not content at having achieved a vaccination rate which, as the Leader of the Opposition pointed out, is now well over 80 per cent of what we believe the actual population to be. The Government comes this morning, the Premier, having for the first time since that provision has been put in the Constitution, used his powers, under section 77 to shorten the consultation period from the normally required 28 days to 10 days, on a matter of this import; on a matter on which people feel very strongly and in a situation where, Mr. Speaker, we all must concede, the jury is still out on the long term—even the short term—impact of taking the vaccination.

I made that judgment based on the information I had, so did my colleagues and everyone I presume who has so far taken it, but that is our individual right to do. It is not for the Government, however well-meaning they are, and however smart they think they are, to insist that someone has driven into their body something that they don't want. This is not akin to the restrictions on movement, and other inconveniences which our lock-down caused. This is something incredibly intimate. You are forcing people to put a foreign substance into their body when they don't want it. Mr. Speaker, we cannot do this!

They have a battery of lawyers over there—the Minister for Financial Services, the Premier himself, who led one of the largest law firms in Cayman and who went to law school with me so I know he knows better! He got the same lessons I did! And not to mention the Minister of Education who is very long in the tooth in both legal and constitutional matters, as well as the matters of politics. So it is not that they don't know and it is not that they are not in a position to make that judgment; and I am not going to put my dear friend, the Honourable Attorney General on the spot. I am not going to ask him to say anything, but I have worked with him long enough to know...

Alright, let me not go so far.

[Laughter]

**Hon. Alden McLaughlin:** I worked with him long enough to be able to say—

**The Speaker:** Be careful you put him on the spot.

**Hon. Alden McLaughlin:** That I do not believe that these Bills, with these provisions mandating vaccinations particularly for people who are resident here and children of Caymanians—and dependants of Caymanians—that those Bills were brought here on the basis of his advice that they would pass constitutional muster. I do not believe it.

Mr. Speaker, some of the Members on the other side of the House were here just in the last term. Some of them campaigned on a whole range of promises and I've had many people say this to me, Mr. Speaker, *'I can't believe so and so would say that'*, or *'so and so would do that after what he/she said'*, and that reminded me of another encounter that Alice had in Wonderland; this time, Mr. Speaker, with a caterpillar.

**“Who are you?” said the Caterpillar. This was not an encouraging opening for a conversation. Alice replied rather shyly, “I—hardly know, sir, just at present—at least I know WHO I was when I got up this morning, but I think I must have been changed several times since then.” “What do you mean by that?” said the caterpillar sternly. “Explain yourself!” “I can't explain MYSELF I'm afraid, sir,” said Alice “because I'm not**

**myself, you see.”**” And that Mr. Speaker, I believe, is what happened to many Members on the other side of the house. They are not themselves, you see; they have become not like the caterpillar—having gone through the process of metamorphosis changed into a beautiful butterfly—but rather, Mr Speaker, into one of those rather unseemly moths.

Mr. Speaker...

[Inaudible interjection]

**Hon. Alden McLaughlin:** What's your problem, sir? Are you talking to me? You will get your chance, mate. That is how it works here; when I sit down, someone else will stand up.

Mr. Speaker, what is being proposed is wrong on a number of levels but even so, I simply can't understand the logic. What is the Government really trying to achieve by mandating that a whole long list of categories of people should become vaccinated? As I said earlier, we have already achieved far more, we believe, than 80 per cent of the eligible population—the actual population, not the extreme view.

As we know, the vaccination does not afford protection against contracting the disease nor does it prevent the transmission of the disease. Already having achieved the rate that we want to protect the overall society from too many people becoming so sick, that our health systems can't manage it and they get really ill and some of them die—but we have achieved t, by and large.

They got the boosters coming. Why are we going to these draconian measures? What are we trying to achieve? Except to target what seems to me, you know, some of the poorest and... I am trying to stay away from this, but let me just say it: the Jamaicans! Because we know that that is the single greatest demographic that is not taking the vaccine.

**The Speaker:** Honourable Member, I think—and I know—[that] you have the experience to stay clear of that kind of accusation, though. It might be in your mind and that is your privilege, your constitutional right to have it in mind, but I think that you should stay clear of it in your speech.

[Inaudible interjection]

**Hon. Alden McLaughlin:** I will be guided by your sage counsel, Mr. Speaker.

However Mr. Speaker, again: What is the Government seeking to achieve? Aside from greater division, greater animosity, a greater feeling by the average person in this country—even people like myself who have taken the vaccine; how does the Government expect to force me to take something that I do not want, and put it into my body?

Mr. Speaker that is the sort of stuff that we do not expect in democratic countries unless there are absolutely grave circumstances.

**Hon. Kenneth V. Bryan:** Mr. Speaker.

**The Speaker:** Honourable Member.

**Hon. Alden McLaughlin:** Mr. Speaker, if the Member is rising on a Point of Order...

#### POINT OF ORDER

**Hon. Kenneth V. Bryan:** Mr. Speaker, he does not run this House, you do. I stand up on a Point of Order. Let him sit down please, Mr. Speaker.

**Hon. Alden McLaughlin:** If it is a Point of Order...

**The Speaker:** The Member is rising on a Point of Order.

Honourable Minister of Tourism, what is the Point of Order?

**Hon. Kenneth V. Bryan:** Thank you, Mr. Speaker.

Again, I refer to Standing Orders 35(4). The Member is imputing improper motives.

Now, if the Member read the Bill, nowhere will it “*force*” anyone to take the vaccine! There is choice in this Bill. If the Member read the Bill he would know that, so I expect him—as a long-standing Member of this House—to obey the Standing Orders and stop imputing improper motives.

**The Speaker:** You have made your point.  
Honourable Member.

**Hon. Alden McLaughlin:** Mr. Speaker, perhaps I did not make myself clear enough; but in many instances your choice, as set out in this Legislation, is to take the vaccine or leave Cayman and go home. If that’s what you want in terms of choice, then that is choice.

[Pause]

**Hon. Alden McLaughlin:** Mr. Speaker, this applies to:

- Persons who have been legal and ordinarily resident for eight years;
- The spouse or civil partner of a Caymanian who applies for Residence and Employment Right Certificate (RERC);
- Dependants of RERC holders who have reached the age of 18 and apply for permanent residence in their own right;
- Parents of Caymanian children whose marriage or civil partnership has dissolved;
- Surviving spouses/civil partners;

- Persons of independent means who apply for Residency Certificate for persons of independent means;
- Persons of independent means who apply to reside permanently in the Cayman Islands.

**Hon. Kenneth V. Bryan:** Mr. Speaker.

**The Speaker:** Honourable Minister of Tourism, are you rising on a Point of Order?

#### POINT OF ORDER

**Hon. Kenneth V. Bryan:** Yes, Mr. Speaker.

I think the elected Member for Red Bay is anticipating in speaking about the next Bill; he will have much time to speak about that, but right now we are dealing with the first Bill, so he cannot be reading from the other one.

Thank you Mr. Speaker.

**The Speaker:** Honourable Member, the Minister of Tourism raises the point of anticipation and the Standing Orders are very clear on anticipation, so you need to steer clear of that also. Take my sage advice.

**Hon. Alden McLaughlin:** Thank you Mr. Speaker.

Mr. Speaker, I wonder, which is why the Leader of the Opposition asked the question at the start, why the Government has interposed the Coast Guard Bill in between the Customs and Border Control (Amendment) Bill and Immigration (Transition) (Amendment) Bill; but Mr. Speaker, you know me as well as most, and you know I am a patient man. You know I am patient man; I will just have to speak a little longer on the next Bill, but I will get the ground covered. I promise the Minister that.

Mr. Speaker, let me leave that bit to the next Bill and with your permission, sir, go through the letter from KSG Attorneys-At-Law, which my Leader laid upon the Table earlier and which—surprisingly—seemed to come as complete news to Members of the Government:

It is addressed to Members of Parliament of the Cayman Islands, 33 Fort Street, George Town—that’s right here.

It is copied to the Governor of the Cayman Islands, Suite 101, Government Administration Building, 133 Elgin Avenue—that’s where the Government resides; and it is also copied to the Chief Medical Officer of the Cayman Islands.

Every Member of the Opposition received it but Mr. Speaker, that notwithstanding, I would like to take a little while to cover some of the grounds that are set out in this letter, even bits which perhaps I don’t entirely agree with, because I think it is important that Members of this House, and especially the broader public as well, understand what is likely to transpire if these Bills are



passed in their current form. Government is going to be facing the Judicial Review of these Bills on the basis that they are unconstitutional or, to use the language of the Constitution, “incompatible” with the Constitution.

Mr. Speaker, as you know only too well, the development of the 2009 Constitution Order, which for the first time provided the country with its own Bill of Rights, Responsibilities and Freedoms, was a project that took almost eight years. A big part of the challenge in getting that done was this issue of the Bill of Rights. I understand those challenges keenly, Mr. Speaker; I was in the midst of that when I was a backbench supporter of the government, which lasted about a year, when I was a Member of the Opposition which lasted another three and a half years, and then when I was a Minister of Education.

I know very well the blood, sweat, tears and frustration involved in getting us that Bill of Rights, but the United Kingdom Government said to us squarely, “*You will not get a new Constitution if it does not include an acceptable Bill of Rights*”; but even in advance of that, Cayman had already been bound by the European Convention on Human Rights, which had been extended to us, and by the International Convention on Civil and Political Rights, which was also extended to us, I think in 1986.

Mr. Speaker, we have one of the most advanced Bill of Rights anywhere in the world, quite frankly, but particularly in the region. It is something that we can all be proud of because you see, Mr. Speaker, you and everyone knows I have spent almost equal time on both sides of this House—too long some may say; but the Bill of Rights is designed to protect the populace from the excesses and extremes of a government. Our Bill of Rights. The Canadian way is slightly different.

Our rights are vertical, that is, between the State and the subject, between the Government and the citizens. They do not apply between myself and David; that’s a different kind of relationship and the importance of a Bill of Rights is precisely, when we find ourselves in this kind of situation.

Where a Government is seeking to do things which are oppressive, the citizen has the right to say, ‘*No, Mr. Government, you can’t do that to me. I am taking you to court*’; and the court, if the case is made out, can say ‘*Sorry, the Parliament passed the Act and the Governor signed off on it and published it, but we find it to be incompatible with the Constitution. Now, Mr. Government, go back to Parliament and make it right.*’ That’s how the system is set up to work.

Now, Mr. Speaker for the life of me, faced with a clear case and cogent arguments as to why, what is being proposed in the Legislation here interferes with rights granted under the Constitution, the Government would still seemingly ignore all of that and say ‘*we are going to press on nonetheless, even if the day after we pass it, leave is given to bring judicial review*

*proceedings to challenge the constitutionality of what we passed.*’ Why are they doing this?

Mr. Speaker, if Cayman had a 35 per cent vaccination rate, I think there would be a much stronger case for the Government resorting to these draconian measures, but not when you’re sitting at over 80 per cent. Why do you need to drag those who have decided not to take it, kicking and screaming to get the vaccination pushed into their arms or pack your bags and go home? Why? Is it to show how mighty the Government is and how powerful they are and how they are not afraid to make difficult decisions? You can find easier and better ways to do it than that; and you might actually score some more points than you are scoring right now.

Mr. Speaker, in the letter to Members of Parliament, for those who are following with me, page 5—because the pages are not numbered:

**“Interference with the Bill of Rights & Human Rights Treaties”** — I am reading; this is not my presentation.

**“Part 1 of the Cayman Islands Constitution sets out the Bill of Rights. The Bill of Rights is described as a “cornerstone of democracy in the Cayman Islands”, recognizing the “distinct history, culture, Christian values and socioeconomic framework of the Cayman Islands [affirming] the rule of law and the democratic values of human dignity, equality and freedom.” The status of the Constitution is such that any other law must be compatible with the Rights that it enshrines. This would include any mandatory vaccination law.**

**“The Bill of Rights substantially mirrors many rights assured by the European Convention on Human Rights (ECHR). The ECHR also applies to the Cayman Islands, by virtue of it being an Overseas Territory of the United Kingdom.**

**“In addition, the International Covenant on Civil and Political Rights was extended to the Cayman Islands following the United Kingdom’s ratification of the treaty on the 20<sup>th</sup> May 1976.”** — Not 86, as I said earlier.

**“Below we set out how a monetary vaccination law, in the context of the current COVID-19 vaccinations available, will violate fundamental human rights under the Cayman Islands Bill of Rights. We refer to decisions of the European Court of Human Rights, as these are relevant to how a court would likely approach the equivalent rights under the Bill of Rights.”**

**“Section 2 of the Bill of Rights states: everyone’s right to life shall be protected by law. No person shall intentionally be deprived of his or her life.**

**“Section 2 mirrors Article 2(1) of the European Convention on Human Rights. Article 6 of the International Convention on Civil and Political Rights also protects the right to life and is drafted in similar terms.**

**“The Right to Life under the Bill of Rights is absolute, subject only to the qualifications stated in section 2(3), which are not applicable here (deprivation of life were absolutely necessary in (i) the defence of any person from violence, (ii) in order to effect a lawful arrest or prevent an escape, (iii) in order to suppress a riot, insurrection or mutiny).**

**“Medical Danger to Life**

Again, this is the submission from the lawyer on behalf of the Christian Association for Civics and Political Education.

**“A mandatory vaccination law will require individuals to take the vaccine whether they are willing or not (or face penalty). Where there is evidence that a vaccine may create a medical danger to life, there may be a violation of the Right to Life (see the ECHR cases of *Boffa et al v San Marino*; *X v Austria*. It is well established that there may be an interference with the Right to Life where life is endangered by an act of the State, as well as when actual death occurs as a result.**

**“Our client has serious concerns that Covid-19 vaccinations create a significant medical danger to life. As such, imposing mandatory vaccination interferes with the Right to Life and violates the Constitution.”**

Mr. Speaker, the letter goes on in detail to back up their evidence as to why they have come to this conclusion. I am not going to treat the House to all of that detail, but I am going to say, I sat where the Premier currently sits for nigh on eight years; faced with this, would I proceed with this kind of legislation? Absolutely not, Mr. Speaker.

Mr. Speaker, another ground is inhuman treatment.

**“Section 3 of the Bill of Rights states: no person shall be subjected to torture or inhuman or degrading treatment or punishment.”**

**“Section 3 is reflected in identical terms by Article 3 of the ECHR. It is represented in similar terms in Article 7 of the International Covenant on Civil and Political Rights (ICCPR). It is our client’s position that, given the evidence identified above, to impose a mandatory vaccination upon individuals in the knowledge of the risks involved, amounts to inhuman or degrading treatment. Individuals should be provided with all necessary information and given the choice as to whether they wish to proceed with receiving a vaccination in light of such full and up to date information.”**

Then there is section 9, Mr. Speaker, **“Private and Family Life”** and this Mr. Speaker, this ground, I think is one of the strongest applicable in the current circumstances, where the effect of the passage of the Bill in its current form will be that people who have already set up house here, who have connections here,

will be required to take the vaccine or uproot themselves and leave.

**“Section 9 of the Bill of Rights states:**

**“Government shall respect every person’s private and family life, his or her home and his or her correspondence;**

**“(3) Nothing in any law or done under its authority, shall be held to contravene this section to the extent that it is reasonably justifiable in a democratic society—**

**a. In the interest of [...] public health.”**

That is the relevant bit. This is what is called Mr. Speaker, a “qualified right”. The Government can, in appropriate cases, infringe upon the right to private and family life to the extent that is reasonably justifiable in a democratic society or in the interest of public health.

Now, Mr. Speaker, I have struggled, as I am sure anyone listening to the presentation by the Minister of Finance, to find any reasonable basis, anything that could be conceived or perceived as reasonably justifiable in a democratic society, in what he said, given the context. We are over 80 per cent vaccinated. Why are you insisting on dragging people kicking and screaming to take the vaccination?

The society is already protected to the extent that a vaccine can protect you, and those who choose not to take the vaccine, choose—[to] run the risk of becoming seriously ill; so the science tells us. More ill than if you had taken the vaccine. Right now, that’s all the vaccine does for us. It lessens your chances of getting seriously ill or worse. That’s the current science.

Next week the scientists may say something else because this thing is constantly evolving and I am not being facetious. It is that this is also new, that everybody is still learning, even the greatest medical minds are still learning because it will take time and trials for the full impact of the vaccine to be known. So as I said, having achieved the vaccination rate, which any country in the world would consider reasonable, how can it be reasonable? What public health issues are we addressing by forcing people who would otherwise not take the vaccine, to do so?

*[Inaudible interjection]*

**Hon. Alden McLaughlin:** It is forcing. It’s your Bill, Mr. Minister, not mine.

Back to quoting from the letter, Mr. Speaker:

**“Mandatory vaccinations violate section 9”—the right to private and family life.**

**“The physical and psychological integrity of a person is of vital importance to an individual’s**

**private life. A person's body concerns the most intimate aspect of private life.** That's from a case called *Y.F. v Turkey, 2004*.

**"Private life" includes an individual's individuality, integrity, self-determination, and autonomy.** That's from another case in the European Court of Human Rights in 2002, entitled **"Pretty v the United Kingdom."** Naturally, this includes an individual's right to make decisions relating to the health and body.

**"It is therefore not surprising that any act that threatens that physical and psychological integrity can amount to interference with "private life" under human rights jurisprudence.**

**"Any compulsory medical intervention, however minor, is an interference with the Right to Private and Family life assured by section 9 of the Bill of Rights. This obviously includes mandatory vaccinations."** In *Solomakhin v Ukraine*, another case from the European Court of Human Rights in 2003. The following is stated: **"compulsory vaccination - as an involuntary medical treatment - amounts to an interference with the right to respect for one's private life, which includes a person's physical and psychological integrity, as guaranteed by Article 8 [section 9 of the Bill of Rights]."**

**"There can therefore be little doubt that enforcement of a mandatory vaccination law would amount to an interference with section 9 of the Bill of Rights."**

*[Inaudible interjection]*

**Hon. Alden McLaughlin:** I have to go back and count because...

**The Speaker:** Honourable Member, if this is a convenient time, I would like to suspend proceedings for the lunch break and resume at 2.30 pm.

**Proceedings suspended at 12.56pm**

**Proceedings resumed at 3.25pm**

*[Continuation of debate thereon]*

**The Speaker:** Proceedings are resumed. Please be seated.

The Honourable Member for Red Bay continuing. The Member has one hour and 14 minutes remaining.

**Hon. Alden McLaughlin:** Thank you, Mr. Speaker. I will see if I can squeeze this in.

Mr. Speaker, when we took the luncheon break, I was about to start my discussion on the issue of what constitutes 'not reasonably justifiable' in a democratic society. I was at page 11 and I think

the Minister of Tourism asked me where in the letter from KSG Attorneys I was reading from and...

**The Speaker:** Honourable Member, just to let the gallery know that our protocols are in play.

Gallery, please be mindful of our protocols: Masks and be seated six feet apart unless you're a family. Thank you.

Continue Honourable Member.

**Hon. Alden McLaughlin:** Thank you Mr. Speaker.

Mr. Speaker, I had just concluded the issue about compulsory medical intervention, but I think perhaps I should go over that so that it flows naturally.

Mr. Speaker, I am again reading from the letter from KSG of 7<sup>th</sup> September to all Members of Parliament, the Governor and the Chief Medical Officer.

**"Any compulsory medical intervention however minor, is an interference with the Right to private and family life assured by Section 9 of the Bill of Rights. This obviously includes mandatory vaccinations."**

In *Solomakhin v. Ukraine 2003 Appeal Case*, the European court on human rights stated at paragraph 33, **"Compulsory vaccination — as an involuntary medical treatment — amounts to an interference with the right to respect for one's private life, which includes a person's physical and psychological integrity, as guaranteed by Article 8 of the European convention on human rights."** Section 9 of our Bill of Rights is in similar terms.

The writer of the letter continues, **"There can therefore be little doubt that the enforcement of a mandatory vaccination law would amount on interference with Section 9 of the Bill of Rights. The question is whether the State"**, meaning the Cayman Islands Government, **"could avail itself of Section 9(3)(a) on the basis that the implementation of a mandatory vaccination law was 'reasonably justifiable in a democratic society' in the interests of public health.' That involves an assessment of proportionality. Ultimately this requires striking a balance between the citizen's personal integrity and the public interest in protecting the health of the population."** Again, reference to the case of *Solomakhin*.

**"In cases concerning compatibility with Section 9," . . . and this is important Mr. Speaker—important that Members on the other side understand this. "In cases concerning compatibility with Section 9 of the Constitution, it is for the State"**, that is the Cayman Islands Government, **"to prove that the interference is justified, by providing relevant and sufficient reasons."** That statement comes from another

European Court of Human Rights case, *Fabrica v. the Czech Republic* in 2013.

The author of the letter continues, **"It is our client's strongly held position that a mandatory vaccination law in the Cayman Islands cannot be reasonably justifiable in a democratic society because i) The State cannot present sufficient scientific data to establish the safety and efficacy of these COVID-19 vaccines and ii) The State cannot establish that there are no other means of achieving the same end that would interfere less seriously with the fundamental right to Private Life."**

Mr. Speaker, I am not going to read the explanation or the basis for those conclusions; they are in the letter. All Members have the letter and I would invite them, if they have not already done so, to read it carefully.

The other fundamental right that the author of the letter asserts is being, or will be breached, if the legislation is passed in its current form, Mr. Speaker, is Section 10 of our Bill of Rights which deals with conscience and religion.

Section 10 of the Bill of Rights states, **"No person shall be hindered by government in the enjoyment of his or her freedom of conscience. 10(2) Freedom of conscience includes freedom of thought and of religion or religious denomination. Freedom to change his or her religion, religious denomination or belief and freedom either alone or in community with others, both in public and in private, to manifest and propagate his or her religion or belief in worship, teaching, practice, observance and day of worship."** Section 10 goes on to say in subsection (6), (the other subsections not being relevant to this particular aspect); **"Nothing in any law or done under its authority shall be held to contravene this section to the extent that it is reasonably justifiable in a democratic society in the interests of public health."**

Section 10 of the Bill of Rights substantially mirrors Article 9 of the European Convention on Human Rights and Article 18 of the International Convention on civil and political rights. An individual may object to taking the COVID-19 vaccine on the basis of religious or other secular beliefs. A "belief" is a set of convictions that meet the criteria of, 'cogency, seriousness, cohesion and importance.' 'Beliefs' that meet these criteria are protected under Section 10 of the Bill of Rights. See *Campbell and Cosans v. the United Kingdom*; another European Court of Human Rights case from a long time ago...1976.

An enforced mandatory vaccination law amounts to the State interfering with the right to manifest a belief (i.e. to object to a vaccination). There can be little doubt that there now exists in

society a movement of people, whether due to religious or secular belief, who hold a set of convictions opposing vaccination that are cogent, serious, cohesive and important. This is sufficient to amount to a 'belief' which is protected by Section 10" of the Bill of Rights.

**"A law that compelled vaccination would interfere with Section 10, especially where non-compliance would result in punishment. In effect, the law would be punishing people for exercising their beliefs. As to whether the interference with Section 10 is reasonably justifiable in the democratic society in the interest of public health, we refer you to the discussion above relating to Section 9. The same principles apply."**

Mr. Speaker, the next section which is addressed in the letter, is Section 16 - Non-discrimination and I read:

**"Section 16 states, "(1) Subject to subsections (3), (4), (5) and 6, Government shall not treat any person in a discriminatory manner in respect of the rights under this part of the constitution.**

**(2), in this Section, 'discriminatory' means affording different and unjustifiable treatment to different persons on any ground, such as religion political or other opinion.**

**16(3) No law or decision of any public official shall contravene this Section. If it has an objective and reasonable justification and is reasonably proportionate to its aim in the interests of [...] public health.**

Article 14 of the European convention on human rights states, *"the enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination on any ground such as religion, political or other opinion"*.

For the reasons identified above in respect of Section 10, a mandatory vaccination law would interfere with the enjoyment of a religious or conscientious secular objection. It would therefore interfere with both Section 10 and Section 16. Once again, the reasons why the interference would not be reasonably proportionate are set out above in respect of Section 9."

The lawyer says, "Our client wishes to note that there is already significant discrimination against the unvaccinated compared to the vaccinated. For instance, pursuant to regulation (3) of the Control of Covid-19 (No. 2) Regulations, 2021, unvaccinated people must complete a 14-day quarantine period on arrival in the jurisdiction. In contrast, under regulation (4) of the Control of Covid-19 (No. 2) Regulations, 2021, vaccinated people must only complete a five-day

quarantine. At present, the government has not made readily available, any scientific evidence to support the longer quarantine period for unvaccinated persons.

The Government's current policy in the view of our client, amounts to discrimination under the Bill of Rights. We invite the Government to make available the scientific evidence that underlies their policies and supports the establishment of these different quarantine periods for vaccinated and unvaccinated, if it exists.

Our client fears that the government may be seeking to impose further discriminatory provisions based on whether individuals are vaccinated or unvaccinated, for instance in relation to the grant of work permits. Likewise, our client is very concerned that the Government is pressuring local businesses to implement mandatory vaccine requirements for their staff as a proxy for the Government's own preferred vaccination policy. Clear evidence is required in order to justify such discrimination and in our client's view, the Government has not provided it. Without that evidence, provisions of this nature may breach the Bill of Rights under this (and other) Sections.

The letter concludes in this way, Mr. Speaker: **"It is our client's firm position that taking the unprecedented step of introducing a mandatory vaccination law in the Cayman Islands thereby bypassing applicable principles of criminal and medical law, would lead to clear contraventions with the Bill of Rights."**

**"By this letter,"** (and he's put this in bold), **our client puts the government on notice that it will hold the government liable for all future harm that follows from the imposition of a mandatory vaccination law."** In the event that the government does pass a law to this effect, our client gives notice that it will challenge the law through judicial process including the seeking of a declaration of incompatibility under Section 23 of the Bill of Rights."

Mr. Speaker, I think I have read the necessary excerpts from this letter to make the Christian Association for Civics and Political Education's position clear; and the letter Mr. Speaker, asserts that the passage of this Legislation in the current form would amount to breaches of Section 2 of the Bill of Rights - the right to life; Section 3 - Inhuman treatment, Section 9 - Private and Family life, Section 10 -Conscience and Religion, and Section 16 - Non-discrimination.

Mr. Speaker, may I say from my experience, that in this particular instance, any court will not hesitate to give the applicants leave to apply for judicial review. More than an arguable case is made out on the basis of what this lawyer, Mr. Rupert

Wheeler has written. The Government is on full notice that that is what is going to transpire if they proceed down this misguided road.

Mr. Speaker, the Leader has said it in his letter, he said it publicly before that, and he said it again this morning; we believe that the Government will be on much better ground if they make vaccination against the COVID-19 virus a precondition to the grant of a work permit in the first instance, because then we would be dealing with people who would know in advance of coming to these Islands, what the rules are to be able to be gainfully employed. Mr. Speaker, going beyond that, as to this long list which I will not test your patience of going into now, but I shall have another turn when the relevant Bill comes tomorrow or whenever.

To extend what is being proposed, that is, mandatory vaccines if you want to live here, to that long list that is settled in the other piece of legislation to which I'm not allowed to refer, is taking it much too far, Mr. Speaker. As I said earlier in my presentation, why? What is the Government seeking to achieve by doing so, given the high rate of vaccination take up that is already the case? That brings me back, Mr. Speaker, to one of the last points that Mr. Wheeler made in his letter, which is the issue of the quarantine period for vaccinated and unvaccinated persons.

Mr. Speaker, we have said over and over that reducing the quarantine period for persons who are vaccinated is illogical, irrational and is without the benefit of any science. You don't have to have some medical degree to come to that conclusion. If the average incubation period for the virus in people is 14 days—and I say average because I have known of cases as much as 28 days where people are still testing positive—what purpose does a five-day quarantine period serve? Except to make the authorities feel good that, you know, those people are quarantining, but they can test negative on day six and when you test them on day 10 or day 14, they're positive. Over and over and over again that has happened.

*[Inaudible interjection]*

**Hon. Alden McLaughlin:** And, Mr. Speaker, if they really want to know why we are dealing with this crisis we have now of community spread, then we need look no further than that policy.

Mr. Speaker, again, the logic of the Government defies my understanding. If the Government says that we need to get to 80 per cent vaccination of the population—and they are so intent on that, that they used the upper end of the ESO estimate, which increases the number from 65 to 71—and they include people who are not eligible to get the vaccination, that is, children under the age of 12, we have to get 80 per cent of the overall

population, not the eligible population. So, as the Leader said when he spoke, we are pushing 90 per cent of eligible people. So if that is your objective, tell me—tell me, dear Lord—why you would reduce the quarantine period for unvaccinated people before you reach the safe percentage of vaccinated people?

If your objective, Mr. Speaker, is to get 80 per cent of the overall population vaccinated, you can only reopen the borders when you reach there—because that is what you have determined is the safe number—why then would you reduce the quarantine period for vaccinated people, who we know are capable of contracting and transmitting the virus, notwithstanding their vaccinated status? You are asking for exactly what has happened: community spread of the virus.

If anybody in this room believes that there is any hope of pulling this back, they are dreaming in colour, because it is clear from the level of community spread, which is apparent from the number of students who are testing positive, that we will not be able to keep this virus from spreading throughout this community.

Thankfully, thank God we have very high vaccination rates which we can pray and hope that the vaccine does its job and works as efficaciously as all the current science indicates it does, so that most people will not get very sick and hopefully, I pray to God, no one dies.

Mr. Speaker that's where we are.

Dr. Hazel Brown, whom I have much regard for and faith in, made it very clear in her recent statements that there is now the established spread of COVID-19 in the community. That's where we are, so why are we trying to drag people who don't want to get vaccinated into this net? What purpose is it going to serve?

Mr. Speaker, remember I said this today: In another couple of weeks, Public Health is going to say there is no point in contact tracing anymore. The best that we can do and what we will urge is if someone tests positive, we isolate them and the people close to them, but they are not going to be able to. They are not going to have the resources to contact-trace all of these people. This thing is increasing and spreading exponentially.

Anyone who has paid any attention to the science on this and has studied this, will understand this. Mr. Speaker, I cannot tell you how many hours, days, months, I spent reading up on this stuff...following this stuff. Every single thing that comes out—not some of the rubbish fake news, but authoritative sources. That is the way it happens, Mr. Speaker.

We have to be like the little bird that lands on the limb confidently, not because she is confident of the strength of that limb, but because she is confident of her wings. That is where we are. We

have to be confident now that the vaccine is going to do its job. All of this isolating, contact-tracing and isolating—that is going to cease in another few weeks; not that I am any prophet. I just watched and I followed what happens everywhere else, and I know a little about the resources we have, in terms of personnel, to deal with these things.

Mr. Speaker, I have heard the Premier claim over and again that he and his Government are relying on the same advice that we got; I cringed every time I heard it.

Mr. Speaker, the Premier and the Cabinet have a constitutional duty and responsibility to exercise their own judgement. They are the ones who are charged with the responsibility of developing and insisting on implementation of policy; it is not the CMO, it is not the Governor, it is not Travel Cayman, it is not the Programme Board, it is the Premier and the Cabinet of this country.

Mr. Speaker, in the earliest days of this crisis—and the Attorney General is well aware—the Governor wished to declare a state of emergency. Mr. Speaker, had he insisted, there was nothing I could do beside talk about it because he has that constitutional authority, but I made it very plain, in my most diplomatic manner—and with the learned Attorney General present—that I would not and could not support any such exercise. *Why?* Because the declaration of a “state of emergency” suspends the power of the Premier, the Cabinet and the Parliament.

The responsibility during those times was mine and my Government's. My people—our people—elected us and if we get it wrong, we get it wrong and they know what to do with us, but I would never voluntarily turn over my responsibility for the welfare of my people to some Programme Board or some CMO, however good he or she may be, because I and the people that serve in the Cabinet with me are the ones who are constitutionally bound to exercise that responsibility.

Mr. Speaker, no one who's been around these Islands in the last two decades would be unaware of how strongly I have battled over those two decades to move our constitution forward so that our own people, who are elected by our people, are the ones who make the key decisions that affect the quality of life and the safety and welfare of the people here, because no one who comes from somewhere else, can care more about us than us. I have lived that my entire political life and that is why I was prepared, and I would do it again, to go out on limbs, even if no one was following me, to make sure that we retained the elected government responsibility for the welfare of our people.

Mr. Speaker, it is not enough to say, “*The devil made me do it, the Programme Board made me do it, somebody else made me do it.*” You are responsible, as the Premier and the Cabinet, for

what transpires in these matters. Take the responsibility, wear it and do your best.

Mr. Speaker, I pray every night that this Government succeeds. I do not want them to fail, because if they fail, my country fails. The Premier may have to worry about other people wanting his position but he doesn't have to worry about Alden McLaughlin, he did it for eight years! He don't want it again.

Mr. Speaker, all I have ever wanted, which is what led me into politics at the age of 39, when I should have been—many people have said—sitting in a law firm making a pile of money, was my love and care for the people, *my people*, in this country. That has been my motivating factor my entire political life and until I draw my last breath, that will be what I want to do: my very best in whatever role I play following the next elections, should I live that long. None of us know how long we goin' live.

Mr. Speaker, I shall stop there but before I do so, I will appeal to the Members on the other side of the House not to hold the position that those who have protested this issue in many fora; some of who are still here this afternoon sticking it out, are people wishing to give the Government the devil. No, Mr. Speaker. We want, all of us Mr. Speaker, we want to ensure that only the best inures for our people

Mr. Speaker, we fought awfully hard, awfully hard, to get a constitution with a Bill of Rights. If you will excuse me one moment Mr. Speaker, I have lost one of my pieces of paper.

Mr. Speaker, all of us, and I mean all of us, including those on the other side of the House because, as I said before, I have been in all of those positions. The only one I have not held in this House, is that of *Speaker*.

*[Inaudible interjections]*

**Hon. Alden McLaughlin:** None of us, Mr. Speaker, wants anything but good. We fought very hard to get a Bill of Rights; a Bill of Rights that would allow the people of this country to stand up and say, *"No, Mr. Government, you cannot do that. That is oppressive. I am guaranteed this particular right and this particular freedom."* If we start down the slippery slope of breaching these fundamental human rights that, Mr. Speaker, will be the beginning of the end of our democracy.

Mr. Speaker, I want to finish with a very solemn poem by Martin Niemöller. It was written based on his experiences in the Second World War:

**"At first, they came for the  
Communists and I didn't speak up  
because I wasn't  
Communist,**

**Then they came for the Jews and I  
didn't speak up because I was not a  
Jew.**

**Then they came for the  
Catholics and I didn't speak up  
because I was a Protestant.**

**Then they came for me, and by that  
time there was no one left to speak up  
for me."**

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** The public gallery, you have been told that you cannot applaud. Please follow those guidelines.

Does any other Member wish to speak?

*[Pause]* Does any other Member wish to speak?

*[Pause]* Last call. Does any other Member wish to speak? *[Pause]*

If not, I will call on the mover for his right of reply. The Honourable Deputy Premier, Minister of Border Control.

**Hon. Christopher S. Saunders, Deputy Premier:** Mr. Speaker, Martin Luther King said it best when he said: **"'Cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' Vanity asks the question, 'Is it popular?' but, conscience asks the question, 'Is it right?' And there comes a time when a man must take a stand that is neither safe, politic, nor popular, but he must take it, because one's conscience tells him it is right.' "**

Mr. Speaker, I will be the first to say that, like the Member for Red Bay, I did not get much sleep, and I want to go on record thanking the Member for Red Bay for such a fine performance that actually kept me awake the entire time. As I said to him during the lunch break, I actually enjoy listening to him.

As a matter of fact Mr. Speaker, I went as far as to say to him that one of the best speeches that he had put down in this very Parliament, was the speech that he gave the morning of the Domestic Partnership Bill and while the vote did not go his way, I still regard it as a very good speech.

Mr. Speaker, as I listened to the Member for Red Bay, I really wish that side of him had shown up when he was Premier for eight years in this country, when we had many challenges.

It is rather ironic, Mr. Speaker, that discrimination has existed in this country for so long against Caymanians, that every single time we are required to put our foot down where Caymanians are concerned, it becomes an issue.

It is ironic, Mr. Speaker, that I look at many of our young people today who cannot find any

employment and we are told that it is the failings of our education system; but yet Mr. Speaker, when the same young people go overseas and are educated in universities in North America and Europe, they come back and still cannot find a job. And they are going to tell us that those people are not being discriminated against? I have yet to see one public demonstration, one protest or anyone standing firm with regards to that, where our young people are concerned.

Mr. Speaker, I made a few little notes here. The Honourable Leader of the Opposition, Member for George Town East said that you know, the Opposition was not receiving any updates from Public Health. I am sure the Honourable Leader of the Opposition would recognise that Section 55 of the Constitution, the Civil Service and elsewhere is the Governor's prerogative, but we will ask that the relevant government officials provide the Members of the Opposition with any update that they require, for the simple fact Mr. Speaker, that like us, regardless of where they sit in this Parliament, they also represent people.

The Honourable Leader of the Opposition also went on to make reference to listening to all the activity on the social media chat. I can say to him, Mr. Speaker, having spent four years in the Opposition compared to his five months thus far, I can say to anyone in this House, *if you think you can run a country by listening to social media, you're sadly mistaken.*

All of the Members in Opposition Mr. Speaker have been on this side of the aisle and they know the difficult position that comes from sitting on this side. Equally, I understand how Opposition Members think, and again, they are doing their job and I do not want anyone to really take them to task for doing their job. It is what is required.

The Leader of the Opposition also made reference to an investor saying that he is looking to close down and liquidate his business if this Bill is passed. I would like to be the first one to say that I know a group of young Caymanians who have been looking for a possible business venture to probably invest in and start owning a piece of the Caymanian rock; start owning more commerce in Cayman. If that investor chooses to close down and liquidate, I know a group of young people right now who are willing to start taking ownership of businesses again in Cayman. So I would like to have the name of that investor after the vote, so we can put him in touch with those young people.

Mr. Speaker, the Leader of the Opposition also mentioned that this debate is now an "Us versus them." I would ask him for the record: if that is the case, and that is his belief, which side is he choosing to stand on? Will he be standing with us or will he be standing with them? I would really like that to be clarified, Mr. Speaker.

Mr. Speaker I, too, like a good bedtime story and while *Alice in Wonderland* was never one of my favourites, I was hoping that the Member for Red Bay would at least give me some *Anansi story*, or even a little *Tom Sawyer* or *Huckleberry Finn*, or even the *Wizard of Oz*, to directly say not everybody knows Dorothy is not in Kansas anymore.

It is rather ironic Mr. Speaker that, as I listened to the Member for Red Bay, I realised at one point he was actually reading the wrong Bill and I want to thank the Minister of Tourism for pointing that out. I think maybe if he spent more time reading the Bill, as opposed to *Alice in Wonderland*, he would have seen that we have already filed, as an amendment, many things in the Bill that he was complaining about. We have already made it perfectly clear Mr. Speaker, and I will say it again for the record, that all dependants of Caymanians and anyone who links to Caymanians are being exempted from the Bill.

He goes on to say, Mr. Speaker that we knew passing this bit of legislation would be challenged. Mr. Speaker the Member for Red Bay—

**Hon. Alden McLaughlin:** Mr. Speaker.

**The Speaker:** The Member for Red Bay. Arising on a Point of Order?

#### POINT OF ORDER

**Hon. Alden McLaughlin:** Mr. Speaker, which Bill is the Minister speaking to? There are no exemptions from the ones that we have.

**The Speaker:** I do not understand the Point of Order, though?

I think the Minister can say that he's replying to the debate and I think that is what he is doing.

**Hon. Alden McLaughlin:** Mr. Speaker, I don't want to make a big thing about this, but the Minister did say that had I spent more time reading the Bill rather than reading *Alice in Wonderland*, I would have known what was in the Bill, but there are no exemptions. None of the exemptions he just spoke about are in either of these Bills that I have here, so I'm just wondering which ones these are?

**Hon. Christopher S. Saunders, Deputy Premier:** They were distributed. The amendments that we filed were distributed.

**The Speaker:** I think what the Minister said was that there are certain things that you complained about that he has put forward amendments for.

**Hon. Christopher S. Saunders, Deputy Premier:** That is correct.



**Hon. Alden McLaughlin:** *[Inaudible interjection]*

**Hon. Christopher S. Saunders, Deputy Premier:** Yeah, but I filed it before he complained, Mr. Speaker.

**The Speaker:** I think the Minister can continue.

**Hon. Christopher S. Saunders, Deputy Premier:** Can you make sure the Honourable Member for Red Bay gets a copy of the amendments that were filed before we started this morning, please? Because I realise it probably threw off their entire debate, where they probably did not get a chance to look at those amendments. We could have saved a lot of time this morning.

*[Inaudible interjections]*

**Hon. Christopher S. Saunders, Deputy Premier:** I thought they were distributed too.

Anyway, Mr. Speaker again, and see, this is the beauty about this for the listening public, is that whenever someone is getting on a roll, the rules are that you get up, you pull something to kind of take them off their track but don't worry, I made my notes so I can continue.

**The Speaker:** Honourable Minister, just to try to find out—have those amendments been distributed?

*[Crosstalk]*

**The Speaker:** They have. I thought we took the time this morning to distribute them. Please continue Honourable Minister.

**Hon. Alden McLaughlin:** Mr. Speaker, if I can clarify.

Shortly before the debate began, copies of what are described as "Notice of Committee Stage Amendments" were circulated to Members on this side; but that is not what the Minister said, Mr. Speaker. He said, "*Had I taken the time to read the Bills.*"

Mr. Speaker they've given us only 10 days to deal with this—fine; but to give us a few minutes before we start the debate, which we have prepared for in advance, is a tad unreasonable. I'm sure you would agree, sir.

**The Speaker:** Honourable Minister.

**Hon. Christopher S. Saunders, Deputy Premier:** Mr. Speaker, I learned from the best. I told the former Premier at the time, *if there was one politician I studied as a new legislator, it was actually him.* I just want to state, for the record, my appreciation for his teachings, Mr. Speaker. Oh, listen, I have mad

respect for the Member for Red Bay. I just want to state that for the record.

Mr. Speaker, it is kind of ironic because one of the things that you would appreciate in politics is the, *coulda, woulda, shoulda.* What it would have been like if we were there or had an idea.

Mr. Speaker... where did I put that? One second. I didn't think I would have needed it, but let us see if I can find it here, one second... So many different papers around here. One second, Mr. Speaker.

*[Long pause]*

**Hon. Christopher S. Saunders, Deputy Premier:** Found it! Can you give this to the Speaker for me, please?

*[Pause]*

**Hon. Christopher S. Saunders, Deputy Premier:** Mr. Speaker, this statement was issued in this Parliament last December by the former Premier and now Member for Red Bay. I think it may be in the public domain; probably. I don't know if you want to get copies to the Members.

**The Speaker:** Strictly under the rules, it has been published and therefore you can continue but as a matter of courtesy, I will get copies.

**Hon. Christopher S. Saunders, Deputy Premier:** Yeah, because it was said in this House.

**The Speaker:** Yes, okay. It's in the record, published...

Yes, but we will still get copies just to help Members refresh their memory.

**Hon. Christopher S. Saunders, Deputy Premier:** Actually it would be good to give them a copy, Mr. Speaker, because this statement was issued by the former Premier when he sat where the current Premier now sits.

One of the things he was speaking about was the reduction in quarantine days basically being illogical, and possibly the reason for the community spread, et cetera. I just want to point out, Mr. Speaker that at the time, the former Premier was speaking about the vaccines arriving in Cayman and the possible Christmas gift that we were receiving.

He went on, it's on the second page, and this is the section that deals with the following restrictions that would apply for people arriving from overseas.

Mr. Speaker, getting straight into that, I want to say for the record what was proposed at the time. It says:

**“The following restrictions would apply for people arriving from overseas:**

- a. All travellers entering the Islands with evidence of having received an approved vaccine course against SARS-COV-2, which should have been completed before arrival (as according to Public Health recommendations) and a negative PCR test upon arrival will be exempted from quarantine as per Section 5 of Control of COVID-19 (No. 3) Regulations, 2020, if living in accommodations where the other residents eligible for vaccinations have also received the vaccine.**
- b. Travellers who do not meet the requirements will need to go into mandatory quarantine and be tested according to requirements at the time.**
- c. All people who are exempted from quarantine in this manner, including their households, will undergo repeat testing on day 5, day 10 and day 15 following the arrival date.**
- d. Regular PCR screening will continue with safety restrictions for healthcare workers, healthcare establishments, nursing homes and prisons; and**
- e. Those involved in hosting travellers, including all port workers, hotel workers, restauranters, bar workers, leisure companies, taxi drivers and anyone else working in tourism, will be required to be screened for COVID-19 disease at regular intervals.”**

Mr. Speaker first of all, I don't think he meant that he was doing away with quarantine completely, because someone was just vaccinated. The statement that he gave in the House is three pages long and I really hope the Members of the Opposition all receive a copy of it to directly see what was being proposed by the then Premier when he was in this seat.

If you look at the statement carefully today Mr. Speaker, you will see that this Government is following many of the things that are being proposed exactly, minus doing away with the quarantine for people who are vaccinated. So we cannot understand why all of a sudden a different position is being taken, but again, I do understand that we are now in different roles and he has a responsibility and a duty as a Member of the Opposition.

Mr. Speaker, the Member for Red Bay also made a note that the Law will be challenged. Again, the Member for Red Bay of all people, knows that the Parliament itself is separate from the Courts and the Courts also have a role to play in our democracy. We have had Bills before, none more controversial

than the Domestic Partnership Bill, where it was announced even before the Bill came, that it would be challenged and the Government still carried it through. I say all of that to say Mr. Speaker, that you cannot run a country, a government and a Parliament based on the fact that you think whatever laws you pass are going to be challenged. This is not how our system of democracy works.

Mr. Speaker, the Member for Red Bay also made several references to the European Convention of Human Rights. I will ask the Member for Red Bay to take a look at what exactly is happening in Europe, where many Europeans are actually being compelled by law to be vaccinated in certain situations.

In the Bills that we are proposing, not one single Caymanian is required to take any vaccine on a mandatory basis. None. Zero. Zilch. Nada. None. This does not even apply to people who have Permanent Residency (PR) and are applying for status. So Mr. Speaker, I am a bit lost, other than the fact that this is politics as usual and I get it. I get it. I understand it. Like I said, I am only five months removed from being in the Opposition so I kind of understand where they are coming from. It is still fresh in my mind. They have their job to do, they are doing it and that is fine. However, Mr. Speaker, while we are entitled to our own opinions, we are not entitled to our own facts.

To give credit where credit is due, the first time that COVID-19 was mentioned in this Parliament was on Friday, January 31<sup>st</sup> by the previous Minister for Health, the honourable Dwayne Seymour. Give credit where credit is due, Mr. Speaker.

On Monday, February 3<sup>rd</sup> he had a press conference. Beside him were Mr. Garfield (Gary) Wong from CBC, Dr. Lee and Dr. Samuel [Williams-Rodriguez]—nobody else. The Minister came out to update this Island that the first reported death outside of China happened in Philippines over that weekend. At that time we were looking at 266 deaths globally; by March we were past the 40,000 mark and a year later, we were almost at 2 million. Today we are at 4.8 million.

Mr. Speaker, for too long the people in this country have been living in a bubble. This legislation has already passed in Turks and Caicos for both work permit holders and PR holders; not one protest. *You know why Mr. Speaker?* The people in Turks and Caicos have seen first-hand how serious and how dangerous this COVID-19 pandemic is, because they have had local deaths. Not one protest in Turks and Caicos. Not one.

We have been living in a bubble for so long and the people of this country will not take this seriously enough until we go to a funeral for somebody we know who died from COVID.

*[Inaudible interjections]*

**The Speaker:** Honourable Member.

For information purposes of the public gallery: beginning this morning, I indicated that protocols are in place.

I know the police who are here as security are having difficulty with some people refusing to wear the mask. As long as you are in this building, you have to wear your mask. As you can see, I keep shifting mine because it fogs up my glasses. I know it's difficult, but you have to do it. If you cannot do it, then I suggest you leave the building.

I said there are no cameras, laptops or cell phones to be utilised, except by the Press. Please follow our protocols. Thank you kindly.

Honourable Member I am sorry, but I had to make that intervention.

**Hon. Christopher S. Saunders, Deputy Premier:** That's okay Mr. Speaker. I completely understand.

Mr. Speaker, we are in a position and while this Government was criticised for using the upper population number, one of the underlying reasons why we decided to be overly cautious is because we recognised that also included in that count are many people who have left the Island.

I can tell you that my son, who was vaccinated here is no longer in the country. He's away at university; my daughter was also vaccinated, she is away at university; my sister was locally vaccinated, she is back in the UK. And that very film crew that was here earlier this year, Mr. Speaker, all vaccinated and left; so even though we are talking about this number being of that, we also recognise that there are many people who got vaccinated and have also left.

Again Mr. Speaker, when we started out, we were told that 80 per cent of 71,000 was almost impossible. Mr. Speaker, the Caymanian people have proven time and time again that when it is time to be counted, they can be counted on; 78 per cent of the people who were here at the time, whether they are here now or have gone or whatever, said, *you know what, we are going to do the responsible thing.*

Mr. Speaker, we are not talking about an economic situation, because businesses can rebuild. We are not talking about a traffic matter, et cetera. Mr. Speaker, we are talking about peoples' lives. This is what this Bill is about, and let me break it down for many people to understand: at present, barring the social distancing, the mask-wearing and the hygiene steps, the two primary defences that we have against the COVID-19 pandemic is vaccine and quarantine.

Mr. Speaker, like you and many others, we are pushing to re-join the global community where we want to reopen tourism, we want to reopen

ourselves to the world and we are looking to do away with the requirement for many people to quarantine. Simply put, Mr. Speaker, if we are going to do away with quarantine to reopen this country, we need to make sure that the one primary defence that we have, which is vaccination, is one of the most robust in the world.

Mr. Speaker, we are trying to do what no country that has reopened has successfully done.

**An Hon. Member:** Amen.

**Hon. Christopher S. Saunders, Deputy Premier:** We are trying to make sure that when we do, we would have learned from the mistakes of Turks and Caicos. We would have learned from the mistakes of Bermuda. We would have learned from the mistakes of St. Kitts. We would have learned from the mistakes of Israel. We would have learned from the mistakes in Jamaica, to make sure we get this right and protect Caymanian lives.

Mr. Speaker, we recognise that there are people in this community who cannot, for medical reasons, be vaccinated. We accept that there are people in this community that because of their age cannot be vaccinated, and we accept that there are people who, for their own personal belief, cannot be vaccinated but we in this Parliament have a responsibility to all of those Caymanians. It is our job as a Government to make sure that the infrastructure that we put in place is robust enough to take care of them regardless of whether they can get vaccinated or not; regardless of their medical condition, we owe it to them.

For every single Caymanian who does not want to get vaccinated, that is their right, and that is why we are supporting nothing for any mandatory vaccination for Caymanians because this is their home, they have nowhere else to go; but for every other single person coming into this country that does not need to be here, if they have to come here, they got to be vaccinated.

Mr. Speaker, no one was complaining when we said we only wanted vaccinated tourists. We only wanted vaccinated guests. All of a sudden, if a person is coming to work and they are a guest worker that does not apply to them? Are they still not a guest? For persons who are passing through, even if they are staying here for several months, maybe own a condo or something, aren't they still just a guest?

I mean, when do we start in this country putting guests on the same footing as we put Caymanians?

Joe Biden just turned around and said, '*you cannot come to the United States to shop, go to Disney World or do anything that you want, unless you're vaccinated*'. Not a soul complained. Why don't they go and tell Joe Biden he can't do that? But

no, it is only in the Cayman Islands that the minute you put something down that only Caymanians will benefit from it becomes a problem in this country.

Mr. Speaker—

**The Speaker:** Honourable Minister, we have reached the hour of 4:30pm. Honourable Premier, can we have the suspension of Standing Order 10(2)?

#### **Suspension of Standing Order 10(2)**

**The Premier, Hon. G. Wayne Panton, Minister for Sustainability and climate Resiliency, Elected Member for Newlands:** Thank you Mr. Speaker. I move the suspension of Standing Order 10(2) that the business of the House will continue beyond 4:30pm.

Thank you.

**The Speaker:** The question is that Standing Order 10(2) be suspended in order for the business of the House to continue after the hour of 4:30pm.

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

**Ayes.**

**The Speaker:** The Ayes have it. The business continues.

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** Honourable Minister continuing.

**Hon. Christopher S. Saunders, Deputy Premier:** Thank you, Mr. Speaker.

Mr. Speaker, if this is a preview of what is to come, I am going to serve notice now Mr. Speaker, because while the Members of the Opposition refer to me as the Minister of Finance, I want to let them know that I am also the Minister for Border Control and Labour.

When you see the changes that will be coming to the point system and the Immigration Law, changes that will make sure that Caymanians assume their rightful place and return to their rightful place in this country, I'm going to tell you: save your fighting for that time, because that legislation is coming. We in this House have a responsibility to every single Caymanian. We have a responsibility to take care of them.

Mr. Speaker, eons ago, when people created governments, they created them with three primary purposes:

- To protect their life;
- To protect their liberty; and
- To protect their property.

However, the preservation of life comes first, and while I accept that this is very difficult for many people to comprehend, I am going to ask them to accept one thing: if you want something you never had, you have to do something you never did.

We cannot make the same mistakes that everybody else made and think that, because our vaccination rate is x, this is what it is going to be. It does not work like that. We are talking about the preservation of life, which is first and foremost.

Mr. Speaker, I received the generic e-mail asking people to send to their MPs, speaking about the prorated balance between expats and Caymanians and how we are looking to destroy that fabric.

Mr. Speaker, has anyone taken a look at the cost of land in this country? Anybody looked at all the land banking that is going on in this country? Anybody looked at the housing crisis in this country? What balance are they talking about, Mr. Speaker? Are they speaking to the same people who I am speaking to?

Mr. Speaker, I will be the first to tell anybody, and people have said to me, *'you know, Chris, why don't you or the Government get up and challenge the anti-vaxxers and all of these people?'*

Mr. Speaker, our Bill of Rights gives them that right. Regardless of whether you agree or disagree with it, that is their right and we cannot be sitting down and directing government resources against people expressing their free will. That is something I support. Many have fought for the people to get that right, and I will be the first to defend their right to say whatever they want to say, even if I disagree with it.

However, Mr. Speaker, we are talking about science; and yes, the Member for Red Bay is right, a lot is still unknown. What he knows now, he did not know last December. According to his own statement, he was willing to bring in people and, once they were vaccinated, they did not even have to quarantine. That was the information he had then. I am sure back then that was the best decision that was being made, based on the advice he received. I am sure if you asked him today, he would tell you something different.

That is how this system works. We work with the information we have and we make decisions based on information we have and hindsight is always 20/20. We can always look back and say, *'well, we should have gone this way, we should have gone that way,* but the only true judge of management of this pandemic Mr. Speaker, is how many funerals we do not attend.

However, Mr. Speaker, I will say this much: while I am not sure how many people will die from COVID if we reopen, I can tell you this much: the mental anguish that thousands of Caymanian families are experiencing because of this, cannot

continue. Parents are worried right now that they may go another Christmas without their children being able to come home, if we maintain the quarantine. The impact that it is having on people—and businesses—it cannot continue.

If we are to reopen Mr. Speaker, we are going to have to reopen safely and, more importantly, we will have to do something that nobody else has done before, which is to make sure that every single person who comes into this country is vaccinated. It is that simple. You want freedom of choice? The choice is simple: you can come here if you are vaccinated, and if you are not vaccinated, you can go someplace else.

As a Government, we are not prepared to take around 18-months during which the Caymanian people endured lockdown, name days, can't go to the beach and all of that, just so we can flood the miler now with three, four, five thousand guest workers, guest visitors, guest residents or guest investors, whatever guests you want to call them. This is what we are talking about.

Mr. Speaker, I can tell you what changed my position on this. When we went out and we had the first incident in North Side and they did the contact tracing; you want to talk about the real test of what the number represents? Do you know how many people were actually vaccinated when they did the contact tracing? 60 per cent. The first time we were tested and we went through the contact tracing only 60 per cent of the people, our own Caymanian people, were actually vaccinated. Thus, the reason why this Government needed to make the hard decision of making sure that every single person who comes here is vaccinated. Because, when push came to shove, only 60 per cent of our people in North Side at that time, due to contact tracing, were actually vaccinated. And I am sure the Members of the Opposition will agree that 60 per cent is an unacceptable number. Do we know how many people who received first dose or second dose are even still on Island, Mr. Speaker? We don't know, thus the reason we need to be extra careful.

As I said, Mr. Speaker, our goal here first and foremost is to make sure that we do not attend funerals for our people but secondly, we have got to reopen our borders. People are mentally drained. We see it. We see the fatigue. Thank God for Cayman Brac. Thank God for Little Cayman; when people just needed to get off the rock, they just needed a change of scenery. That is what we are about.

Mr. Speaker, I accept that many people in the Opposition cannot see through this—and I get that; but what I am asking them to do is this: Open your mind and accept one undistinguishable fact, that if we in the Cayman Islands are to do this, reopen successfully, we have to do things that other countries have never done, taking approaches that

other countries have not, because every single country that has done what we are about to embark on, had to close back down.

Mr. Speaker, I can tell you there are also many Caymanians right now who do not want us to reopen because they fear we may end up cancelling Christmas. The last thing they want is a lockdown during Christmas. They are already seeing the adjustment, going back to wearing masks and social distancing after being in a bubble for so long, but we are talking about peoples' lives.

We have seen, Mr. Speaker, when we had that little outbreak the other day that started in North Side. We have seen the importance of vaccination. We have seen how the viral load may change from here to there or whatever, between a vaccinated or unvaccinated person or different underlying issues and so forth, but one thing is certain Mr. Speaker: vaccination works.

In Boston, a couple years back, anti-vaxxers went crazy over the measles, mumps, rubella (MMR) vaccine. They told people they did not need it for their children and they had a big break out and had to get the rate back up to 90 per cent; but you know what, Mr. Speaker, our Constitution allows people to believe the earth is flat if they want to. If they want to believe vaccination works, it allows them to have that opinion. What it does not allow them to have, Mr. Speaker, is an opinion that may endanger the general public. The greater good must always prevail, Mr. Speaker; and because this Government does not want any Caymanian to be forced to vaccinate, we then make it a priority to make sure that everyone we bring around them and their families is vaccinated. This is the responsible thing to do.

You know Mr. Speaker, I have not even seen what has happened in the United States between the red and blue States; Republicans and Democrats; Science versus Non-science, et cetera. When we were in the Opposition, we had many differences with how certain things were managed, but we took the decision that we were not going to play politics with this issue, and I would like to say we did a good job at it. There are many things that we could have done differently.

Mr. Speaker, I will go back to Finance Committee in November 2019. The Honourable Leader of the Opposition was in the chair. The Minister of Health was being questioned and we asked for a break. We went into the Ms. Annie room and the former Member for East End Arden McLean, then Leader of the Opposition, said, "*Gentlemen, we got a problem; all these questions we want to ask, we cannot ask.*". Because the Minister at the time was still feeling his own, and the Acting Chief Officer at the time was fairly new, we said, "*You know what, we are not going to ask the difficult questions*"—even though it was our right—because our fear at

the time was asking questions that could not be answered, and undermining the public's confidence in the Ministry of Health. There are things in this country that are bigger than politics.

That was the best decision ever made because several months later, the country looked to the leadership in the Ministry of Health and its underlying departments and statutory authorities, to guide this country through one of the worst pandemics since the Spanish flu more than 100 years ago. That is responsible Opposition.

Equally, Mr. Speaker, the [former] Minister of Finance will tell you, barring questions on CINICO, whenever the Ministry of Finance came up, we block-voted everything. That was the responsible thing to do. To sit down now and question the very people who have done such a good job, so much so that one of them even got an MBE. To now say that while we listen to the advice they have given us, we must make the decision—that is true. We have listened to the advice, and this is the decision.

*[Inaudible interjections]*

**Hon. Christopher S. Saunders, Deputy Premier:** And you know what, the former Minister of Health is right.

Mr. Speaker, I said it earlier and I will say it again for the record: the first time in this Parliament, when no one was even looking at COVID, it was the Member for Bodden Town East—the Minister of Health at the time—that got up and made the statement.

The Monday, he was all alone at the press conference, only CBC Director Gary Wong, Dr. Lee and Dr. Samuel were with him; and as soon as the thing blew up, everybody and their auntie was there to get their 15 minutes, when the Minister started out early on his own but you know what Minister, for the record, on behalf of the people of Bodden Town West, I want to say a big thank you. If I have never publicly said that to you before, I want to say that to you now.

You started it when you were all by yourself and the Premier just mentioned to me to extend it on behalf of the Government and the people of the Cayman Islands, I want to thank you.

*[Inaudible interjections]*

**Hon. Christopher S. Saunders, Deputy Premier:** Well, we will talk about the OBE for...We can talk about—no, listen, in this country we must learn to celebrate our own. When they are ready to attack him, they attack him, when he does good, they must give him good too.

*[Desk thumping]*

**Hon. Christopher S. Saunders, Deputy Premier:** Because that is what is missing in this country and in our politics—we cannot be nice to anybody, but Mr. Speaker . . .

*[Inaudible interjections]*

**Hon. Christopher S. Saunders, Deputy Premier:** Thank you, Member for West Bay North.

Mr. Speaker, the Government and I accept, and I will be the first to tell the general public that even on our side, this issue was an emotive one, thus the reason for the amendments where we decided...

I can tell you even as the mover of the Bill, after we published the Bill I said to my colleagues, "You know, I have spoken to people; I thought about it. If a Caymanian decided that they want to marry an anti-vaxxer, that is their right to do so and whether they're vaccinated or unvaccinated that is not our job as a Government to tell them otherwise because that is the right of a Caymanian to his own family, to do what it is he wants in his own country."

However, let me say that again: "in his or her own country." The irony Mr. Speaker, is that that same privilege has not been extended to Caymanians who are now marrying Americans, because you know what? Biden told them, you better be vaccinated, it doesn't make a difference. That is the difference between us and them.

So Mr. Speaker, the Honourable Leader of the Opposition said it appears that this Bill is coming down to us and them. I respectfully disagree. I think it is about whether we save lives or not but, if he wants it to be a Bill between us and them, I will tell you right now: I choose us. Okay?

Mr. Speaker, I will tell you right now, as I said when I started out: Cowardice asks the question, "is it safe?" There are no cowards on this side of the aisle. Expediency asks the question, "is it politic?" There is nothing expedient here, Mr. Speaker. I can tell you just up to last night, at around 9:30-something, I had a very tedious exchange with Members of my own Caucus—on a Sunday night. Vanity asks the question, "is it popular?" Mr. Speaker, we know that there's nothing popular about this, but difficult decisions are never popular. Leadership is never popular but conscience asks the question, "is it right?" and Mr. Speaker, one thing I give credit to the Premier for: every single decision that comes out of Caucus that goes to Cabinet, every single Member is allowed to speak and there are times when we agree on something, then we get called back to a meeting because information has changed and we go back over the process again based on information that we have received. Every single Member on this side knows the challenges that come with leadership.

In such a short time we have been tested, and I really and truly want to thank the Members of the Opposition for doing their good jobs over there. On this side we do have a lot of new Members but they are hungry, they are driven, they love this country and they are getting a crash course in politics; none better than the presentation that was delivered by the former Premier and Member for Red Bay that I can tell you, if he was like that when I was here the first time, I would have joined him too!

However, Mr. Speaker, this is what Government is about. It is not doing what is popular, it is not doing what is safe. It is not doing what is politic, it is doing what is right, and for the many people on work permits, I really do hope they understand.

I saw a statement by the Jamaican Prime Minister that made me cringe, where he basically said at some point the unvaccinated people will be on their own. You know, I see references that were made, that this Bill is brought because the Jamaicans do not want to get vaccinated—Mr. Speaker, nobody in this Parliament has gotten more licks for being Jamaican than me.

Mr. Speaker, all of a sudden people have forgotten about the visas that were basically put on Jamaicans; about all the different stuff as Buju would say, “*everything weh gwaan a foreign, a di yardie get the blame.*” They have forgotten all of that and all of a sudden everybody is a defender of Jamaicans—when you yourself did the mass status grant that many Jamaicans who would not have gotten it, got it. Where did the challenge come from, Mr. Speaker? All of a sudden.

*[Inaudible interjections]*

**Hon. Christopher S. Saunders, Deputy Premier:** Hmm? All of a sudden.

Mr. Speaker, I am going to ask every Member of this House, as leaders in this country. We have many differences on many issues; please, let this not be one of them. This is about the preservation of life and if we cannot agree on this one issue, then where does the maturity in our politics come from? Is it going to be “one-man-upship” all the way? Is this the example that we want to leave for our children?

Mr. Speaker, I am entering my second term, and I am grateful to the people of Bodden Town West for giving me this opportunity and I am grateful to the Premier and my colleagues for placing on me the responsibility for Minister for Border Control and Labour. I can tell you it is probably the most challenging Ministry, Mr. Speaker, because it deals with Immigration, Customs, Pensions, WORC—you name it; but what makes my job easier is that, as long as I am doing something that is in the best interest of Caymanians, then I am fine.

We have many issues to deal with in this country and I can tell you, Mr. Speaker as a Caymanian, while I do respect peoples’ right to protest, because that is their right, I am disappointed by some of the people I see, and some of the things that have been said. Where is the anger for our own people who do not have opportunities in this country?

Mr. Speaker, I have said to people in the hotel industry, ‘*had you hire more Caymanians in the hotels, more Caymanian voters would have been beating on our doors to reopen; but no, it is not the Caymanian voters who are beating down our doors.*’ Many of them are actually on the cruise tourism side, which has to continue.

Mr. Speaker, I get all the human rights issues; we were threatened before we embarked on this, that we would have been sued and actually, Mr. Speaker, it was that threat of a lawsuit, why the Bill reached as far as it did—to protect what we are doing in a Court of Law. We were already advised that what was proposed by the Opposition could not work/stand, because you would actually create two sets of people within the same group and when we go to the more substantive Bill, the Honourable Attorney General will actually speak to the legalities.

Personally, I am looking forward to a seasoned QC versus a newly appointed QC, to hear what their views will be.

*[Laughter]*

**Hon. Christopher S. Saunders, Deputy Premier:** This is not about *Alice in Wonderland*, but what is best for Cayman and I can tell you right now, Mr. Speaker, as difficult as this may be, seeing the community spread, especially amongst those in school, I am even more forthright to make sure that everyone who can get vaccinated, get vaccinated.

We need to protect our children who can’t get vaccinated because of their age. We need to protect our own Caymanians who for medical reasons can’t be vaccinated. We also need to protect the Caymanians who do not believe in vaccination, but this is still their home.

Mr. Speaker, all this Bill is asking for is that people applying for student visas or a work permit granted by Cabinet be vaccinated and even that in itself, student visas, is a problem. Caymanian kids cannot go to school overseas without being vaccinated. Many Caymanians had to travel—I think some of them even had to come home to get the vaccination to go back and even that is a problem in this country. Student visas and people applying to Cabinet for a grant.

We hear everything under the sun; our motives being impugned, et cetera. For student visas, Mr. Speaker, seriously? All of this? I even checked the Bill a couple of times well, to see if we

were still talking about the same Bill. We actually put this one up front thinking it would have been much easier. If this is what is to come, I guarantee you Premier, don't worry, I have enough material; because if you think that I have not gone through every single press conference. I could tell you the first one was on the 3<sup>rd</sup> February, it lasted 36 minutes too.

*[Laughter]*

**Hon. Christopher S. Saunders, Deputy Premier:** Oh, Mr. Speaker don't worry, we have a lot of time. I went back and watched all of them, thus I could even tell the Minister who was on the press conference with him when he was there, all by himself, on 3<sup>rd</sup> February. I even had the speech before and the fact that I could even pull this up too, Mr. Speaker, you have no idea. We are going to have some fun when the real Bill comes up and then we will see exactly who is for us and who is for them.  
Thank you, Mr. Speaker.

**The Speaker:** The question is, that a Bill shortly entitled the Customs and Border Control (Amendment) Bill, 2021, be given a second reading.  
All those in favour, please say Aye. Those against, No.

**Ayes and Noes.**

**The Speaker:** The Ayes have it.

**An Hon. Member:** Could we have a division please Mr. Speaker?

**The Speaker:** Clerk, a division please.

**Hon. Kenneth V. Bryan:** I called for a division Mr. Speaker.

**The Speaker:** Yes, I know you did and I have asked the Clerk to divide.

#### Division 1-2021

<b>Ayes: 11</b>	<b>Noes: 7</b>
Hon. Wayne Panton	Hon. Roy McTaggart
Hon. Christopher Saunders	Mr. Joseph Hew
Hon. Kenneth Bryan	Mr. Dwayne Seymour
Hon. Sabrina Turner	Mr. Moses Kirkconnell
Hon. Johany Ebanks	Ms. Barbara Connolly

Hon. Andre Ebanks	Hon. Alden McLaughlin
Hon. Bernie Bush	Mr. David Wight
Hon. Juliana O'Connor-Connolly	
Ms. Heather Bodden	
Mr. Isaac Rankin	
Hon. Katherine Ebanks-Wilks	

**The Speaker:** The result of the Division is: 11 Ayes, 7 Noes.

**Agreed: The Bill be given a second reading.**

#### CAYMAN ISLANDS COAST GUARD BILL, 2021

**The Speaker:** The Honourable Premier

**The Premier, Hon. G Wayne Panton, Minister for Sustainability and Climate Resiliency, Elected Member for Newlands:** Mr. Speaker, thank you. I rise to move the second reading of a Bill entitled the Cayman Islands Coast Guard Bill, 2021.

**The Speaker:** The Bill has been duly moved. Is the Honourable Premier speaking thereto?

**The Premier, Hon. G. Wayne Panton:** Yes Mr. Speaker.

Mr. Speaker, it is an honour today to be speaking in support of the Cayman Islands Coast Guard Bill, 2021.

This Bill represents the full growth of the seed of an idea that I think was planted during the 2013-2017 Administration, when I was a Minister. During that time, the Administration in which I was involved set out our intention to convert the Royal Cayman Islands Police Service Joint Marine Unit into the Cayman Islands Coast Guard, and provided that it would be given the training and resources necessary to enable them to better detect and interdict vessels arriving in Cayman's waters with drugs, guns, and illegal immigrants.

It was also envisioned that the Coast Guard would serve as a training ground for our young people to once again become interested in pursuing long and rewarding maritime careers. This was to create the structure around what was the Joint Marine Unit and its conversion into a Coast Guard that would serve all of these appropriate and necessary law enforcement purposes.

I am honoured to be able to stand as Premier today to Table this Bill, and support this in consideration of making it an official Act. I am confident—I hope it is not misplaced—that it will enjoy support on both sides of the aisle.



Mr. Speaker, I wish to give credit to the Members of the Opposition for seeing through the formation of the Coast Guard when they sat as Government; it is unfortunate that they were unable to bring this Bill before this honourable House prior to this year's election in April.

Mr. Speaker, our now modern Coast Guard is steeped in a long, varied and colourful, tapestry of history of those who rose up to serve and protect the people of the Cayman Islands; starting with the Militia in the late 1700s, to the Home Guard in the mid-20th century during World War II, to the various ranks of the Royal Cayman Islands Police Service (RCIPS) today. In that significant amount of time, the need for a group of people to protect our Islands from everything from rogue pirates and regional threats of world wars has expanded to include modern menaces to our shores and our people.

Mr. Speaker, the establishment of a Coast Guard for the Cayman Islands represents a very key aspect of strengthening capacity and resiliency in the areas of maritime, security, border control and public safety. As I said previously the country has historically, and continually advances in policy, with a view to building the local capacity and capability necessary to effectively keep pace with an evolving catalogue of risks, threats and service demands as well, across a broad spectrum of maritime security, safety and rescue.

The Strategic Policy Statement (SPS) to establish and operate a Coast Guard as a unique entity of the Cayman Islands Government separate from the Royal Cayman Islands Police, is a significant achievement with respect to maturation of Cayman's national resilience.

I commend the Commissioner of Police for taking the Coast Guard under his wing while this Bill was being drafted. Until this Bill is fully enacted, the Coast Guard's work will continue to be conducted under the auspices of the RCIPS' Joint Marine Unit, and our men and women of the Coast Guard will perform their duties as Special Constables, instead of Officers of the Coast Guard.

Working along members of the RCIPS, our Coast Guard officers have already been helping to preserve the safety and security of our borders by providing support in Marine Law enforcement and maritime search and rescue. Once this Bill is passed Mr. Speaker, they will be transitioned over with full authority under the new Act, as they rightly should be.

In addition, Mr. Speaker, I would like to commend Coast Guard Commander Robert Scotland and Lieutenant Commander Leo Anglin who have had operational control over the Coast Guard over the past three years and have played a pivotal role in the development of this Bill, even while working assiduously to establish the organisation. I am pleased to confirm that both of

these two distinguished Caymanian gentlemen will continue in their respective and respected duties.

Mr. Speaker, our first cohort of Coast Guard recruits, which included ten men and six women, graduated in March and in fact since then, have been instrumental in a vast range of duties, such as rescuing trapped turtles, providing support in Cuban migrant-related matters, helping rescue two Jamaican fishermen lost at sea, assisting with weekend patrols to address anti-social behaviour and recovering drugs from our waters. Most impressively Mr. Speaker, they have taken their rightful place amongst the other uniformed branches and formed up to march during the Queen's Birthday parade in June of this year. It was particularly poignant to see them participating in that event, sir.

Mr. Speaker, the creation of the Cayman Islands Coast Guard has modernised Cayman's overall approach to maritime safety, security, and enforcement, by bringing our Islands into conformity with a series of international obligations. In fact, Mr. Speaker, the timeliness of the passage of this Bill improves our readiness for the upcoming International Maritime Organisation's (IMO) Instrument Implementation (Triple I) Compliance Code Audit which will take place later this month.

The Cayman Islands Coast Guard will play a critical role in some of the key areas covered by the audit, especially Search and Rescue operations. The Coast Guard will help to achieve further reductions in crime by giving our Islands significantly enhanced maritime capacity and capability, ensuring safe use of our waters for recreational and commercial vessels, and improving the competence and professionalism of our response capability for maritime search and rescue.

Mr. Speaker, this Bill establishes the Coast Guard as a uniformed and disciplined Department of Government, responsible for the enforcement of local maritime laws relating to ensuring the preservation, safety and security of the Islands; the coordination and delivery of all maritime search and rescue responses within the territorial seas of the Islands, and the Islands' internationally agreed search and rescue region.

The Bill also ensures compliance with applicable international law, conventions, and treaties, related to ensuring the safety of life at sea, as well as pollution prevention, the enforcement of local laws and any applicable international laws, conventions, or treaties addressing the prevention, detection and disruption of illicit activities on the high seas.

What this Bill does not do Mr. Speaker, importantly, is permit the Coast Guard to be organised as a military establishment or to even function as such.

Under this Bill, the Coast Guard shall consist of the Commander, Deputy Commander and other

commissioned and non-commissioned ranks further outlined in the Bill. Funding for the organisation will be provided by the Cayman Islands Government through the usual appropriations process. The powers, duties and privileges of the Commander are spelled out in clause 8 of the Bill.

Mr. Speaker, the duties of the Coast Guard are outlined in clause 9. Briefly, those include the patrol of the territorial sea of the Islands and the high seas; providing assistance in the spill of oil or other hazardous chemicals, enforcing local and international laws, conventions, treaties, and instruments; rendering assistance and aid to persons or vessels in distress; organising, training and supervising the Coast Guard Reserve, and assisting and cooperating with local law enforcement agencies.

The Bill gives the Coast Guard power of arrest under clause 10; outlines the general powers of the Coast Guard in clause 11; and addresses the seizure, custody and disposal of a vessel believed to have been used in the commission of an offense in clause 12.

Clause 13 addresses fees in respect of vessels or structures taken into custody or stored by the Coast Guard.

The Bill also addresses the appointments, enlistments, service, discharge and termination of Coast Guard members and outlines the qualifications of becoming a member of the Coast Guard Reserve.

Part 6 of the Bill addresses resisting or obstructing arrest by an officer of the Coast Guard and the unauthorised use of the Cayman Islands Coast Guard uniform and decorations.

Mr. Speaker, I have only spoken to the highlights of the Cayman Islands Coast Guard Bill, 2021.

I pray that all Members of this honourable House have taken the opportunity to read through the Bill and fully digest what it is proposing to achieve. I think it is a very thorough Bill, Mr. Speaker, and once enacted, will put us on excellent footing when it comes to the enhanced security of our waters, our shores, our country and our people.

Mr. Speaker, before I end these remarks it is important that the Hansards formally record the gratitude of this honourable House to other key individuals who supported the process of the establishment of the Coast Guard.

While we have had help both locally and internationally, the following persons here, on the ground in the Cayman Islands, have played a very pivotal role in helping bring the vision of a Coast Guard to the reality that we are about to see. These persons include, Chief Officer Wesley Howell and then Deputy Chief Officer Michael Ebanks for being the driving force behind turning concept into reality; Commander Philip Bostock of Her Majesty's

Maritime and Coast Guard Agency, who was seconded to the Cayman Islands in order to help build the case for the establishment of the Coast Guard. He then extended his secondment in order to provide further assistance during the early stages of formation, and continues to be a source of knowledge on maritime search and rescue matters.

I would also specifically like to mention First Legislative Council Mrs. Cheryl Neblett and Senior Legislative Council Mrs. Dharlene Smith in the Legislative Drafting Department for their tireless efforts in creating the Bill we now have before us; people who do not typically get a lot of recognition, Mr. Speaker, although they put in tremendous effort and are absolutely critical to the success of legislation that we bring here.

I also want to specifically mention Cabinet Secretary Mr. Samuel Rose who, as Chair of the National Maritime Administration and Triple I Code Compliance 2021 working group, provided guidance and support in helping to ensure that the remit of the Coast Guard was clearly defined, especially in relation to its role in helping to ensure maritime safety within our territorial waters.

I would also like to mention Mr. Speaker, Mr. Joel Walton, CEO of the Maritime Authority (MACI) and his team, for their support and guidance in helping to ensure that our local and international responsibilities were understood and properly addressed early in the Coast Guard's development phase.

Lastly, I would like to mention the Head of the Governor's Office Ms. Christine Rowlands who, since her arrival in the Governor's Office, has done everything in her power to support the further development of the Coast Guard by bringing the full support and resources of the foreign Commonwealth and Development Office to bear when necessary.

We would also like to recognise the support provided by the United Kingdom in helping to develop the capabilities of the Cayman Islands Coast Guard through the provision of funding via the Conflict Security and Stabilisation Fund.

Mr. Speaker, I am deeply encouraged by the potential that the Coast Guard possesses. We have already seen young and aspiring Caymanians indicate their strong interest in joining this new organisation, excited by the challenge of serving their country and inspired by the call to the sea previously answered by their forbearers.

Mr. Speaker, I am sure that all Members of this honourable House will join me in wishing the Cayman Islands Coast Guard, under the leadership of Commander Robert Scotland and Lieutenant Commander Leo Anglin, Godspeed.

Before I take my seat, I wish to commend this Bill to this honourable Parliament for

consideration, and trust that it will get the full support of colleagues.

Thank you, Mr. Speaker.

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

The Honourable Leader of the Opposition.

**Hon. Roy McTaggart, Leader of the Opposition:** Thank you, Mr. Speaker.

Mr. Speaker, I rise this afternoon to express the Opposition's support for the Cayman Islands Coast Guard Bill, 2021. This Bill will formally put the Cayman Islands Coast Guard on a firm legislative footing as a uniformed and disciplined Department of Government.

It recognises the Coast Guard's responsibility for the enforcement of local maritime laws, the coordination and delivery of maritime search and rescue and ensuring compliance with relevant international law, conventions and treaties, relating to safety of life at sea and pollution prevention.

Besides policing our waters, rescuing those in danger at sea is one of the vital roles of the men and women who make up our Coast Guard Service; indeed, the men and women of the service are an integral part of our uniformed services, and their success to date is another proud accomplishment of the Progressives-led administration of which I was a part.

You may recall, Mr. Speaker that the Cayman Islands Coast Guard, alongside the Customs and Border Control Service—formerly separate Immigration and Customs Services—an upgraded RCIPS Air Operations Unit, and the Cayman Islands Regiment were formed under the previous Government.

I believe I am correct in saying that the Governor's Office, with the assistance of the UK, were extremely helpful in getting all of these vital projects off the ground and for that, I again thank the Governor and those in his Office who worked diligently to help get us where we are today. The sea borders around our country and our Islands have never been more secure than they are presently; there is much more to be done, but we are well on the way.

I commend Commander Robert Scotland, Lieutenant Commander Leo Anglin, and all the officers and men and women of the service for the important work they have been doing since being formed and recruiting and undergoing training. These are genuine professionals who take their important roles seriously and they serve with pride. I look forward to watching the service grow from strength to strength in the months and years to come.

I reiterate that we in the Opposition

give our full support to the Coast Guard and we support this Bill.

I thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* Last call. Does any other Member wish to speak?

The Member for East End.

**Mr. Isaac D. Rankine, Elected Member for East End:** Thank you Mr. Speaker.

Mr. Speaker, I rise to add my support and short contribution to the Government's Bill shortly entitled the Cayman Islands Coast Guard Bill, 2021.

The Bill is a testament to the determination of the people of the Cayman Islands to gain more responsibility and control over their local affairs; however, one must give credit where credit is due, and so I wish to thank the previous administration that made contributions to help bring this Cayman Islands Coast Guard Bill to where it is today.

Today is truly historic in many ways. As a small nation we should be proud of what the addition of a Coast Guard Unit does. It is not only charged with the protection of our territorial waters and saving lives, but it also connects with the history of Caymanian seamen who made a living on the seas.

Prior to the moving of the Bill, I had the opportunity to speak with the current Coast Guard Commander Robert Scotland. Our conversation was quite important to me for many reasons but two in particular, the first being that the two highest ranking officers within the current makeup of the Coast Guard are Caymanians, sir. This is not only commendable, but it is also encouraging to the Caymanians already enlisted, to know that they can strive, grow and create a fulfilling career within the Cayman Islands Coast Guard Unit. On that note I wish to encourage all Caymanians, in particular young Caymanians looking for a meaningful career, to consider the noble role of being a Cayman Islands Coast Guard [officer].

The second reason is that it was reassuring to know the commitment of the Commander and his Lieutenant Commander. He shared with me his view of the Coast Guard. As he noted, prior to 2020 the Cayman Islands had a rapidly growing boating community and with that growth came the potential increase of boating incidents. This would be the case again as our borders reopen.

As we look around at a number of private and commercial vessels, we see the need for a dedicated maritime organisation. Not one like the RCIPS Marine Unit that was constantly being depleted of persons and funding to meet serious crime occurring on land; we also needed an entity that has a sole responsibility of dealing with maritime, whether that was saving lives, enforcing

safety regulations or keeping drugs and firearms from reaching our shores.

A Coast Guard will do this while offering new and rewarding jobs to our young people that afford them a chance to follow in the steps of their grand and great grandparents as proud seafarers, Mr. Speaker. I know that all Members of this honourable House understand that the seafaring heritage plays an integral role in our self-identity; it made our forefathers revered; it was what made the Cayman Islands, by taking us from the Islands that time forgot to a leading financial centre and a robust tourism industry, pre-COVID.

The Honourable Premier has already spoken on and moved the Bill, and he has already explained the benefits of the addition of the Cayman Islands Coast Guard, however, I wish to emphasise another point made by Commander Scotland during our discussion: with the addition of the Cayman Islands Coast Guard, we will now be able to respond to incidents on our waters and save lives.

Mr. Speaker, in addition to speaking with Commander Scotland, I had the opportunity to speak with some of the seamen from my constituency. Those who I spoke to were in full support of this Bill, as they had experience with the services of Coast Guard Unit at some point in their travels during their seamen days. As a nation we are very proud of our growth and I hope that the Coast Guard will continue to grow from strength to strength.

Mr. Speaker, I wish to thank each member who has joined the service so far, and remain confident that our shores are safer with the job that the Coast Guard Unit currently does.

I stand in support of the Bill and I commend it to all Honourable Members. Thank you, sir.

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

The Member for Red Bay.

**Hon. Alden McLaughlin:** Thank you Mr. Speaker.

Mr. Speaker, the Leader of the Opposition has set out the Opposition's position with respect to our support for this important Bill and I really don't wish to add much in that regard. I endorse entirely what he has said, but Mr. Speaker, I wouldn't let the opportunity pass for me to make a few observations.

Mr. Speaker, the Member for East End is absolutely right. What perhaps he may not be aware of, is how long the challenges that he mentioned about personnel, assets, equipment—how long those things have been an issue under the old regime, where there was a joint marine unit. Decades. Decades, and that Mr. Speaker, together with that most tragic incident where a number of Caymanians went missing at sea and no trace of them was ever found. Those things combined to

galvanize the Government which I led from 2013 to earlier this year, to push—and shove quite frankly—to establish a Coast Guard.

This polished document which is here today is the product of much sweat—I would not say blood but certainly sweat—tears and frustration and battling with the establishment to create a separate unit with its own legislation and its own structure. Do not believe that this was an easily-won achievement, because there were those who believed firmly that this ought to stay under the Commissioner of Police.

It is one of my few regrets Mr. Speaker of my term as Premier, that given the unfortunate events which occurred and led up to the early elections, I was not able to bring and present this Bill myself; but nevertheless, I'm very familiar with the text of it and understand very well the reason for the various provisions which are contained in it.

I also want to say Mr. Speaker, how proud but also relieved I was, when the Commandant Robert Scotland and the Deputy Commander Leo Anglin—as those titles that they now have—agreed to head up this new establishment. You can believe, were there not a strong push on our end, the nationality of the people leading this Coast Guard would not be the one that it is today.

Mr. Speaker, those are two very able young men, perhaps not so young anymore, but they had to be persuaded Mr. Speaker, that this was really going to happen and that they would wind up with responsibility for a Unit over which they did have control with respect to recruitment, with respect to its assets, with respect to its capital. And so, Mr. Speaker, I am delighted and I wish to thank the Premier and his Government for bringing this Bill, even though the Coast Guard as a Unit has been going for more than a year.

I also wish to thank the Commandant and the Deputy Commandant for inviting me to address the very first class of recruits and they were very, very impressive. I don't know what the results are, and if all of them actually completed the course successfully but I hope that the Premier in his winding up, will be able to give us a report in that regard, but they did seem an incredibly able bunch and—something that made me very, very, proud—they were all, without exception, all Caymanian.

Mr. Speaker, this is an entity I know we will all come to be very proud of and I am glad now that with the safe passage of this Bill today, it will become a statutory entity onto its own self.

I think this is an incredible achievement for a country as small as we are and again, Mr. Speaker, in many respects we remain leaders in the region, certainly among countries with small populations. So, Mr. Speaker, I join with the Premier and my leader in commending this Bill to the House and asking for unanimous support of it.

Thank you, Mr. Speaker.

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

The Honourable Minister of Sports and Home Affairs.

**Hon. Bernie Bush, Minister of Home Affairs and Youth, Sports, Culture and Heritage, Elected Member for West Bay North:** Mr. Speaker, I had no intention of speaking because when the Bill was presented everyone was happy to see it; but listening to what the former Premier, the Member for Red Bay, gave us as history on the fight, I am pleased to say that part of the discussion on bringing it was a clause that says:

**“The Governor shall appoint -  
(a) Commandant and a Deputy  
Commandant, and  
(b) a Coast Guard Medical Officer”**

Other Members and I have asked that it say:

“The Governor shall appoint -

(a) a Commandant and a Deputy  
Commandant

(b) a Coast Guard Medical Officer,

Each of whom shall or should (this would be a discussion we will have) be  
Caymanian.”

Mr. Speaker, seeing that I am the Minister responsible for the Regiment, this is something that we will also be bringing to continue our policies of *Caymanising* and making sure that Caymanians hold the posts in these various institutions that we want to, are entitled to and are able to head.

Thank you very much to the Member for Red Bay for the history and to our Premier for bringing it and making sure that it is here.

Thank you very much.

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

The Honourable Attorney General.

**Hon. Samuel W. Bulgin, Attorney General:** Thank you, Mr. Speaker.

Mr. Speaker, I do not intend to be long but I certainly want to lend my voice in support of the Bill before the House, the Cayman Islands Coast Guard Bill, 2021, and to say Mr. Speaker that like previous speakers, I too wish to highlight the significance of this piece of Legislation and indeed, what it embodies.

I am particularly pleased to see the duties set out in clause 9 of the Bill. It speaks to the duties of Coast Guard to patrol the territorial sea of the Islands and high seas and Mr. Speaker you fully appreciate the significance of this, given the open

nature of our borders in the Cayman Islands and the need for a dedicated agency to be tasked with the responsibility of policing the borders.

It goes on to say, in

**“9(1)(f) grant, within its legal and operational capabilities, requests for assistance from local and international government agencies in the performance of their functions and which are consistent with duties and functions of the Coast Guard;”**

Mr. Speaker **9(1)(j):**

**“co-operate with local and international law enforcement agencies or the armed forces of another country by taking necessary measures to ensure the suppression of illicit activities occurring in the territorial sea of the Islands or on the high seas, provided the measures do not extend into the maritime jurisdiction of another state or territory, without that state’s or territory’s express permission;”.**

Mr. Speaker, it is no secret that we have a problem in these Islands with the illicit trafficking of drugs and other contraband and the advent of a Coast Guard, with the able expertise of the current Commandant and the Deputy to have the jurisdiction to interdict the flow of such matters.

Mr. Speaker, I would like to lend my voice also in saying that the two gentlemen referenced here, Messrs Scotland and Anglin, are persons who are known to me from way back and I can speak of their passion and their professionalism in whatever they do. They have carried that professionalism and passion across into the Coast Guard and if you watch and listen to them Mr. Speaker, you can’t help but agree that this entity is in very, very, capable hands. I certainly wish them well.

I wish them all the best and hope that they will from time to time be assisted by able men and women of these Islands in furthering the objectives of the Coast Guard. I, too, would like to commend this Legislation to Members of this Parliament.

I thank you, sir.

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

The Honourable Deputy Governor.

**The Deputy Governor, Hon. Franz I. Manderson:** Thank you, Mr. Speaker, I shall be brief.

As head of the Civil Service this is a very, very, happy day for us to see our Coast Guard being formed and given legislative support.

Mr. Speaker, the Member for Red Bay set out the background as to the driving force behind the creation of a Coast Guard and I won't go there, but I can say that for many years we had a Joint Marine Unit, which on many occasions were not joint; it was made up mainly of the police. It was envisaged that Immigration and Customs would be part of it, but for various reasons from time to time that never happened. Staff shortages—police had a rise in crime so persons were moved from the Marine Unit to deal with crime.

That was one of the issues that we wanted to resolve in the creation of the Coast Guard, that we would have a separate ring-fence unit that would be focused on border security. Mr. Speaker, we are a small Island. There are no guns made here; there is not a lot of drugs that are made here, the majority of it is imported, so we have that overriding responsibility to keep our borders policed, keep them safe and do everything we can to stop illegal contraband from coming into our Islands.

In addition, Mr. Speaker, we have refugees; we have asylum seekers coming in that need to be properly dealt with and of course, the security and safety of our people in terms of when they are out boating.

I am just saying that I am really happy today that we have reached this momentous occasion.

Mr. Speaker, like the Member for Red Bay, I had the great pleasure, and it really was a great pleasure to speak to the new recruits of the Coast Guard and I want to commend the Commander and the Deputy Commander for putting together a vigorous recruitment exercise that really allowed them to choose the best of the best.

Mr. Speaker, I have spoken to various graduating classes and numerous recruits but I've never seen any group of young Caymanians being more attentive, displaying that high degree of professionalism at day one, not at the end of their of their graduation, but you know very early on. They showed that maturity, that dedication, that commitment to the cause and I have been watching them ever since and they have always answered the call of duty and they are making us proud, Mr. Speaker. They are making us proud every day, and they are keeping us safe.

Mr. Speaker, we are a seafaring nation and as the Members have said here, I think it is so important for our young people to want to be part of this organisation to follow in the footsteps of our grandfathers and our fathers to be seamen, and now you do not have to go overseas. You can do it right here, as part of our Coast Guard.

Mr. Speaker, we had a vision and I know the Minister of Youth, Sports and also Home Affairs has the same vision, where the member of our Cadets will graduate up from leaving the Cadets to go into our law enforcement agents and I was so pleased to

see that a number of cadets have also joined the Coast Guard. So our systems are working Mr. Speaker. It's giving our people opportunities at a very young age to learn the discipline of our uniformed services and to graduate up into the other uniform services; the police, CBC and now the Coast Guard.

This is a great day for us Mr. Speaker. I commend the Bill to everyone and I do hope that everyone will support the Bill and again, kudos to the Commander and the Deputy Commander for the excellent work that they're doing. They're making us very proud.

Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]* If not, I call on the honourable Premier to wind up.

**The Premier, Hon. G. Wayne Panton:** Thank you Mr. Speaker.

Mr. Speaker, I want to thank all Members who have contributed. In particular, the Honourable Leader of the Opposition in his clear support, and the Member for Red Bay and his clear support and his historical background in respect of the challenges of getting the Coast Guard set up initially and being a part of the instructions and drafting on the Coast Guard Bill. I want to thank all the other Members who have not spoken Mr. Speaker, for their tacit support.

Mr. Speaker, in terms of the first class, I understand there were about 150 applicants and there were 16 persons selected and put through the training course. All 16 of those applicants selected graduated, made it through and Mr. Speaker, every one of them was a Caymanian.

*[Desk thumping]*

**The Premier, Hon. G. Wayne Panton:** So that's a particularly proud point for this Parliament but really, for all of Cayman, in particular, those graduates and those two fine gentlemen; Commander Scotland and Lieutenant Commander Anglin, who command the Coast Guard. They have obviously done an absolutely stellar job in the training and to be honest Mr. Speaker, one only has to speak to both of those gentlemen to see the way in which they reflect the kind of discipline and commitment, all of which will make all of Cayman proud. I believe that the services they provide will be excellent, make us all safer and continue to make us proud.

Mr. Speaker, I want to say that there are individuals who have been involved in a similar manner in the past—much less structured. The Joint Marine Task Force did what they had to do and did what they could as well.

In my younger days I had some sort of informal involvement with some of them and I think they are to be congratulated as well, for the work that they did over the years, helping to try and make sure that our borders were as secure as possible.

There was certainly a lot, a lot going on then, as it is now. The challenges have become greater, and I want to say, Mr. Speaker, that we will have a Coast Guard that will deliver what we expect it to deliver and with these two fine gentlemen and this current cohort of Caymanian members of the Coast Guard, I think we can all be justly proud.

With that, Mr. Speaker I thank you all again and I will take my seat.

**The Speaker:** Thank you, Premier.

The question is that a Bill shortly entitled the Cayman Islands Coast Guard Bill, 2021 be given a second reading.

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

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed: The Bill has been given a second reading.**

#### **IMMIGRATION (TRANSITION) (AMENDMENT) BILL, 2021**

**The Speaker:** The Deputy Premier.

**Hon. Christopher S. Saunders, Deputy Premier:** Thank you Mr. Speaker.

Mr. Speaker, I beg to move the second reading of the Immigration (Transition) (Amendment) Bill, 2021.

**The Speaker:** The Bill has been duly moved. The Honourable Deputy Premier.

**Hon. Christopher S. Saunders, Deputy Premier:** Thank you, Mr. Speaker.

Mr. Speaker, the ongoing human cost of the global COVID-19 pandemic is staggering. The disease has infected over 225 million people and caused more than 4.8 million deaths around the world. However, compared to many other countries, the Cayman Islands have been very fortunate. Since the 13<sup>th</sup> March 2020, when the first case of COVID-19 was detected, there have been more than 850 confirmed cases with more than 780 recoveries and, sadly, two unfortunate deaths.

Our successes can be attributed to the early closure of our borders and swift implementation of movement restrictions, border controls, community

monitoring, and public health prevention measures to stop the spread of the virus. Mr. Speaker, as a country we have done well to limit the impact of the pandemic in human life terms, however, the economic impact has been serious.

Mr. Speaker, we all know too well that the tourism sector and tourist-reliant industries were hit hard and thousands of workers became unemployed virtually overnight. Supporting displaced tourism workers by way of stipend payments is costing the public purse more than CI\$5 million every month.

Additionally, Mr. Speaker, through a public-private partnership effort, small businesses affected by the pandemic are also being assisted by way of guaranteed low interest bank loans with deferred payments, payment of health insurance premiums and a freeze on pension payments. Workers were able to withdraw a portion of their pension to help them meet the necessary expenses during these uncertain times.

Mr. Speaker, the Government is doing its utmost to support those Caymanian families that have been negatively impacted as a result of the border closures; however, as we look across the world a fact that has to be accepted, is that we have to learn to safely co-exist with COVID-19 for years to come.

Mr. Speaker, the detection of a number of confirmed cases of COVID-19 involving local transmission in the past weeks, even affecting our children, as well as increases in the number of persons testing positive during post-travel quarantine and multiple breaches of home isolation requirements are very concerning developments and a stark reminder that we remain very much at risk.

Therefore, Mr. Speaker, the first and very challenging step toward economic recovery is the safe reopening of our borders. A critical aspect of this is ensuring that as high a percentage as possible of our population is vaccinated.

As a matter of fact, Mr. Speaker, the vaccination target set by the Government based on Public Health's advice, is at 80 per cent of the resident population regardless of where persons were vaccinated. The current vaccination rate of 78 per cent first dose and 73 per cent second dose, only takes into account vaccination administered in the Islands, so it could be expected that the arrival of new workers from overseas will cause that figure to increase.

Likewise, Mr. Speaker, this Government will continue to push for higher vaccination numbers especially [in light of] the potentially serious impact of the highly contagious Delta variant. Although the mandatory vaccination requirement is likely to be controversial Mr. Speaker, ensuring that as many

eligible persons as possible get vaccinated with an approved vaccine, will only further aid in the Government's efforts to protect our residents, while exploring avenues to safely open our borders as part of our economic recovery plan.

To this end, Mr. Speaker, the Government has previously made public, its intention to introduce mandatory vaccination requirements for new workers and those seeking renewal of work permits. As such, the Bill before this honourable House today, seeks to introduce mandatory vaccination requirements to all eligible persons and their eligible dependents who are subject to immigration control with respect to their residence or employment in the Cayman Islands.

Mr. Speaker, I would like to take this opportunity to also announce that there will be a Committee Stage amendment that will exempt holders of Residence and Employment Right Certificate, otherwise known as RERC. This decision was made after consultation with members of the public and I will expand on that issue more during the Committee Stages.

Mr. Speaker, I will now turn to the matters referred to in the Immigration (Transition) (Amendment) Bill, 2021 that will require all persons who are applying for the grant or renewal of a residence or facility under Part 6 and 7 of the Immigration (Transition) Act, 2021 to provide proof that they have completed an approved vaccine course, or agree that they will undertake to complete an approved vaccination course, or comply with other instructions given by the Medical Officer of Health within a specific period of time.

For the avoidance of doubt Mr. Speaker, the residence employment facilities which would be subject to the mandatory vaccination requirement under the primary legislation, that is the Immigration (Transition) Act, 2021, are as follows—and Mr. Speaker, this will be the final list that will be subject to what we are speaking about:

- 1) Permanent residents: That is persons legally and ordinarily resident to the Islands for at least eight years when applying to vary permanent residence or to add dependents;
- 2) Permanent resident, dependent children of permanent residents who have reached 18;
- 3) Residency certificate for persons of independent means and when applying to vary a certificate to add dependents;
- 4) Certificate of permanent residence for persons of independent means;
- 5) Applications to vary a certificate for persons of independent means or a certificate of permanent residence for persons of independent means to add a dependent;
- 6) Certificate of direct investment;
- 7) Certificate for specialist caregivers;

- 8) Residency certificate referring to those with substantial business presence;
- 9) Work permit including a temporary work permit;
- 10) Persons who are employed through a Cabinet-granted exemption from work permit requirements;
- 11) Amendments of a work permit to add dependents; and
- 12) Amendment to a permanent resident's application. Applicant's permission to continue working to add dependents.

Mr. Speaker, for persons already in the Islands, the prospective employee or their employer will be required to provide the board or the Director of Workforce Opportunities and Residency Cayman (WORC), with a vaccination certificate relating to that person and any eligible dependents, with an application to grant the right to be employed, or to reside in the Cayman Islands or for the renewal of such right.

Persons entering the Cayman Islands from other countries that do not have an approved vaccination programme, or who are unvaccinated and any eligible dependents who have been vaccinated with a vaccine course which is not an approved vaccine course, will need to sign a declaration of the willingness to comply with any directions of the Medical Officer of Health.

Mr. Speaker, in the case of an unvaccinated person or dependent of the person, they too must sign a declaration to complete an approved vaccine course and provide a vaccination certificate to WORC within one of the following time frames:

- a) Within 40 days after the application has been granted or renewed;
- b) Within 40 days after arrival in the Cayman Islands if the person does not reside in the Cayman Islands; and
- c) Within such other period of time as directed by the Medical Officer of Health.

Mr. Speaker, this Government is acutely aware that there are persons who, for medical reasons, will not be able to take a vaccine course therefore, powers are provided for in the Bills for the Medical Officer of Health to grant an exemption in exceptional circumstances. Details of those exemptions must be reported to the Cabinet periodically to help inform Cabinet's future policy decisions.

This Government is mindful that having access to an approved vaccination programme places these Islands in an excellent position to protect our residents. There are many countries that are not in as fortunate a state as we currently enjoy,



Mr. Speaker. Hence the provision for all applicants to undertake an approved vaccine course within a 40-day period after an application has been granted or renewed.

However, Mr. Speaker, to ensure compliance with vaccination requirements, there are provisions in the Bill which indicate that the Board or Director of WORC shall have no power to decide on an application unless or until the prescribed requirements have been met. Putting it simply, Mr. Speaker, no decision can be taken on an application until the applicant has either submitted proof of a vaccination certificate, confirmed that an improved vaccination course has been taken, or a certified exemption.

Likewise, Mr. Speaker, the Bills empower the Board or Director of WORC to revoke an approved facility where the holder fails to comply with their declaration of any instruction given by the Medical Officer of Health. In this instance, the applicant would be required to leave the Cayman Islands.

As stated previously Mr. Speaker, the introduction of a mandatory vaccination programme for persons who are subject to immigration control, is a very emotive subject. There will be people who support the Government in this policy direction and on the flip side, there will be people who oppose the Government's decision.

No legislation will be introduced without some level of pushback and, regarding the ideals of freedom of choice and the right to choose. We understand that this is an important issue, however, Mr. Speaker what cannot be ignored, is the deadly impact COVID-19 has had on many countries, citizens and public health systems, and as I have said before, we are in these seats of responsibility to make the hard decisions but, more importantly, the right decisions.

Mr. Speaker, this is the right decision. The preservation of life is the most important tenet of our Constitution and we are giving people a choice. They can choose to come here or to remain here and comply with our laws.

As a Government Mr. Speaker, our most fundamental and important job is to keep our children, our elderly, our vulnerable—our community—safe. There are Caymanians and residents who are unable to get vaccinated and it is our responsibility to ensure that those who can get vaccinated do so, to protect the vulnerable.

Mr. Speaker, my Government colleagues and I are confident that we have taken a balanced approach to these Bills and have adequately considered the rights of individuals in proportion to public safety and public health. We stand firmly in the belief that these requirements are in the overall best interest of these beloved Cayman Islands and all those who live here.

Mr. Speaker, with your permission, I would just like to read a press release by the Human Rights Commission on the proposed COVID-19 vaccination policy for work permit holders which is already in the public domain. I think you all have copies of this—does the Opposition need copies?

**“For immediate release:**

**Date: June 3rd 2021**

**Issued by Human Rights Commission**

**“HR Statement and Proposed COVID-19 Vaccination Policy for Work Permit Holders**

**“The Human Rights Commission continues to follow the ongoing COVID-19 global pandemic and its implications for Cayman Islands residents. Most recently, the commission noted the Cayman Islands Government’s newly proposed regulations requiring COVID-19 vaccination in specified groups.**

**“For persons currently on a work permit or applying for a work permit, the grant or renewal of a work permit can be provided with conditions, such as the requirement to be vaccinated (in this case against COVID-19). A more extensive legal commentary of this was presented in the Cayman Compass article entitled: “Can employers insist staff get the COVID-19 vaccination?” which was done on Thursday, April 2021.**

It goes on to say Mr. Speaker, **“Government has a duty to protect the lives of all the individuals in the Cayman Islands, as outlined in section 2 of the Bill of Rights (right to life), a duty it has already exercised throughout the COVID-19 global pandemic, such as with the implementation of border closures and shopping days by last name, curfews, limitations on gatherings over certain numbers, requirements for wearing face masks, et cetera.**

**“The mandating of vaccination against COVID-19 for grants or renewals of work permits is another condition which government can put in place once assessed that it is lawful, rational, proportionate and procedurally fair (i.e. in line with Section 19 of the Bill of Rights on lawful administrative action). However, the Government policy would have to allow for exceptional circumstances in which exemptions could be granted, such as cases where medical contraindications exist.”**

**“The Commission has also noted discussion of potential restriction employers can put on employees regarding vaccination against COVID-19. The matter was examined in detail in**

**a public statement released by local law firm HSM in April of this year, and whilst the Commission cannot provide legal advice or endorse one particular perspective, employers may find its analysis useful.**

**“Human rights is a balancing act and, in balancing the rights of individuals, Government has a responsibility to balance all rights. Section 16 of the Bill of Rights (non-discrimination) allows for discrimination in limited circumstances, where the discrimination “has an objective and reasonable justification and is reasonably proportionate to its aim in the interest of defence, public safety, public order, public morality, or public health.**

**“The Human Rights Commission joins the Cayman Islands Government in encouraging persons to be vaccinated. Individuals can find the latest vaccination schedule and other information about the COVID-19 vaccination programme here.**

**Ends”**

Mr. Speaker in concluding my introduction of this Bill, I wish to thank all those who have worked quickly to develop and modify processes, identify solutions, and make it possible for essential services to continue during these challenging times.

On a more personal note, Mr. Speaker, I reiterate—and I think I can safely say this on behalf of everyone on the Government side—this was not a decision that we took lightly. We and many people in the Cayman Islands, including the Opposition and Members of this Parliament, worked very hard to get to the 80 per cent target to ensure that we have the best protection available for everyone that calls the Cayman Islands home.

The math is simple, Mr. Speaker: When we hit the 80 per cent, if we allow other people come into this country and they're unvaccinated, the truth is the 80 per cent number is going to be diluted. We are going to be falling more and more and more as the economy picks up, which is what everyone wants—for the economy to pick up. We cannot afford to turn back now, Mr. Speaker, after 18 months of sacrifices by the Caymanian people and all those who call the Cayman Islands home.

We are going to embark on a journey where we are going to try to do what no country has successfully done when they went to reopen and as such, Mr. Speaker, despite the challenges we have... And yes, we do question some things from the programme board; we do question things that are presented to us, because as I said, our system of democracy, while it requires some level of trust, it also requires some level of verification.

In this instance Mr. Speaker, we are talking about peoples' lives. We are talking about our

children. We are talking about people who, for medical reasons, cannot be vaccinated, and it is our right and duty not just for Members of Parliament, for every person in this community, to rise up and play their part.

I want to thank the 78 per cent that have gone out thus far and have taken at least the first dose.

Mr. Speaker, I can tell you that there are people out there who have medical challenges and they still tried to take the vaccine; and I want to say a special thank you to those people because they were at risk, but they still tried to do the right thing.

Mr. Speaker, I can tell you that I have received calls from people within the Civil Service who have said point-blank that they do not even want to work with people who are unvaccinated. People are aware of this issue. More than 4.8 million people are dead in less than two years. This is one of the worst global pandemics in a hundred years, and I am very grateful Mr. Speaker for the efforts of the previous Government under the leadership of the Member for Red Bay, for the steps they took, in terms of locking down the place to reduce community spread.

However, Mr. Speaker, it is time for us now to start looking to re-join the global community and start reuniting Caymanian families and also to give those who love to visit the Cayman Islands an opportunity to come back here. I know this is not easy, and yes we have already been threatened with lawsuits, et cetera, but you know what Mr. Speaker? The story of the Cayman Islands has always been one where we have prevailed and I will say to the Caymanian people who are listening: This too shall pass, and the Cayman Islands will be here.

With that said, Mr. Speaker, I am asking all Members of this Parliament to support this amendment to the Immigration (Transition) Act, 2021 to ensure that we protect all Caymanians and all those who call the Cayman Islands home.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** We will suspend proceedings until 7:15.

**Proceedings suspended at 6:19pm**

**Proceedings resumed at 7:16 pm**

*[Continuation of debate thereon]*

**The Speaker:** Proceedings are resumed. Please be seated.

*[Pause]*

**The Speaker:** The debate continues on the Immigration (Transition) (Amendment) Bill, 2021. Does any other Member wish to speak?

The Honourable Leader of the Opposition.

**Hon. Roy M. McTaggart, Leader of the Opposition:** Thank you, Mr. Speaker.

Mr. Speaker, in debating the earlier Customs and Border Control (Amendment) Bill, I made the position of the Opposition quite clear that these Bills are troubling to us, just as they are troubling to many Caymanians and residents who have deep-seated concerns with it. I believe this Bill should trouble Members on the Government bench as well.

At the very outset I would state Mr. Speaker, that as we did not support the earlier Bill, we will not be supporting this one because they are companion pieces of legislation dealing with the same subject matter. The debate on these Bills Mr. Speaker, particularly on this Bill, is the first debate of real consequence for the Government and the country under the new Administration. This may very well define the Government in the minds of the people.

In debating the Customs and Border Control amendments I said that if the Government had brought a Bill that required first-time work permit applicants to be vaccinated against SARS-CoV2, as a new condition for the grant of a first-time work permit and the right to reside here, then the Government would have been on much firmer ground. Instead, what they have presented to this House and to the country is, in our opinion, a set of amendments that are a quagmire in which the Government may very well find itself stuck.

If they brought such an amendment, the Government would have also been more honest with the public about the category of persons they intended to include. Indeed, Mr. Speaker, these Bills were published last week or the week before.

**Hon. Kenneth V. Bryan:** Mr. Speaker.

**The Speaker:** The Honourable Minister of Tourism.

#### POINT OF ORDER

**Hon. Christopher S. Saunders, Deputy Premier:** Point of order, Mr. Speaker.

I did not say that. I am responsible for what I say, I am not responsible for what the Member from Red Bay understands. I was talking about the previous Bill; that there were only two on the previous Bill that it relates to, not the Bill that he is speaking about now.

**Hon. Alden McLaughlin:** Mr. Speaker, I am most grateful to the Member for that clarification, and indeed concession, that there are far more categories that are caught by this net and this net,

Mr. Speaker, comprises two ends: one is the Customs and Border Control Amendment and the other is the Immigration (Transition) Amendment, but together they capture all persons who are subject to immigration control in the country.

As I said at the beginning, I was not able to address those categories that are listed in the Immigration (Transition) (Amendment) Bill and therefore I have to do that now. Now Mr. Speaker, those categories in the Bill number 12, hence my mistaken but understandable concern that the Minister of Finance had said there were only two, but I hear him; I hear him and I am glad for the clarification.

The amendment which he proposes will remove two of those categories of persons, in terms of immigration status that are caught by the Bill. Those are Mr. Speaker:

- The spouse or civil partner of a Caymanian who applies for a Residence and Employment Rights Certificate; and
- Dependents of Residence and Employment Rights Certificate (RERC) holders who have reached the age of 18 and apply for permanent residence in their own right.

The other ten categories of persons for immigration purposes . . . there are ten of those plus the two that are dealt with in the Customs and Border Control Act, so we are still at twelve distinct, discrete categories of persons who are subject to immigration control who are being caught by this wide vaccine mandate; [who] are being caught in this net. They include persons who have been legally and ordinary residents for eight years in Cayman.

Now, Mr. Speaker can we take a closer look, rather than the Deputy Premier's broad brush, *ah, that don't really matter*, approach. For example, I am a Jamaican, I come to your country; I work here, I married another Jamaican. We have set up house here—we have a home here. I work. My wife works; both of us are on permits. We are making enough money and we want to apply for permanent residence. We know what the rules are—if you do not have some form of a real asset i.e. a home, a piece of land...your chances of getting permanent residence by virtue of your tenure of residence here is slim to nothing.

Anyone who believes or who wants to acquire permanent residence and then move on in the graduated process to Caymanian status, will be hustling to try to get a little piece of the rock because without it, you can't—unless there are exceptional circumstances where you have Caymanian

connections or something else—you can't get enough points to get permanent residence.

So you are going to tell these folk—*not you, sorry, Mr. Speaker*; so the Government is going to tell this happy couple who have two children... now let's talk about them, too. They got one in Primary School and they got one going to High School. The children were either born here or came here when they were very young. They have friends. They have social ties. These are stalwarts. The parents are in the Adventist Church. The father is a Rotarian. You are getting my drift, Mr. Speaker? These are people who have established ties, who are growing roots in this soil but they don't want to take the vaccination and the Deputy Premier says them can just go, *go 'long 'bout yuh business!*

*[Inaudible interjection]*

**Hon. Alden McLaughlin:** Mr. Speaker, does my example sound like something absolutely impossible or ridiculous? I reckon Mr. Speaker, that that represents the situation of many people in this country. So simply saying *well, we're doing our best to make sure it doesn't apply to Caymanian Caymanians*, is not going to save this legislation from being declared as incompatible with the Constitution. The Court is going to look at the ties that those people have and, in my view, they are going to say that this is impermissible discrimination, Mr. Speaker.

Alright, Mr. Speaker, I move on. Parents of Caymanian children. *What?* Parents of Caymanian children whose marriage or civil partnership has dissolved. Section 40 subsection 2 of the Act provides for a person who has forfeited their right to a residence and employment rights certificate but who is the parent of a Caymanian child to apply for a continuation of their RERC until the child reaches 18 or later, if the child is in tertiary education.

Has my good friend the Deputy Premier really understood what that means? Do those on his side of the House who are apparently going to vote for this . . . do they really understand what that means? What that means Mr. Speaker, is if a person marries a Caymanian and they have Caymanian children but they subsequently separate or divorce but they are still resident here, that if they don't take the vaccination, *dem affi go 'long!*

*[Inaudible interjection]*

**Hon. Alden McLaughlin:** Same way, Mr. Deputy Premier. That's what the section says; I do not want it to say that, and I will be more than happy to agree with an amendment which prevents this injustice from occurring; but Mr. Speaker, this is not covered by the amendment that has been circulated to us and if the Deputy Premier now sees the sense of

what I am saying, I would be delighted and I can move on.

Mr. Speaker, I learned a long time ago, not to just take what they give you, you know. When you get up here and present a Bill, sometimes the Bill will make you look like a fool. You must look at it, read it and understand it.

Next, Mr. Speaker: Surviving spouses or civil partners. Section 40 subsection 3 of the Act provides for a RERC holder who is the surviving spouse or civil partner of a Caymanian to be able to apply to the Board or the Director of WORC for the right to continue to hold their certificate. Does the Deputy Premier understand what that means?

That means if you are married to a Caymanian and the Caymanian dies and what you have is a RERC, you must "pick up your belongings and go 'long too" if you do not take the vaccination. That is what it means. That is what it says. Really Mr. Speaker? Really? This *people-driven government* is going to treat people like that? If it was a cattle-driven government you wouldn't drive your cows so; run them out of the grass piece, go 'long!

Mr. Speaker, I don't know; we just ate, so the Minister for Tourism should not be hungry, but he is groaning over there.

*[Laughter]*

**Hon. Alden McLaughlin:** However Mr. Speaker, these are not my words. I am reading what is in the Bill—it's your Bill, Mr. Minister.

Next category, Mr. Speaker: Persons of independent means who apply for a residency certificate for persons of independent means valid for 25 years and subject to renewal. See section 41(1) of the principal Act. We are saying that anyone who is of independent means, i.e. the millionaires, the well-off people who come here and apply for a residency certificate for persons of independent means who invest substantially here, who spend money in the shops, the restaurants and the bars here. The services that they all require: gardening, cleaning, you name it. *Una must go 'long, if una don't take this vaccination.*

Persons of independent means who applied to reside permanently in the Cayman Islands—Section 42(1) of the principal Act, same sad story. *If you don't take the vaccination, we don't want you;* and that's really what the Deputy Premier said. He made it very clear. He made it very clear, and I have a paper here which I will refer to, in which he repeats it to the Compass, but we will get to that.

Surviving or former spouses or civil partners of those who hold a residency certificate for persons of independent means or a certificate of permanent residence for persons of independent means and who applied for the grant of such certificate,

permanent residency in their own right. Let's examine this category, Mr. Speaker.

You have two rich people who came here as spouses. The one partner to the marriage had granted to him or her, a residency certificate for persons of independent means or a certificate of permanent residence for persons of independent means, but they died; so you say that their surviving spouse must pack up and go 'long too, if they do not take the vaccination, even if they have been here for 20 years. That is what this section says, Mr. Speaker.

They are groaning over there because they obviously have not looked carefully at what it is they are trying to do well—perhaps that's being uncharitable—what they will do if they carry through with this Legislation. I do not think they intended that, but the Leader of the Opposition said it at the start of his debate on the earlier Bill: the law of unintended consequences has never been repealed.

Dependants of persons who hold a Residency Certificate for persons of independent means or a certificate of permanent residence for persons of independent means where the dependant has reached the age of 18 and applied for permanent residence in their own right.

So now, Mr. Speaker, we are talking about the children; principally, dependants do not have to be children, but principally that is what we are talking about, because we are saying they are just getting to be 18, so they must be children in this context. They came here with their mother and father who held a residency certificate for persons of independent means or a certificate of permanent residence for persons of independent means—I do not know what the difference is, that is what the words say; but it means that they have the right to remain here for a long time, up to 25 years.

So the children were either born here or they grew up here. All of young Jane's friends are in Cayman, because this is where she grew up. She went to Cayman International School; she played all the sports. She has loads of friends here. This is where she knows as home. She only goes back to Florida now and again to see her grandmother or grandfather, but Cayman is her home. So when she reaches 18 she says, *I do not want to take that vaccine*. The Deputy Premier will say, *tough, pack yuh bags and go 'long*. That's what it says.

Boy, Mr. Speaker, it is a long list I am sorry; but it is not my list, it is the Deputy Premier's. I am just reading it.

*[Inaudible interjections]*

**Hon. Alden McLaughlin:** Persons who have applied for a certificate of direct investment—see section 47(1) of the Act—and the surviving or former spouse or civil partner of a certificate of direct

investment holder who has applied for such a certificate in their own right.

Mr. Speaker, once this passes, once you apply for a certificate of direct investment, you must take the vaccination. I do not have too much of a qualm with that, but the surviving, former spouse or civil partner of a certificate of direct investment holder—that could be someone who has resided here for many years but his or her husband died.

**An Hon. Member:** *His husband?*

**Hon. Alden McLaughlin:** As the case may be, because it refers to a civil partner. That is what it refers to. I am not making it up; it is in your Bill, Minister.

You say to her or him, *you have to go, unless you take the vaccine. I don't care how much investment you made here. I don't care how many condominiums you own. I don't care how much contribution you made to the Rotary Club or the Lions' Club. We don't care. We don't need you. Go 'long!* That's what the Deputy Premier said, they must go 'long.

**Hon. Kenneth V. Bryan:** Mr. Speaker.

**Hon. Alden McLaughlin:** *[Laughter]*

**The Speaker:** The Minister of Tourism.

**Hon. Kenneth V. Bryan:** As per the Standing Orders, I refuse to allow the Member for Red Bay to impute the motives of the Deputy Premier; he did not say such thing. Now, he may have interpreted it that way, and he has a right to deliver his debate, but the Deputy Premier has never said that.

**Hon. Alden McLaughlin:** *[Laughter]*

**The Speaker:** I was going to ask him if that is what is in his mind, because it is not written anywhere. That is his interpretation, which I think the Deputy Premier will deal with in the closing.

**Hon. Christopher S. Saunders, Deputy Premier:** I guarantee you, I'm going to deal with it. I guarantee you.

**The Speaker:** I know that those words, *go 'long*, are nowhere there so—

Member for Red Bay.

**Hon. Alden McLaughlin:** Mr. Speaker, the moment of levity is good; but Mr. Speaker the Deputy Premier, my good friend there—

*[Laughter]*

**Hon. Alden McLaughlin:** Has a great command of the Queen's English and when he is talking to the Compass he uses the Queen's English, so I shall read it from the Compass and then we can decide whether or not that just does not mean the same thing as, "go 'long."

*[Laughter]*

**Hon. Alden McLaughlin:** A person who applies for a certificate for specialist caregiver for that person's employee, former employee, renewable for a period of five years. See section 49 of the principal Act.

Mr. Speaker, on this one I can see some justification why you would want someone who is taking care of an aged and infirm person to be vaccinated, so I am not going to make a big fuss about that one.

An applicant for a residency certificate on the basis of substantial business presence valid for 25 years and subject to renewal of the principal Act.

Mr. Speaker, again, it is very clear. These residency certificates on the basis of substantial business presence are granted for up to 25 years and are able to be renewed; so what happens if the individual has invested heavily in a substantial business or businesses—plural—here? They live here. They have their family here. They have their business interests here. We are just going to tell them that they have to go 'long too, if they don't take the vaccination? That, Mr. Speaker is the impact that this Immigration (Transition) (Amendment) Bill, 2021 is going to have.

I cannot believe that the Members on the other side, which includes three lawyers—leaving aside for the moment, the able advice of the learned Attorney General—would not have understood quickly the implications of these proposed amendments.

Mr. Speaker, before I rose I asked the intern to hand to you two copies of articles from the Cayman Compass. I have copies for everyone. With your permission, sir, I wish to refer first to the one which appeared in today's publication, which features an interview with HSM Chambers' Partner, Nick Joseph.

**The Speaker:** I do not have that one.

*[Inaudible interjection]*

**Hon. Alden McLaughlin:** None of you have it yet, Minister, because I need the Speaker's permission. I believe he did hand you both?

**The Speaker:** No. I have another one that I think you are planning to Table as well; but the one featuring someone from HSM I do not have. You will ensure Members have a copy before you read them?

**Hon. Alden McLaughlin:** Once I have your permission, sir.

**The Speaker:** Yes you do. In particular the one that deals with a Member of the House. He must have a copy immediately.

*[Pause]*

**The Speaker:** Have copies been given to all Members now? Does each Member have two copies?

*[Crosstalk]*

**The Speaker:** Are you going to be dealing with both?

**Hon. Alden McLaughlin:** Yes, Mr. Speaker but in turn rather than confuse people; we will hand that one out when I get to that particular point.

**The Speaker:** Continue.

**Hon. Alden McLaughlin:** Mr. Speaker, as I said earlier, my Leader referred to an article in the Cayman Compass which involves an interview with HSM Chambers' Partner, Nicolas Joseph, who is a noted Immigration lawyer here. The Leader said that Mr. Joseph appeared to share many of the concerns that we do, and my main point in referring to this article and indeed Mr. Speaker, if you so authorise, to lay it on the Table of the House.

**Hon. Christopher S. Saunders, Deputy Premier:** Mr. Speaker.

**The Speaker:** The Deputy Premier.

#### POINT OF ELUCIDATION

**Hon. Christopher S. Saunders, Deputy Premier:** Just a point of clarification, Mr. Speaker.

I noticed that the one that was given to me has the word "advertisement" in it which is different from "article"; I just want to clarify which it is, for the record.

Thank you.

**Hon. Alden McLaughlin:** Mr. Speaker that was downloaded from the Compass website; if you go to the website you will see an advertisement in between the paragraphs because that is how they are making money, but when you print it, it does not print the advertisement. It just says "advertisement."

**The Speaker:** So here, where you say it is an advertisement and it goes on to say "The Freedom

to Choose”—that's not the advertisement, but part of the article?

**Hon. Alden McLaughlin:** Correct, sir. It threw me for a bit. I said, *what advertisement?* Then I realised.

**The Speaker:** I was wondering what the Compass was doing; it doesn't surprise me, you know but...

**Hon. Alden McLaughlin:** When you go on the website you see the advertisement.

Mr. Speaker, I will just refer to certain excerpts from the article because all Members have it and can read it at their leisure. It starts:

**“As legislators get set to debate law changes in producing mandatory vaccinations, at least one local immigration expert says the proposed laws go further than initially expected and could be challenged in Court.”**— I will skip over some of it.

**“Ahead of that debate, attorney Nick Joseph of HSM Chambers discussed with the Compass what the implications are for Cayman. Having reviewed the planned law changes, he said he disagreed with the provisions set out in the legislation.**

**“The freedom to choose medical procedures is important and should only be curtailed to the extent necessary and reasonably justifiable in a democratic society. The application of mandates should not appear or be arbitrary and we look forward to greater comfort as to the basis and extent of their proposed application,”** Joseph said in a statement to the Compass. He suggested the law changes as they stand are open to judicial challenge and they believe there could be grounds for that leading to a declaration of incompatibility with Cayman's Bill of Rights.

**“Other implications,”** he's quoted as saying, **‘include damage in the eyes of the international community, with economic and reputational impact. Certain individuals may be forced to challenge the legislation, or may simply choose to leave. There are substantial investors who fall into this latter category and who've already been voicing significant concerns.’** Joseph stated.”

**“Initially, Government's talk of mandatory vaccinations had been restricted to work permit holders—”**

**The Speaker:** Honourable Member, the pages are not numbered again. Can you tell me what page you are on?

**Hon. Alden McLaughlin:** That is the bottom of the second page, sir.

**The Speaker:** Second page. Bottom. Okay.

**Hon. Alden McLaughlin:** **“Initially, Government's talk of mandatory vaccinations had been restricted to work permit holders and it had been anticipated by many that the requirements would attach to persons applying for a first work permit. ‘Effectively, a condition of entry on those who do not yet but intend to reside here.’**

**“What has however been produced in the Bill, indicates that the requirement will attach to not only those who are seeking to come for the first time but also to broad categories of persons who are already here.”** That's the concern I expressed as I analysed the list of categories of people who will be impacted by this amendment.

Returning to his quote, **‘As drafted, subject to exemptions, almost everyone seeking an immigration permission including renewing an existing permission or amending an existing permission, to add or to remove dependents will have to provide proof of vaccination either for themselves or a prospective dependent depending on the circumstances,’** the attorney shared.

**“He pointed out it was worth noting that vaccination is not currently proposed to be a requirement of persons applying to become Caymanian. ‘It is assumed on the basis that such persons are usually already permanent residents and accordingly already settled in the Islands.’** Joseph contended that as drafted, the Immigration (Transition) Bill may particularly, **‘fail for lack of justification if similar treatment is not applied to others (including in some front line roles and/or Caymanians)’.**”

In other words, Mr. Speaker, he's saying this kind of discrimination is likely to be found to be incompatible with the Constitution. **‘It would appear to be difficult to contend that mandatory vaccination is reasonably justifiable for an established expatriate online worker working (remotely) from their home, but not for a Permanent Resident driver moving persons to quarantine, or a Caymanian healthcare worker testing persons for COVID. We will have to see what steps Government takes in that regard,’** he said.”

Mr. Speaker, we have already had a situation—thankfully not at the HSA—where a frontline COVID worker was found to be positive; and now Mr. Speaker, he turns to my good friend the Deputy Premier. **“However, Deputy Premier Chris Saunders, speaking on the Compass Facebook talk show, *The Resh Hour* on 29th September, made it clear he will not support any mandatory vaccinations for Caymanians. He said countries, including the US, are now requiring vaccinations**

and the law change is no different, to protect the local community.

The Deputy Premier is quoted as follows: 'We do recognise that there are some Caymanians, whether it be for medical reasons or religious reasons, that would be unable to take the vaccine,' Adding, therefore Government has a responsibility to take steps to protect them."

*[Inaudible interjections]*

Hon. Alden McLaughlin: My throat is dry Mr. Speaker, and I see it is causing a great deal of happiness on the other side.

*[Laughter]*

Hon. Alden McLaughlin: 'Our job is to maintain a vaccination rate that's going to keep our people safe and more importantly, our children safe,' the Deputy Premier said. However, when it comes to vaccinations,"—this is not the Deputy Premier being quoted now, this is the article—"for frontline workers and those in the Civil Service, many of whom are Caymanian, Saunders said that is a matter for the Governor and Deputy Governor.

Joseph said he does not think casting legislation so that it only affects certain categories of expatriate, without reasonable measures that apply to others, 'risks alienating sectors of the community in such a manner as to create divisions, real or imagined, between Caymanians and Expatriates.'"

I do not think that sentence is quite right. I think what they are trying to say is: *Joseph says he does not think casting legislation so that it only affects certain categories of expatriates—*

*[Inaudible interjections]*

The Speaker: No, no, no, no.

Hon. Alden McLaughlin: I'm reading it!

I am simply saying I do not think it reads correctly and I am rereading it; "Joseph said he does not think casting legislation so that it only affects certain categories of expatriate, without reasonable measures that apply to others, 'risks alienating sectors of the community in such a manner as to create divisions, real or imagined, between Caymanians and Expatriates'.

"On this issue of public health, he contends, 'what is good for the Goose is good for the Gander. If vaccination is necessary and proportionate for the well-being of the community, then so far as reasonable, it must be reasonable and proportionate for a wide range of

participants in the community. This may include temporary participants.'

He questioned whether there was an alternative path forward. 'Are there mechanisms available that could bring up the number of vaccinated persons in the community without the deprivation of choice, and have these options been explored, attempted, and exhausted? If the Government has any alternative, it may be compelled to pursue that which causes the least practicable infringement on the rights of those who already call Cayman home,' he said."

"Will it be effective?

Joseph said the test of vaccination [*sic – article reads legislation*] will come in its application. The current vaccine total as of 1st October was 55,200 or 78 per cent with one dose, 51,759 or 73 per cent with two doses. Quoting again from Mr. Joseph, 'to be enforceable and to survive challenge, any attempt that enforcement will need to be not only lawful, but reasonably justifiable. When and if the Bill passes, and even then, whether it meets the lofty standard required for effective enforcement will depend on multiple factors, which will vary from case to case. The standard to be met will be less (i.e. enforcement easier) where a person is not yet a resident of Cayman,' he said.'

The attorney pointed out that a significantly greater difficulty in enforcement may arise where an unvaccinated person is already a resident, let alone a permanent resident (whether on the basis of the point system or as the spouse of a Caymanian). 'We expect that if passed, enforcement will be challenged and anticipate various particular circumstances in which a challenge would have some prospect of success,' he added."

"For his part, Joseph contended as written, and in the overall context known to the HSM team, they do not agree with the changes." That is, to the law. 'Of course all lawyers have views, and by their nature, having consensus agreement between lawyers is hard to achieve. The issue is polarizing, and views often seem firmly on one side or the other. I, and others, have concerns. We are however, cognizant of the fact of what may be an imminent Public Health Emergency (as a comparator, Bermuda's death toll from COVID appears to be growing quickly and is now reported at 72) and that we already live with Mandatory Vaccination as part of our established systems. They form part of the public education system,' he said.

"An important distinction can however be drawn between mandatory vaccinations for school children and the present circumstances," he argued. "As almost all children attending



school whether public or private have to be vaccinated against a number of diseases.”

“The requirement exists whether or not the parent happens to work for Government. Fairness is an important factor. It appears disproportionate (as the Bill is drafted) for a 15-year resident mother of a Caymanian child to have to prove vaccination in order to remain in Cayman with her Caymanian child but for others in future to be able to come on vacation and at least temporarily be part of the community without being vaccinated.’

“Ultimately, he said, “the question to be answered is whether or not mandating vaccination is reasonably justifiable. ‘As with freedom of speech, freedom from vaccination, effectively freedom of choice may not be absolute. The virus has no regard for creed, colour, or immigration status and accordingly efforts to confront the threat based on any one of those creates some legal and ethical discomfort,’ he added.”

Mr. Speaker, it is clear that those of us on this side are not just dreaming up these concerns. Whenever it was written, that article was published this morning; we came to these views days ago of their concerns about the Bill. Mr. Joseph referred, in this article, to the concern about mandating vaccinations for private sector persons, i.e. those on work permit or here on some other immigration status basis, but not requiring it for non-Caymanian Government workers who are on contract.

The Deputy Premier dealt with it by saying, “this is not my responsibility; it is that of the Deputy Governor and the Governor.” Mr. Speaker, let us see what the Deputy Governor had to say when he was asked the question.

Mr. Speaker, I handed up a copy—

**The Speakers:** If you have copies for Members please then let them...

**Hon. Alden McLaughlin:** I have copies for all Members.

*[Inaudible interjections]*

**Hon. Alden McLaughlin:** Yeah, you're my good friend too.

*[Inaudible interactions]*

**Hon. Alden McLaughlin:** I will tell you what I always tell my children, *I love you all dearly but when you are wrong, you are wrong; come here and get your little licks.*

*[Pause]*

**Hon. Alden McLaughlin:** Mr. Speaker, may I proceed?

**The Speaker:** I just want to make sure the Deputy Governor has his. The Member for Red Bay continuing.

**Hon. Alden McLaughlin:** Thank you Mr. Speaker.

The article—I'm afraid it doesn't have a date on it, Mr. Speaker. It just refers to “Thursday's Press Briefing” but I am not sure which Thursday.

*[Inaudible interjections]*

**Hon. Alden McLaughlin:** *[Laughter]* Good try.

*[Pause]*

**Hon. Alden McLaughlin:** I will read it. Whenever it was written, I believe it is factual, and I know it was not written when I was in Office, so it is still the responsibility of the current Government.

“Deputy Governor Franz Manderson has said the Civil Service will join the elected Government in looking at developing legislation to require Civil Servants on government contracts to be vaccinated”. ‘This is an ongoing issue. It is not easy,’ Manderson said, as he addressed Thursday's COVID-19 Briefing. His statement came as amendments to the Immigration Transaction Act and Customs and Border Control Act proposing mandated vaccines for work-permit holders are now out for public consultation.

We know it is within the last 10 days, Mr. Speaker. “Manderson said he confirmed in a Zoom Town Hall [Meeting] with frontline workers that mandating vaccinations is ‘under consideration.’ As he said, he was ‘very concerned’ that not all Civil Servants on the front lines at Customs and Border Control and Travel Cayman were vaccinated. ‘My greatest fear as Head of the Civil Service is that I have to attend a funeral of a Civil Servant. I would never want to do that so I'm asking all the civil servants to get vaccinated and do not put me in that position,’ he said.”

That's all quite proper, Mr. Speaker. That is what we talk about on this side when we say we should be persuading and educating.

**“Push for frontline workers to vaccinate.**

To this end, he said, legislation is being looked at in the absence of significant vaccination uptake in the Civil Service. Back in April, he explained, a survey was done across the civil service which found 70 per cent of those government workers were vaccinated. He said an internal survey on frontline workers a month and a half ago, showed 8/10 frontline workers were

vaccinated, but the survey was not ‘well taken up.’ Since then, Manderson said they have been doing a number of Zoom meetings with front line workers and ‘I do believe our numbers are moving in the right direction.’”

[Crosstalk]

**Hon. Alden McLaughlin:** Mr. Speaker, the Serjeant in his usual efficient manner has provided us with the date—September 25<sup>th</sup> 2021.

**“He said another survey is currently under way and part of the questionnaire asks whether the civil servant is vaccinated or not. Coming out of the virtual town hall meetings, he said, were a number of questions, one of which covered mandating vaccinations. “Premier to Meet Civil Servants”**

**“He said there were concerns from vaccinated workers. ‘We have staff voicing concern about working on the front line with unvaccinated staff members and we have staff members on the front line who say they will not get vaccinated. My pledge to the civil servants on the front line, was that before we would make any decision about requiring vaccinations that I would meet with them department to department, and I’m going to keep my word,’ he said.”**

**“Manderson said Premier Wayne Panton agreed to meet with front line workers via Zoom and ‘they could hear from him directly, sometime next week.’ He said *some* civil servants since his Zoom town hall meeting have gotten vaccinated.**

**Manderson noted the Civil Service is committed to vaccinations and ‘we should be the leaders. We should lead as a world-class employer, so our numbers at the moment are not world class and we have to admit that, but we will do our best to ensure that the Cayman Islands Government, our civil service... should have the highest vaccination rates on the island,’ he said.**

**Cayman Airways, he pointed out, is at 100 per cent vaccination and he said he told his team, ‘we can’t have SAGC (Statutory Authorities and Government Companies) beating the civil service, we should be leading. Our commitment is to continue to encourage Civil Servants to take the vaccine, as the Premier and everyone says, it is the best thing to fight COVID,’ Manderson added.”**

Mr. Speaker, the position is becoming clearer and so we see that this Legislation does not only discriminate by what it insists on being done, but it discriminates by the categories of all foreign workers who are not being caught in the vaccination trap, because if you are a civil servant on a Government contract, you are not caught by these amendments. Up to now, and today we are debating the Bill, you can choose not to take the vaccine and

you are perfectly fine. The Deputy Premier dare not come and tell you to, *go ‘long*.

Mr. Speaker, there are myriad problems with this piece of Legislation—massive problems. I cannot believe that the Government will still insist on pushing this through. What the Government needs to do, in my view, is to spend its time and its concern about what is happening with the community transmission of this virus; today we have 52 new cases; 38 of those community transmission.

As I said during my previous debate, in two weeks’ time all of this contact tracing and isolation is going to be absolutely pointless, because it is going to be spread right through the entire community and we all hope and pray, because the vast majority of the community is vaccinated and those who are not vaccinated are principally—not entirely but principally—children who the virus does not seem to do anywhere near as badly as us older folk.

Mr. Speaker, all of these people who we have isolating, who is paying them? Who is going to pay them? Who is going to look after their financial needs when they cannot go to work? That is what the Government needs to be worrying about, instead of trying to reach some magical number off the charts, in terms of vaccinations with respect to people who are here already or connected to these Islands.

Mr. Speaker, all of this opportunity we have had today—maybe he is going to do it at the end—but I would have expected the Premier to tell us what the reopening plan is and what the date is. What are we going to do... Well, I should not say “we” because we are Parliament, but we help to vote money. What are we going to do, as a Parliament? What is the Government going to do to help the many failing businesses that reopening is not going to save, because we have already lost this season. I know as many people must come to them as come to me and say, *Mr. Alden I nah got no money to pay my rent this month, can you help me?* The Minister of Finance says our finances are still rosy—use some of them to help our people, nah?!

We have proposed Mr. Speaker, from the time of the campaign trail that we should raise the stipend for tourism workers from \$1500 to \$2000. It needs to go to \$2500 now, because we thought that the reopening plan and reopening date would have come in advance of the start of the next winter season but that is not going to be the case. Many of these businesses—the tourist-related businesses, because we are not going to have any cruise tourism for another year—are going to suck salt from now until the 2022 winter season. We have a duty as legislators; the Government has a duty to help these people.

Mr. Speaker, I have probably said enough, but I cannot close without telling you about a little

conversation that I was in the company of at Sea-Inn Bar right up the road there on Shedden Road, on Friday evening. These two guys were having this discussion and one of them said, *'tell me one thing the PACT Government done since they took Office. I can't think of a thing they've done.* The other one said, *no man, he said, you're not being fair. They brought back COVID-19 into the community.'*

Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak?

I call on the Honourable Attorney General.

*[Inaudible interjections]*

**The Speaker:** I did not see that, sorry.

**Hon. Samuel W. Bulgin, Attorney General:** Thank you, Mr. Speaker. I shall not be long but I probably need to clarify a couple of things.

Mr. Speaker, I am sure you are familiar with the saying, *'there are as many opinions as there are lawyers.'* One thing is clear as it relates to this particular initiative, is that there is no shortage of legal opinions and you will notice that we have been quite selective in terms of those which we try to use. We mentioned KSG; we mentioned HSM Chambers.

There was something that was widely published in the newspapers about some opinion from some eminent jurists from the Eastern Caribbean, which speaks about the—in my words—resilience of Caribbean Constitutions to withstand these challenges. There is also opinion from the subcommittee of the Bar Association in Jamaica which speaks to the resilience of constitutions to withstand these challenges.

We have been treated to the very nicely written brief, if I might call it that, or letter from KSG threatening—in bold—Mr. Speaker, to challenge the legislation if they are enacted.

Mr. Speaker, one good thing about our democracy is that we have an independent judicial system which allows for members of the public, when they are aggrieved, to have their matters ventilated in court. That is the nature of our democracy and we know, sir, that if Government were to run for cover each time it is threatened with legal action about a piece of legislation, or any action for that matter, Government would not get anything done.

KSG—very able set of lawyers; they know about challenging legislation for compatibility; they just did that with the Roads Law and it did not quite go their way but they have done it. They just did that in the Lissa Lane Road case, which we all know about.

*[Inaudible interjections]*

**Hon. Samuel W. Bulgin, Attorney General:** Yes. I agree with you. They pursue it nonetheless.

Albeit first instance but Mr. Speaker, the point I am making is that the way the system operates allows for those kind of things and for issues to be ventilated. It does not matter what I say here. It does not matter what learned Council and the former Premier says; and what KSG and HSM say. At the end of the day, it is only the Court across the road that is going to determine whether what we are doing here makes any sense.

What I need to observe as well, is that as helpful as the KSG brief or letter is, I am not so sure it made the point that the case that forms the thrust of their opinion went in the Government's favour; the Court ruled that the legislation was, in fact, compatible. You know we say as lawyers, that you are in trouble when you have to resort to the dissenting opinion, and KSG spent quite a while highlighting the dissenting opinion, rather than the majority; but, again, with all due deference to them, these are their views on it. They are entirely free Mr. Speaker, to take the matter to Court and have it ventilated and of course, the Government will have to justify the legislation and whatever is being done here when we get to that stage.

We know, sir, that these days just about any public-spirited member of the public can get leave to challenge these things. It is not like in some countries where you have to show that you are a victim. That's not the case with the Cayman Islands. Following other places, you can simply just show that you have some passing interest and I do not mean to be facetious. In other words, the bar is very low so we would not be surprised if at some stage there are numerous challenges to these legislation. We just have to meet them head-on, Mr. Speaker and deal with them when they arise.

I also need to make the point Mr. Speaker, that although the word "mandated" or "mandatory vaccination" is banded about in a kind of loose sense, there is really no mandatory requirement in this legislation.

All that it says is, *listen, if you want to enjoy certain privileges under the Immigration Law such as a work permit, or renewal of a work permit, et cetera, one of the conditions that you have to meet is that you have to demonstrate that you are vaccinated; or you cannot take the vaccine because of medical reasons; or you have some sort of other declaration to be exempted.* That is all the legislation says. It is not a case where persons are being forced to take vaccine or it is being forcibly administered to anybody. It is simply saying, *if you are applying for a work permit, you have to prove a number of things: you are person of good character; you have a certain skill set and you also have to prove that you are vaccinated.* There are a number of conditions attached to it.

It is not entirely dissimilar, Mr. Speaker to a situation where, under the Education Regulation—I think it is Regulation 20(d)—for a child to be admitted to a school he or she has to show that he or she is vaccinated.

Mr. Speaker, if a child has to demonstrate that they are immunised before they get into a school—we have right to education under the Constitution—but the child has to demonstrate that he is immunised in order to be admitted to school. I do not think it is such a bad ask to say that if you want to come and live and operate among us, then you need to demonstrate that you are vaccinated. Why is it not bad for a child? Why it is not discriminatory for a child, but it is bad for someone who wants to come and live among us or wants to remain among us? So when we talk about justification of proportionality and reasonableness and irrationality and Section 19 of the Constitution, those are things that the Court will look at.

If you have to demonstrate that your child is vaccinated before you can get him or her into a school, why should you not demonstrate that you are vaccinated before you can get a work permit? There is no right to a work permit. There is no legitimate expectation for renewal—the law says so; and it does not matter whether it is the first or tenth renewal, it still does not carry a legitimate expectation.

So your position as a work permit holder does not change because this is your seventh, eighth or ninth renewal. You are still a work permit holder subject to the discretion of the board and/or the Director. That is just how it is.

It is quite a mouthful, Mr. Speaker. It is quite an emotive issue and nobody is saying that you do not have a choice—you have a choice. You can decide, *if those are the things that I need to go through to get a work permit well, I do not plan to do that.*

I think Section 50, Mr. Speaker...

[Pause]

**Hon. Samuel W. Bulgin, Attorney General:** Mr. Speaker, Section 58 of the Immigration (Transition) Act (2021 Revision), speaks about:—

**Consideration of an application for work permit by the board etc.**

**(1) The Work Permit Board; the Business Staffing Plan Board; the Cayman Brac and Little Cayman Immigration Board; the Director of WORC in considering an application under Section 56:**

- (a) Shall, in respect of an application for a grant; or**
- (b) May, in respect of application for renewal,**

**subject to the general direction which the Cabinet may, from time to time, give in respect of consideration of such application, take into account the matters listed in Subsections (2) to (4)**

It sets out the matters in respect to the prospective employer and in relation to the worker it says:

**"the worker's character; reputation; health and where relevant, the character, reputation and health of that person's dependants;**  
**the worker's professional and technical qualifications and that person's experience and competence to undertake the position applied for;**  
**the economic and social benefits which a worker may bring to the islands;**  
**the sufficiency of the resources of the proposed salary of the worker and, where the worker's spouse or civil partner is employed within the islands, those of the worker's spouse or civil partner and that person's ability to adequately maintain that person's dependants;**  
**the worker's facility in the use of English language; and**  
**the location type and suitability of accommodation and so on.**

We could just add below that, Mr. Speaker, whether the worker is vaccinated or not. It is another condition; as simple as that. It is not a sea change, if I might put it that way, and I think we need to separate the issue of whether or not a person wants to take a vaccination, whether they wish to take it, whether they desire to take it, whether they should have a choice.

We need to separate that from the Government's policy which is, *if you want to be employed in the Cayman Islands and you require a work permit, then as part of that you need to demonstrate, among other things, that you are vaccinated and if you get your work permit and you are here with your family and you need to enrol your child to go to school, as a work permit holder, you also need to show that the child is vaccinated.* That is how the legislation should be construed because invariably, Mr. Speaker, they have children with them, and I am sure they would not be railing about whether the child should be vaccinated or not.

Mr. Speaker, as we say the effect of the amendments is to make the initial grant and subsequent renewal of certain categories of residents, and permission to work in these Islands, conditional on the individuals demonstrating that they, and of course their eligible dependants, have undergone an approved vaccine course or they are

exempt for medical reasons. Those who are outside the Islands and who have not been able to complete an approved vaccine course in their country of residence will need to undertake or complete the course, shortly after the arrival—the Bill speaks about 40 days by way of an undertaking.

Mr. Speaker, as I said, the intention is to introduce a requirement to show proof of vaccine against COVID-19, and so the way in which the Bill is drafted allows for the introduction or requirements of vaccination against other diseases.

Mr. Speaker the changes introduced by the Bill apply to persons who are presently residing outside the Cayman Islands, who apply to come and live and work here and of course it will also apply to those who are already in the Islands and who are seeking to renew or extend their existing permission to remain including those who are applying for the first time to reside permanently. The changes do not apply to those who possess Caymanian status or those who already benefit from the right to reside permanently in these Islands. In the view of the Government Mr. Speaker, these changes are a rational and proportionate response to this deadly COVID-19 pandemic and in our view are fully compatible with the rights contained under the Bill of Rights of the Cayman Islands Constitution.

Mr. Speaker, if I may deal with Section 9 of the Bill of Rights which guarantee the right to respect for a person's private and family life. It is well established by the European Court of Human Rights that a person's physical integrity forms part of their private life. Vaccination, Mr. Speaker, undoubtedly touches upon a person's physical integrity and indeed, the European Court of Human Rights has found that compulsive vaccination represents an interference with the right to respect for private and family life, which is protected by Article 8 of the Convention.

Mr. Speaker, that is the case even where the effect of the policy of compulsive vaccination would not actually entail a forcible administration of a vaccine against a person's will, but would instead have some other indirect consequence such as in one of the cases quoted by KSG, the levying of a fine against a child's parent or the refusal to admit the child to pre-school.

Mr. Speaker, in the case of this particular matter, as I understand it these were citizens of the Czech Republic so they were not persons who were trying to get in, those were already citizens who would have been covered by the Bill of Rights and if school is saying children have to be vaccinated or not only would the children be excluded from school, but you (the parents) will also have to pay a fine.

They took it to the court; it went all the way to the European Court of Human Rights and the European Court of Human Rights says that is quite acceptable; there's nothing incompatible about that.

The Case Law of the European Court of Human Rights is of course a highly persuasive value Mr. Speaker in interpreting the equivalent provision of our Constitution which is Section 9, which deals with private and family life; but it is important to emphasise, sir, that the amendments introduced by the Bills before this House, do not allow for the forcible administration of the vaccination but for those who have no permanent right of abode in the Islands, a failure to demonstrate proof of having undergone the approved vaccine course Mr. Speaker, will either result in their first time application or their application for renewal being refused.

Mr. Speaker, I already pointed out the provisions in Section 58 of the Immigration (Transition) Act which gives the Board and the Director the powers in dealing with work permits, to take certain things into account and attach conditions to those. For those individuals who are residing outside the Islands and who are making a first time application to come to live and work in the Islands, in the Government's view, the right to private and family life is simply not engaged because, Mr. Speaker, they are not exercising any private or family life in the Cayman Islands. By simply applying for a work permit they are not exercising any private and family life.

Moreover, Mr. Speaker, the Cayman Islands does not guarantee the right of any non-Caymanian to settle in these Islands; there is no such right, there is no such expectation. It is purely at the discretion of the Government of these Islands. Therefore, those who are applying to come and work [here] can have no expectation—none; no legitimate expectation of being granted permission to do so unless, of course, they are willing to meet certain conditions.

Section 63(8) of our Immigration Act makes it quite clear that there is no such expectation when it comes down to future work permit—none—and as I said, it does not matter whether it is your first work permit, your second or tenth renewal; it does not change. There is no legitimate expectation that it is going to be renewed. So, sir, demonstrating proof of having undergone an approved vaccine course or undertaking to complete such a course within a short period after arrival will be one such condition that will be attached amongst others, which are already in the Immigration (Transition) Act.

The position is a bit different Mr. Speaker in respect of a person who is already residing lawfully in these Islands and who is seeking to renew or extend their existing immigration permission or to reside permanently and who otherwise meets all the conditions for renewal or grant. Understandably, they may be left, of course, with a choice between proving that they are vaccinated or, leaving the Islands altogether.

The Government accepts that for this group of people these legislative amendments fall within the scope of Section 9 of the Bill of Rights and may, as the Court has found, represent an interference with private life and, in some situations, the family life; but Mr. Speaker, the Constitution makes it quite clear [that] not every interference with the right to private and family life will amount to a breach of Section 9.

In other words Mr. Speaker, Section 9 is not an absolute right and therefore it is permissible, sir, to interfere with the right to private and family life where the interference is in pursuit of one of the justified aims, which include the interest of public health and the protection of the rights and freedoms of others. Those are precisely the interests that the Bills are designed to protect.

The primary purpose of the legislative amendment to the Immigration (Transition) Act and the other amendment introduced by the Government is, simply put, to protect members of our community against serious illness and death as a result of the spread of the COVID-19 virus. And Mr. Speaker, the more we have empirical evidence of daily increase, the greater the imperative for the Government to act.

Mr. Speaker, this is just one of several measures that the Government is pursuing to now stem what is almost becoming a daily runaway train in terms of community spread. The Government is under a positive obligation to act, to protect others in the society who for whatever reason, medical or otherwise, cannot be vaccinated. The Government has a duty of care to protect those and one of the ways to do so is to mandate that those who can be vaccinated, should be. That is part of our Government's obligation.

Mr. Speaker, the measures here are aimed specifically to ensure that the vaccination levels reach and remain, remain Mr. Speaker, at a level that is sufficiently high to protect the resident population of disease and all the other variants that we are hearing about. That, as I said earlier sir, includes protecting the extremely clinically vulnerable and those who cannot presently be vaccinated because of their age or medical contraindications.

Mr. Speaker another thing that will happen is that by protecting the resident population of these Islands against serious illness, the Government will also be protecting the health care system as a whole, and will guard against resources being diverted away from the provision of health care services which are unrelated to the transmission of COVID but no less valid to those who need them.

Preventing serious illness or worse amongst our essential workers will also help to ensure the continuity of other critical services such as policing and fire service Mr. Speaker, and to that extent, the measures introduced by the Bill can also ultimately

be said to serve public safety and public order objectives. Hence, we are in no doubt whatsoever that the Bills pursue more than one legitimate aim.

Mr. Speaker, whether the introduction of the vaccine mandate can be said to be reasonably justifiable in pursuit of those aims, will understandably require the Government to demonstrate that it answers a pressing social need; that the reasons to support it are relevant and sufficient, and that it is proportionate. Mr. Speaker I don't think there is any issue about whether there is a pressing social need to do what is being done here.

Sir, the World Health Organization has reported that as of the 30<sup>th</sup> September 2021, there have been over 233 million confirmed cases of COVID-19 globally, and over 4.7/4.8 million deaths from the disease. The Cayman Islands has up until now largely been sheltered, Mr. Speaker, from the effects of COVID-19 as a result of the imposition of strict quarantine requirements for those arriving into the jurisdiction; but as the Cayman Islands look to open its borders to tourists and other visitors without the need for quarantine requirements, the risk of community spread of COVID-19 increases and thus the more pressing the need to implement measures to reduce transmission and to protect the vulnerable among us.

There is clear scientific evidence from other jurisdictions that vaccines are the most effective means of reducing the impact of COVID-19.

In its COVID-19 Vaccine Surveillance Report for the week of the 23<sup>rd</sup> September 2021, Public Health England reports that after two doses, observed vaccine effectiveness against symptomatic disease with the Delta variant, reaches approximately 80 to 95 per cent with the Pfizer-BioNTech vaccine, which is the vaccine that the Cayman Islands has widely deployed; so effectiveness against hospitalisation and mortality is at over 90 per cent with all three of the Pfizer, AstraZeneca and, of course, the Moderna vaccines.

Mr. Speaker, Public Health England has also reported that up to 5<sup>th</sup> September 2021 over 230,000 hospitalisations have been prevented in those aged 45 years and over. Though Public Health England notes that this is likely to be an underestimate, estimates suggest that over 123,000 deaths have been prevented as a result of the COVID-19 vaccination programme up to 17<sup>th</sup> September 2021. Of course these are moving statistics, Mr. Speaker.

Although the vaccine has been shown to provide strong personal protection against serious illness and deaths, it is accepted sir, that some vaccinated persons will still become infected and some will go on to transmit the virus; but there is increasing and credible evidence that those who are vaccinated are less likely to become infected with

COVID-19 and less likely to pass the virus on to others.

For example data from Scotland, Mr. Speaker, showed that household contacts of vaccinated healthcare workers are at a reduced risk of becoming a COVID-19 case and a household transmission study in England also found that household contacts of cases vaccinated with a single dose had approximately 35 to 50 per cent reduced risk of becoming a confirmed case of COVID-19, sir.

Mr. Speaker, there is a general consensus that attaining the highest possible degree of vaccination coverage is the best way to protect our community as a whole. That includes, sir, those to whom the vaccine cannot be administered and who are indirectly protected for so long as the requisite level of vaccination coverage is maintained. It also includes those who because of other comorbidities would otherwise be vulnerable to becoming extremely unwell were they to contract the virus.

I think it is common ground that the Government has implemented extensive measures in recent months to encourage voluntary take-up of the vaccine, including the use of publicity campaigns and vaccine drives. To date, however, the overall national vaccination rate remains short of the Government's target of 80 per cent for Phase Four of its re-opening plan.

The Chief Medical Officer has reported that as of the 27<sup>th</sup> September 2021, some 77 per cent of Cayman Islands' residents have received at least one dose of the vaccine against COVID-19. The measures introduced through this Bill are aimed at increasing that percentage Mr. Speaker, and ensuring that the vaccination rate remains at levels which will better ensure the protection of the resident population as a whole.

Mr. Speaker, on the issue of proportionality of the measures introduced by the Bill, the Government is satisfied that no less intrusive policy falling short of vaccine mandate will achieve the ultimate objective of maintaining high vaccination rates within the Cayman Islands community. Notwithstanding a vaccination campaign of several months' duration, the vaccination rates remain below the levels to which the Government has publicly committed, which is 80 per cent. So the proportionality of mandatory vaccine requirement must also be considered, Mr. Speaker, in light of the impact on the individual for failure to comply.

There is no question of any direct interference with a person's ability to refuse medical treatment but Mr. Speaker, if upon applying for renewal of a work permit or other category of residence, a person fails to adduce proof that they and their eligible dependents are vaccinated, that may ultimately lead to the person having to leave the

jurisdiction once their extant immigration permission expires.

On its face that may seem a stark result Mr. Speaker, but it must be borne in mind sir, that permission to remain in the Islands is only ever at the grace of the Government and that no individual, as I said, can have any substantive expectation of having their work permit or other type of permission renewed or extended, for that matter, unless they are prepared to accept the conditions that go hand in hand with such renewal; and we are saying agreeing to be vaccinated would be one condition among the many others.

Mr. Speaker, it is true that as with all vaccines there can be side effects, but the United Kingdom's regulator of medicines—the Medicines and Healthcare Products Regulatory Agency—has advised that the benefits of vaccination outweigh any risk in most individuals. The amendments will not apply to those persons who can demonstrate that the vaccine will be injurious to their health or their dependants', so I am confident that the measures introduced through this Bill stand in rational and reasonable relationship of proportionality to the legitimate public health aims that they are intended to pursue.

Mr. Speaker, it is relevant that on the 8<sup>th</sup> April of this year the European Court of Human Rights delivered its first-ever judgment on the compulsory vaccination against childhood diseases that are well known to medical science. As I mentioned earlier, the case originated in the Czech Republic where there is a general legal duty to vaccinate children against nine diseases and compliance with the duties are enforced through fines for parents who fail to comply without good reasons. Non-vaccinated children are also not accepted in nursery school. An exception is made, of course, for those who cannot be vaccinated for health reasons.

Referring Mr. Speaker, to a body of scientific evidence and the State's wide margin of appreciation in matters of health care policy, the European Court of Human Rights found that the vaccination requirement did not contravene the right protected by Article 8 of the European Convention; that is to say the right to private life. Mr. Speaker, I say that again, the Court found that the vaccination requirement did not contravene the right protected by Article 8 of the European Convention, (the right to private life).

Mr. Speaker a lot has been said—about our Bill of Rights, about unfairness, about arbitrariness—of the measures being put in place, but the Government's view Mr. Speaker, is that the measures that have been introduced are being introduced by these Bills are quite reasonable and represent a proportionate response to what is now clearly a daily-growing problem that needs to be

tackled head-on in the most aggressive way, Mr. Speaker. No room for wavering; no time for deterring.

Mr. Speaker, if I might just mention briefly the other rights protected by the Bill of Rights, some of which were mentioned in the KSG opinion. They mentioned notably, Mr. Speaker, the right to Freedom of Conscience and Religion protected by Section 10, but Mr. Speaker it is sufficient to know that nothing about the amendments introduced by the Bill hinders any individual in the manifestation of his or her religion. As we mentioned earlier sir, the measures only apply to those persons without a right to reside permanently in the Cayman Islands and of course, Mr. Speaker, some will say that those persons are of course free to practice their religion, in their country of origin.

Mr. Speaker, it is accepted by the Government that these amendments introduce a difference in treatment between Caymanians and permanent residents on the one hand, and persons with other types of immigration status on the other hand; but Mr. Speaker, the Government does not accept that such a difference in treatment amounts to unlawful discrimination in contravention of Section 16 of the Bill of Rights.

Discrimination means treating persons in analogous or relatively similar situations differently, and that you do so without an objective and reasonable justification. Quite simply, sir: those who have a right of abode in the Cayman Islands on the strength of their Caymanian status or right of permanent residence, are in a different position from those whose ability to remain in the islands is contingent on the grant of permission to remain following the making of an application. They are not comparing apples with apples, Mr. Speaker.

*[Inaudible interjections]*

**Hon. Samuel W. Bulgin, Attorney General:** So we are of the view Mr. Speaker, that Section 16 of the Bill of Rights will not be triggered in this situation because there is no issue of discrimination.

There is also some argument or discussion about the number of categories covered by these amendments, but Mr. Speaker as we know, the wider the net in law is the less likely there will be a successful challenge for discrimination. If you take out a narrow category—just one or two groups—the more vulnerable the Government would be when it comes on to discrimination but if it is cast as widely as possible among persons who enjoy similar immigration status, then the less likely any successful challenge would be on the grounds of discrimination.

Mr. Speaker, as I mentioned earlier, some people would say all of this and what we have read, heard and seen so far, is probably legal conjecture

because at the end of the day whatever we do here, whatever is said [and] whatever is written—and I am not in any way dismissing any of these things that have been written, presented, argued and ventilated; they are all very useful discussions and I certainly welcome them.

However, the only time we are going to know whether any of this makes sense, Mr. Speaker, is when the Court finally says, *we have looked at all of this [and] have taken into account all that is happening on the ground, and we find that the Executive and the Legislature are the persons who are best placed to make public health decisions in a time when there is a worldwide pandemic and the Cayman Islands is in the middle of it.*

We have a very transient population, and some of the measures that we are putting in place here are aimed at some of our more transient residents. Therefore, the question will be if what the Government is doing is so outrageous, so absurd, so totally devoid of logic, that a Court would say it is totally untenable. Mr. Speaker, we are not persuaded that a Court will be prepared to go that far but of course we do not know; however, we can be reasonably confident that whatever is being done here, is likely to withstand legal scrutiny.

I thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak? Last call.

The Honourable Minister of Tourism.

*[Long pause]*

**Hon. Kenneth V. Bryan:** Mr. Speaker, it has been a while since I had a good debate. I may not be starting with a fairy tale or telling stories like some other Members of this Parliament. I want to get straight down to the realities of life.

Mr. Speaker, I intend to take some time, so if at any point in time you feel to shut it down until tomorrow, I am open to that thought.

**The Speaker:** Seriously?

**Hon. Kenneth V. Bryan:** Very serious, Mr. Speaker.

Mr. Speaker, firstly I want to say to the many persons who came here today to stand up for their voice to be heard, that I understand and respect their right to be heard and stand for their right—I do not want to use the word *protest* but I cannot find any other word—to demonstrate their position to the elected Members of this House.

Though I may not agree with their position, I do stand firm [for] their right to demonstrate how they feel and I respect it. I want to say thank you to the Royal Cayman Islands Police Service for taking care of them outside, making sure that they had



water, Gatorade... For making sure that everything went peacefully, because that is what democracy is all about.

Mr. Speaker, this topic is a very sensitive one as you have heard from the many Members highlighting many different positions or experiences with constituents or residents of the Cayman Islands; as you heard from the elected Member for Red Bay, outlining the people who may be affected by these changes. Mr. Speaker, I had the opportunity during the lunch break to go into the wilderness, so to speak, or into the jungle of the discussion, to see and speak with some of the demonstrators and I am sympathetic to their concerns.

I had a lady who was really, really, scared about what she perceived this Bill was going to mean, so much so that she was crying; and though she was not Caymanian-born, she was one of our people in our community. We have always been a very welcoming society, so much so that some people say it is to our detriment. However, we always try to keep the equal balance of inclusion while at the same time protecting the people who we are elected to protect.

Mr. Speaker, I am really concerned about what I saw transpire here by some of the elected Members and their grand-standing, using the emotive elements of what they know this Bill does not do, to try to garner some attention from those who they know are listening, to fuel the fire of division. It is something that this Administration sat and talked about; that we were concerned about. We did not want this to be perceived as “them” and “us”.

We were hoping that this debate would be one that had many mature approaches to it, particularly from those on the opposite side of the aisle, but then we had some Grammy award-winning storytelling about *Alice in Wonderland* and some flip-flopping by the Opposition Leader and by the elected Member for Red Bay. Mr. Speaker, I am a bit confused about what their position is and if they are taking a position just based on what is hot at the time politically.

About a month and a half ago, when the first case that came out recently, they said, *shut it all down*; 14 days' quarantine, so Caymanians cannot go anywhere. They blamed us for the cause of COVID, but then accepted that COVID is going to be here eventually. I heard the elected Member for Red Bay back and forth about whether it should be 5 days, 10 days or 14 days, you are still going to have COVID. So what is he saying? Are we not supposed to have quarantine at all? I hear him criticising the Government about not having a plan, but yet we are here trying to get this country to the safest point possible so when we do open, we are safe, and they criticise that as well.

Mr. Speaker, I have been on that side and I know that you poke holes in any little spot you see is available, but I am so glad that the Attorney General stood up and clarified some facts about the reality of what this Bill is trying to do.

[Crosstalk]

**Hon. Kenneth V. Bryan:** My apologies; I think I misquoted the individual I was referring to. I was referring to the Honourable Attorney General Sam Bulgin, QC, who laid a good foundation of realities as to the protections that we are facing, and what we are trying to put forward.

The sad part about this discussion Mr. Speaker, is that the challenge being put forward is opening doors that I hoped would not have to be opened, particularly when those who oppose us in this honourable House are well aware of what the Human Rights Commission had to say just five months ago. The Human Rights Commission gave its support to the Government's position on doing whatever it takes to keep this country safe while recognising the difficulty of balancing our human rights.

Now Mr. Speaker, I know that the Honourable Attorney General outlined, quite well, the constitutional authority upon which these laws are being proposed, but I found it interesting in respect to most of the areas that the elected Member for Red Bay referred to in that judgment from a group of people who he was not listening to when the Bill about same-sex partnerships was being discussed.

He did not want to listen to them then but he is listening to them now so much so that he went through their lengthy legal opinion—and you heard the Honourable Attorney General destroy that to pieces a minute ago—but I found it interesting Mr. Speaker, that they rely on it now while they totally ignored this group when they were talking about another sensitive matter. However, like the Attorney General said, you choose one lawyer today and get one opinion; choose another lawyer tomorrow, you get another one.

I want to highlight something in respect to what the Human Rights Commission said and how the Constitution is laid out, Mr. Speaker. The article that the Honourable Deputy Premier highlighted earlier in his debate, a statement on June 3<sup>rd</sup> 2021 which I think he read to the Hansards already, says at the very end of the second to last paragraph: ***Human rights is a balancing act and, in balancing the right of individuals...***

Now, Mr. Speaker, we have a number of rights in the Constitution and it is difficult when one right jumps over the other. However, one of the interesting things that I found as I was going through the Constitution, to find what my argument was going to be, was that in every one of them, private

and family life position, in respect to movement and non-discrimination, as used in the legal opinion that the Honourable Member for Red Bay referred to, the first part of their position refers to the interests and defence of public safety, public order, public morality and public health and then they go into other things.

For example, I am going to highlight what I mean so the listening audience can understand my viewpoint. Let us get into private and family life. It says:

**Government shall respect every person's private and family life, his or her home and his or her correspondence.**

**Except with his or her own consent or permission under Subsection 3, no person shall be subjected to the search of his or her person or his or her property or entry of property of persons on his or her premises.**

**Nothing in this law or done under this authority shall be held and contravene the Section to the extent that it is reasonably justifiable in a democratic society—**

**In the interest of defence, public safety, public order, public morality and public health, town and country and development of the utilization of any other person's property for such manner as promoted for public benefit;**

That is the first part of Section 3. Then it goes on to one, two, three, four other sections; (b) says:

**For the purposes of protecting the rights and freedoms of other persons**

Mr. Speaker, I read that because of the order of things, because, even if this is legally challenged, our Courts will have to start to decipher which right is more important than the other; and Mr. Speaker I believe, in every one of these areas of concern that we hear many people highlighting, every single time the first concern is the interest of defence, public safety, public order, public morality and public health—and then it goes on to the other rights. Obviously, when the drafters of this Constitution were laying this out, there has got to be a reason why they put that one first every single time.

My point is Mr. Speaker, that as the Human Rights Commission highlighted, it is a balancing act and if it is challenged... I suggest they should not go that far because I believe the Attorney General pointed out quite clearly from an international perspective that our Courts would find in favour that we are doing what is legally right under our

Constitution. If they choose to so be it, but I believe after the Courts have deciphered this Constitution, they will see that in every part of it, public safety and public health becomes the top priority over any other right.

Let me get off of that case now about the constitutional stuff, because I think that will get into the area of repetition.

Mr. Speaker, I do not understand how the Opposition... I guess it is like my good friend the Deputy Premier says—funny the difference a year makes because their position was quite strong. They asked, "*Why we are doing this?*" The answer is quite simple, Mr. Speaker: We are trying to protect the country. There are no secrets. They themselves admit that the science says the more vaccinated people, the less chances of people getting sick—common sense stuff, common sense stuff. So if we get 20 people vaccinated, are we not better protected? Common sense stuff and we are trying to achieve that. That is all we are trying to do and they admit that the vaccines work.

Here is a statement from the former Honourable Premier: "*Mr. Speaker, I will say I will be one of the first in line to take the vaccine to lead by example and to demonstrate my confidence in the safety of the vaccine.*" [UNVERIFIED QUOTE] but yet he sits here and plays the fool in respect to trying to undermine the credibility saying, *we do not know; it is unknown.*

Of course nobody knows; it is the first time we have ever had to deal with COVID, but like he rightfully said Mr. Speaker, governments of the day need to make the decisions at the time of the circumstances, and at this particular time the same people who advised that Government, are advising us in respect to this.

Mr. Speaker, I had my able team go through how many countries are currently in the process of mandating vaccinations. Let me see if I can find the document here... This is what happens when you are not prepared. I thought that I would not have to get up, but the former Premier called me out; called me the Honourable Minister of Tourism. I said, *if he call my name, Kenneth you gotta get him, ya na.* I cannot find that long list—oh! Here we go:

- Italy is mandating it in their country
- The United States, as we all know
- Australia
- Great Britain
- Canada
- Fiji
- France
- Greece
- Hungary
- Indonesia.

- I do not even know how to pronounce this one . . . Kazakhstan? You know the one I am talking about . . .
- Lebanon
- Malta
- Netherlands
- Russia
- Saudi Arabia
- Sri Lanka
- Switzerland
- Turkey—and I am not even going to bother to go on.

My point is that this is not something new only to this country. Everybody recognises the importance of vaccinations. We are talking about human life. Human life, and the more disappointing point about this Mr. Speaker, is that they are supporting an argument that can open another door, in respect to the freedom to choose. Trust me, I get that point but they know that they are taking a political argument rather than a sensible argument in this situation because they would do the same thing.

Mr. Speaker, you know what, I got a text today. Somebody said, *'well, if it is freedom of choice then I want the freedom to have an abortion too'*. See what they have started? See what they started? Of course, we give as much latitude as possible in respect to our rights and our Constitution, but the Member for Red Bay was one of the main drafters of this; I wonder if he recognises what he is opening up? When arguments start to come about that, I wonder what the position is going to be; or should we say we give in to the argument and respect the choice, when it comes to the lives and safety of our people? Because just the argument of freedom of choice—I get it; we have given you a choice. As a matter of fact, there are four different vaccines you can choose from.

The Attorney General highlighted that we are not going to take you down to the shop and tie you up and inject you, as the Opposition has been trying to allude to. That would be illegal. We are saying this country and its leaders have decided that this is the best evidence available to us to keep us protected. I ask you to stay here with this family and do the right thing to help us be protected; that is what we are asking you to do but if you choose not to be in line with our vision to protect our people, then maybe Cayman is not the place. It is not that we do not want you here. Nobody can say that Caymanians are not giving—as a matter of fact, sometimes we give too much! That is why we are in this position today.

You hear the former Honourable Premier say, *'oh, they get points for buying up land'*. He gave the example to work permit holders, *'well, you know the first thing they got to buy is land'*. You have to get

the land because that is what you get the most points for when you apply for your PR, while Caymanians cannot buy one piece because the land prices are past the moon; not past the clouds you know, they are past the moon, Mr. Speaker.

How much more freedom can we possibly give up as a people? Yet we should be shunned because we believe this is the right thing to do to protect our people? We must feel badly when we come into our Parliament that we are “taking away choice”, when our Constitution told you when you came to the Cayman Islands, that we have the right under law to discriminate when it comes to immigration matters.

We do not discriminate you on anything else. We are not saying that you are a bad person because you are one person or the other. We are saying we can dictate what the requirements are if you want to work in this country. It is quite clear. Give me a second Mr. Speaker.

Section 16(3)(b) **no law or decision of any public office shall contravene this section if it has objective and reasonable justification and is reasonably proportionate to its aims in its interests of defence, public safety, public order, public morality or public health.**

3(4) says: **Subsection 1 shall not apply to any law so far as the law makes provision for — and I am going to specifically talk about (b)—with respect to entry into or exclusion from, or the employment, engaging in any business or profession, movement or residence within, the Cayman Islands of persons who are not Caymanian.**

It is on page 23 of our Constitution. How dare they say that we are not constitutionally correct in our position? As a matter of fact, is the person who helped draft this [Constitution] saying that he made a mistake? Because he is saying that this Law that he helped create does not give us the power to say to people who come here, what requirement they have to meet. Did he fail when he was helping draft this?

Mr. Speaker, you know what is even more upsetting? I have new colleagues who have just started their political career and want to do the right thing and they are doing the right thing to talk to their constituents and hear all the concerns. They are trying their best to balance all sides and being a leader is no easy task. We have to make hard decisions in this Parliament, particularly when you are on the Government side. The Opposition Members know that because they have been here before, but they are very tactical in their efforts; having people write letters to you and talk to this one and talk to that one and pressuring...

I wonder if the 78 per cent, which comes up to 55,000 people, I believe. Let us take away 5 per cent or 5,000 people who say they regret it; I wonder

if the other 50,000 people agree with the Opposition's position not to move forward with this.

As a matter of fact, I think this is a good time to read an email because you see, Mr. Speaker, they talk about public consultation as if to say that this Government has not talked to their people. Let me give you a little example with an email I just got at 6:25 tonight. It says:

*'Good day, Mr. Kenneth.*

*I am one of your constituents from George Town Central. I was going to reach out to you on the other topics as well, but since this one is being debated in Parliament today, I am reaching out to you on this.*

*I support the COVID vaccine mandate for work permit holders. Quite frankly, I would support it for general population, but I understand that is not politically viable. Anyone who is coming into our country should be vaccinated and it is a standard practice for people to be vaccinated for various diseases when immigrating to various countries. As far as I know other countries, including the US, now require COVID vaccine for immigration and I hope Cayman will follow suit soon.'* UNVERIFIED

That is one of my constituents.

That reminds me Mr. Speaker, I went to Africa with the Madam Minister for Education. You were there too Mr. Speaker, were you not? You remember all the shots we had to take? Plenty! But I could not tell Africa, *how dare you impede on my rights?* When people are dying of Malaria. I wonder if we give in to this position to choose, whether we should stop our children that go to Primary School and High School from taking the vaccines for Measles and Mumps. As a matter of fact, let me highlight the ones that we are currently taking.

[Pause]

**Hon. Kenneth V. Bryan:** Forgive me, Mr. Speaker.

Like the former Honourable Premier says, *you got so much stuff all over the place, you do not know which one to go at.* Ah ha! Found it, Mr. Speaker:

- Polio
- Measles
- Mumps
- Hepatitis B
- Chicken pox (varicella), and some other ones that I will not even going to bother.

I am no doctor so I will not going to bother try to pronounce them because I will make myself look silly, but these are all mandatory for children in Grade school, Pre-school and Day Care. So, if we agree with the Opposition's position to say we should not mandate that, do we then say, *okay let us do away with all of these vaccinations as well and let our schools run free*

*with Polio, Hepatitis B, Measles, Mumps, and Chicken-pox because of the freedom to choose?*

As a matter of fact, I was reliably informed that the Education [Law] to date mandates for these things to be done. Are we going to repeal that law? Is that what we are saying? Is that what the Opposition is agreeing to? If the Opposition wants to say they want to take away all vaccinations from the country and allow the country to run wild with viruses everywhere, maybe they should just say that, because that is what they are going to allude to.

As a matter of fact, the question that I asked my colleague earlier in the lunchroom was: I wonder if of the—let us use their figure, 65,000 people. They say that the numbers are 50/50 in respect to Caymanians and non-Caymanians, so let us use or let us say just 30,000 Caymanians. What if 30,000 Caymanians got vaccinated and all the other work permit holders, RERCs, permanent residents, all said, *nope! We ain't getting vaccinated* and then we only get 40 per cent of the vaccination rate, would we be arguing about it now? Because the basis of the Opposition's argument is that we are almost there so therefore we should not try to get any more. We should not aspire to 100 per cent; that is what they are saying.

I see Israel did 80 per cent and they are in a mess. Like the Honourable Deputy Premier said, nobody has done this 100 per cent before without failure; so to have different results, you are going to have to do something different. That means that we want to get way past 80 per cent. That is why we put the pressure on ourselves to say, *not 80 per cent of those who are eligible—80 per cent of everybody.*

Just like many of them have said we are not going to get there, we are at 78 per cent for the first dose and we believe we are going to get more too. I get it, in respect to the concerns about it because the way of social media—and media, period—today, you do not know who to trust. You know how many times I called the Premier and said, *'boy Premier, you had better look at this article.* He said, *Kenneth, jeezum, how many more articles you want me to look at?'* And I called the Health Minister and said, *'Minister have you seen this article? Yeah, I saw that. We spoke about that one already'* and the elected Member for West Bay Central, boy she can keep you on your toes because she makes sure she researches everything and she brings everything for all of us to think about; so by no means have we not thought this through.

It is disappointing that the Honourable Leader of the Opposition said that they will not support this. Are they saying that they do not support protecting Caymanians from COVID-19? Because that is what we are trying to do; that is what this Government is trying to do. Is that what they are saying?

Now, Mr. Speaker we have pretty much four categories: Caymanians, RERC, Permanent Residents and work permit holders that we talked about today. And if I heard correctly from two of the Opposition Members, Mr. Speaker, they would support work permit holders only. Yet the legal opinion that they read from said if you only did one category that is discriminatory. So which one do they want? They are saying that if you want to use one it is discriminatory, but they support it just for this one category. They said the work permit holders only, so they would agree to something that they themselves are saying will be challenged in the Court?

Mr. Speaker, like the Deputy Premier said, if the work permit holder is a visitor, are we then gonna say, *'well we cannot ask them to be vaccinated?'* Well, the next thing is we cannot ask the tourists to be vaccinated either; and at one stage I thought I heard them say that when people come here we do not want them in quarantine and we do not want them vaccinated, but still they blame us for bringing the quarantine down to five days, and say that we are the ones who brought COVID back into the country. That is what they ended on, Mr. Speaker.

*[Inaudible interjection]*

**Hon. Kenneth V. Bryan:** I wonder if the Opposition have thought about the economic benefits or dangers of not doing this.

Mr. Speaker, let me tell you something: the insurance rates of every company that has unvaccinated employees are going to go through the roof. You know what that means? Less money that is going to come out of your pocket from your salary. That is what it is going to mean for Caymanians. Did they think about that? *No*. They did not think about that because they come here with their fairy tale, talking about *Alice in Wonderland* and rabbit holes.

Mr. Speaker, I wonder how the Opposition will support the reopening or do they want us to reopen at a lesser value of vaccinated persons? I bet you when we put forward our reopening plan, they are going to complain about that too; but I know the role of the Opposition you know. I think I played it fairly well. I think so.

*[Inaudible interjection]*

**Hon. Kenneth V. Bryan:** I am over here now. When some of them said during the campaign, if I ever got elected all I would be doing is sitting in the Opposition bawling, crying and making noise. Well, I am making noise now, Mr. Speaker; and I think what they have done today is embarrassing, because they have created an environment that... Do not think that after we pass this Bill it is going to stop here. It is not going to stop, and they are supporting what they know they would do

themselves, were they in this position. Now, you think I feel good knowing that because of how they feel about vaccinations, some people may choose to leave our wonderful Islands? We are not that kind of people, but we have to make a decision to protect our foundation.

Hold on, here is what they are saying, Mr. Speaker. Here is what the Opposition is saying: *Because somebody came here, and started living here for one year, and they came here with the expectation of the old scenario, before mandating COVID vaccinations, because they have now invested here, Government cannot change anything.* God forbid we upset anything for them. We cannot change any policies.

They came here with the notion that that would not be a matter. So what should we do? Not change anything if we see that something is wrong in our country? *Oh, I did not expect that in the Cayman Islands; I bought a \$10 million house when I moved here. Your government is terrible.* So we must stay stagnant and cannot protect our people because of that?

Mr. Speaker, I noticed that the elected Member for Red Bay because he was the main speaker... We all know he is the strongest one over there; that is why everybody says *'the real Leader of the Opposition'*. Oh, no, my cousin do not like that, but I will leave that one alone because I love him.

Mr. Speaker, let me get back to the more important things because I was not really planning to speak you know, because I believe that the Deputy Premier did a confident delivery dealing with this and I know he will come back quite strong, whether it is tonight or tomorrow. When he responds he will deal with that.

The disappointing thing is that they tried to make it political about the Jamaicans. Seriously, Mr. Speaker? We are talking about a health care crisis and they try to insinuate, against the Standing Orders that we are trying to go after the Jamaicans. How petty can you get? When does the campaign stop? Come on, man!

Mr. Speaker, my job as the Minister of Tourism is to do everything I possibly can to promote ways to get this industry back up, and going. It is the second of two pillars that support this country's economy. I am confident not only because I believe in the evidential science that has been presented to us and the probabilities—because nothing is 100 per cent; but I believe what I have heard, and I know that this is the best way forward; and my job is to promote and support things that will help get our economy open so that the tourism industry can get back on its feet.

They talk about the Caymanians who do not have any money and about increasing the stipend to \$2,500, yet they are not here to support us in doing something that will allow us to open safely so our

tourism can get back off the ground. *We do not try to do anything to increase the numbers; keep it locked up, na?* Keep it locked up, increase the spending to help Caymanians because they deserve the help—I agree with you on that—but spend, spend, spend, spend, do not open the economy and then carry the future into debt so our grandchildren can pay for it.

The worst part about it is that I know they know better, Mr. Speaker. You do not spend 30 years in this Parliament and do not know better than that, but you know what they are choosing to do—politics! About rabbit holes and fairy tales.

*[Inaudible interjections]*

**Hon. Kenneth V. Bryan:** Yeah, it bunning me.

*[Inaudible interjection and laughter]*

**Hon. Kenneth V. Bryan:** Alice bunning me, yeah; but you know Mr. Speaker, I remember a Member said to me once on the Floor of this House: *the infamous fence-rider from George Town Central*. Funny, he called me the infamous fence-rider. That means I am on either side—flip-flopping; but boy, how a year changes things, eh?

Oh, how a year changes things, because here is the problem Mr. Speaker: they are trying to satisfy those who do not want to open, yet they got another problem with their business-owner friends who say that we need to open the economy...and they are stuck. In one statement they say they are over ya, in the next statement they stay over ya.

Well, we believe that we want to open, but we want to do it safely and everything this Administration has done so far, is to do that. We wanted to open on October 14<sup>th</sup>, but we promised that we would pause whenever necessary and that is what we have done, and what we are trying to do now is implement things that we can be more confident in so we can announce a date, so the business community can kick off again and we can do it safely.

Yes! The Members are correct that the vaccine is working—thank God. We do have many cases. I see that we had 52 cases today; 14 from travellers and 38 from local transmission, but the good news Mr. Speaker, is that no one is in the hospital. Isn't that enough of an incentive for us to push for more people to be vaccinated?

What are we trying to do? They asked. What we are trying to do, Mr. Speaker, is to protect our people from dying. If I had a crystal ball and knew how it all would end, I would give you the perfect plan but we do not. We have to make the decisions with the advice that is available to us, but do not give them an MBE and say how great they were, and when they advise us to do certain things then you

criticise us for it. You cannot have your cake and eat it too.

Mr. Speaker, I would rather have these four years and less of this. I want to come here with positive things, but I refuse to make them make a mockery of my people by telling them foolishness. They sit here and they play politics and they know we have a serious problem on our hands. We are going into debt every day—every single day—trying to deal with and manage the COVID situation, and when we try to make a step forward, they are trying a plan to put us two steps back. Then they say, *oh, if the Government succeeds then we succeed as Cayman*. You do not want us to succeed because you want the Government! We know it, and everybody outside there knows it too—you want us to fail! You want us to be divided! You were hoping for that!

Mr. Speaker, I beg them to stop playing the games. You know what you want to do? If you have a concern, my Honourable Premier's number is available and will take calls from any one of them any day of the week. If you had concerns about it, you could have reached out to him and I know the Honourable Premier would have sat with you and said, *let us talk about it*. Stop playing the political games. We are in serious times; serious, serious times! People's lives are at risk! People's livelihoods are at risk! People's mental capacity is at risk, because the decisions we make inside here will change all of those things I have just mentioned. Every single one of them.

If we do not know this right, we cannot open; people cannot travel, they feel they are locked up. The businesses cannot make money and then people are still at risk. What we are trying to do? What is your goal, because I know what our goal is: our goal is to get our economy back up and going safely. Pretty simple. Not hard. Please stop putting things in our way. If you want to give contribution, give good contribution.

**Hon. Alden McLaughlin:** Alright, Samuel Jackson, you can sit down now.

**Hon. Kenneth V. Bryan:** I get the Oscar yet?

*[Laughter]*

**Hon. Kenneth V. Bryan:** Let me tell you something: these are not fairy tales that I am talking about. I do not need to talk about fairy tales.

Mr. Speaker, I am going to wrap up now by saying that every single Member of this Administration takes this very seriously. I know that there are many people out there who in their heart, are genuinely concerned. I want to make it clear [that] this Administration and elected Members do not mandate this on Caymanians. We will not mandate it on persons who are married to

Caymanians and a key point to highlight—and I know the Honourable Deputy Premier will emphasise it. Mr. Speaker that point is [and] I will go from memory...

You know what the Elected Member for Red Bay said, and the Hansards clearly say it, '*if this Bill passes, you have to go get vaccinated*'. That is an outright lie. If he read the Bill, he would know better. It only says when you—

**Hon. Alden McLaughlin:** Mr. Speaker.

Mr. Speaker, I have listened patiently, but you should not use words like "lie" in the House—it is un-parliamentary—but I absolutely never, ever, said that. I said you get vaccinated or you go 'long. I said that must be two dozen times, so Samuel Jackson can calm down now.

**Hon. Kenneth V. Bryan:** Mr. Speaker, I will accept the elected Member for Red Bay and I withdraw my statement. I do not want to call him a liar because he is not a liar, but what I am saying is what he said to this honourable House was untrue.

Now if we want to go to the Hansards we can do that, waste a lot of time tonight but we can do that. My point Mr. Speaker, is that he was suggesting that once this Bill passes and you have permanent residency, you automatically have to go get vaccinated right away.

That is not what the Bill says.

*[Inaudible interjection and crosstalk]*

**Hon. Kenneth V. Bryan:** Alright.

Mr. Speaker, the truth is that if you are a permanent resident, as long as you are not going to change your application from one thing to the other there is no requirement for you to be vaccinated, so it would not affect you. Even as a permanent resident, when you apply to become Caymanian and you apply for your Status, you will not be asked to be vaccinated then either.

Now I know that the Premier highlighted that this may affect many rich people, but is he saying that because it is going to affect a certain calibre of people in our society, we must not protect our people's health? Talking about the investment, about how many million dollars they invested therefore we should not protect our children from a deadly virus. That is basically what he is saying. '*Oh, he spent a \$100 million here*'. Granted, I am glad you invested in our country—we thank you; but you cannot be mad at us for trying to protect our children, man! Those are the references he made.

Mr. Speaker, I am not going to get much further into the specific details as to how each category that he highlighted will be affected, but I can tell you this Mr. Speaker, those who are currently in any of those categories, will not have to

go get vaccinated after we pass this Bill unless they change their current status to where they have to do a new application altogether; and I think the Attorney General highlighted that. So this notion that these people are going to be forced to get vaccinated and have to go 'long—and that in itself is un-parliamentary, because that is not what the Deputy Premier said.

Do you see what he is doing? He is trying to create the narrative that this Government is saying to people, *unna get out of this country!* That is what he tried to sell, you know. That is what he did as the former Premier of this country, and that is not what we are selling over here.

How many times he said go 'long? At least seven times. About what my Deputy Premier is saying is, *they must go 'long from ya*; and never once has he said it. I am surprised he never stood up on a Point of Order because if it were me, I would have.

**Hon. Christopher S. Saunders, Deputy Premier:** In my right of reply.

**Hon. Kenneth V. Bryan:** You see what they are creating for politics? When we are simply trying to protect our people from a deadly virus.

We understand people have their concerns about it. We understand that people are looking at other evidence and saying, *are there other ways?* Will there be new evidence in six months? Maybe, but right now, today, the evidence is telling us that vaccinations are the best way to protect and though we respect the Caymanian people's rights as per the Constitution—we will not mandate it on them—we have the authority under the Constitution for anybody who wants employment in this country to do it the way we do it and what we think is best for our people, so do not be mad at us for that. Next thing you know they'll tell us, *oh it is wrong for us to pray on Sunday*. Will that be next?

You know the Premier said to me, '*boy, if we lose this battle, we are giving in to many other things*' and I agree with him 100 per cent. I was not fully there, until I heard the Opposition's stance, because the strengthening of that thought process that you can dictate to the people of this country through their constitutional document which they put in place; they agreed to the power of protection of employment. I bet you when we come back and say, '*boy, we need to protect more jobs for Caymanians*' they will start screaming about that too!

**Hon. Christopher S. Saunders, Deputy Premier:** They better line up from now.

**Hon. Kenneth V. Bryan:** Yeah, well I tell you...

Mr. Speaker, in all due respect there is a new Government. The people chose a new

Government; and yes, we have not done it perfectly in six months. Many new Members in a short period of time, under very difficult circumstances. They know that locking things down is quite easy, they have no idea about opening up. By all means, I am not saying it was an easy task, but let us be honest now. It is going to be a lot riskier and a lot more difficult to open this country up, safely. Let us admit to that and rather than saying, '*you know what, let me assist*', you pick and pick and pick, but you want the best for this country? Up to now, I have not heard you suggest an option; up to now, not one solution.

I know that is their job, their job is to create problems. I used to do it.

*[Laughter]*

**Hon. Kenneth V. Bryan:** And you know what they used to tell me? You no got no solution; so I am doing it right back.

*[Inaudible interjection]*

**Hon. Kenneth V. Bryan:** Well, I took my licks for four years; you got four years to go too, right?

*[Laughter]*

**Hon. Kenneth V. Bryan:** But at the very least, you know what the former Opposition did when it came to this topic? We did not play politics. We never did.

Mr. Speaker, our job is to take care of people's lives and their livelihoods and this Bill will help us to do both. For those who may be impacted in some way, shape or form, I do apologise from the bottom of my heart, but my job as an elected Member of Parliament is to protect my people and with the information and advice presented to me and my Government, we feel that this is the best way to do it not because we are picking on you. So I hope and pray that this does not affect you too much in your life.

I hope that maybe your advice and evidence or maybe even talk to your doctor about being exempt because of your health if that is the consideration, so you can stay here with us and build this country called Cayman but do not say that we are not allowed to protect our people, because it is not fair, because nobody inside here is doing this out of malice.

Mr. Speaker, that is my contribution and I thank you for the honour to speak tonight.

**The Speaker:** Does any other Member wish to speak? The Honourable Member for West Bay Central.

**Hon. Katherine A. Ebanks-Wilks, Deputy Speaker, Elected Member for West Bay Central:** Thank you, Mr. Speaker.

Mr. Speaker, I rise to add my brief comments to the Immigration (Transition) (Amendment) Bill and the matter of imposing a requirement for all new or renewing work permit holders in the Cayman Islands to be vaccinated.

A lot has been said today by persons on both sides of the Floor and I want to put on record this evening why I have chosen to support this Bill.

Mr. Speaker, I have heard and appreciate the concerns of the persons who felt that the initial draft of the Bill encroached on their rights or the rights of their family members and loved ones. Many of my constituents reached out to me with their concerns and as a result, we have made Committee Stage amendments which reflect the Government's willingness to listen to the people who selected us to represent them.

The intent of this Bill is to protect the health of the people of the Cayman Islands and the individuals who have chosen to commit to our three Islands as their home, whether they are vaccinated or unvaccinated.

If we look around the world, we see many Intensive Care Units (ICU) wards filled, and in some cases Ethics Committees having to be formed in order to determine who will fill those beds. Presently, we do not have an Ethics Committee here in Cayman and I would hope and pray to the good Lord that we never need to.

Mr. Speaker, it is debatable whether or not those persons being hospitalised, on ventilators, and subsequently succumbing to COVID, are vaccinated or unvaccinated. Right now we all as leaders, and the community, wait daily to see the updates and we look at the dashboard to see what our local stats look like. Sadly, this will not become real to some until we see the dashboard hospitalisation numbers increasing and, if following the science and if the science is correct, this is inevitable for us here in Cayman.

We the Government are not forcing Caymanians to take the vaccine. We are not suggesting that Caymanians have to be vaccinated to remain in our own country. I will never stand for that. I believe that many of the unvaccinated are unwilling at this stage because they are waiting for alternative options to be approved, some are doing further research or some simply just do not prescribe to these treatments and that is their choice, and it should be respected.

Mr. Speaker, the basis in which I support this Bill, is that we are saying that any guest worker who wants to renew a work permit or come to the Cayman Islands for the first time must be willing to be vaccinated. Guest workers have a choice whether to work here or not. Caymanians and



permanent residents have a choice to take the vaccine or not and it is our job to take measures to ensure that the vaccinated and unvaccinated have the benefit of living with COVID safely.

It would be irresponsible for us to ignore the advice about the benefits of an 80 per cent vaccination population, ignore the size of our transient workforce, and prepare to reopen our borders without requiring transient workers to be vaccinated.

My concern, Mr. Speaker, is the division that we will face, may the good Lord forbid, should we as leaders, have to start having conversations about setting up an Ethics Committee. Imagine the division that will be caused in our very small and close-knit community if we get to a point where we exhaust our health care resources and have to work on a process of elimination. Who will be turned away from obtaining health care? I certainly do not even want to imagine what that would look like, if we have to start taking those measures.

Certainly, Mr. Speaker that is what I would call a grave division and this Bill is a layer of protection to prevent that.

The challenge before us is to balance on one hand, our responsibility to protect the health of the people of the Cayman Islands and on the other, our responsibility to protect the freedoms and choices of the citizens of this country.

These are uncharted waters, and we are relying on the advice given to us by the medical, scientific, and operational experts who consistently recommend maintaining an 80 per cent vaccination rate across the entire population.

There are no easy answers and it is easy to criticize and politicize this issue. [As we move to vote on this Bill, I offer my undertaking that the Government is erring on the side of protecting our people](#), not risking our people's hard-earned health—and that is both the vaccinated and the unvaccinated.

On the matter of protecting public health during these COVID-19 times. To quote the Prime Minister of New Zealand, the Rt. Hon. Jacinda Ardern, whose leadership skills I strive to emulate, **“The worst-case scenario is simply intolerable. It would represent the greatest loss of lives in our country's history. I will not take that chance.”** Mr. Speaker, I will not take that chance either. What is right is to find a dynamic balance between protecting the health of the people of the Cayman Islands in the face of one of the deadliest pandemics, and what is right in the face of personal choices and freedoms. On that basis, I will support this Bill.

Thank you, Mr. Speaker.

*[Desk thumping]*

**The Speaker:** Does any other Member wish to speak? Does any other Member wish to speak? If not, I will call—

It is really getting too late to play them kind of games sitting down. I recognise the Deputy Leader of the Opposition.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Thank you Mr. Speaker. I was sure to rise before you got to the second calling, as I know you do not like those games.

**The Speaker:** You wanted to.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** No, I did stand.

**The Speaker:** I did not see you.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Mr. Speaker, it is late in the evening and I also did not intend to speak this evening, but I am a bit concerned by some of the things I heard being uttered by the Government.

Mr. Speaker, I will not get into the challenges that this Bill may face from the Courts as being discriminatory, as I believe that both sides have ventilated that area of debate quite thoroughly.

What I am concerned about Mr. Speaker, is this ongoing campaign of how mandating vaccines for work permit holders and other categories will preserve the lives of Caymanians. This is a dangerous campaign. It is a dangerous campaign because if we keep saying that we will create complacency amongst our people, in particular, our unvaccinated Caymanians.

Let us look at what we know, Mr. Speaker:

We had an outbreak a few weeks ago; as a country, we were not ready for it. Many of us, including myself, still struggle with remembering to wear my mask, sanitise my hands, et cetera.

We know that our high vaccine rate at this point is working; we heard the number of weekend cases that were announced today—52.

- 16 vaccinated, which I think is about 30 per cent of the total numbers;
- 36 unvaccinated. We have to believe that that would be quite a number of the students from the Primary Schools who are not able to be vaccinated due to age;
- 38 community transfers;
- 14 travellers on exit tests—that is, they have done their quarantine whether it is 5 or 14 or 10 days, and they still tested positive.

If this Bill is what the Government wants before they reopen the borders, then let us have a look at what the rest of the world is doing.

Mr. Speaker, I do have the long list that my cousin for George Town Central, the Minister of Tourism, referred to. I know he did not provide you with a copy but I do have one for you, and I am going to go through this.

**The Speaker:** Are you referring to—

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** It is very same list that the Minister of Tourism referred to, yes.

**The Speaker:** But you are producing a written one?

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Yes, sir.

This is from the Fact Box: Countries making COVID-19 Vaccines Mandatory. September 16 2021 from Reuters. **A sharp upturn in infections due to the Delta variant and a slowdown in vaccinations have pushed governments to make COVID-19 shots mandatory for health workers and other high-risk groups or dining out. A growing number of countries are also making shots compulsory for public servants or travellers in some of the strictest measures in the world, Italy will require covet health pass from all workers. Here are some of the countries vaccines mandates.**

My good friend and “cuz”, the Minister of Tourism, said that this list were countries that were implementing mandatory vaccines but he did not go into what those mandates were.

**“Italy: The Italian government made it obligatory for all workers either to show proof of vaccination and negative tests or recent recovery from infection. The new rules will come into force on October 15<sup>th</sup>. Any worker who fails to present a valid health certificate will be suspended without pay but cannot be sacked according to that draft of the decree seen by Reuters. While some European Union states have ordered their health workers to get vaccines, none have made the green pass mandatory for all employees, making Italy a test case for the continent.**

**United States: President Joe Biden on September 10 announced policies requiring most federal employees to get COVID-19 vaccinations and pushing large employers to have their workers inoculated or tested weekly. The new measures would apply to about two-thirds of all US employees, those who work for businesses with more than 100 workers. The White House confirmed on August 5<sup>th</sup>, it is considering requiring foreign visitors to be vaccinated as it plans to eventually reopen international travel but said it had made no final**

**decision and was not immediately going to lift restrictions.**

**Australia, Mr. Speaker: Australia decided in late June to make vaccinations mandatory for high-risk aged-care workers and employees in quarantine hotels.**

**In Tasmania, vaccines will be mandatory for aged care workers as of September 17, the examiner reported on August 14<sup>th</sup>.**

**Britain: It will be mandatory for care home workers in England to have vaccinations from October. English nightclubs and other venues with large crowds will require patrons to present proof of full vaccination from the end of September. ‘Britain is highly likely to require health workers to be vaccinated against COVID’, Health Secretary Sajid Javid said, on September 14<sup>th</sup>.**

**Canada said on August 13<sup>th</sup> it would mandate COVID-19 vaccinations for federal public servants and transportation workers by the end of October. The vaccine mandate will also include air train and cruise ship travellers. From September 13<sup>th</sup>, vaccines are required for patrons of non-essential businesses such as restaurants and movie theatres.**

**Fiji. A “No jab, no job” coronavirus policy went into effect in Fiji on August 15<sup>th</sup>, AFP reported, with unvaccinated public servants forced to go on leave. Those who remain unvaccinated by November will be dismissed. In addition, employees at private firms could face fines and companies could be forced to stop operations over vaccine refusals.**

**France: All health care and care home workers home aids and urgent care technicians must have had at least their first shot of a COVID-19 vaccine by September 15<sup>th</sup>. ‘Hospitals, care homes and health centres have suspended around three thousand workers across France for failing to comply with mandatory COVID vaccination,’ the government said on September 16.”—**

**The Speaker:** Honourable Member, are you intending to read all of these countries?

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Yes, sir, I am.

**The Speaker:** Because most of them are more or less the same thing.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Well, Mr. Speaker that is my point; that is exactly my point. Perhaps I will just read a few more. Maybe I will skip the ones that my colleague had issues pronouncing the names of.

**The Speaker:** You have got 15 more. There are a lot more to read.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** *[Laughter]* I will do a couple more Mr. Speaker, because you have picked up on my point exactly.

**“Greece on July 12 made vaccinations mandatory for nursing home staff with immediate effect and health care workers from September. As a part of new measures, only vaccinated customers are allowed in bars, cinemas, theatres and other closed spaces.**

**Hungary's government has decided to make vaccinations mandatory for health care workers.”**

Mr. Speaker, I know it is late and I can appreciate that this does sound rather repetitive. In fact, after Hungary we have 12 more countries saying similar things. We have one or two that have implemented mandatory vaccinations for all residents, one of them being Turkmenistan.

**Hon. Kenneth V. Bryan:** Oh, you sound like you are having problems with it too.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** No, you should have kept going; you had a few fun ones to read there.

The point I am trying to make Mr. Speaker, is that all of these countries have focused on health care and frontline workers. Mandating vaccines for work permit holders only is a false sense of security unless we are going to get rid of every Caymanian employee at HSA; every Caymanian employee at CBC; every Caymanian employee in the Police; every Caymanian employee at the prison; every Caymanian employee that takes care of elderly people.

Unless we are going to send them home, like many of these countries are doing, we are creating a false sense of security. Are we going to tag work permit holders to say, *I am vaccinated? I have a work permit.* You get your vaccine, you get your work permit, you get to the airport and the first person you meet is an unvaccinated CBC person and you can still carry the virus with the vaccine, Mr. Speaker! You can transmit it to that unvaccinated Caymanian! It is a false sense of security.

Meanwhile, we are discriminating against them. And if that case stands up in court, what recourse does the Government have? Are we then going to repeal the Law, or are we then going to make it mandatory for everyone so that it is no longer discriminatory?

*[Inaudible interjection]*

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** No, I am asking you what are you going to do; if it is argued successfully in Court, what will you do?

*[Inaudible interjection]*

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Many, many Caymanians.

I heard the Minister of Tourism mocking *“those with money who perhaps may have to leave”*. I want him to know that there were plenty Caymanians out there today—plenty. You know why? Because they believe that this Bill is a next step to you mandating vaccines for them; and I am so happy, so happy, to hear several of you, not all of you, several of you go on record to say that you will not support that. I notice no one else is taking possession of this Law or getting up there and saying that either. We still have time; we have all week.

*[Inaudible interjection]*

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** What we need is a clear-cut plan, Mr. Speaker. If all of this is a means to an end for us to open the borders, we need a clear-cut plan. We need to figure out how to live safely with this wretched virus.

As I said earlier, we found out a few weeks ago that we were not ready. I do see positive signs; I see positive movements, in particular within the Ministry of Education, towards proper preparedness and a clear-cut plan to deal with outbreaks. It is evolving, but at least we see it happening.

Let us look at what the UK did, because I guess that is who we have been—

**Hon. Alden McLaughlin:** But that is not your best success story, you know.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** That is who we are being . . .

**The Speaker:** Honourable Member, I would like you to take note that most of this has been covered in many speeches, so I ask you to try not to be repetitious.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** I will, sir.

**The Speaker:** Honourable Member, repetitious means not just of yourself, but of the speeches of others. If the points are made, in other words that is what they are saying in the [standing] orders, then try not to repeat the same things.

Now, many Members while speaking, find ways and means of introducing the same thing saying it a different way. I could not hold an argument with that, but it is late at night; let us not repeat the same thing.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Mr. Speaker, should we then reconvene in the morning or on Wednesday? I mean, I did take all of this out. As I said, Mr. Speaker, I was not going to get into many of the areas which I believe were well ventilated and well-argued from both sides today.

Mr. Speaker, if we are hoping that mandating vaccines for work permit holders will give us a green light to reopen our economy and God, you know everybody is praying for that; we are all hoping and trying to figure out within ourselves what is the best way to do this safely.

I printed the entire document, but I am not reading, I am only going through a couple of pages but I will give you the document just in case you might want to have a look at it. This is actually the COVID-19 Response Autumn and Winter Plan 2021 updated September 14<sup>th</sup> by the United Kingdom government and I am just going to read page 3 and 4 and then page 16, Mr. Speaker.

**“Steadily, over the course of this year the whole UK has seen life return closer to normal. Between March and July this year, the government's roadmap to England reopened the economy and lifted restrictions in four steps. Scotland, Wales and Northern Ireland have also emerged from a lot down in similar timetables. The country is learning to live with COVID-19 and the main line of defence is now vaccinations rather than lockdown. The test, trace and isolate system is reducing the number of positive cases mixing in the community.**

Rules and regulations have mostly been replaced with advice and guidance on the practical steps people can take to help manage the risks for themselves and others. The spread of the more transmittable Delta variant in the spring drove rapid growth in COVID-19 cases in England leading to a peak of 43,910 cases. That is the seven-day average. On July 16<sup>th</sup>, though incidents subsequently declined sharply to a low of 23,002 cases the seven-day average by the end of July, cases have since been gently rising and are significantly higher than at this point last year.

The return of students to schools and universities and workers to work places after the summer holiday is likely to put further upward pressure on case numbers. The latest data from Scotland suggests that in addition to increased infections following the lifting of most restrictions, there has also been an impact from

the return to schools and workplaces. Data continues to show the link between cases hospitalizations and deaths has weakened significantly since the start of the pandemic.

In England, the number of deaths and hospital admissions due to COVID-19, has remained relatively stable over the last month and although hospital admissions and deaths sadly increased at the beginning of the summer, they have remained far below the levels in either of the previous waves.

This has been thanks to the success of the UK's vaccine programme. As of 9 September, more than 92 million doses of the vaccine have been given across the UK. The vaccines are highly effective against the Delta variant providing around 95 per cent protection against severe disease. Latest Public Health England (PHE) estimate suggested that 143,600 hospitalizations up to the 22<sup>nd</sup> August and 112,300 deaths and 24,702 infections had been prevented as a result of the vaccination programme up to the 27<sup>th</sup> August 2021.”

“The public's continued willingness to get vaccinated to test and self-isolate if they have symptoms and to follow behaviours and actions that mitigate all methods of transmissions has played a key role in lifting restrictions. Although rules vary slightly in England, Scotland, Wales and Northern Ireland, the UK is now managing COVID-19 without most of the restrictions on lives and livelihoods that have had heavy economic social and health impacts. The reopening of closed settings and the removal of social distancing and all gathering limits has helped people to reconnect with their friends and family while supporting jobs and the country's economic recovery in the second quarter of 2021 gross domestic product the GDP grew by 4.8 per cent, leaving the level of GDP in June nearly four percentage points higher than the office for budget responsibility had forecasted in March.

Over autumn and winter, the Government will aim to sustain the progress made and prepare the country for future challenges while ensuring the National Health Service (NHS) does not come under unsustainable pressure.

The government plans to achieve this by:

- (a) Building our defences through pharmaceutical interventions, vaccines, antivirals and disease modifying therapeutics
- (b) Identifying and isolating positive cases to limit transmission. Test. Trace Isolate
- (c) Supporting the NHS and social care. Managing pressures and recovering services

- (d) Advising people on how to protect themselves and others. Clear guidance and communications
- (e) Pursuing an international approach to helping to vaccinate the world and managing risk at the borders”

“This is the government’s Plan A—a comprehensive approach designed to steer the country through autumn and winter 2021-2022. However, the last 18 months have shown the pandemic can change courses rapidly and unexpectedly and it remains hard to predict with certainty what will happen. There are a number of variables including: levels of vaccination; the extent to which immunity wanes over time; how quickly, and how widely social contact returns to pre-pandemic levels as schools return and offices reopen; and whether a new variant emerges which fundamentally changes the Government’s assessment of the risks.”

“In addition, winter is always a challenging time for the NHS. This winter could be particularly difficult due to the impacts of COVID-19. On top of the usual increase in emergency demands and seasonal respiratory diseases such as influenza (the flu), it is a realistic possibility that the impact of the flu may be greater than this Winter than in normal Winters due to very low levels of flu over Winter 2021. There is considerable uncertainty over how these pressures will interact with the impact of COVID-19.

The Government will remain vigilant and monitor the data closely, taking action to support and protect the NHS when necessary. In preparation—in preparation—“the government has taken a responsible step of undertaking contingency planning in case plan A is not sufficient to keep the virus at manageable levels. So that the public and the businesses know what to expect, this document outlines a plan B in England which would only be enacted if the data suggests further measures are necessary to protect the NHS. The government remains committed to doing whatever it takes to prevent NHS from being overwhelmed.” That is where the focus needs to be.

Trying to make this as quick as possible for you, Mr. Speaker.

**Honourable Members:** Take your time.

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** “The high level of vaccine protection has allowed the country to live with COVID-19 without stringent restrictions on society. The economy, the people’s day-to-day lives, going further on vaccinations, will help

ensure this remains the case. The government has secured sufficient supplies to support further vaccinations across the whole UK. It will provide the Devolved Administrations with the vaccine supplies to deploy to the people of Scotland, Wales and Northern Ireland. The Government has three priorities for the COVID-19 vaccination programme in England for the autumn and winter.”

Here are the three:

- “(a) Maximizing uptake of the vaccine among those that are eligible but have not yet taken up the offer.
- (b) Offering booster doses to individuals who receive vaccinations in Phase 1 of the COVID-19 vaccination programme (priority groups 1-9).
- (c) Offering a first dose of vaccines to 12 to 15 year olds.

First the Government will continue to make vaccines easily available to everybody to maximize uptake among those that are eligible but have not yet taken up the offer. In England, 11.3 per cent people aged 16 and older—over 5.5 million—remain unvaccinated and this heightens the risk of rising hospitalizations, particularly when prevalence is high. Take-up so far varies by ethnicity, age, and deprivation, with some groups recording lower rates of vaccine uptake. The Government and clinical advisors recommend that everybody accepts the offer of vaccinations as a way of maximizing protections for themselves, the people around them and society as a whole.”—and that is what we have been doing.

“In addition to the protection they provide, there are other benefits of being fully vaccinated:

- a) On August 16<sup>th</sup>, the Government amended the rules that were in place to ensure that people who are fully vaccinated do not need to self-isolate after being in contact with somebody who tests positive for COVID-19.
- b) Since the 19<sup>th</sup> July, those fully vaccinated through the UK vaccine programme or participating in a UK vaccine clinical trial, have not needed to quarantine on returning to the UK from any country not on the red list.
- c) Over 60 countries around the world now recognize the NHS COVID Pass covering vaccines administered in the UK. That number is growing, allowing vaccinated UK citizens to

benefit from any vaccine-enabled freedoms in these countries.

The government will continue to support those communities with lower rates of COVID-19 vaccine uptake. An additional £23.3 million for network of 'Community Vaccine Champions will be provided to local authorities and voluntary and community sector organizations to ensure that access to the vaccine is as easy as possible.

Building on lessons learned through phase one and two of the vaccine rollout, the government is also working closely with NHS to make it easy as possible to get vaccines including through 'grab and jab' pop-up vaccine sites across the country with an easy to use walk-in site finder on the NHS website. The government has also been partnering with transport providers such as Uber and FREENOW to ensure access to vaccine sites is easier than ever before."

It then goes on to list in detail, the different categories of the plan which I would encourage Members on the other side, if they have not done so yet, to have a look at.

I am going to just read quickly now Mr. Speaker, just overview on plan B.

**"If the data suggests that NHS is likely to come under unsustainable pressure—that is on page 16—the Government has prepared a plan B for England. The Government hopes not to have to implement Plan B, but given the uncertainty it is setting out details now so that the public and businesses know what to expect if further measures become necessary.**

**Given the high levels of protection in the adult population against COVID-19 by vaccination relatively small changes in policy and behaviour could have a big impact on reducing (or increasing) transmission, bending the epidemic curve and relieving pressures on the NHS. Thanks to the success of the vaccination programme, it should be possible to handle a further resurgence with less damaging measures than the lockdowns and economic and social restrictions deployed in the past. The government would provide prior notice as far as possible to the public and Parliament ahead of implementing any necessary changes in a Plan B scenario.**

**The Government's Plan B prioritises measures which can help control transmission of the virus while seeking to minimize economic and social impacts. This includes:**

- (a) Communicating clearly and urgently to the public that the level of risk has increased and with it, the need to behave more cautiously.**

- (b) Introducing mandatory vaccine only COVID status certification in certain settings.**

- (c) Legally mandating phase coverings in certain settings."**

The Government would also consider asking people once again to work from home if they can for a limited period. The government recognizes this causes more disruption and has greater immediate cost to the economy and some businesses than the other plan B interventions so a final decision would be made based on the data at that time.". The document goes on to further elaborate on plan B.

Mr. Speaker, that to me—whether you agree with their plan and aspects of it based on the size of their population, et cetera—is a much clearer plan towards a reopening; with the only—the only—mandatory vaccinations being for those working with the healthcare and elderly, as I read earlier.

Mr. Speaker, I did say that I would skip on the areas of discrimination. Just one thing I thought would be interesting to point out as I reflected on it, because you hear immigration is one of those few areas a country can and should discriminate, but we have been challenged on this on several occasions, and we have lost those too.

We have been challenged on Rastafarians, when we never used to allow Rastafarians into the country. We have been challenged on HIV-positive cases, where people just have to declare now because I think that persons in our communities believe that if you are HIV-positive you cannot get a work permit. I think it was mentioned here today as well. The truth of the matter, is that you can demonstrate that you have the disease under control and that you have the means in order to maintain that level of control and you can get the work permit. There was also a challenge on the dependants of a same-sex couple.

These are all discriminatory immigration policies that have been successfully challenged so again, I do not believe that it is as clear-cut as the Government would like us to believe.

Mr. Speaker, as much as I would like to support the Government on this Bill, I do think it is discriminatory, especially to those who have been here six or seven years on a work permit; kids born here; worked hard to try and meet the point system—you do not have to agree with the point system, but that is what people are told to do. To then be told it is not a choice, when you are being told *either take the vaccine or sell that house that you bought, uproot your children from school in the middle of the term and take them home...* Take them back somewhere that you may have even—I know people who renounced their citizenship to other countries because they love Cayman [and] they

think that this is going to be their home for the rest of their lives.

*[Inaudible interjections]*

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** And I hope, I really do hope—and I do not want anyone to get this the wrong way, because I am as pro-Caymanian as anyone else—that people do not believe that every business that leaves this country some Caymanian has the funds, the knowledge or the expertise to buy, take over, restart or buy that business. When a business leaves, if the Immigration Board is doing its job, there are Caymanian employees that will be impacted. There are services from Caymanian companies that will be impacted.

My constituent, who takes care of a house in South Sound and only has to work when the owners are here, bought himself a little boat; he goes fishing when they are not here and sells the fish, still being paid by them to take care of the house; he just goes and checks it in the morning and evening, turn lights on/off. That is his livelihood. Selling the fish on the side, that is gravy.

*[Inaudible interjections]*

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** Yeah, the one that I understand you guys are not going to build.

Again, the more I listen tonight, the more I feel that this Bill will not provide the desired outcome the Government is seeking.

The story, the emphasis, the direction that the debate has taken today took us far away—far away—from how we get as many Caymanians vaccinated and how do we protect our Caymanian people and, most importantly, how do we protect and secure our Health Services Authority when we open our borders.

I repeat, it is a false sense of security unless you are going to tag them somehow, to say that vaccinating work permit holders will preserve the lives of Caymanians, and in particular, unvaccinated Caymanians. *That* is a fairy tale—*that* is a fairy tale.

Again, you cannot be vaccinated to get your work permit and the first person you meet at Border Control is unvaccinated; or the minute you sneeze you go to the hospital and the person is unvaccinated; or you go to work as a health care provider and your Caymanian co-workers are unvaccinated. Unless you are going to target them to identify them, paint them a different colour or something, I do not know; go back to the old days when they used to put the mark on your door when you had an infection.

**Hon. Alden McLaughlin:** Put it on your forehead...

*[Laughter]*

**Hon. Joseph X. Hew, Deputy Leader of the Opposition:** I am not going to accept my cousin's, the Minister of Tourism's invite to get political, so I am going to leave his comments alone. I will save those for another day.

Mr. Speaker it is late, and so I will close with this quote from Mahatma Gandhi which, again, I sat here the entire day and listened intently, because I have absolutely no issue in recognising when I am wrong, or supporting what I believe is fundamentally right, or will be successful, but I will close with this quote from Gandhi: "**A 'no' uttered from the deepest conviction is better than a 'yes' merely uttered to please, or worse, to avoid trouble.**"

Thank you for your patience, Mr. Speaker.

## ADJOURNMENT

**The Speaker:** The Honourable Premier.

**The Premier, Hon. G. Wayne Panton:** Thank you Mr. Speaker.

I think the hour is late and while many have had the opportunity to speak I think, to be fair to families, we need to let people get home. We will continue tomorrow and so, Mr. Speaker, I move the adjournment of this House until 10am tomorrow morning.

Thank you.

**The Speaker:** The question is that this honourable Parliament do now adjourn until 10am tomorrow morning.

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

**Ayes.**

**The Speaker:** The Ayes have it.

**Agreed.**

**The Speaker:** This honourable Parliament now stands adjourned until 10 am tomorrow morning, God's willing.

**At 11:18pm the House adjourned until Tuesday, 5<sup>th</sup> October 2021 at 10 am.**